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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	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 January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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rules and regulations

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

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: Positions of readers for blind employees and interpreters for deaf employees, which involve only provision of reading or interpreting services, are excepted under Schedule A because it is impracticable to examine for them. Persons employed under this Schedule A authority may not be assigned other duties.

EFFECTIVE DATE: January 11, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3102 (II) is added as set out below:

§ 213.3102 Entire Executive Civil Service.

* * * * *

(II) Positions of readers for blind employees and interpreters for deaf employees, filled on a full-time, part-time, or intermittent basis. Persons employed under this authority may not perform work which is not directly related to the provision of reading or interpreting services.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-2401 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C a position at the Department of Commerce because it is confidential in nature. Appointments may be made to this position without examination by the Office of Personnel Management. (Previously approved but inadvertently not published.)

EFFECTIVE DATE: December 13, 1978.

FOR FURTHER INFORMATION CONTACT:

On Position Authority Contact: Peter Gaul, Office of Personnel Management, 202-632-7676. On Position Content Contact: Dave Harrington, Department of Commerce, 202-377-5740.

Accordingly, 5 CFR 213.3314(x)(3) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(x) Office of the Assistant Secretary for Communications and Information. * * *

(3) Deputy Assistant Secretary of Commerce.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-2402 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Agriculture, Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Agriculture and the Department of Energy because they are confidential in nature. Appointments may be made to these posi-

tions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 11, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(i)(4) and 213.3331(i)(3) are added as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(i) Commodity Credit Corporation.

* * *

(4) One Special Assistant and two Confidential Assistants to the President.

* * * * *

§ 213.3331 Department of Energy.

* * * * *

(i) Office of the Assistant Secretary for Environment. * * *

(3) One Confidential Assistant (Secretary) to the Deputy Assistant Secretary.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-2797 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Commerce, U.S. International Trade Commission, Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a certain position at the Department of Commerce because it is confidential in nature, (2) changes the title of a position at the International Trade Commission from Staff Assistant to Confidential Assistant to a Commissioner to more appro-

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privately reflect the duties of the position and (3) changes the title of a position at the Department of Transportation from Special Assistant to the Deputy Under Secretary to Special Assistant to the Assistant Secretary for Budget and Programs to reflect the current title of the Superior. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: December 29, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(16) is added and 213.3339(b) and 213.3394(a)(15) are amended as set out below:

§ 213.3339 Department of Commerce.

(a) *Office of the Secretary.* * * *
(16) One Private Secretary to the Inspector General.

* * * * *

§ 213.3314 U.S. International Trade Commission.

* * * * *

(b) One Staff Assistant (Legal), One Staff Assistant, and one Confidential Assistant to a Commissioner.

* * * * *

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *
(15) One Special Assistant to the Assistant Secretary for Budget and Programs.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2793 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

General Services Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the General Services Administration because it is confidential in nature, and (2) revokes two positions because the need for the positions no longer exists and the positions have been abolished. Appointments may be made to the position without examination

by the Office of Personnel Management.

EFFECTIVE DATE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3337(a)(4) is amended and (a)(12) is added as set out below:

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *
(4) One Confidential Assistant to the Assistant Administrator. * * *
(12) One Assistant to the Administrator.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2796 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare; Department of Energy

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the Department of Health, Education, and Welfare because it is confidential in nature and (2) changes the title of a position at the Department of Energy from Special Assistant to the Director, Office of Congressional Affairs, Federal Energy Administration to Staff Assistant to the Director, Office of Congressional Affairs to more appropriately reflect the duties of the position. This position formerly existed at the Federal Energy Administration and was subsequently transferred to the Department of Energy on September 30, 1977. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(a)(4) is added and 213.3331(m)(6) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

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

(4) One Assistant Deputy Under Secretary for Intergovernmental Affairs.

* * * * *

§ 213.3331 Department of Energy.

* * * * *

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

(6) Six Staff Assistants, Congressional Affairs.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
*Special Assistant
to the Director.*

[FR Doc. 79-2798 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Inter-American Foundation, Department of Energy, and Department of Transportation

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C certain positions at the Inter-American Foundation, Department of Energy and Department of Transportation because they are confidential in nature and (2) revokes a position at the Department of Energy because it has been vacant for more than 60 days. Appointments may be made to these positions without examination by the Office of Personnel Management.

EFFECTIVE DATE: January 12, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3320 and 213.3394(f)(7) are added, 213.3331(m)(5) is amended and 213.3331(m)(4) is revoked as set out below:

§ 213.3320 Inter-American Foundation.

(a) One Confidential Assistant (Andean Region).

(b) One Confidential Assistant (Caribbean/Brazil Region).

(c) One Confidential Assistant (Mexico/Central America/Panama Region).

(d) One Confidential Assistant (Southern Cone Region).

§ 213.3331 Department of Energy.

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

(4) [Revoke].

(5) One Staff Assistant, one Staff Assistant, State Relations, and one Staff Assistant, City and County Relations, to the Director, Office of Intergovernmental Affairs.

§ 213.3394 Department of Transportation.

(f) Urban Mass Transportation Administration. ***

(7) One Special Assistant for Special Projects to the Administrator.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-2799 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Part-time and intermittent positions at grades GS-6 and below in the Bureau of Labor Statistics involved in data collections for the Consumer Price Index may be filled by new appointment under Schedule A through December 31, 1983, because it continues to be impracticable to examine for them. Persons employed in these positions may work up to 1,600 hours in a service year.

EFFECTIVE DATE: January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3115(b)(1) is amended as set out below:

§ 213.3115 Department of Labor.

(b) Bureau of Labor Statistics. (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent

to GS-6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1983.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-2794 Filed 1-25-79; 8:45 am]

[6320-01-M]

PART 213—EXCEPTED SERVICE

Merit Systems Protection Board, and Office of Personnel Management

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to list the Schedule C positions currently existing at both the Merit Systems Protection Board and the Office of Personnel Management. These positions had been previously excepted under Schedule C but were not listed in the FEDERAL REGISTER prior to this time.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3390(a), (b), (c) and 213.3391(a), (b) are added as set out below:

§ 213.3390 Merit Systems Protection Board.

(a) Two Special Assistants and one Administrative Assistant to the Chairperson.

(b) One Policy Advisor and one Administrative Assistant to the Vice-Chairperson.

(c) One Policy Advisor and one Administrative Assistant to the Commissioner.

§ 213.3391 Office of Personnel Management.

(a) Two Special Assistants and one Confidential Assistant to the Director.

(b) One Policy Advisor and one Administrative Assistant to the Deputy Director.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant
to the Director.

[FR Doc. 79-2800 Filed 1-25-79; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Veterans Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Up to 400 scientific, professional and technical positions at grades GS-11 and above in the medical research program of the Veterans Administration are excepted under Schedule B because it is impracticable to hold a competitive examination for them. Employment in these positions may not exceed 7 years.

EFFECTIVE DATE: January 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3227 is added as set out below:

§ 213.3227 Veterans Administration.

(a) Not to exceed 400 scientific, professional and technical positions at grades GS-11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

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

OFFICE OF PERSONNEL
MANAGEMENT,
JAMES C. SPRY,
Special Assistant to
the Director.

[FR Doc. 79-2795 Filed 1-25-79; 8:45 am]

[3410-05-M]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE
SECRETARY OF AGRICULTURE

PART 7—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

Revision

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: These regulations are a complete revision of the existing regulations governing the selection and functions of Agricultural Stabilization

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and Conservation county and community committees. The parts of these regulations relating to the suspension and removal of county committee members, community committee members, county executive directors, and other county employees have been extensively revised to eliminate repetition and to provide specific procedures to be followed in such cases, including the right to a hearing, cross-examination of witnesses, and examination of relevant evidence.

EFFECTIVE DATES: The regulations are effective when published.

FOR FURTHER INFORMATION CONTACT:

Alfred Oberg, Management Analyst, TSS-ASCS, Room 4720 South Building, Washington, D.C. 20013, (202) 447-6865.

SUPPLEMENTARY INFORMATION: On April 21, 1977, there was published in the FEDERAL REGISTER (42 FR 20628) proposed regulations revising existing regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

Since these regulations were developed prior to the issuance of Departmental procedures under Executive Order 12044, such procedures are not applicable. However, interested persons were invited to submit written comments to these regulations within thirty days after publication pursuant to 5 U.S.C. 553, and other means to obtain public participation were utilized. There were no adverse comments received. Twenty replies were received commenting on the proposed regulations. As a result of these comments, some editorial changes have been made and some changes were made to the procedures to follow in cases involving the suspension or removal from office or employment of county and community committee members, county executive directors, and other county employees. Such changes provide that hearings in connection with determinations of the Deputy Administrator are to be conducted by the Deputy Administrator or his or her designee.

Accordingly, 7 CFR Part 7 is revised to read as follows:

PART 7—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

NAMES OF COMMITTEES

- Sec.
7.1 Local or community committee.
7.2 County committee.

PURPOSE OF COMMITTEES

- Sec.
7.3 Purpose.

SELECTION OF COMMITTEES

- 7.4 Method.
7.5 Who may vote for community committee members and delegates.
7.6 Restrictions on voting.
7.7 Determination of elective areas.
7.8 Calling of elections.
7.9 Conduct of community elections.
7.10 Conduct of county convention.
7.11 Election of community committee and delegates to the county convention.
7.12 Election of the county committee.
7.13 Tie votes.
7.14 Vacancies.
7.15 Appeals.

ELIGIBILITY REQUIREMENTS

- 7.16 County committee members, community committee members, and delegates.
7.17 All other personnel.
7.18 Dual office.

TERMS OF OFFICE

- 7.19 County and community committee members.
7.20 Delegates to the county convention.

DUTIES

- 7.21 County committee.
7.22 Chairperson of the county committee.
7.23 Community committee.
7.24 Chairperson of the community committee.
7.25 Delegate to the county convention.
7.26 County executive director.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

- 7.27 All personnel.

POLITICAL ACTIVITY

- 7.28 All personnel.

REMOVAL FROM OFFICE OR EMPLOYMENT

- 7.29 County and community committee members and delegates to the county convention; county office personnel.
7.30 Delegation of authority to Deputy Administrator.
7.31 Right of review.
7.32 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.
7.33 Findings, analysis, and recommendations of hearing officer.
7.34 Determination of the Deputy Administrator.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

- 7.35 Custody.
7.36 Use.

GENERAL PROVISIONS

- 7.37 Administrative operations.
7.38 Implementation.
7.39 Applicability.
7.40 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

AUTHORITY: The provisions of this Part 7, issued under secs. 4, 8, 49 Stat. 164, 1149, as amended; 16 U.S.C. 590d, 590h(b).

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

Each local committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this part as the "community committee."

§ 7.2 County committee.

Each county committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this part as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Agricultural Acts of 1949, and 1970, the Agriculture and Consumer Protection Act of 1973, the Food and Agricultural Act of 1977, and any amendments to such acts, such other acts of Congress as the Secretary of Agriculture or the Congress may designate, and to perform such other functions as may be designated by the Secretary. This shall be done through community committees and county committee members and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected in accordance with the provisions of this part.

§ 7.5 Who may vote for community committee members and delegates.

(a) Any person, regardless of race, color, religion, sex, age, or national origin, who has an interest in a farm as owner, tenant, or sharecropper and who is of legal voting age in the State in which the farm is located, and any person not of such legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm, shall be eligible to vote for community committee members and delegates in the community in which he/she has such an interest and such person is eligible to participate with respect to the farm in any program administered by the county committee.

(b) In any State having a community property law, the spouse of a person who is eligible to vote under para-

graph (a) of this section shall also be eligible to vote.

(c) The term "person" as used in this section means an individual, partnership, association, corporation, estate, trust, other business enterprise or legal entity, or a State, political subdivision of a State or any agency thereof.

(d) The vote may be cast by:

(1) An individual for himself/herself.

(2) A duly authorized partner of a partnership for the partnership.

(3) A duly authorized officer of a corporation for the corporation.

(4) A guardian who is legally appointed for a minor or incompetent person.

(5) A duly authorized representative of any other eligible voter entity, except an individual.

(e) Each county office shall have a prepared list of eligible voters for each community within the county available for public inspection in advance of the election.

§7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties. The county committee shall give public notice of the community boundaries in advance of the election.

§7.8 Calling of elections.

(a) Each election of community committee members shall be held on a date or within a period of time fixed by the Deputy Administrator, State and County Operations, (hereafter referred to as Deputy Administrator) or his/her designee, Agricultural Stabilization and Conservation Service which will in his/her judgment best afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30, each year. Each such election shall be held in ac-

cordance with detailed instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) If the number of eligible voters voting in any election of community committee members is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community committee has not been held substantially in accordance with official instruction, the State committee shall declare such election void and call a new election.

§7.9 Conduct of community elections.

(a) The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with official instructions issued by the Deputy Administrator.

(b) To prevent endorsement of any nongovernmental function, either directly or indirectly by association or implication, community elections shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of how, when, and where eligible voters may vote, when and where the votes will be counted, and the right to witness the vote counting.

(d) All nominees shall be notified in writing of the outcome of the election by the county executive director.

§7.10 Conduct of county convention.

(a) The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with official instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, county conventions shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of the county convention. It shall be open to the public.

(d) The county executive director shall notify in writing all newly elected county committee members, alter-

nates, and county committee members with unexpired terms, of the election results.

§7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. The election shall be conducted by the mail ballot method in all counties, except that the Deputy Administrator may authorize use of the meeting or polling place method in a specific county where such is deemed justified. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his/her own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however*, That a person may not serve as delegate if he/she has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) Where there is only one community in the county, one committee person shall be elected to hold offices for a term of 3 years or until his/her successor is elected and qualified, so that the term of office of one committee member will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of

the committee. In the event an alternate fills a permanent vacancy on the committee, he/she shall assume the unexpired term of the committee member replaced and hold office until the end of that unexpired term. An acting member shall have the same duties and authority as a member.

(d) The community committee shall select a secretary who shall be either an employee of the county committee or the county agricultural extension agent.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11(a) shall meet in a convention held before the close of the same calendar year in which they were elected to elect committee members for vacancies on the county committee. The Deputy Administrator may fix the exact date. Each delegate shall be entitled to only one vote on any ballot, and there shall be no voting by proxy. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee shall consist of three members. Each year one committee member shall be elected to hold office for a term of 3 years or until the successor is elected and qualified, so that the term of office of one committee member will expire in each year.

(b) At each convention, the delegates shall also elect annually a first and second alternate to the county committee to serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, that person shall thereby assume the unexpired term of the committee member that was replaced. An acting member of the county committee shall have the same duties and authority as a member.

(c) The county committee shall select a secretary who shall be either the county executive director or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, that person shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 Tie votes.

(a) Tie votes in community committee elections held by mail or polling place method shall be settled by lot. Tie votes in such elections held by the meeting method which cannot be settled by further balloting on the same day shall be settled by lot. In one-com-

munity counties, a tie vote in determining the chairperson and vice chairperson which cannot be settled by further balloting on the same day shall be settled by lot.

(b) In the county convention, tie votes which cannot be settled by further balloting on the same day shall be settled by lot.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairperson of a county or community committee, the respective vice chairperson shall become chairperson; in case of a vacancy in the office of vice chairperson, the respective third member shall become vice chairperson; in case of a vacancy in the office of the third member, the respective first alternate shall become the third member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph and paragraph (c) of this section and approved by the State committee, the offices of chairperson and vice chairperson of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates of the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of the county committee, except as provided in § 7.29.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

§ 7.15 Appeals.

(a) Any eligible voter in the county may appeal to the county committee in writing or in person, or both:

(1) The eligibility or ineligibility of persons to vote,

(2) The eligibility of persons to hold office, and

(3) The validity of the community committee elections. Such appeal must be made within 15 days of the election

date, except that appeals on a determination of eligibility of a person nominated by petition must be made within 7 days of the date of notification of ineligibility.

(b) Any eligible voter in the county may appeal to the State committee in writing, in person, or both:

(1) A county committee decision on an election appeal, and

(2) The validity of a county convention. An appeal of a county committee decision must be made within 15 days of the notification of the decision. An appeal on the validity of a county convention must be made within 15 days of the county convention.

ELIGIBILITY REQUIREMENTS

§ 7.16 County committee members, community committee members, and delegates.

To be eligible to hold office as a county committee member, a community committee member, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if proposed for county committee member or alternate and in the community in which the election is held if proposed for community committee member or alternate;

(b) Be residing in the county in which the election is held if proposed for county committee member; and unless waived by the State committee, be residing in the community in which the election is held if proposed for community committee member: *Provided, however*, That in cases where a State line, or a county line or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.28;

(d) Not have been dishonorably discharged from any branch of the armed services; not have been removed for cause from any public office; not have been convicted of any fraud, larceny, embezzlement, or felony; unless any such disqualification is waived by the State committee or the Deputy Administrator;

(e) Not have been removed as a county committee member, community committee member, delegate, alternate to any such office, or as an employee for failure to perform the duties of the office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or inter-

fering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committee member, community committee member, delegate, alternate of any such office, or as an employee, he/she failed to perform the duties of his/her office or employment, or he/she committed, attempted, or conspired to commit fraud, or he/she impeded the effectiveness of any program administered in the county; or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during the term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committee member, not be during the term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(i) If the office is that of delegate to the county convention, not have been a county committee member for that county during the 90 days preceding the community elections;

(j) If the office is that of county committee member, not be serving as a county committee member with one or more years following the current election remaining in the term of office;

(k) If the office is that of county committee member, not have served three consecutive terms as county committee member just prior to the current election: *Provided, however,* That any partial term served by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation. The tenure of office of any county committee member, community committee member, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.17 All other personnel.

(a) The county executive director or any other employee must not be ineligible under § 7.28.

(b) The county executive director and other employees must not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, em-

bezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county executive director or any other employee must not have been removed as a county committee member, community committee member, delegate, alternate to any such office, county executive director, or other employee for failure to perform the duties of the office, or committing, or attempting, or conspiring to commit fraud, incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including equal employment policy or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county executive director or any other employee must not have been disqualified for future employment because of a determination by a State committee that during previous service as a county committee member, community committee member, delegate, alternate to any such office, or as an employee, he/she failed to perform the duties of his/her office or employment; or committed, attempted, or conspired to commit fraud; or impeded the effectiveness of any program administered in the county; or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or interfered with others in carrying out such policy; or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county executive director or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.18 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

- (1) A member of a community committee;
- (2) A delegate to a county convention;
- (3) The secretary to the county committee;
- (4) A member of the State committee; or
- (5) County executive director or any other county office employee.

(b) *Community committee membership.* A member of the community

committee may not be at the same time:

- (1) A member of a county committee;
- (2) The secretary to the county committee;
- (3) A member of the State committee; or
- (4) County executive director or regular county office employee.

(c) *Delegate to the county convention.* A delegate to the convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.19 County and community members.

The term of office of county and community committee members and alternates to such office shall begin on a date fixed by the Deputy Administrator, which shall be after their election and not later than the first day in the next January: *Provided, however,* That before any such county committee members or alternate county committee members may take office they shall sign an oath of office pledge that they will faithfully, fairly, and honestly perform to the best of their ability all of the duties devolving on them as committee members. A term of office shall continue until a successor is elected and qualified as provided in §§ 7.11 and 7.12.

§ 7.20 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue until their respective successors have been elected and qualified.

DUTIES

§ 7.21 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committee members and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, and the disaster provisions under the feed grain, wheat, cotton and rice programs, formulated pursuant to the acts of Congress specified in § 7.3, and any other program or functions assigned to it by the Secretary of Agriculture. In so doing, the committee shall:

- (a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;
- (b) Employ the county executive director, subject to standards and qualifications furnished by the State committee, to serve at the pleasure of the

RULES AND REGULATIONS

county committee, except that incumbent directors shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided, also*, That there shall be no employment discrimination due to race, religion, color, sex, age, or national origin. The county executive director may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reasons, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reasons;

(c) Direct the activities of the community committees elected in the county;

(d) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(e) Recommend to the State committee needed changes in boundaries of communities;

(f) Make available to farmers and the public, information concerning the objectives and operations of the programs administered through the county committee;

(g) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with official instructions issued;

(h) Give public notice of the designation and boundaries of each community within the county not less than 50 days prior to the election of community committee members and delegates;

(i) Direct the giving of notices in accordance with applicable regulations and official instructions;

(j) Recommend to the State committee desirable changes in or additions to existing programs;

(k) Conduct such hearings and investigations as the State committee may request;

(l) Perform such other duties as may be prescribed by the State committee.

§ 7.22 Chairperson of the county committee.

The chairperson of the county committee or the person acting in his/her stead shall preside at meetings of the county committee, certify such documents as may require his/her certification, and perform such other duties as may be prescribed by the State committee.

§ 7.23 Community committee.

The community committee shall:

(a) Assist the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.24 Chairperson of the community committee.

The chairperson of the community committee or the person acting in his/her stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him/her by the county committee.

§ 7.25 Delegate to the county convention.

Each delegate shall meet with other delegates in a county convention within a period of time fixed by the Deputy Administrator and at the place designated by the county committee to elect county committee members for the county.

§ 7.26 County executive director.

The county executive director shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office, in accordance with standards and qualifications furnished by the State committee, to serve at his/her pleasure: *Provided, however*, That there shall be no employment discrimination due to race, religion, color, sex, age, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairperson on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

§ 7.27 All personnel.

(a) No county committee member, community committee member, dele-

gate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

(b) County committee members, community committee members, delegates, or alternates, and any person employed in the county office shall be subject to the official instructions issued with respect to conflicts of interest and proper conduct.

POLITICAL ACTIVITY

§ 7.28 All personnel.

(a) No person may be a member of the county governing body or hold a Federal, State, or county office filled by an election held pursuant to law or be employed by any such office and also hold office as a county committee member, community committee member, delegate, alternate to such office, or be employed in any capacity, except that members of school boards, soil conservation district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committee member, community committee member, delegate, alternate to any such office, or be employed in any capacity, except that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committee member, community committee member, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committee member, community committee member, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office of employment under the provisions of paragraph (a), (b), or (c) of this section.

(e) No county committee member, community committee member, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committee member, community committee member, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to do so, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(3) Use or direct or permit the use of any official space, equipment, materials, supplies, or personal services either to support or oppose any political office holder, candidate or party, or for any other political purpose.

(f) No county committee member, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations;

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections;

(3) Any other political purpose.

REMOVAL FROM OFFICE OR EMPLOYMENT FOR CAUSE

§ 7.29 County and community committee members, and delegates to county convention; county office personnel.

(a) Any county committee member, community committee member, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who fails to perform the duties of his office; or who commits or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.28 (e) or (f); or who refuses to carry out or fails to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instruc-

tions, shall be suspended from his/her office or employment. Any person who is under formal investigation for any of the above-cited reasons may be suspended. The suspension action may be taken by the county executive director with respect to any other employee, or by the county committee or State committee with respect to the county executive director or any other county employee and by the State committee with respect to any county committee member, community committee member, delegate to the county convention, or any alternate to any such office. Any person suspended shall be given a written statement of the reasons for such action and allowed 15 days from the date of mailing of the suspension in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he/she should be restored to duty.

(b) The county committee, or county executive director, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall restore to duty or remove the suspended person; except that, the county committee or county executive director may not restore a suspended person to duty without prior written approval of the State committee, and if such approval is denied shall promptly remove such person. Upon refusal or failure of the county committee or county executive director promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and allowed 15 days from the date of mailing of the notice of additional reasons for the suspension in which to advise why he/she should be restored to duty. In the event a person under suspension submits his/her resignation, acceptance thereof shall not prevent a determination by the county committee or State committee that he/she would have been removed had he/she remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.16(e) and 7.17(c). The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any incumbent, or former county committee member, community committee member, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who during his/her term of employment fails or failed to perform the duties of his/her employment; or who committed, attempted, or conspired to commit

fraud, or was incompetent; or who impeded the effectiveness of any program administered in the county; or who violated the provisions of § 7.28 (e) or (f); or who refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who violated official instructions, may be disqualified for future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, a person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond. The State committee may remove the disqualification for future service or employment only with prior approval of the Deputy Administrator.

(d) Any county committee member, community committee member, delegate to the county convention, or any alternate to any such office, and county executive director, or any other county employee, who, prior to taking his/her present office, committed, or attempted or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended. Any such person who is under formal investigation for any of the above cited reasons may be suspended. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

(e) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

§ 7.30 Delegation of authority to Deputy Administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county ex-

ecutive director by this part, the Deputy Administrator shall have authority to suspend and/or remove or disqualify for future service or employment, any county committee member, community committee member, delegate to the county convention, an alternate to any such office, county executive director, or other county employee, for any and all of the reasons and causes authorizing such suspension, removal, and disqualification by the State committee, the county committee, or the county executive director. Any person suspended, removed or disqualified pursuant to the section shall be given a written statement of the reason for such action and shall be advised of his/her right of review as provided in § 7.31.

§ 7.31 Right of review.

Any person dissatisfied with a determination of the county committee or county executive director may appeal in writing or in person or both, such determination to the State committee. Any person dissatisfied with a determination of the State committee may appeal such determination to the Deputy Administrator. Any person dissatisfied with a determination of the Deputy Administrator made under § 7.30 may request a reconsideration of such determination by the Deputy Administrator. Such appeal or request for reconsideration shall be made within 15 days from the date of the mailing of the determination with respect to which the appeal or request is filed. Except as provided in § 7.32, such appeals and requests for reconsideration shall be determined on an informal basis. The person filing the appeal or request for reconsideration may present reasons, in writing, in person, or both, why the determination should be reversed or modified. Within 60 days after the reasons have been presented, such person shall be notified of the determination on appeal or reconsideration. The notification shall clearly set forth the basis for the determination. The determination of the Deputy Administrator is final and not subject to further administrative review.

§ 7.32 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.

Any person (hereinafter called the "appellant") filing an appeal with the Deputy Administrator, or a request for reconsideration of a determination made by the Deputy Administrator under § 7.30, is entitled, at his/her election, to a hearing in connection therewith. If the appellant does not request a hearing, the appeal or reconsideration shall be handled in accordance with § 7.31. If the appellant desires a hearing, he/she shall so advise

the Deputy Administrator. The hearing shall be conducted by the Deputy Administrator, or his/her designee. The hearing shall be held at the time and place designated by the hearing officer (the Deputy Administrator or his/her designee). The appellant is entitled to appear personally or through or accompanied by a representative. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the issues shall be received in evidence. Both the appellant and the agency representatives are entitled to produce witnesses and the appellant and agency representative shall be given an opportunity to cross-examine witnesses. The hearing officer shall inform the witnesses that they are subject to a fine of not more than \$10,000 or imprisonment for not more than 5 years or both for making any false statements (18 U.S.C. 1001). The hearing officer shall cause a transcript to be made of the hearing and it shall be made available to the appellant at actual cost.

§ 7.33 Findings, analysis, and recommendations of hearing officer.

If the hearing has been conducted by a designee of the Deputy Administrator, the hearing officer shall, within 60 days from the date of receipt of the transcript transmit to the Deputy Administrator, State and County Operations: (1) the record of the hearing; (2) the findings and analysis of the hearing officer; and (3) his/her recommended determination.

§ 7.34 Determination of the Deputy Administrator.

Within 30 days after receipt of the findings, analysis, and recommendations of the hearing officer, or within 60 days from the date of receipt of the transcript if the Deputy Administrator conducted the hearing, the Deputy Administrator shall make his/her final determination. The notification shall clearly set forth the basis for the determination. The determination of the Deputy Administrator is final and not subject to further administrative review.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.35 Custody.

(a) All books, records, and documents of or used by the county committee in the administration of programs assigned to it, or in the conduct of elections, shall be the property of the United States Department of Agri-

culture and shall be maintained in good order in the county office.

(b) For polling and mail type elections, ballots shall remain in sealed boxes until the prescribed date for counting. Following the counting of ballots in all types of elections, the ballots shall be placed in sealed containers and retained for 30 days unless otherwise determined by the State committee.

§ 7.36 Use.

The books, records, and documents referred to in § 7.35 shall be available for use and examination:

(a) At all times by authorized representatives of the Secretary of Agriculture, the Administrator, the Deputy Administrator, State and County Operations, and the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service;

(b) By State, county, and community committee members, and authorized employees of the State and county office in the performance of duties assigned to them under this part, subject to any limitations prescribed in official instructions;

(c) At any reasonable time to any program participant insofar as his/her interests under the programs administered by the county committee may be affected, subject to any limitations prescribed in official instructions; and

(d) To any other person only in accordance with official instructions issued.

GENERAL PROVISIONS

§ 7.37 Administrative operations.

The administrative operations of county committees including but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with official instructions issued.

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.38 Implementation.

Unless specifically provided in this part, the Deputy Administrator, State and County Operations, or the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service, is authorized to issue the official instructions and official procedures referred to herein, implementing the regulations in this part.

§ 7.39 Applicability.

The regulation in this part shall apply to each State of the United States.

§ 7.40 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

Nothing in these regulations shall preclude the Secretary, Administrator, Agricultural Stabilization and Conservation Service; or Deputy Administrator, Agricultural Stabilization and Conservation Service, from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee. In exercising this authority either the Secretary, Administrator, or Deputy Administrator may designate a person or persons of their choice to be in charge with full authority to carry on the programs or other functions without regard to the committee, committees, or their employees for such period of time he/she may deem necessary.

Signed at Washington, D.C., on January 22, 1979.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 79-2783 Filed 1-25-79; 8:45 am]

[3410-30-M]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amendment 30]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the National School Lunch Program regulations to require State agencies to include in the State Plan of Child Nutrition Operations the State's criteria for determining schools in need of a School Breakfast Program. By issuing this regulation, USDA is complying with the order issued in *Charette v. Bergland*, 457 F. Supp. 1197 (D.R.I. 1978).

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202)447-8130.

SUPPLEMENTARY INFORMATION: Legislation and State Plan guidance require that State agencies provide in their annual State Plans a detailed action program to extend the School Breakfast Program to every school in the State, giving priority to schools

identified by the State agency as in need of the Program. In support of the legislation, on November 22, 1977, a proposed rule was published in the FEDERAL REGISTER. As a minimum, priority was to be given to schools in the State:

1. Classified as "Title I schools".
2. With 25 percent or more of the enrollment eligible for free and reduced price meals.
3. Without food service.

The proposed rule was not finalized. This delay resulted from the Department's decision to await a court's ruling on a lawsuit affecting State Plans (*Charette v. Bergland*).

Charette v. Bergland, the court ruled that at the very least, the State's definition of schools needing the School Breakfast Program or information about participating and nonparticipating schools must be required as part of the State Plan. This final regulation complies with the court's ruling and clarifies the requirements contained in the Department's November 22, 1977 proposal. It requires States to provide in State Plans their criteria for determining schools in need of a School Breakfast Program. As a minimum, the State's criteria will have to include those schools having 25 percent or more of the enrollment eligible for free and reduced price meals. Title I and other available data may be used by States in calculating which schools would meet the State's criteria.

In the near future, the Department plans to issue a comprehensive proposal regarding State Plans of Child Nutrition Operations which is designed to augment this final rule with additional State Plan regulatory requirements. The public will be invited to comment on that proposal. However, to comply with the Court order, the following regulatory amendment is a final rule.

Accordingly, § 210.4a paragraph (b)(3), which had been reserved, will now read as follows:

§ 210.4a State Plan of Child Nutrition Operations.

(b) * * *

(3) The State's criteria for determining schools in need of a School Breakfast Program which as a minimum, shall include schools having 25 percent or more of the enrollment eligible for free and reduced price meals based on Title I or other available information.

(Catalog of Federal Domestic Assistance No. 10.555)

The Food and Nutrition Service has determined that this document does not contain a major proposal requiring

preparation of an Economic Impact Statement under Executive Order 11821 or 11245, or OMB Circular A-107.

Dated: January 22, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

[FR Doc. 79-2610 Filed 1-25-79; 8:45 am]

[3410-05-M]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, NORMAL CROP ACREAGE AND PRECEDING YEAR PLANTED ACREAGE

FINAL RULE

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

ACTION: Final rule.

SUMMARY: The Agricultural Stabilization and Conservation Service (ASCS) revises the regulations governing the reconstitution of farms, allotments, and incorporates requirements of normal crop acreage and preceding year planted acreage for 1978-79 and subsequent years under any program administered by ASCS through State and county committees. The revised regulations eliminate allotments for wheat, feed grains, and upland cotton while retaining those for tobacco, peanuts and extra long staple cotton. The regulations implement the Food and Agriculture Act of 1977.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert Coplin, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447-4541.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Act of 1977 does not provide for crop allotments for wheat, feed grains, and upland cotton. The new Act provides for establishing a farm "normal crop acreage" which is used for the farm participation in agricultural payment programs. Allotments are continued for ELS cotton, peanuts, rice, and tobacco. Since farmers are now requesting reconstitutions for the 1978-1979 crop

years, it is essential this reissue be made effective as soon as possible, and it is hereby determined that it is not possible to comply with the 60-day notice requirements for public rule-making. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

FINAL RULE

The provisions of 7 CFR Part 719 are amended to read as follows:

- Sec.
719.1 Applicability.
719.2 Definitions.
719.3 Farm constitution.
719.4 Guides for determining the land constituting a farm.
719.5 County committee action to reconstitute a farm.
719.6 Farm corporations and trusts.
719.7 Reconstitution of farm allotments, history acreages, normal crop acreage and preceding year planted acreage.
719.8 Rules for determining allotments, normal crop acreage, and preceding year planted acreage where reconstitution is made by division.
719.9 Rules for determining farm allotments, normal crop acreage, preceding year planted acreage and history acreages where reconstitution is by combination.
719.10 Preservation of cropland and allotment acreage.
719.11 Eminent domain acquisitions.
719.12 Exempting Federal prison farms and Federal wildlife refuges.
719.13 Supervisory authority of State ASC committees.
719.14 Transfer of allotments and Normal Crop Acreage—State public lands.

AUTHORITY: Secs. 375, 378, 379, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211, 7 U.S.C. 1375, 1378, 1379; secs. 601, 602, 706, 79 Stat. 1206, as amended, 1210, 7 U.S.C. 1801 note, 1838, 1305; sec. 105, 84 Stat. 1368, 87 Stat. 230, 7 U.S.C. 1441 note, 7 U.S.C. 1281 note, 91 Stat. 913; sec. 1001, 91 Stat. 950 (7 U.S.C. 1309).

§ 719.1 Applicability.

The provisions of this part apply to reconstitution of farms, allotments, normal crop acreage and preceding year planted acreage for 1978-1979 and subsequent years under any program administered by the Agricultural Stabilization and Conservation Service through State and county committees. The provisions of §§ 719.1 to 719.15 of Title 7 CFR (36 FR 11271, 36 FR 11802, 37 FR 5481, 37 FR 19340, 38 FR 7564, 40 FR 4112, 41 FR 20390 and 41 FR 27374) are superseded.

§ 719.2 Definitions.

In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense

include the future as well as the present. The following terms shall have the following meanings:

(a) *Allotment.* Acreage allocated to a farm for a year for ELS cotton, peanuts, rice, or tobacco, pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, as amended, and the Food and Agriculture Act of 1977.

(b) *Combination.* Consolidation of two or more farms or parts of farms into one farm.

(c) *Committees—(1) Community committee.* Persons elected within a community as the community committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Subtitle A of this title.

(2) *County committee.* Persons elected within a county as the county committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Subtitle A of this title, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the State committee.

(c) *State committee.* Persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the State committee.

(d) *County.* County or parish of a State except that for Alaska, Puerto Rico and the Virgin Islands, county shall be an area designated by the State committee with the concurrence of the Deputy Administrator.

(e) *County Executive Director.* Person employed by the county committee to execute the policies of the county committee and be responsible for day-to-day operations of the ASCS county office or the person acting in such capacity.

(f) *Cropland.* Land which the county committee determines meets any of the following conditions:

(1) Is currently being tilled for the production of a crop for harvest.

(2) Has been tilled and is currently devoted to legumes or grasses which were established by a producer.

(3) Is not currently tilled but can be established that the land has been tilled in a prior year and is suitable for crop production.

(4) Has been tilled and is currently devoted to vineyards, orchards, or one-

row shelter belt planting (excluding abandoned orchards or vineyards).

(5) Is preserved as cropland under § 719.10. Land classified as cropland shall be removed from such classifications upon a determination by the county committee that the land is (i) removed from agricultural production; (ii) no longer suitable for production of crops; (iii) devoted to trees (other than orchards or one-row shelter belt plantings) which were planted in the preceding year except that land planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year; or (iv) no longer preserved as cropland under the provisions of § 719.10 and does not meet the conditions in subparagraphs (1) through (4) of this paragraph.

(g) *Current year.* Calendar year for which the applicable allotment, base acreage, history acreage, normal crop acreage, yields, marketing quota penalties, or other program determinations are established or considered.

(h) *Department.* U.S. Department of Agriculture.

(i) *Deputy Administrator.* Deputy Administrator, or acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(j) *Division.* Dividing a farm into two or more farms or parts of farms.

(k) *Farm number.* Serial number assigned to a farm by the county committee for the purpose of identification.

(l) *Federally-owned land.* Land owned by the Federal Government or any department, bureau, or agency thereof, or any corporation whose stock is wholly owned by the Federal Government.

(m) *Landlord.* A person who rents or leases farmland to another person.

(n) *Normal crop acreage.* The total acreage of crops designated in accordance with 7 CFR 792.2.

(o) *OGC representative.* Appropriate Regional Attorney or Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture, or other authorized representative of the Office of the General Counsel.

(p) *Operator.* Person who is in general control of the farming operations on the farm during the program year.

(q) *Owner.* A person who has legal ownership of farmland, including a person who is buying farmland under a purchase agreement.

(r) *Person.* Individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(s) *Preceding year.* Calendar year immediately preceding the current year.

(b) *Producer.* Person who, as owner, landlord, tenant or sharecropper, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof.

(u) *Reconstitution.* Change in the land constituting a farm as a result of combination or division.

(v) *Representative of the State committee.* Member of the State committee or any employee of the State committee.

(w) *Secretary.* Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(x) *Sharecropper.* A producer who performs work in connection with the production of a crop under the supervision of the operator and who receives a share of such crop for his labor.

(y) *State Executive Director.* Person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the State ASCS office, or the person acting in such capacity.

(z) *Tenant.* (1) A person usually called a "cash tenant", "fixed-rent tenant", or "standing-rent tenant" who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent; or (2) a person (other than a sharecropper) usually called a "share tenant" who rents land from another person and pays as rent a share of the crops or proceeds therefrom. A tenant shall not be considered the farm operator if he does not have control of the farm operation.

(aa) *Representative of the county committee.* A member of the county committee or any employee of the county committee.

§ 719.3 Farm Constitution.

(a) *Farms constituted under prior regulations.* Land which has been properly constituted under prior regulations shall remain so constituted until a reconstitution is required under paragraph (d) of this section.

(b) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, a farm shall include all land operated by one person as a single farming unit except that it shall not include land under any of the following conditions:

(1) Land under separate ownership unless the owners agree in writing;

(2) Field-rented tracts under a short-term agreement of 1 year or less (such tracts shall remain with the farm of which they are a part);

(3) Land across county lines when the allotments or quotas on such land are restricted to transfer by lease, sale, or by owner, within the county. **EXCEPTION:** When the land is owned and operated by one person and all such land is contiguous.

(4) Federally-owned land except land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

(5) Federal- and State-owned wildlife land unless the former owner has possession of the land under a leasing agreement.

(6) Land constituting a farm which is declared ineligible to participate in a program under the regulations governing the program.

(c) *Location of farm for administrative purposes.* (1) If all land in the farm is located in one county, the farm shall be administratively located in such county.

(2) If the land in the farm is located in more than one county, the farm shall be administratively located in either of such counties as the county committees and the farm operator agree. If no agreement can be reached, the farm shall be administratively located in the county (i) where the principal dwelling is situated, or (ii) where the major portion of the farm is located if there is no dwelling.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if the land in the farm is part of an Indian reservation and is operated by a grazing association, the farm may be administratively located in the county where such grazing association has its headquarters if the county committee involved and the farm operator agree to such location, provided the persons using the land do not reside thereon and the geographic features are such that administrative access would be more practical.

(d) *Required reconstitutions.* A reconstitution of a farm either by division or by combination shall be required whenever:

(1) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the conditions for constitution of a farm as set forth in paragraph (b) of this section; *Provided,* That no reconstitution shall be made if the county committee determines that the primary purpose of the change in operation is to establish eligibility to transfer allotments subject to sale or lease;

(2) The farm was not properly constituted under the applicable regulations in effect at the time of the last constitution or reconstitution;

(3) An owner requests in writing that his land no longer be included in a

farm which is composed of tracts under separate ownership.

(4) The county committee determines that the farm was reconstituted on the basis of false information furnished by the owner or farm operator; or

(5) The county committee determines that the tracts of land included in a farm are not being operated as a single farming unit.

§ 719.4 Guides for determining the land constituting a farm.

(a) *General.* In determining the constitution of a farm, consideration shall be given to provisions such as ownership and operation. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(b) *Ownership.* The county committee shall require specific proof where there is doubt as to ownership.

(c) *Family members.* Land owned by different members of an immediate family living in the same household and operated as a single farming unit shall be considered as being under the same ownership in determining a farm.

(d) *Parent corporations and subsidiaries.* All land which is operated as a single farming unit and which is owned and operated by a parent corporation and subsidiary corporations of which the parent corporation owns more than 50 percent of the value of the outstanding stock (or which is owned and operated by such subsidiary corporations) shall be constituted as one farm.

(e) *Single farming unit.* Land which the committee determines is being operated by one person with cropping practices, equipment, labor, accounting system, and management substantially separate from that of any other unit shall be considered to constitute a single farming unit.

(f) *Operation.* In determining the constitution of a farm, the county committee shall satisfy itself that the operator will be in general control of the farming operations on the farm for the program year.

§ 719.5 County committee action to reconstitute a farm.

Action to reconstitute a farm may be initiated by the county committee, the farm owner, or the operator of the farm. Any request for a farm reconstitution shall be filed with the county committee. The county committee shall act on each proposed reconstitution. All interested operators shall be notified of the action taken by the county committee. All interested owners shall also be notified provided the State committee determines such notification is desirable and this policy

is applicable to all counties in the State. If the proposed reconstitution is approved, the notice shall show the program year in which the reconstitution will become effective for each allotment, normal crop acreage, preceding year planted acreage, and program.

§ 719.6 Farm corporations and trusts.

Whenever the county committee believes a farm corporation(s) or trust(s) is formed primarily for obtaining additional program benefits under Title 7, the farm(s) shall not remain as constituted, or be reconstituted, when owned and operated (without the approval of the State committee and concurrence by the Deputy Administrator) by: (a) A corporation(s) having more than 50 percent of the stock owned by members of the same family living in the same household; (b) corporations having more than 50 percent of the stock owned by stockholders common to more than one corporation; (c) trusts in which the beneficiaries and the trustee are family members living in the same household.

§ 719.7 Reconstitution of farm allotments, history acreages, normal crop acreage and preceding year planted acreage.

(a) *When to reconstitute.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted and, to the extent practicable, shall be based on the facts and conditions existing at the time the change requiring the reconstitution occurred. For each farm reconstituted, the farm allotments, history acreages, normal crop acreage and preceding year planted acreage shall also be reconstituted in accordance with the provisions of this part. County office records shall be corrected as necessary to reflect properly the basic data for each farm as reconstituted.

(b) *Effective date of reconstitutions.* The effective date of the reconstitution shall be as follows:

(1) *Allotment crops, normal crop acreage, preceding year planted acreage.* (i) The reconstitution shall be effective for an allotment crop and other crops included in the normal crop acreage for the current program year if such reconstitution is initiated before such crop is or would have been planted.

(ii) The reconstitution shall be effective for an allotment crop, normal crop acreage, preceding year planted acreage for the current program year (1) if such reconstitution is initiated after such crop has been or would have been planted, and (2) if there was a bona fide change in operation before the planting period; the land involved is owned by one person; and the reconstitution would be required under this

part had the facts been known by the county committee before the planting period: *Provided, however,* That where the change in operation was solely the addition of one or more operators, the reconstitution shall not be effective for the current program year if the county committee determines that an adverse effect to the program will result.

(iii) The reconstitution may be made effective for the current program year even though the reconstitution is initiated after the crop has been or would have been planted if the county committee determines that no adverse effect to the program will result and the farm owner(s) and operator(s) agree to make the reconstitution effective for such year.

(2) *Agricultural Conservation Program.* The reconstitution shall not be effective for purposes of the Agricultural Conservation Program (ACP) for the current program year if the county committee has approved cost-sharing for a producer on the farm for the current program year unless (i) the parent farm on which cost-sharing was approved was not properly constituted at the time of approval, or (ii) the county committee determines that some producer on the farm would not be eligible to participate in the ACP if the reconstitution is not made effective.

(3) *Misrepresentation.* Notwithstanding any other provision of this section, if the county committee determines that the farm was or was not reconstituted because of a misrepresentation by a producer, the farm shall be properly reconstituted, and the effective date of such reconstitution for all purposes shall be retroactive to the date the farm was improperly constituted.

(c) *Maximum and minimum provisions, adjustments, and release and reapportionments.* Allotments and normal crop acreage for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with this part are subject to maximum and minimum allotment and normal crop acreage provisions and to adjustments from allotment and normal crop acreage reserves for the commodity and released farm allotments as provided in the regulations governing the determination of allotments for the commodity.

(d) *Continuous application.* Where a farm reconstitution for the current year is made before the current year's allotments, normal crop acreage and preceding year planted acreage are determined, the history acreages and other basic data for the reconstituted farms shall be used to establish the current year's allotments, normal crop acreage and preceding year planted acreage: *Provided,* That where the current year's preliminary allotment

on one or more parent farms involved in a proposed combination would be reduced for underplanting, the allotment shall be determined as follows: (1) The current year's allotment for each parent farm shall be established separately, and then (2) the current year's allotment for the combined farm shall be determined by adding the allotments established for the parent farm.

§ 719.8 Rules for determining allotments, normal crop acreage, and preceding year planted acreage where reconstitution is made by Division.

The methods for dividing allotments, normal crop acreage and preceding year planted acreage in order of precedence, when the method applies, are estate, designation by landowner, contribution (including contribution-cropland and contribution-history), cropland, and history.

(a) *Estate method.* The estate method is the proration of the allotments, normal crop acreage and preceding year planted acreage for a parent farm among the heirs in settling an estate. If the estate sells a tract of land before the farm is divided among the heirs, the allotments, normal crop acreage and preceding year planted acreage for the tract shall be determined by using one of the methods provided in paragraphs (b) through (f) of this section. The allotments, normal crop acreage and preceding year planted acreage shall be divided among the heirs in settling an estate by dividing the farm among two or more heirs as follows:

(1) In accordance with a will if the county committee determines that the terms of the will are such that division can reasonably be made by the estate method.

(2) If the provisions of subparagraph (1) of this paragraph are not applicable, the allotments, normal crop acreage and preceding year planted acreage shall be apportioned in the manner agreed to in writing by all interested heirs. An agreement by the administrator or executor shall not be accepted in lieu of an agreement by heirs.

(3) If the provisions of subparagraphs (1) and (2) of this paragraph do not apply, the allotments, normal crop acreage and preceding year planted acreage shall be divided pursuant to paragraphs (c) through (f) of this section, as applicable.

(b) *Designation of allotments, normal crop acreage and preceding year planted acreage by landowner.* (1) If the ownership of a tract of land is transferred from a parent farm, the county committee shall at the request of the transferring owner divide the allotments, normal crop acreage and preceding year planted acreage be-

tween the parent farm and the transferred tract, or between the applicable tracts if the entire farm is sold to two or more purchasers, in the manner designated by the owner of the parent farm subject to conditions set forth in subparagraph (4) of this paragraph.

(2) If the county committee determines that the allotments, normal crop acreage and preceding year planted acreage cannot be divided in the manner designated by the owner because of the conditions set forth in subparagraph (4) of this paragraph, the owner shall be notified and permitted to revise the designation so as to meet the conditions in subparagraph (4) of this paragraph. If the owner does not furnish a revised designation of allotments, normal crop acreage and preceding year planted acreage within a reasonable time after such notification or if the revised designation does not meet the conditions of subparagraph (4), the county committee shall make the proration of allotments, normal crop acreage and preceding year planted acreage in accordance with paragraphs (c) through (f) of this section.

(3) If a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in part shall be considered a separate farm and shall be constituted separately from the parent farm using the rules in paragraphs (c) through (f) of this section, as applicable, prior to application of the provisions of this paragraph.

(4) The eligibility conditions that shall be complied with for applying this method of division are:

(i) The interested owners (seller and purchaser) shall file a written memorandum of understanding of the designation with the county committee before the farm is reconstituted and prior to a subsequent transfer of ownership of the land. The heirs of an estate may use this method to designate the allotments, normal crop acreage for allocation to a tract of land sold prior to dividing the parent farm among the heirs in settling an estate: *Provided, however,* That designation by the administrator or executor shall not be accepted in lieu of designation by the heirs.

(ii) Where the land of the parent farm is subject to a deed of trust, lien, or mortgage, the holder of the deed of trust, mortgage, or lien must agree to the division of allotments, normal crop acreage and preceding year planted acreage.

(iii) Neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive allotments and normal crop acreage in excess of allotments and normal crop acreage for similar forms in the same area having allotments and

normal crop acreage of the commodity or commodities involved and such allotments and normal crop acreage shall be consistent with good land use.

(iv) Where the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph shall not be applicable to such transfer unless the county committee finds that the primary purpose of the ownership transfer was not to retain or sell an allotment and normal crop acreage. In the absence of such a finding, and if the farm contains land which has been owned for less than 3 years, that part which has been owned for less than 3 years shall be considered as a separate farm and the allotments and normal crop acreage shall be assigned to that part using the rules in paragraphs (c) through (f) of this section, as applicable. Such apportionment shall be made prior to any designation of allotments and normal crop acreage with respect to the part which has been owned for 3 years or more.

(v) The land for which ownership is being transferred to a Federal, State, or other agency was not or could not have been acquired under the right of eminent domain. If eminent domain is applicable, the provisions of § 719.11 shall apply.

(5) This method is not applicable to burley tobacco and to crop allotments or quotas which are restricted to transfer within the county by lease, sale or by owner, when the land comprising the farm is located in two or more counties.

(6) This method may be applied to land identified as Indian Tribal land when leased by the Tribal Council to two or more producers for the production of allotment and normal crop acreage crops. If the land is leased to two or more producers, the county committee shall at the request of the Tribal Council divide the allotments and normal crop acreage between the applicable tracts in the manner designated by the Council. This use of the method shall not be subject to the conditions of subparagraph (4) of this section.

(c) *Contribution method.* The contribution method for dividing allotments, normal crop acreage and preceding year planted acreage for 1978 is the proration of the parent farm's allotment, normal crop acreage and preceding year planted acreage to each identical tract contributed to the allotments, normal crop acreage and preceding year planted acreage at the time of combination. Unless the provisions of paragraphs (a) or (b) of this section are applicable, this method shall be used to divide allotments and normal crop acreage for a farm which resulted from a combination that

became effective during the 6-year period immediately prior to the current year. This method for dividing the allotments, and normal crop acreage shall be used beyond the 6-year period if records are available to show the contribution unless the county committee determines with the concurrence of a representative of the State committee that the use of the contribution method would not result in an equitable distribution of the allotments, normal crop acreage and preceding year planted acreage considering available land, cultural operation, and changes in type of farming. The contribution method shall not be used in cases involving the division for:

(1) Any commodity for which there was no allotment, normal crop acreage or preceding year planted acreage established at the time of combination.

(2) Preceding year planted acreage for 1979 and subsequent years.

(3) Normal crop acreage for 1978.

(d) *Contribution-Cropland or Contribution-History method.* In cases where the allotments, normal crop acreage and preceding year planted acreage are divided by the contribution method pursuant to paragraph (c) of this section and a further division of an identical tract is required, the allotments, normal crop acreage and preceding year planted acreage shall first be apportioned to the identical tracts and then apportioned among the parts of the identical tracts by the cropland or history method pursuant to paragraph (e) or (f) of this section, as applicable.

(e) *Cropland method.* The cropland method for dividing allotments, normal crop acreage and preceding year planted acreage is the proration of allotments, normal crop acreage and preceding year planted acreage to the tracts being separated from the parent farm in the same proration that the cropland acreage for each such tract bears to the cropland for the parent farm. For rice, the acreage of cropland that is available for the production of rice shall be used to make the proration. The county committee shall verify or redetermine, if considered necessary, the cropland on each of the tracts of the parent farm prior to making the proration. This method shall be used if the provisions of paragraphs (a) through (c) of this section are not applicable unless the county committee determines that a division by the history method would result in allotments, normal crop acreage and preceding year planted acreage more representative of the operation normally carried out on each tract during the respective base period for the commodities. Notwithstanding any other provision of this paragraph, the allotments, normal crop acreage and preceding year planted acreage

shall be apportioned on the basis of the cropland available for and adapted to the production of the allotment crop, normal crop acreage and preceding year planted acreage on each tract when the owners file with the county office a written agreement as to the amount of available and adapted cropland and the county committee approves such agreement.

(f) *History method.* The history method of division of allotments, normal crop acreage and preceding year planted acreage is the proration of allotments, normal crop acreage and preceding year planted acreage to the tracts being separated from the parent farm on the basis of the acreage determined to be representative of the operations normally carried out on each tract during the respective base period for the commodities. The base period for normal crop acreage is 1977. The base year for preceding year planted acreage is the preceding year. The history method shall be used when the county committee determines that division by the cropland method should not be used.

(g) *Variation in reconstituted allotments, normal crop acreage, and preceding year planted acreage.* Allotments, normal crop acreage and preceding year planted acreage apportioned among the divided tracts, pursuant to paragraphs (c) through (f) of this section, may be increased or decreased by as much as 10 percent of the allotment, normal crop acreage and preceding year planted acreage established for the parent farm if (1) the interested owners agree in writing, and (2) the county committee determines that the method used did not provide an equitable distribution concerning available land, cultural operations and changes in type of farming. Any increase in an allotment, normal crop acreage and preceding year planted acreage on a tract pursuant to this paragraph shall be offset by a corresponding decrease on the other tracts and all variations between tracts must be compensating.

(h) *Divided history acreage and other data.* The history acreage and other basic data, except commodity yields and minimum allotments, for divided farms shall be determined by using the same percentage figure as was used to apportion the allotment crop for the respective commodity. For commodity yields and minimum allotments applicable commodity regulations shall apply.

§719.9 Rules for determining farm allotments, normal crop acreage, preceding year planted acreage and history acreages where reconstitution is by combination.

If two or more farms or tracts are combined for the current year, the

current year's allotments, normal crop acreage, preceding year planted acreages, history acreages on acreages considered planted for the years in the base period for the respective commodities for the reconstituted farms shall be the sum of the allotments, normal crop acreages, history acreages, preceding year planted acreages and acreages considered planted for each of the tracts comprising the combination, subject to the provisions of §719.7(c).

§719.10 Preservation of cropland and allotment acreage.

(a) *Definitions.* Notwithstanding the definitions in §719.2, for the purposes of this section, the following terms shall have the following meanings:

(1) *Final acreage.* The actual crop acreage, plus any additional acreage considered planted to the crop under applicable commodity regulations.

(2) *Underplanted acreage.* The acreage by which the allotment for a commodity or normal crop acreage exceeds the final acreage of the commodity or normal crop acreage.

(b) *Preservation of cropland and acreage available for diversion credit—(1) GPCP and RCP.* Cropland acreage established and maintained in vegetative cover under the Agricultural Conservation Program or Regional Conservation Program shall retain its cropland classification for the period of time the contract or agreement is in effect plus the period of time thereafter that the cover is maintained. Cropland acreage established in trees under one of the programs listed in this section shall retain its cropland classification for the period of time the contract or agreement is in effect plus an equal period thereafter provided the practice is maintained. All acreage under this subparagraph shall be available for diversion credit to the extent of the underplanted acreage of an allotment crop where needed to protect the history for such crop.

(2) *RECP-REAP-ACP and comparable practices carried out without Federal cost-sharing.* Cropland acreage established and maintained in vegetative cover (excluding trees) under the Rural Environmental Conservation Program, the Rural Environmental Assistance Program, the Agricultural Conservation Program, or comparable practices carried out without Federal cost-sharing including approved volunteer cover shall retain its cropland classification for the period of time that the cover is maintained. To qualify for diversion credit under this subparagraph (2), the following conditions shall be met:

(i) Acreage must be in excess of the sum of the set-aside acreage requirements under other adjustment programs.

(ii) The practice must have been established and carried out in accordance with good farming practices.

(iii) The producer must report the conserving crop acreage each year preservation credit is desired by a date approved by the Deputy Administrator.

(c) *Termination of diversion credit.* Acreage shall cease to be available for diversion credit when:

(1) The approved vegetation is destroyed or not properly maintained.

(2) The additional period of protection in the case of trees established under a conservation program listed in paragraph (b) of this section expires or the trees are destroyed.

(d) *Diversion credit for divided farms.* When a parent farm is reconstituted by division, future diversion credit shall accrue to the farm or tract on which the vegetative cover is physically located.

(e) *Use of diversion credit.* The diversion credit determined under the provisions of this section for each underplanted allotment crop shall be considered as acreage devoted to the crop and shall be utilized in the establishment of future State, county farm allotments.

§719.11 Eminent domain acquisitions.

(a) *Commodities covered.* This section provides a uniform method for handling farm allotments for extra long staple cotton, peanuts, rice, tobacco, and normal crop acreage for commodities designated by the Secretary on land involved in an eminent domain acquisition. If eligible for pooling under this section, such allotments and normal crop acreage are pooled for the benefit of the owner who is displaced from his farm by eminent domain acquisition. Such pooling is for a 3-year period from the date of displacement and during such period the owner so displaced may request transfers of allotments and normal crop acreage from the pool to other farms in the United States owned by him.

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consummated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State, or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. An acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, in-

cluding surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

(c) *Owner.* For purposes of this section, owner means the person, or persons in a joint ownership, having title to the land for a period of at least 12 months immediately prior to the date of transfer of title or grant of the impoundment or flowage easement under the eminent domain acquisition. If such person or persons have owned the land for less than such 12-month period, they may, nevertheless, be considered the owner if the State committee determines that such person or persons acquired the land for the purpose of carrying out farming operations and not for the purpose of obtaining status as an owner under this section. However, no person shall be considered the owner if he acquired the land subject to an eminent domain acquisition under an outstanding contract to an agency or an option by an agency or subject to pending condemnation proceedings. In any case where the current titleholders cannot be considered the owner for the purpose of this section, the State committee shall determine the person or persons who previously had title to the land and who qualify for status as the owner under the criteria in this paragraph.

(d) *Displacement.* The owner shall be considered displaced from a farm covered by an eminent domain acquisition on the date (1) the right to produce an allotment crop or normal crop acreage crop is relinquished voluntarily even though the owner is not required to give up possession of the land; or (2) in the case of flowage easement, the owner determines it is no longer practical to conduct farming operations on the land; or (3) the owner loses possession of the land as owner or as lessee under a lease from the agency or its designee if the lease provided unbroken possession to the owner from the date of acquisition to the end of the lease or extensions of the lease. In cases where the agency and the owner have executed a binding contract for acquisition of the farm, the owner may be considered displaced prior to completion of the acquisition if he wishes to plant the commodity on other land he owns or buys.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that the allotment and normal crop acreage may be pooled in accordance with this section. Failure to so notify the county committee shall not operate to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced, the county committee shall establish in a pool for a 3-year period, beginning on the date of displacement, the allotments and normal crop acreage eligible for pooling under this section. Pooled allotments and normal crop acreage shall be considered fully planted and, for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling not permitted or required—(1) Agency has authority to continue crop production.* If the county committee determines that an agency has authority under its eminent domain powers to acquire a farm for the continued production of an allotment or normal crop acreage crop and does so acquire a farm only for such purpose and files a written notice with the county committee of the county in which the farm is located at the time of acquisition designating the allotment and normal crop acreage crops to be produced on the farm, there shall be no pooling for such crops, but farm allotments and normal crop acreage shall be established in accordance with applicable commodity regulations.

(2) *Owner waives right to have pooling.* If the owner files written notice with the county committee of intention to waive his right to have all the allotments or normal crop acreage or any part thereof, pooled and the county committee determines that the owner fully understands his right to have allotments and normal crop acreage pooled and has not been coerced to waive his right, the allotments and normal crop acreage shall be retained on the agency acquired land.

(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments and normal crop acreage shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents 15 percent or more of the total cropland on the farm, the allot-

ments and normal crop acreage attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. However, only such amounts of allotments and normal crop acreage may be retained as can be supported on the available cropland and which will not exceed the allotments and normal crop acreage established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices and other physical factors affecting production. Allotments and normal crop acreage not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments and normal crop acreage to other farms which he owns in the same county, the county committee may approve a direct transfer without formal establishment in the pool. Such transfer shall be subject to the requirements in paragraph (j) of this section.

(h) *Release of pooled allotments and normal crop acreage.* Pooled allotments and normal crop acreage may be released on an annual basis by the owner to the county committee during any year for which the allotments or normal crop acreages are pooled and not otherwise transferred from the pool. The county committee may reapportion such released allotments and normal crop acreage to other farms in the same county having allotments for such commodity or normal crop acreage. Pooled allotments and normal crop acreage shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop rotation practices and soil and other physical facilities affecting the production of the commodity. Released pooled allotments and normal crop acreage shall be regarded as fully planted in the pool and not on the farm receiving reapportionment. This paragraph shall govern the release and reapportionment, of pooled allotments and normal crop acreage notwithstanding other procedures contained in applicable commodity regulations.

(i) *Sale, lease, and owner transfers.* Pooled allotments for which there is statutory authority implemented in the applicable commodity regulations for transfer of allotments on a permanent or temporary basis by sale, lease, or by owner (within the meaning of

owner for such purposes) may be transferred permanently from the pool by the owner or temporarily for the life of the pooled allotment, subject to the terms and conditions in the applicable commodity regulations for such transfers.

(j) *Regular transfers from pool*—(1) *General rule.* The owner may request transfer of all or part of the pooled allotment or normal crop acreage to any farm in the United States of which he is the bona fide owner: *Provided*, That there are farms in the receiving county with allotments and normal crop acreage for the particular commodity or normal crop acreage, or if there are no such farms, the county committee determines that farms in the receiving county are suited for the production of the commodity. For purposes of this paragraph:

(i) Receiving farm means the farm to which transfer from the pool is to be made;

(ii) Receiving State and county committee mean those committees for the State and county in which the receiving farm is located; and

(iii) Transferring State and county committees mean those committees for the State and county in which the agency acquired farm is located.

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment and normal crop acreage from the pool within 3 years after the date of displacement. The application shall contain a certification by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment and normal crop acreage from the pool for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements as for example, the deed of trust or mortgage, warranty deed, note, sales agreement, and lease.

(3) *Action by receiving county committee.* The receiving county committee shall consider each application and determine whether the transfer from the pool shall be approved. Before an application is acted upon by the receiving county committee, the owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided*, That the personal appearance requirement may be waived if the receiving county committee determines from facts presented to it on behalf of the owner that such personal appearance would unduly inconvenience the owner on ac-

count of illness or other good cause and such personal appearance would serve no useful purpose. Any action by the receiving county committee shall be subject to the approval required under subparagraph (5) of this paragraph.

(4) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer from the pool only where the documents and other evidence presented by the owner show conclusively that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions:

(i) Appropriate legal documents must establish title to the receiving farm:

(ii) If the owner was the operator of the acquired farm at the date of displacement, such owner shall personally operate and be the operator of the receiving farm for the first year that the allotment is transferred;

(iii) If the owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing rent payment, such owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment and normal crop acreage for the receiving farm for the first year;

(iv) If the owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that an allotment and normal crop acreage is transferred;

(v) The contractual arrangements between the owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment and normal crop acreage is transferred even though such contractual arrangements are silent as to any lease; and

(vi) Contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(5) *Action of receiving State committee.* The approval of a transfer from the pool under this paragraph by the receiving county committee shall be effective upon concurrence by the receiving State committee. Notwithstanding any other provision of this section, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the eligibility requirements of subparagraph (4), (ii), (iii), or (iv) of this paragraph cannot be met without creating a hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which allotment and normal crop acreage is to be transferred. Notwithstanding any other provisions of this section and particularly subparagraph (4)(v) of this paragraph, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment and normal crop acreage are transferred.

(6) *Amount of allotment and normal crop acreage available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment and normal crop acreage notice under the applicable commodity regulations, taking into consideration the land, labor, and equipment available for the production of the commodity crop rotation practices, and soil and other physical factors affecting the production of the commodity. For purposes of determining the amount of allotment and normal crop acreage available for transfer, the receiving county committee shall consider the receiving tract as a separate farm when such tract is in combination with land under separate ownership. The acreage transferred from the pool shall not exceed the allotment and normal crop acreage most recently established for the acquired farm and placed in the pool. When all or part of the allotment and normal crop acreage placed in the pool are transferred and used to establish or increase the allotment and normal crop acreage for other farms owned or purchased by the owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments and normal crop acreage to have been planted on the receiving farm for which an allotment and normal crop acreage is es-

established or increased under this section. If only a part of the available allotment and normal crop acreage is transferred from the pool, the remaining part of the allotment and normal crop acreage and past acreage history shall remain in the pool for transfer to other farms of the owner until all such allotment acreage and normal crop acreage have been transferred or until the period of eligibility for establishing or increasing allotments and normal crop acreage under this section has expired.

(7) *Cancellation of transfers.* If any allotment and normal crop acreage is transferred under this paragraph and it is later determined by the receiving county or State committee or the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or the conditions applicable under subparagraph (4) of this paragraph are not met, the allotment and normal crop acreage for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the acreage transferred from the pool; and if the time for withdrawal from the pool has not expired, the amount of acreage initially transferred from the pool shall be returned to the pool after the period of time has expired in which the producer could exercise his rights of review and court action. Any cancellation of transfer of allotment and normal crop acreage by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue any notice or marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment and normal crop acreage.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request, but his request for transfer is filed during a year in which all or a part of the pooled allotment and normal crop acreage was released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of pooled allotment and normal crop acreage involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment or normal crop acreage for which the transfer is requested has been released to the trans-

ferring county committee for the current year.

(k) *Constitution of acquired land.* (1) Where the owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of his displacement from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm for purposes of subparagraphs (g) (3) and (4) of this section.

(3) If part of a farm is acquired by an agency and the owner is displaced therefrom, such part shall be constituted as a separate farm on the date of displacement unless the allotments and normal crop acreage are retained on the part not acquired as provided in subparagraphs (g) (3) and (4) of this section, in which case the farm shall not be reconstituted but the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(l) *Successors in interest—* (1) *Designation of beneficiary.* The owner may file with the county committee a written designation of beneficiary of his rights in the allotments and normal crop acreage attributable to the acquired land in the event of his death and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or to negotiate a lease with the agency or its designee and exercise the regular transfer rights with respect to farms owned by such beneficiary and may also exercise the release and sale, lease and owner transfer rights under this section.

(2) *Cases where no beneficiary designated.* If the owner does not file a designation of beneficiary under subparagraph (1) of this paragraph and the owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights as provided under subparagraph (1) of this paragraph;

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship under which title passes to the survivor;

(ii) The person(s) who succeed to the deceased owner's interest under a will or by interstate succession. However, in the case of interstate succession, such person(s) shall be limited to surviving spouse, mother, father, brothers, sisters, or children of the deceased owner. In the settlement of the estate of the deceased owner, the heirs may file a written agreement with the county committee for the division of the deceased owner's rights under this section.

(m) *Limitations on transfers from pool.* (1) No transfer from the pool

under paragraph (h), (i), or (j), of this section shall be approved if there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If the tobacco or peanut allotment for an acquired farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report, the allotment shall be reduced in the pool in accordance with the applicable regulations.

§ 719.12 Exempting Federal prison farms and Federal wildlife refuges.

No marketing penalty shall be assessed or entered on the county or State office debt record for excess acreage of any commodity which may be produced on a Federal prison farm or Federal wildlife refuge: *Provided, however,* That this exception does not apply to penalties incurred by an individual who has a separate interest in a crop which is subject to marketing quotas and which was produced on such Federal prison farms and Federal wildlife refuges.

§ 719.13 Supervisory authority of State ASC committees.

The State committee may take any action required by these regulations which has not been taken by the county committee. State committee may also (a) correct, or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations of this part, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations in this part.

§ 719.14 Transfer of allotments and normal crop acreage—State public lands.

(a) *General authority.* The Secretary may permit transfers of allotments and normal crop acreage between farms in the same county where both farms are composed of public lands of the State. Such transfers shall be permitted in accordance with conditions prescribed by this section.

(b) *Application for transfer.* An application in writing requesting the transfer of one or more of the allotments and normal crop acreage on a farm entirely composed of public lands of a State shall be filed with the county committee by the agency of the State charged with the administration of the land in such farms. The application shall identify the farms as being within the same county, show

that each farm is entirely composed of public lands of the State, and list the acreages requested to be transferred. Additional information as to the present operations on the farms, including all leasing arrangements, shall also be set forth in the application.

(c) *Closing date for filing applications.* The State committee shall establish the closing date for filing applications under paragraph (b) of this section for each year which shall be no later than the date when planting of the commodity involved in the transfer becomes general in the county.

(d) *Productivity adjustment in allotments, normal crop acreage and history acreage.* Each transfer of allotment and normal crop acreage under this section shall be adjusted for differences in farm productivity if the yield (projected for the year the transfer is to take effect) for the farm to which transfer is made exceeds the yield (projected for the year the transfer is to take effect) for the farm from which transfer is made by more than 10 percent. The county committee shall determine the amount of allotment and normal crop acreage to be transferred where productivity adjustment is required by dividing (1) the product of the yield for the farm from which transfer is made and the acreage to be transferred from such farm, by (2) the yield for the farm to which transfer is made. History acreage for the farm receiving allotment and normal crop acreage shall be adjusted by the same percentage as the allotment and normal crop acreage being transferred is adjusted. The amount of allotment and normal crop acreage and related farm history acreage transferred from the farm from which the transfer is made shall be the full amount, but the amount of allotment and normal crop acreage and related farm history acreage for the farm to which the transfer is made shall be the adjusted amount. The county acreage history, if applicable, shall be reduced to correspond with the adjusted history transferred to the farm. The history remaining unassigned to the county as a result of such productivity adjustment shall be tabulated by the State committee and included with the sum of county history acreage for determining the State history.

(e) *Limitation on acreages to be transferred.* The amount of allotment and normal crop acreage on a farm after a transfer under this section is made shall not exceed the average amount of allotment and normal crop acreage of at least three but not more than five farms with acreages of cropland similar to the farm receiving the transfer in the community having the applicable allotment and normal crop acreage on these farms.

(f) *Permanent vegetative cover requirements.* Each transfer or any allotment and normal crop acreage shall be subject to the condition that an acreage equal to the allotment and normal crop acreage transferred (before any productivity adjustment) shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made.

(g) *County committee action.* The county committee shall approve transfer under this section only if it determines that a timely filed application has been received, that the conditions of this section have been met, and a representative of the State committee has approved the transfer. The county committee shall issue revised notices of allotment and normal crop acreage for each farm affected by the transfer. If a county committee obtains evidence that the conditions applicable to any transfer under this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the transfer be cancelled and retransferred to the original farm. Where cancellation and retransfer is required, the county committee shall issue revised notices of allotment and normal crop acreage showing the reasons for cancellation of the transfer.

Signed at Washington, D.C., on January 18, 1979.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-2825 Filed 1-25-79; 8:45 am]

[3410-07-M]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—LOAN AND GRANT MAKING AMENDMENT

PART 1941—OPERATING LOANS

Subpart A—Operating Loan Policies, Procedures and Authorizations

PART 1943—FARM OWNERSHIP, SOIL AND WATER, AND RECREATION

Subpart A—Insured Farm Ownership Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations for determining eligibility of cooperatives, corporations and partnerships for operating and farm ownership loans. The intended effect of this action is to clarify the regulations. The action is being taken as a result of an administrative decision to set out statutory requirements more clearly and to eliminate differences between the operating loan and farm ownership loan regulations.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Lynn L. Pickinpaugh, 202-447-5044.

SUPPLEMENTARY INFORMATION: FmHA amends subparagraphs (b)(6)(i) and (ii) of § 1941.12, Subpart A Part 1941, and subparagraph (b)(6)(i) of § 1943.12, Subpart A Part 1943, Chapter XVIII, Title 7 in the Code of Federal Regulations. This amendment clarifies the eligibility requirements of cooperatives, corporations and partnerships for operating and farm ownership loans. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 533 with respect to such rules. This regulation, however, is being published as a final rule. A copy of the Impact Statement prepared by FmHA is available in the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. Publication for comment is unnecessary because the change to Part 1943 needs to be made immediately in order to more clearly spell out existing statutory requirements for eligibility. The changes to Part 1941 are needed in order to clarify the existing requirements and to eliminate the differences between Parts 1941 and 1943 and avoid confusion in the administration of the two programs. This determination was made by Mr. Lynn L. Pickinpaugh, Director, Production Loan Division, Farmers Home Administration, U.S. Department of Agriculture, Room 5314, Washington, DC 20250.

Accordingly, various sections of Parts 1941 and 1943 are amended as follows:

PART 1941—OPERATING LOANS

Subpart A—Operating Loan Policies, Procedures, and Authorizations

1. In § 1941.12, subparagraph (b)(6)(i), add the following phrase after the word "met" in line 3; "by the entity and *all* its members, stockholders, or partners".

2. In § 1941.12, paragraph (b)(6)(ii), add the words "own or" after the word "must" in line 2.

PART 1943—FARM OWNERSHIP, SOIL AND WATER, AND RECREATION

Subpart A—Insured Farm Ownership Loan Policies, Procedures, and Authorizations

3. In § 1943.12, subparagraph (b)(6)(i), line 3; add the phrase "by the entity and all its members, stockholders, or partners" after the word "met" at the end of the sentence.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri. 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir. OEO 29 FR 14764, 33 FR 9850.)

Dated: January 11, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-2782 Filed 1-25-79; 8:45 am]

[6210-01-M]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F; Docket No. R-01461]

PART 206—SECURITIES OF STATE MEMBER BANKS

Final Rule; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule; Correction.

SUMMARY: This notice corrects a previous FEDERAL REGISTER document (FR Doc. 78-35923) beginning at page 60549 of the issue for Thursday, December 28, 1978. On page 60559 of that document, in the center of the second column, a section heading should be added for § 206.54 so that the text reads as shown below:

§ 206.54 [Added]

Form F-13 (CFR 206.54) is adopted to read as follows:

§ 206.54 Form for statement to be filed pursuant to § 206.5(1) of Regulation F (Form F-13).

Board of Governors of the Federal Reserve System.

Form F-13

* * * * *

FOR FURTHER INFORMATION CONTACT:

Richard M. Whiting, 202-452-3786.

Board of Governors of the Federal Reserve System, January 18, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2801 Filed 1-25-79; 8:45 am]

[6210-01-M]

[Reg. Z; FC-0159]

PART 226—TRUTH IN LENDING

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

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction.

SUMMARY: This notice corrects a previous FEDERAL REGISTER document, FR Doc. 79-1486, appearing on page 3257 of the issue for Tuesday, January 16, 1979.

In the second line of the paragraph entitled "ADDRESS," the FC number should read "0159."

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, 202-452-3867.

Board of Governors of the Federal Reserve System, January 18, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2802 Filed 1-25-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-29451]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hertz Corp.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a New York City car rental company to provide each charge account customer having five dollars or more as a credit balance with periodic statements reflecting that balance; notify such customers that credit balances are refun-

dable; and automatically refund unclaimed credit balances within seven months of their occurrence. The order would additionally prohibit the company from writing off credit balances, and would require the firm to refund, upon request, any credit balances created during the past six years.

DATES: Complaint and order issued December 21, 1978.¹

FOR FURTHER INFORMATION CONTACT:

FTC/PD, Lewis H. Goldfarb, Washington, D.C. 20580. (202) 724-1181.

SUPPLEMENTARY INFORMATION:

On Tuesday, October 17, 1978, there was published in the FEDERAL REGISTER, 43 FR 47736, a proposed consent agreement with analysis in the Matter of the Hertz Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45).)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-2804 Filed 1-25-79; 8:45 am]

¹Copies of the Complaint and the Decision and Order filed with the original document.

[41'10-03-M]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Contraceptive and Other Vaginal Drug Products Panel

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) announces the termination of the Panel on Review of Contraceptive and Other Vaginal Drug Products and amends the regulations to delete it from the list of standing advisory committees. The Panel was terminated because it had completed its work.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Armond Welch, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION:

The Panel's functions were to review the data and information submitted as part of the over-the-counter (OTC) drug review under § 330.10 (21 CFR 330.10) on OTC products containing contraceptive and other vaginal active ingredients for human use. The Panel has submitted its conclusions and recommendations on the safety, effectiveness, and labeling of these products to the Commissioner of Food and Drugs. These conclusions and recommendations will be published in a future issue of the FEDERAL REGISTER.

Accordingly, the purpose of the Panel has been served, and the Panel is no longer needed. On December 31, 1978, the charter for the Panel expired.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 14 is amended in § 14.100 *List of standing advisory committees* by deleting paragraph (c)(20)(i)(j) *Contraceptive and Other Vaginal Drug Products Panel* and marking it reserved.

Effective date. Because this is a technical conforming amendment to Part

14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, January 26, 1979.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 22, 1979.

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

[FR Doc. 79-2715 Filed 1-25-79; 8:45 am]

[4110-03-M]

[Docket No. 78F-0047]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

Selenium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the food additive regulation for selenium to provide for its extended use for sheep and to provide for its use for beef and dairy cattle. A petition was filed by the American Feed Manufacturers Association requesting such use.

DATES: Effective January 26, 1979. Objections by February 26, 1979.

FOR FURTHER INFORMATION CONTACT:

William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION:

Notice was given in the FEDERAL REGISTER of April 7, 1978 (43 FR 14736) that a food additive petition (MF-3433) has been filed by American Feed Manufacturers Association, 1701 N. Fort Myer Dr., Arlington, VA 22209, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to extend the conditions of its use for sheep and to provide for its use for beef and dairy cattle.

The Commissioner of Food and Drugs has evaluated data in the petition and other relevant material and concludes that the food additive regulation § 573.920 should be amended to provide for the use of the petitioned additive.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the use of the addi-

tive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 573 is amended in § 573.920 by revising the introductory text of paragraph (b)(4), by adding new paragraph (b)(5) and (6), and by revising paragraph (c)(1) and (3) and adding new paragraph (c)(4) as follows:

§ 573.920 Selenium.

* * * * *

(b) * * *

(4) Sheep: * * *

(5) Beef cattle:

(i) In complete feed at a level not to exceed 0.1 part per million.

(ii) In a feed supplement for limit feeding at a level not to exceed an intake of 1 milligram per head per day.

(iii) Up to 20 parts per million in a salt-mineral mixture for free choice feeding at a rate not to exceed an intake of 1 milligram per head per day.

(6) Dairy cattle: In complete feed (total ration) at a level not to exceed 0.1 part per million.

(c) The additive shall be incorporated into feed as follows:

(1) It shall be incorporated into each ton of the complete feed of growing chickens up to 16 weeks of age, swine, sheep, beef cattle, and dairy cattle by a premix containing no more than 90.8 milligrams of added selenium and weighing not less than 1 pound.

* * * * *

(3) It shall be incorporated into each ton of salt-mineral mixture for sheep by a premix containing no more than 27.2 grams of added selenium in not less than 6 pounds of premix.

(4) It shall be incorporated into each ton of salt-mineral mixture for beef and dairy cattle by a premix containing no more than 18 grams of added selenium in not less than 4 pounds of premix.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 26, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a writ-

ten 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 January 26, 1979.

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

Dated: January 18, 1979.

JOSEPH P. HILE,
*Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 79-2442 Filed 1-25-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban
Development

CHAPTER X—FEDERAL INSURANCE
ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD
INSURANCE PROGRAM

[Docket No. FI-4360]

PART 1917—APPEAL FROM PRO-
POSED FLOOD ELEVATION DETER-
MINATIONS

Final Flood Elevation Determination
for the City of Davis, Yolo County,
Calif.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Davis, Yolo County, California. These base (100-year) flood elevations are the

basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Davis, California.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Davis, Yolo County, California, are available for review at Department of Public Works, City Hall, 226 F Street, Davis, California.

FOR FURTHER INFORMATION
CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Davis, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Covell Drain.....	F Street—100 feet*	43
	Oak Avenue—50 feet*	45
	Anderson Road—100 feet*	47
Shallow Flooding..	Intersection of B and Eleventh Streets.	41
	Intersection of East Fourteenth and B Streets.	41

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Intersection of H and Tenth Streets.	41
	Intersection of Alvarado Avenue and Fortuna Court.	47

* Upstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2176 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3972]

PART 1917—APPEALS FROM PRO-
POSED FLOOD ELEVATION DETER-
MINATIONS

Final Flood Elevation Determination
for the Town of Woodside, San
Mateo County, Calif.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Woodside, San Mateo County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Woodside, California.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Woodside, San Mateo County, California, are available for review at Town Hall, 2925 Woodside Road, Woodside, California.

RULES AND REGULATIONS

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Woodside, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Mountain Home Road....	358
	Woodside Road*.....	359
	Woodside Road**.....	363
Bear Gulch Creek.	Woodside Road*.....	469
	Woodside Road**.....	476
West Union Creek.	Woodside Road.....	385
	Kings Mountain Road*..	419
	Kings Mountain Road**.	422
Corte Madera Creek.	Corporate Limits.....	368
Sausal Creek.....	Family Farm Road (downstream crossing).	349
	Family Farm Road (upstream crossing).	367

*Downstream side.
**Upstream side.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 11, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2177 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4539]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Melbourne Village, Brevard County, Florida

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Melbourne Village, Brevard County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Melbourne Village, Brevard County, Florida.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Melbourne Village, Brevard County, Florida, are available for review at Town Hall, 533 Hammock Road, Melbourne Village, Florida 32901.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Melbourne Village, Brevard County, Florida.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

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

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2178 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4542]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in the City of Rockledge, Brevard County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Rockledge, Brevard County, Florida.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the the City of Rockledge, Brevard County, Florida, are available for review at City Hall, P.O. Box 488, Rockledge, Florida 32955.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Rockledge, Brevard County, Florida.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slough C.....	Between Barton Avenue and North Corporate limits.	20
Slough A.....	East of Murrell Road.....	22

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	South of Rovac Boulevard.	22
Slough B.....	Just west of Intersection of Levitt Parkway and Murrell Road.	23
Channel A.....	Just upstream of U.S. Highway 1.	16
	Just upstream of confluence of Slough A.	22
St. John's River.....	Intersection of Basque Drive and Conquistador Drive.	20
Indian River.....	At Magruder Drive.....	5
	Just east of Intersection of Rockledge Drive and Bougainvillea Drive.	5

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2179 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4540]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood

elevations, for the City of Winter Park, Orange County, Florida.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Winter Park, Orange County, Florida, are available for review at City Hall, 401 Park Avenue South, Winter Park, Florida 32789.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Winter Park, Orange County, Florida.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Occoila.....	Entire shoreline.....	68
Lake Maitland.....	Entire shoreline.....	68
Lake Virginia.....	Entire shoreline.....	68
Lake Berry.....	Entire shoreline.....	72
Lake Mizell.....	Entire shoreline.....	68
Lake Killarney.....	Western corporate limits.	85
Lake Corrine.....	Southern corporate limits.	95
Lake Spler.....	Southern corporate limits.	95
Lake Sylvan.....	Entire shoreline.....	75
Lake Knowles.....	Entire shoreline.....	80
Lake Wilbar.....	Entire shoreline.....	87
Lake Chelton.....	Entire shoreline.....	84
Lake Midget.....	At North Kentucky Avenue.	92
Lake Sue.....	Just west of the Intersection of Fawcett Road and Dana Way.	75
Stream A.....	Just upstream of Pennsylvania Avenue.	74

RULES AND REGULATIONS

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Wallace, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Coeur d'Alene River.	Downstream Corporate Limit—25 feet*	2708
	Third Street—20 feet**	2722
	Sixth Street—25 feet**	2731
	U.S. Highway 10—300 feet**	2744
	Canyon Creek—25 feet**	2758
	Upstream Corporate Limits—15 feet**	2792
Placer Creek.....	Confluence with the South Fork Coeur d'Alene River—5 feet*	2717
	U.S. Highway 10—50 feet*	2719
	Cypress Avenue—50 feet*	2722
	River Street—110 feet**	2725
	Pine Street—40 feet.....	2732
	Bank Street—30 feet**	2747
Canyon Creek.....	High Street—30 feet**	2756
	Upstream Corporate Limits	2790
	U.S. Highway 10—25 feet*	2759
	Union Pacific Railroad	2761
	Mullan Avenue—15 feet*	2765
	Union Pacific Railroad	2766
	Upstream Corporate Limits—15 feet**	2776

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968); effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2181 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4492]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Golf, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Golf, Cook County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Golf, Cook County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Golf are available for review at the Village Hall, 1 Briar Road, Golf, Illinois.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Golf, Cook County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Dis-

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2180 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4366]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Wallace, Shoshone County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Wallace, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Wallace, Shoshone County, Idaho, are available for review at City Hall, 703 Cedar Avenue, Wallace, Idaho.

aster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork North Branch Chicago River.	South corporate limits ...	623
	North corporate limits ...	624

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2182 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3398]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Kankakee County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Kankakee County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Kankakee County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Kankakee County, Illinois, are available for review at the Kankakee County Regional Planning Office, 435 Oak, Kankakee, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-3872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Kankakee County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kankakee River ...	Kankakee County Line ..	556
	Rock Creek	569
	Wilbey Creek	585
	Davis Creek	592
	Interstate 27	607
	Conrall Railroad	608
	Farr Creek	611
	Maple Island	612
	Momence Corporate Limit East	617
	Trim Creek	623
	Conrall	625
	Shadow Lawn	626

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Iroquois River	Lilliana Heights	628
	Kankakee County and Indiana State Line	630
	Confluence with Kankakee River	608
	Miniale Creek	612
	Sugar Island	616
	Deer Creek	617

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2183 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-43721]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Danville, Hendricks County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Danville, Hendricks County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Danville, Hendricks County, Indiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Danville, Hendricks County, Indiana, are available for review at the Danville Town

Hall, 77 North Kentucky, Danville, Indiana.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Danville, Hendricks County, Indiana.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork White Lick Creek.	Twin Bridge Road U.S. 36 (Main Street (Upstream)).	832 843
	Columbla Street (Upstream).	848

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2184 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4174]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Lynch, Harlan County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lynch, Harlan County, Kentucky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Lynch, Harlan County, Kentucky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lynch, Harlan County, Kentucky, are available for review at the City Hall, East Main Street, Lynch, Kentucky.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Lynch, Harlan County, Kentucky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Looney Creek.....	Downstream Corporate Limits.	1,638
	Conveyor Drive (Upstream Slide).	1,714
	City Street (Upstream Side—1,370 feet Upstream of Conveyor Dive).	1,738
	City Street (Upstream Side—2,600 feet Downstream of Gap Branch).	1,740
	Confluence of Gap Branch.	1,787
	Gap Branch Street (Upstream Slide).	1,702
	Kentucky Route 160 (Upstream Slide).	1,855
	Upstream Corporate Limits.	1,885
Gap Branch	Confluence Looney Creek.	1,787
	Upstream Corporate Limit.	1,900

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2185 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4486]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Town of Dover-Foxcroft, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Dover-Foxcroft, Piscataquis County, Maine.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Dover-Foxcroft, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Dover-Foxcroft, Piscataquis County, Maine, are available for review at Town Office, 34 East Main Street, Dover-Foxcroft, Maine.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Dover-Foxcroft, Piscataquis County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piscataquis River	Atkinson Road—100 feet*	310
	Essex Street—175 feet**	322
	Essex Street—25 feet*	341
	Maine Central Railroad—100 feet*	357
Davee Brook	Railroad Avenue—10 feet*	348

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dunham Brook	Autumn Street—60 feet*	357
	North Street (upstream crossing)—centerline.	375
	Lincoln Street—60 feet*	345
	North Street—20 feet* Mechanic Street—30 feet*	352 361
Black Stream	Forest Street—40 feet* Bear Hill Road—centerline.	370 343
Branns Mill Pond	Upstream of Black Stream.	444

*Upstream from centerline.
**Downstream from centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
(FR Doc. 79-2186 Filed 1-25-79; 8:45 am)

[4210-01-M]

[Docket No. FI-4439]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Hallowell, Kennebec County, Maine.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hallowell, Kennebec County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Hallowell, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hallowell, Kennebec County, Maine, are available for review at City Hall, 1 Winthrop Street, Planning Department, Hallowell, Maine.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Hallowell, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kennebec River	Downstream Corporate Limits.	31
	Confluence with Vaughan Brook.	31
	Upstream Corporate Limits.	32

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 8, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2187 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4498]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Sangerville, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Sangerville, Piscataquis County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Sangerville, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Sangerville, Piscataquis County, Maine, are available for review at the Town Office, Sangerville, Maine.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Sangerville, Piscataquis County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or in-

dividuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Manhanock Pond..	Areas adjacent to shore..	449
Center Pond.....	Areas adjacent to shore .	506
Carlton Stream	Old Dunbarton Dam—100 feet*.	394
	Old Dunbarton Dam—100 feet**.	402
	Numberall Inc. Dam—100 feet*.	414
	Numberall Inc. Dam—100 feet**.	431
	Dover Stove Company Dam—100 feet.	435
	Dover Stove Company Dam—100 feet*.	446
Piscataquis River..	State Route 23-20 feet**	447
	Lows Bridge—20 feet**...	379
	State Route 23-20 feet**	386

*Downstream of centerline.
**Upstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2188 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3586]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Montgomery County, Maryland

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in Montgomery County, Maryland.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Montgomery County, Maryland.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Montgomery County, Maryland, are available for review at the County Office Building, 100 Maryland Avenue, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Montgomery County, Maryland.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Booze Creek.....	Cabin John Parkway	119
	River Road.....	157
	Beech Tree Road.....	176
	Howell Road.....	215
	Bradley Boulevard	230
Buck Branch.....	Bells Mill Road.....	204
	Footbridge	293

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bulls Run	Confluence with Booze Creek.	203	Kilgour Branch	North Glen Road	257		Muncaster Mill Road (upstream).	339
	Bradley Boulevard	220		Confluence of Tributary No. 102.	282		Confluence of Tributary No. 151.	356
	Valley Road	229		Broadgreen Way	303		Confluence of Tributary No. 150.	362
	Greentree Road	234	Little Bennett Creek.	County Boundary	342		Confluence of Tributary No. 148.	366
Cabun Branch	Confluence with Great Seneca Creek.	331		Hyattstown Road	352		Confluence of Tributary No. 143.	378
	Watkins Mill Road	353		Frederick Road	366		Confluence of Tributary No. 146.	379
	Montgomery Village Avenue.	363	Little Falls Branch.	Confluence with Potomac River.	54		Bowie Mill Road	394
	Goshen Road	390		George Washington Memorial Parkway.	54		Confluence of Tributary No. 142.	418
	Snouffers School Road	423		Blackstone Road (extended).	160		Limit of Detailed Study (75 feet downstream of Olney-Laytansville Road [Route 108]).	486
	Confluence of Tributary No. 67.	447		Brookeway Drive (extended).	163	Northwest Branch	County Boundary	120
Cabin John Creek.	Interstate 495-Northbound.	120		Massachusetts Avenue	182		Interstate Route 495	132
	Seven Locks Road	136		Little Falls Parkway	196		Edelblut Drive (extended).	155
	River Road	163		Greenway Drive	218		Colesville Road	221
Coquelin Run	Confluence with Rock Creek.	188	Little Paint Branch.	River Road	225		Burnt Mills Dam (downstream).	224
	Beach Drive	188		County Boundary	249		Burnt Mills Dam (upstream).	236
	Limit of Detailed Study (350' downstream of Connecticut Avenue).	227	Little Seneca Creek.	Aqueduct	260		Randolph Road	279
Crabbs Branch	Confluence with Rock Creek.	306		Robey Road (extended).	277		Proposed Randolph Road.	280
	1,800' above confluence with Rock Creek.	355		Confluence with Bucklodge Branch and Seneca Creek.	244		Confluence of Tributary No. 178.	294
	3,100' above confluence with Rock Creek.	369		Shaeffer Road	247		Bonifant Road	312
	4,600' above confluence with Rock Creek.	376		Confluence of Tributary No. 51.	251		Proposed Bonifant Road	313
	6,900' above confluence with Rock Creek.	391		Confluence of Tributary No. 50.	284		Unnamed Road	330
	9,500' above confluence with Rock Creek.	415		Hoyles Mill Road	289		Colesville Road (downstream).	355
	Redland Road	432	Magruder Branch.	Confluence of Tributary No. 47.	302		Colesville Road (upstream).	359
Goshen Branch	Confluence with Great Seneca Creek.	361		Confluence of Tributary No. 46.	307		Ednor Road	369
	Blunt Road	391		Confluence with Great Seneca Creek.	419	Old Farm Creek	Confluence of Tributary No. 182.	262
	State Route 124	423		Watkins Road (downstream).	434		Confluence of Tributary No. 120.	269
Great Seneca Creek.	Confluence with Seneca Creek.	229		Watkins Road (upstream).	439		Tilden Lane (downstream).	272
	Blackrock Road	246		Welsh Road	513		Tilden Lane (upstream).	280
	Damestown Road	262		Sweepstakes Road (downstream).	586		Confluence of Tributary No. 119.	288
	Confluence of Tributary No. 80.	267		Sweepstakes Road (upstream).	694	Paint Branch	Confluence of Tributary No. 118.	292
	Riffle Ford Road	279		Unfinished Road (downstream).	694		County Boundary	158
	Confluence of Gunners Branch.	289		Unfinished Road (upstream).	704		Confluence of Tributary No. 189.	161
	Clopper Road	309	Minnehaha Branch.	100 feet upstream of MacArthur Boulevard.	124		Confluence of Tributary No. 187.	168
	B&O Railroad	312		Goldsboro Road	186		Old Columbia Road	236
	Washington National Pike.	317		Rannoch Road	190		Columbia Pike—Northbound.	242
	State Route 355	323		Goldsboro Road (2nd crossing).	228		Columbia Pike—Southbound.	243
	Confluence of Cabin Branch.	331		River Road	252		Confluence of Tributary No. 186.	250
	Watkins Mill Road	344		Goldsboro Road (3rd crossing).	254		Randolph Road	270
	Brink Road	360		Tanglewood Drive (extended).	266		Fairland Road (downstream).	295
	Blunt Road	376		Confluence with Potomac River.	197		Fairland Road (upstream).	297
	Confluence of Magruder Branch.	419	Muddy Branch	River Road	197		Confluence of Tributary No. 185.	309
	State Route 124	431		Esworthy Road (downstream).	214		Briggs Chaney Road (downstream).	339
	Confluence of Tributary No. 55.	441		Esworthy Road (upstream).	217		Briggs Chaney Road (upstream).	344
	Confluence of Tributary No. 54.	507		Confluence of Tributary No. 91.	222		Confluence of Tributary No. 184.	348
Greenbrier Branch.	Confluence with Sandy Branch.	225		Confluence of Tributary No. 90.	238		Fair Acres Road (extended).	363
	Glen Mill Road	249		Turkey Foot Road	250			
Gunners Branch	Confluence with Great Seneca Creek.	289		Quince Orchard Road	274			
	Clopper Road	308		Confluence of Rich Branch.	276			
	B&O Railroad	327		Clover Knoll Court (extended).	295			
	Confluence of Tributary No. 76.	338		American Way	312			
Hawlings River	Confluence with Patuxent River.	323		Route 28 (downstream)	313			
	State Route 650	323		Route 28 (upstream)	318			
	Goldmine Road	323	North Branch Rock Creek.	Confluence with Rock Creek.	279			
	Confluence of Reddy Branch.	328		Lake Benard Frank	334			
James Creek	Confluence with Hawlings River.	323		Muncaster Mill Road (downstream).	334			
	Confluence of Tributary No. 212.	361						
	Driveway	410						

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piney Branch.....	Confluence with Watts Branch.	227
	Glen Road (downstream).	236
	Glen Road (upstream)....	238
	Confluence of Tributary No. 105.	247
	Glen Mill Road (downstream).	277
	Glen Mill Road (upstream).	282
	Glen Mill Road (downstream—2nd crossing).	330
	Glen Mill Road (upstream—2nd crossing).	335
	Confluence of Tributary No. 104.	358
Reddy Branch	Confluence with Hawlings River.	328
	Brookeville Road (75 feet downstream).	330
	Brookeville Road (75 feet upstream).	334
	Route 97.....	382
	Brookeville Road (2nd crossing).	389
	Brookeville Road (3rd crossing).	404
	Brookeville Road (4th crossing).	411
Rich Branch	Confluence with Muddy Branch.	276
	Duffel Mill Road (downstream).	321
	Duffel Mill Road (upstream).	334
Rock Creek	County Boundary.....	178
	East West Highway (downstream).	185
	East West Highway (upstream).	187
	Confluence of Coquelin Run.	188
	B&O Railroad.....	190
	Interstate 495.....	204
	Kensington Avenue.....	207
	Connecticut Avenue.....	210
	Cedar Lane	215
	Beach Drive.....	223
	Beach Drive (2nd crossing).	227
	Knowles Avenue.....	232
	B&O Railroad (also Beach Drive—3rd crossing).	237
	Garrett Park Road.....	243
	Randolph Road	247
	Confluence of Turkey Branch.	250
	Parklawn Cemetery Road.	254
	Viers Mill Road.....	260
	Baltimore Road	274
	Norbeck Road	275
	Avery Road.....	281
	Southlawn Lane.....	290
	Confluence of Crabbs Branch.	306
	Dam	352
	Needwood Road	352
	Muncaster Mill Road.....	354
	Muncaster Road	398
	Confluence of Tributary No. 132.	405
	Private Road	407
Rock Run	MacArthur Boulevard ..	127
	Saunders Lane (extended).	208
	Confluence of Tributary No. 109.	261
	Confluence of Tributary No. 108.	277
	Oaklyn Drive.....	285
	Logan Drive.....	293

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sandy Branch.....	Confluence with Watts Branch.	190
	Confluence of Tributary No. 98.	190
	Beal Mountain Road.....	196
	Confluence of Greenbrier Branch.	225
	Glen Road (downstream).	256
	Glen Road (upstream)....	259
Seneca Creek	Confluence with Potomac River.	203
	River Road.....	203
	Confluence of Dry Seneca Creek.	208
	Dawsonville Road.....	228
	Confluence with Bucklodge Branch and Little Seneca Creek.	244
Sligo Creek.....	County Boundary.....	170
	Park Valley Road	176
	Piney Branch Road.....	199
	Wayne Avenue.....	214
	Maryland Route 29	237
	Confluence of Tributary No. 164.	266
	Interstate 495.....	271
	Forest Glen Road.....	276
	Dennis Avenue.....	294
	University Boulevard.....	338
	Easecrest Drive (extended).	365
Snakeden Branch.	Confluence with Cabin John Creek.	227
	Seven Hill Drive (extended).	267
	Tuckerman Lane	297
	Pedestrian Bridge.....	319
	Gainsborough Road.....	329
	70 feet downstream of Postoak Road.	367
Thomas Branch ...	Confluence with Cabin John Creek.	133
	River Road	146
	Interstate 495 (1st crossing).	164
	Interstate 495 (2nd crossing).	191
	Bradley Boulevard	218
	100 feet downstream of Fernwood Road.	320
Turkey Branch.....	Confluence with Rock Creek.	250
	Viers Mill Road.....	251
	Bayne Street (extended)	263
	Grenoble Drive (extended).	270
	Connecticut Avenue.....	288
	Galvez Street (extended).	302
	Georgia Avenue.....	310
	Grand Pre Road (extended).	348
Watts Branch	Confluence with Potomac River.	190
	Maryland Route 190	190
	Unnamed Road	196
	Piney Meetinghouse Road (downstream).	216
	Piney Meetinghouse Road (upstream).	222
	Confluence of Piney Branch.	227
	South Glen Mill Road (downstream).	253
	South Glen Mill Road (upstream).	257
	Weatherwood Court (extended).	272
	Ambleside Drive (downstream).	279
	Ambleside Drive (upstream).	282
	Confluence of Tributary No. 100.	282
	Confluence of Tributary No. 99.	293

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Whetstone Run.....	County Boundary.....	306
	Confluence of Tributary No. 74.	371
	Summit Road.....	388
Willet Branch.....	Confluence with Little Falls Branch.	191
	Upstream inlet of B&O Railroad Culvert.	211
	Sandy Landing Road	211
	Pedestrian Bridge.....	224
	River Road	229
Unnamed Streams:		
Tributary No. 7	Confluence with Little Bennett Creek.	354
	Upstream Limit of Detailed Study (1,540' upstream of mouth).	373
Tributary No. 46 ...	Confluence with Little Seneca Creek.	306
	Upstream Limit of Detailed Study (4,040' upstream of mouth).	369
Tributary No. 47 ...	Confluence with Little Seneca Creek.	302
	Farm Lane (No. 1).....	317
	Farm Lane (No. 2).....	347
	Farm Lane (No. 3 extended).	394
Tributary No. 54 ...	Confluence with Great Seneca Creek.	507
	Woodfield School Road..	511
	Upstream Limit of Detailed Study (4,500' upstream of mouth).	625
Tributary No. 55 ...	Confluence with Great Seneca Creek.	441
	Hanson Road (extended).	501
	Upstream Limit of Detailed Study (200' downstream of Woodfield School Road..	592
Tributary No. 67 ...	Confluence with Cabin Branch.	447
	Cessna Avenue (extended).	459
Tributary No. 68 ...	Confluence with Cabin Branch.	415
	Strawberry Knoll Road..	423
	Private Drive (No. 1).....	439
	Private Drive (No. 2).....	440
	Bonanza Way (extended).	463
Tributary No. 69 ...	Confluence with Cabin Branch.	415
	Snouffers School Road ..	422
	Upstream Limit of Detailed Study (5,730' upstream of mouth).	493
Tributary No. 70 ...	Confluence with Cabin Branch.	380
	Goshen Road	396
	Confluence of Tributary No. 71.	401
	50 feet downstream of Snouffers School Road (upstream limit of detailed study).	467
Tributary No. 71 ...	Confluence with Tributary No. 70.	401
	Upstream Limit of Detailed Study (50' downstream of Snouffers School Road).	484
Tributary No. 72 ...	Confluence with Cabin Branch.	300
	Stewarton Road.....	369
	Top of Dam	394
Tributary No. 74 ...	Confluence with Whetstone Run.	371
	Emory Grove Road	385
	Goshen Road.....	399
	Quail Valley Boulevard..	417

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 76 ...	Confluence with Gunners Branch.	338		Tallridge Drive (downstream).	283	Tributary No. 130.	Confluence with Tributary No. 129.	263
	Middle Brook Road.....	428		Tallridge Drive (upstream).	290		Brennon Lane	271
Tributary No. 77 ...	Confluence with Gunners Branch.	295	Tributary No. 102.	Confluence with Kilgour Branch.	282		Pomander Lane.....	278
	Heidelberg Road.....	317		Unnamed Road (downstream).	286	Tributary No. 132.	Confluence with Rock Creek.	405
	Clopper Road.....	338		Unnamed Road (upstream).	293		Upstream Limit of Detailed Study (8,540' upstream of mouth).	500
	Retreat Lane (extended)	350		Bedfordshire Avenue (downstream).	308	Tributary No. 133.	Confluence with Rock Creek.	399
Tributary No. 78 ...	Confluence with Gunners Branch.	292		Bedfordshire Avenue (upstream).	316		Upstream Limit of Detailed Study (6,540' upstream of mouth).	469
	Metz Court (extended)...	324	Tributary No. 104.	Confluence with Piney Branch.	358	Tributary No. 134.	Confluence with Rock Creek.	391
	Germantown Road.....	352		Aqua Lane (downstream).	398		Upstream Limit of Detailed Study (3,190' upstream of mouth).	433
	Upstream Limit of Detailed Study (30' downstream of Maryland Route 118).	424		Aqua Lane (upstream)....	399	Tributary No. 135.	Confluence with Rock Creek.	389
Tributary No. 79 ...	Confluence with Great Seneca Creek.	284	Tributary No. 105.	Confluence with Piney Branch.	247		Upstream Limit of Detailed Study (5,200' upstream of mouth).	464
	Road (unnamed 1,440' upstream mouth).	306		Upstream Limit of Detailed Study (6,150' upstream of mouth).	328	Tributary No. 136.	Confluence with Rock Creek.	386
Tributary No. 80 ...	Confluence with Great Seneca Creek.	267	Tributary No. 106.	Confluence with Watts Branch.	223		Upstream Limit of Detailed Study (2,150' upstream of mouth).	428
	White Rock Road (extended)..	332		Tara Road (downstream).	245	Tributary No. 138.	Confluence with Rock Creek.	291
Tributary No. 81 ...	Confluence with Great Seneca Creek.	264		Tara Road (upstream)....	255		Driveway	319
	Confluence of Tributary No. 82.	277		Unnamed Road (downstream).	319		Incinerator Lane.....	337
	Riffle Ford Road Culvert-Inlet.	333	Tributary No. 108.	Confluence with Rock Run.	277		Confluence of Tributary No. 139.	351
Tributary No. 82 ...	Confluence with Tributary No. 81.	277		Falls Road.....	315	Tributary No. 139.	Confluence with Tributary No. 138.	351
	Upstream Limit of Detailed Study (300' downstream of Maryland Route 118).	330	Tributary No. 109.	Confluence with Rock Run.	261		Dover Road.....	404
Tributary No. 87 ...	Confluence with Potomac River.	202		Upstream Limit of Detailed Study (5,080' upstream of mouth).	319		Upstream County Boundary.	406
	Road (unnamed 2,950' upstream mouth).	214	Tributary No. 111.	Confluence with Cabin John Creek.	168	Tributary No. 141.	Confluence with Tributary No. 142.	420
	River Road	268		Bradley Boulevard	193		Driveway	443
Tributary No. 90 ...	Confluence with Muddy Branch.	238		Kendale Road	210	Tributary No. 142.	Confluence with North Branch Rock Creek.	418
	Turkey Foot Road.....	269		Confluence of Tributary No. 112.	235		Confluence of Tributary No. 141.	420
Tributary No. 91 ...	Confluence with Muddy Branch.	222	Tributary No. 112.	Confluence with Tributary No. 111.	235		Unnamed Road.....	439
	Farm Lane.....	272		Upstream Limit of Detailed Study (60' downstream of Logan Drive).	302		Driveway	450
Tributary No. 92 ...	Confluence with Muddy Branch.	205	Tributary No. 113.	Confluence with Buck Branch.	197	Tributary No. 143.	Confluence with North Branch Rock Creek.	378
	Upstream Limit of Detailed Study (6,000' upstream of mouth).	354		Carmelita Drive.....	208		Cashell Road.....	399
Tributary No. 93 ...	Confluence with Tributary No. 94.	224		Upstream Limit of Detailed Study (2,750' upstream of mouth).	266		Confluence of Tributary No. 145.	404
	Upstream Limit of Detailed Study (6,045' upstream of mouth).	362	Tributary No. 118.	Confluence with Old Farm Creek.	292		Confluence of Tributary No. 144.	437
Tributary No. 94 ...	Confluence with Muddy Branch.	197		Randolph Road-Inlet of Culvert.	329	Tributary No. 144.	Confluence with Tributary No. 143.	437
	Confluence of Tributary No. 93.	224	Tributary No. 119.	Confluence with Old Farm Creek.	288		Mehrens Terrace (extended).	465
	Upstream Limit of Detailed Study (150' downstream of Pettit Way).	285		Danville Drive (1st crossing).	299	Tributary No. 145.	Confluence with Tributary No. 143.	404
Tributary No. 98 ...	Confluence with Sandy Branch.	190		Danville Drive (2nd crossing).	310		Queen Elizabeth Drive (extended).	439
	Stony Creek Road.....	190	Tributary No. 120.	Confluence with Old Farm Creek.	269		Upstream Limit of Detailed Study (80' downstream of LaFayette Drive).	470
	Beall Creek Court (extended).	238		Marcliff Road Culvert-Inlet.	324	Tributary No. 146.	Confluence with North Branch Rock Creek.	379
Tributary No. 99 ...	Confluence with Watts Branch.	293	Tributary No. 122.	Confluence with Cabin John Creek.	158		Upstream Limit of Detailed Study (3,100' upstream of mouth).	417
	Falls Chapel Way (downstream).	326		Fenway Road	181			
	Falls Chapel Way (upstream).	333	Tributary No. 129.	Western Avenue	261			
Tributary No. 100.	Confluence with Watts Branch.	282						

RULES AND REGULATIONS

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 148.	Confluence with North Branch Rock Creek.	366		Upstream Limit of Detailed Study (1,800' upstream of mouth).	458
	George Washington Drive.	403			
	Cashell Road.....	424	Tributary No. 170.	Confluence with Tributary No. 168.	395
	Blossom View Drive.....	440		Unnamed Road.....	425
Tributary No. 149	Confluence with Tributary No. 148.	438		Cliftonbrook Lane (extended).	446
	Unnamed Road (No. 1)...	442	Tributary No. 171.	Confluence with Northwest Branch.	362
	Unnamed Road (No. 2)...	464		Old Orchard Road.....	387
Tributary No. 150.	Confluence with North Branch Rock Creek.	362		Upstream Limit of Detailed Study (6,530' upstream of mouth).	456
	Emory Lane.....	396	Tributary No. 172.	Confluence with Northwest Branch.	360
	Sycamore Lane (extended).	426		Patton Hollow Road.....	361
Tributary No. 151.	Confluence with North Branch Rock Creek.	356		Old Orchard Road (extended).	380
	Upstream Limit of Detailed Study (4,000' upstream of mouth).	418		Unnamed Road.....	417
Tributary No. 152.	Confluence with North Branch Rock Creek.	334	Tributary No. 173.	Confluence with Northwest Branch.	327
	Sycamore Lane (extended).	362		Unnamed Road (No. 1)...	327
Tributary No. 153.	Confluence with Rock Creek.	274		Unnamed Road (No. 2)...	337
	County Boundary.....	277		Confluence of Tributary No. 175.	342
Tributary No. 155.	Confluence with Rock Creek.	245		Farm Road.....	343
	Ashley Drive.....	245		Maryland Route 182.....	356
	Schuylkill Road.....	262		Confluence of Tributary No. 174.	379
	Rockinghorse Road.....	267	Tributary No. 174.	Farm Road.....	408
Tributary No. 156.	Confluence with Rock Creek.	243		Confluence with Tributary No. 173.	370
	Shaller Drive (extended).	262		Unnamed Road.....	434
Tributary No. 157	Confluence with Rock Creek.	224	Tributary No. 175.	Confluence with Tributary No. 173.	342
	Montrose Avenue.....	228		Norwood Road.....	346
Tributary No. 158.	Confluence with Rock Creek.	223		Confluence of Tributary No. 177.	357
	Middle of Wisconsin Avenue.	223		Norbeck Road.....	368
	Dam (3rd from mouth of tributary).	227		Confluence of Tributary No. 176.	377
	Tuckerman Lane.....	253	Tributary No. 176.	Batchellors Forest Road	407
	Fleming Avenue.....	266		Confluence with Tributary No. 175.	377
Tributary No. 159	Confluence with Rock Creek.	220		Batchellors Forest Road	409
	Wisconsin Avenue.....	227		Upstream Limit of Detailed Study (7,000' upstream of mouth).	430
Tributary No. 160.	Confluence with Rock Creek.	207	Tributary No. 177	Confluence with Tributary No. 175.	357
	Bexhill Drive, West.....	207		Narrows Lane.....	361
	Saul Road.....	216		Norbeck Road.....	377
	End of Detailed Study (County Boundary).	234		Upstream Limit of Detailed Study (4,765' upstream of mouth).	462
Tributary No. 163.	Confluence with Sligo Creek.	281	Tributary No. 178.	Confluence with Northwest Branch.	294
	Inwood Avenue.....	294		Bonifant Road.....	332
	Dennis Avenue.....	311	Tributary No. 179	Confluence with Northwest Branch.	284
	Evans Parkway.....	317		Locksley Lane.....	311
	Dayton Street.....	325		Beaumont Road.....	318
	Plyers Mill Road.....	329	Tributary No. 180	Confluence with Northwest Branch.	281
Tributary No. 164.	Confluence with Sligo Creek.	266		Middlevale Lane (extended).	300
	Footbridge.....	268		Layhill Road.....	314
Tributary No. 166.	Confluence with Northwest Branch.	425		Fargrove Drive.....	326
	Upstream Limit of Detailed Study (2,180' upstream of mouth).	471		Unnamed Road.....	335
Tributary No. 167	Confluence with Northwest Branch.	407		North Gate Terrace (extended).	338
	Upstream Limit of Detailed Study (1,250' upstream of mouth).	427		Bel Pre Road.....	355
Tributary No. 168.	Confluence with Whetstone Branch.	373		Private Road (closest to Bel Pre Road, approximately 1,200' upstream of Belo Pre).	364
	Confluence of Tributary No. 170.	395	Tributary No. 181.	Confluence with Northwest Branch.	275
	Confluence of Tributary No. 169.	418		Kemp Mill Road.....	275
Tributary No. 169.	Confluence with Tributary No. 168.	418		Dam.....	302
				Footpath.....	322

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 182.	Confluence with Old Farm Creek.	262
	Tuckerman Lane	271
	Upstream Limit of Detailed Study (3,500' upstream of mouth).	308
Tributary No. 184.	Confluence with Paint Branch.	348
Tributary No. 185.	Seibel Drive (extended).	381
	Confluence with Paint Branch.	309
Tributary No. 186.	Upstream Limit of Detailed Study (7,070' upstream of mouth).	407
	Confluence with Paint Branch.	250
Tributary No. 187.	Laurie Drive	283
	Cannon Road	329
	Confluence with Paint Branch.	206
Tributary No. 188.	Upstream Limit of Detailed Study (2,800' upstream of mouth).	312
	Confluence with Paint Branch.	168
	Upstream Limit of Detailed Study (3,080' upstream of mouth).	285
Tributary No. 189.	Confluence with Paint Branch.	161
	Sweetbriar Parkway.....	228
Tributary No. 190.	County Boundary.....	171
	Monroe Loop Road	210
	Dahlgreen Road	214
	Tech Road	239
	Upstream Limit of Detailed Study (7,300' upstream of mouth).	268
Tributary No. 192.	County Boundary.....	237
	Aqueduct (No. 1).....	254
	Confluence of Tributary No. 193.	256
	Aqueduct (No. 2).....	264
Tributary No. 193.	Robey Road.....	308
	Confluence with Tributary No. 192.	256
	Aqueduct.....	267
	Robey Road.....	328
Tributary No. 209.	Castle Boulevard (downstream).	347
	Castle Boulevard (upstream).	355
	Confluence with Reddy Branch.	382
Tributary No. 212.	Brookeville Road.....	382
	Olney Mill Road	401
Tributary No. 213.	Confluence with James Creek.	361
	Upstream Limit of Detailed Study (9,900' upstream of mouth).	509
Tributary No. 214.	Confluence with Tributary No. 212.	379
	Owens Road	412
Tributary No. 215.	Confluence of Tributary No. 216.	417
	Confluence of Tributary No. 215.	423
	Brooke Grove Road	432
	Upstream Limit of Detailed Study (70' downstream of Olney-Laytonville Road).	502
Tributary No. 215.	Confluence with Tributary No. 214.	423
	Upstream Limit of Detailed Study. (2,300' upstream of mouth).	449

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 216.	Confluence with Tributary No. 214.	417
	Upstream Limit of Detailed Study (50' downstream of Tipton Place extended).	464

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-2189 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-44661]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Millbury, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Millbury, Worcester County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Millbury, Worcester County, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the the Town of Mill-

bury, Worcester County, Massachusetts, are available for review at Municipal Office Building, 127 Elm Street, Millbury, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Millbury, Worcester County, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plan management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blackstone River...	Cross Street—20 feet*.....	341
	Riverlin Street Bridge—40 feet*	356
	Route 122A Bridge—40 feet**	357
	Route 122A Bridge—30 feet*	361
	South Main Street Bridge—60 feet**	373
	South Main Street Bridge—80 feet*	377
	1st crossing Conrall Bridge—80 feet**	389
	1st crossing Conrall Bridge—80 feet*	394
	West Main Street Bridge—80 feet*	397
	Worcester Providence Turnpike-Route 146 Bridge—80 feet*	410
Singular Brook...	U.S. Route 20 Bridge—80 feet*	414
	Sycamore Street Bridge—80 feet*	396
	Rhodes Street Bridge—80 feet**	398
	Rhodes Street Bridge—40 feet*	412

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
	2nd Dam upstream of confluence with Blackstone River—70 feet**	417	
	2nd Dam upstream of confluence with Blackstone river—10 feet*	430	
	3rd Dam upstream of confluence with Blackstone River—35 feet**	440	
	3rd Dam upstream of confluence with Blackstone River—10 feet**	453	
	4th Dam upstream of confluence with Blackstone River—30 feet**	464	
	4th Dam upstream of confluence with Blackstone River—20 feet*	474	
	Burbank Street Bridge—10 feet*	477	
	At Mayo Pond.....	497	
Unnamed Tributary to Mayo Pond.	Laurel Drive—20 feet*	522	
	Unnamed Road—100 feet*	526	
Ramsborn Brook...	Dam located 1,025 feet downstream of Carleton Street Bridge—40 feet**	531	
	Dam located 1,025 feet downstream of Carleton Street Bridge—20 feet*	548	
	Dam located 1,025 feet downstream of Carleton Street Bridge—80 feet*	561	
	West Main Road Bridge—100 feet**	573	
	West Main Road Bridge—100 feet*	580	
	Dam located 1,040 feet upstream of West Main Road Bridge—100 feet**	589	
	Dam located 1,040 feet upstream of West Main Road Bridge—100 feet*	603	
	Dolan Road—100 feet**..	614	
	Dorothy Brook.....	Grafton Street Bridge—20 feet*	354

*Upstream of centerline.
**Downstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2190 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4441]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Northborough, Worcester County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Northborough, Worcester County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plan management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Northborough, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Northborough, Worcester County, Massachusetts, are available for review at the Town Hall, 295 Crawford Street, Northborough, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Northborough, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plan management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Assabet River.....	Alien Street.....	252
	River Street.....	254
	East Main Street—25 feet*.	259
	East Main Street—50 feet**.	265
Cold Harbor Brook I.	Hudson Street—25 feet**.	257
	Conrail.....	261
	Confluence with Howard Brook.....	267
	Mill Street Dam.....	286
	Church Street.....	272
Cold Harbor Brook II.	Lincoln Street.....	298
	Cherry Street.....	319
	West Street.....	319
	Fisher Street.....	326
	Crawford Street.....	352
	Old Mill Dam.....	367
	Reservoir Street*.....	371
Howard Brook.....	Reservoir Street**.....	376
	Church Street**.....	379
	Parking Lot Road.....	272
	Candle Factory Road.....	278
	Whitney Street**.....	290
	Howard Street.....	293
	Church Street (first crossing).....	294
Church Street (second crossing).....	294	
Woods Road.....	296	
Brewer Street—50 feet*..	331	

*Downstream.
**Upstream.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2191 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-43341]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Pembroke, Plymouth County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pembroke, Plymouth County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Pembroke, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pembroke, Plymouth County, Massachusetts, are available for review at Town Hall, Pembroke, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Pembroke, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Indian Head River	Elm Street Dam—10 feet*	18
	Dam located 3500 feet upstream of Elm Street Dam—10 feet*.	26
Massachusetts Bay (North River).	State Route 3.....	11
	State Routes 53 & 139....	11
Massachusetts Bay (Robinson Creek).	West Elm Street.....	11
	Water Street.....	11
Herring Brook.....	Barker Street—50 feet*..	24
	High Street—50 feet*.....	26
	Dam located approximately 2800 feet upstream of Mountain Avenue—40 feet downstream of centerline.	40
	Dam located approximately 2800 feet upstream of Mountain Avenue—10 feet*.	50
	Mill Street—40 feet*.....	56
Furnace Pond.....	Dam located approximately 900 feet upstream of Center Street—10 feet*.	59
	Oldham Pond.....	60
	Areas adjacent to shore .	60
	Areas adjacent to shore .	60

*Upstream of centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2192 Filed 1-25-79; 8:45 am]

RULES AND REGULATIONS

[4210-01-M]

[Docket No. FI-4443]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Westhampton, Hampshire County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Westhampton, Hampshire County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Westhampton, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Westhampton, Hampshire County, Massachusetts, are available for review at Town Office, Easthampton, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Westhampton, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch Manhan River.	Easthampton Road Bridge (First Crossing).	402
	Easthampton Road Bridge—75 feet upstream from centerline (Second Crossing).	425
	Driveway Bridge.....	446
	Easthampton Road Bridge (Third Crossing).	473
	North Road Bridge	507

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 8, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2193 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4445]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Bridgman, Berrien County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Bridgman, Berrien County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map

(FIRM), showing base (100-year) flood elevations, for the City of Bridgman, Michigan.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bridgman, Berrien County, Michigan, are available for review at City Hall, 4355 Lake Street, Bridgman, Michigan.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Bridgman, Michigan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tanner Creek-William and Esseg Drain.	Confluence with Lake Michigan.	584
	Lake Street*	593
	Hillside Drive*	600
	Confluence with Bedortha Drain.	610
Bridgman Drain (Unnamed Tributary).	Red Arrow Highway*.....	624
	Upstream Corporate limits.	629
	Baldwin Road*	626
Bedortha Drain.....	Chessie System*	635
	Upstream Corporate limits.	640
	Lake Street—25 feet downstream from centerline.	614
Bridgman Drain.	Red Arrow Highway*.....	623
	Confluence with	623

*At centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 8, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2194 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4524]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Chanhassen, Carver County, Minnesota

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Chanhassen, Carver County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the the City of Chanhassen, Carver County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the the City of Chanhassen, Carver County, Minnesota, are available for review at Chanhassen City Hall, 7610 Laredo Drive, Chanhassen, Minnesota.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the final determinations of flood elevations for the City of Chanhassen, Carver County, Minnesota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rice Marsh Lake...	Just downstream of State Highway 101.	881
Lake Susan.....	Just upstream of State Highway 101.	884
Riley Creek.....	Approximately 100 feet downstream of Chicago Milwaukee St. Paul Pacific Railroad.	895
	Approximately 150 feet upstream of Chicago Milwaukee St. Paul Pacific Railroad.	899
	Just downstream of State Highway 5 (Arboretum Boulevard).	931
Lake Minnewashta.	Entire Shoreline.....	945
Lake Ann.....	Entire Shoreline.....	957
Lake Lucy.....	Entire Shoreline.....	957
Lotus Lake.....	Entire Shoreline.....	898

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557; 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2195 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4529]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Canton, Madison County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Canton, Madison County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the the City of Canton, Madison County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Canton, Madison County, Mississippi are available for review at the City Clerk's Office, City Hall, P.O. Box 153, Canton, Mississippi.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Canton, Madison County, Mississippi.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Intersection of West Fulton St. and 1st Ave.	218
	Intersection of Dinkins St. and Union St.	224
Bachelor Creek.....	Approximately 250 feet upstream of Owens Rd.	218
	Just downstream of North Union St.	223
	Just downstream of Dobson Ave.	225
	Approximately 100 feet upstream of Miller St.	229
Stream A	Just downstream of Frey St.	223

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2196 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4530]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Kosciusko, Attala County, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Kosciusko, Attala County, Mississippi. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Kosciusko, Attala County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Kosciusko, Attala County, Mississippi, are available for review at City Hall, 105 West Jefferson Street, Kosciusko, Mississippi 39090.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Kosciusko, Attala County, Mississippi.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canal Creek	Southeastern corporate limits.	396
	Just downstream of Jefferson St.	405
	Just downstream of State Highway 35.	412
Dye Ditch	Just upstream of State Highway 43.	402
	Just upstream of Jefferson St.	420
	Just upstream of Rockport Rd. (State Highway 19).	447

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Creek	Just downstream of Jefferson St.	404
	Just downstream of State Highway 12.	409
	Just upstream of Fairgrounds Rd.	423
East Fork Creek Tributary 1.	Northern Corporate Limits.	424

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2197 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3655]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Lowndes County, Mississippi

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Lowndes County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Lowndes County, are available for review at Lowndes County Courthouse, Columbus, Mississippi.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Lowndes County, Mississippi.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Catalpa Creek	New Highway 82	192
	Old Highway 82*	193
	Old Highway 82**	195
	Illinois Central Gulf Railroad	195
Ellis Creek	Nashville Ferry Road	166
	St. Louis-San Francisco Railroad	178
	State Highway #69	200
Ellis Creek Tributary 1	Hildreth Road	211
	Nashville Ferry Road	168
Green Creek	St. Louis-San Francisco Railroad	185
	Hughes Road	196
	State Highway #69	216
	New Hope Road*	251
	New Hope Road**	255
Luxapalila Creek	Yorkville Road	170
	State Road 82	171
	Water Works Road	175
	Steens Road	200
Luxapalila Creek Tributary 1	Southern Railway	180
	State Road 12	188
	St. Louis-San Francisco Railroad	193
Luxapalila Creek Tributary 2	State Highway #50*	220
	State Highway #50**	225
Magby Creek	State Highway #69	172
	Lehmburg Road	189
	County Road*	203
	County Road**	205
	Lee Stokes Road*	231
	Lee Stokes Road**	233

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McCrary Creek	Sewage Treatment Plant Access Road	171
	State Highway #69	172
	Lehmburg Road	190
	Armstrong Road	206
	Illinois Central Gulf Railroad	220
	New Hope	222
	Illinois Central Gulf Railroad	229
	County Road	251
Moore Creek	Columbus and Greenville Railroad	181
	Blucett Road	188
Oak Slush Creek	West Point Road*	176
	West Point Road**	194
	Younger Road	207
Oak Slush Creek Tributary 1	West Point Road	184
Tombigee River	Illinois Central Gulf Railroad	184
	State Highway #12	173
	State Highway #82	174
	Columbus and Greenville Railroad	176
	State Highway #50	181
	State Highway #50	182
Tombigee River Tributary 1	Nashville Ferry Road*	168
	Nashville Ferry Road**	173
	Frisco Road	178
	St. Louis-San Francisco Railroad	179
Tombigee River Tributary 2	Nash Road	178
	Columbus and Greenville Railroad	180
	Holly Hills Road	188
	New Bell Road	194
	Private Road	194
Vernon Branch	Illinois Central Gulf Railroad	177
	State Highway #82	185
	Old Airline Road*	203
	Old Airline Road**	205
	New Hope Road	219
	State Highway #82	244
	Mt. Vernon Church Road	258
Yellow Creek	Lee Stokes Road	294
	Southern Railway	194
	Caldeonla-Steens Road	196

*Downstream side
**Upstream side

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 8, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-2198 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-45001]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Amherst, Hillsborough County, New Hampshire

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Amherst, Hillsborough County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Amherst, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Amherst, are available for review at the Town Hall, Amherst, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Amherst, New Hampshire.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Souhegan River.....	Boston Post Bridge	216
	State Highway 122	220
	State Highway 101	221
Beaver Brook.....	Merrimack Road Bridge.	218
	State Highway 101—100 feet*.	226
	Boston Post Road.....	229
	Horace Greeley Highway (State Highway 101).	240
	Mack Hill Road Bridge—50 feet*.	247
	New Boston Road (downstream crossing).	300
	New Boston Road (upstream crossing).	330
	Joe English Brook..	Railroad Abutment Construction.
	State Highway 101 Bridge—100 feet*.	246
	Brook Road Bridge	324
	Camp Road Bridge.....	235
Baboosic Brook	Railroad Abutment Construction.	237
Pulpit Brook.....	Unnamed Road Culvert.	248
	Unnamed Road Bridge (Most Upstream Crossing).	276
Witches Brook.....	Most Downstream Corporate Limits.	193
	Most Upstream Corporate Limits.	199
Caesar's Brook.....	Small Footbridge over Dam—5 feet*.	267
	Mount Vernon Road Bridge—26 feet*.	293
Holts Brook.....	Unnamed Road Culvert.	222
	Merrimack Road Culvert.	222
Sherburn Mill.....	Thorntons Ferry Road Bridge.	211
	Upham Road Culvert.....	230
	Baboosic Spring Road Culvert—50 feet*.	244
	Linch Farm Road Culvert.	246
Betty's Brook.....	Pine Road Bridge—50 feet*.	246
	State Highway 101 Culvert (Upstream Crossing)—25 feet*.	267
Parkhurst Brook...	School House Road.....	256
Peacock Brook.....	Confluence with Witches Brook.	198
	State Highway 122 Bridge.	221

*Upstream from centerline.
**Downstream from centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2199 Filed 1-25-79; 8:45 am]:

[4210-01-M]

[Docket No. FI-4420]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the town of Jackson, Carroll County, New Hampshire

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Jackson, Carroll County, New Hampshire. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Jackson, Carroll County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Jackson, Carroll County, New Hampshire, are available for review at the Town Hall, Jackson, New Hampshire.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Jackson, Carroll County, New Hampshire.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch Saco River.	0.6 Mile above Corporate Limits.	877
	Downstream Corporate Limits.	810
Ellis River	White Mountain National Forest Boundary (5.74 Miles above Corporate Limits).	1,100
	5 Miles above Corporate Limits.	1,033
	Confluence of Miles Brook.	969
	Confluence of Spruce Brook.	810
	Jackson Village Loop Bridge (Upstream).	700
	Route 16A Covered Bridge (Upstream).	752
	Marsh Brook.....	Carternotch Road (Upstream).
	Confluence of Wildcat Brook.	1,095
	Wildcat Brook	Mellon Road Bridge (Upstream).
	Five Mile Circuit Road Bridge (Upstream).	1,008
	Confluence of Great Brook.	933
	Valley Cross Road Bridge (Upstream).	924
	Jackson Village Loop Bridge (Upstream).	702
	Confluence with Ellis River.	757

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2200 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4049]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Allendale, Bergen County, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Allendale, Bergen County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Allendale, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Allendale, Bergen County, New Jersey, are available for review at Borough Hall, 290 Franklin Turnpike, Allendale, New Jersey.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Allendale, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hohokus Brook	Brookside Avenue.....	290
	West Crescent Avenue....	273
	Park Avenue.....	285
Valentine Brook	Forest Road.....	309
Ramsey Brook	Erie Lockawanna Railroad.....	326
	West Crescent Avenue....	288
	Brookside Avenue.....	279
Allendale Brook	West Allendale Avenue..	269
	West Orchard Street.....	267

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 8, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2201 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4318]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Keyport, Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Keyport, Monmouth County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map

(FIRM), showing base (100-year) flood elevations, for the Borough of Keyport, Monmouth County, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Keyport, Monmouth County, New Jersey, are available for review at the Keyport Borough Hall, 18-20 Main Street, Keyport, New Jersey.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Keyport, Monmouth County, New Jersey.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Raritan Bay	Entire shoreline.....	12

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2202 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4103]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Town of Eastchester, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in for the Town of Eastchester, Westchester County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Eastchester, New York.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Eastchester, Westchester County, New York, are available for review at the Department of Planning and Community Development, 40 Mill Road, Eastchester, New York.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Eastchester, New York.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bronx River	Bronx River Parkway approximately 1,890 feet upstream of Harney Road*	123
	Harney Road*	120
	Bronx River Parkway approximately 240 feet downstream of Harney Road**	117
	Bronx River Parkway approximately 4,040 feet downstream of Harney Road*	113
	Bronx River Parkway approximately 4,720 feet downstream of Harney Road**	
Hutchinson River	Hutchinson Boulevard*	212
	Wilmot Road**	192
	Dam holding Reservoir No. 1*	186
	Exit Ramp—upstream of Hutchinson River Parkway*	150
	Entrance/Exit ramp downstream of Hutchinson River Parkway**	137
	Dam holding Reservoir No. 3*	124
	Hutchinson River Parkway Ramp*	103
	Dam holding Reservoir No. 2*	103
	Driveway Bridge**	69
	New Rochelle Road*	66

*Upstream.
**Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)Q04

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 8, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2203 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4516]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Village of Fairfax, Hamilton County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Fairfax, Hamilton County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Fairfax, Hamilton County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Fairfax are available for review at the Village Clerk's Office, Fairfax, Ohio.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Fairfax, Hamilton County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Duck Creek	Downstream corporate limit.	502
	Just upstream of Red Bank Road.	511
	Upstream corporate limit.	516
Little Duck Creek	Confluence with Duck Creek.	503
	Just upstream of Conrall bridge.	509
	Just upstream of Red Bank Road.	515
	Just upstream of Columbia Parkway extension.	535
	Just upstream of Watterson Avenue.	540
	Upstream corporate limit.	544

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2204 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4517]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Madeira, Hamilton County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Madeira, Hamilton County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Madeira, Hamilton County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Madeira are available for review at the City Hall, Madeira, Ohio.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for City of Madeira, Hamilton County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sycamore Creek	At northeast corporate limits.	701
	265 feet upstream of northeast corporate limits.	705
	600 feet upstream of northeast corporate limits.	713
	900 feet downstream of Chessie System.	723
	690 feet downstream of Chessie System.	726
	Downstream side of Chessie System at corporate limits.	730
	Upstream side of Chessie System.	733

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream side of first Camargo Road crossing near corporate limit.	744
	Upstream side of second Camargo Road crossing.	752
	550 feet upstream of second Camargo Road crossing.	760

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2205 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3119]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Lower Providence, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Lower Providence, Montgomery County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Lower Providence, Montgomery County, Pennsylvania.

RULES AND REGULATIONS

Issued: January, 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2206 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-33461]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Benbrook, Tarrant County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Benbrook, Tarrant County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Benbrook, Tarrant County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the the City of Benbrook, Tarrant County, Tex., are available for review at the City Hall, 911 Winscott Road, Benbrook, Texas.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Benbrook, Tarrant County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Fork of Trinity River.	Loop 280 (upstream).....	602
	Limit of Government Parkland.	622
Stream 266	Downstream Corporate Limits.	600
	Bryant-Irvin Road (upstream).	612
Marys Creek	Texas and Pacific Railroad.	624
	U.S. Highway 377 (upstream).	630
Walnut Creek	Loop 820 (proposed).....	672
	U.S. Highway 377	602
	Aledo Road	685
	Old Railroad Bed.....	693
Boaz Creek.....	F.M. Road 2871 (downstream).	768
	Confluence with Walnut Creek.	663
Willow Bend Creek.	Corporate Limits	676
	Confluence with Marys Creek.	640
Plantation East Creek.	Herndon Road.....	678
	Williams Road.....	707
	Springbranch Drive (upstream).	655
Plantation West Creek.	Chapin Road (downstream).	690
	Confluence with Marys Creek (upstream).	656
Timber Creek.....	Chapin Road (downstream).	698
	Confluence with Clear Fork of Trinity River (upstream).	616
	Timber Creek Road (upstream).	695
	Warden Street (downstream).	683
Dutch Branch.....	U.S. Highway 377 (upstream).	724
	Upstream Corporate Limits.	767

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2207 Filed 1-25-79; 8:45 am]

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Providence, Montgomery County, Pennsylvania, are available for review at the Township Office, 2836 West Ridge Pike, Norristown, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Lower Providence, Montgomery County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, mean sea level
Schuylkill River	Downstream Corporate Limits.	84
	Pawling Road.....	96
Perkiomen Creek ..	Conrail Railroad Bridge.	97
	Egypt Road.....	100
	Arcola Road.....	107
	Yerkes Road.....	114
Skipack Creek	U.S. Route 422	120
	Arcola Road.....	104

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

[4210-01-M]

[Docket No. FI-2661]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Gonzales, Gonzales County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Gonzales, Gonzales County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Gonzales, Gonzales County, Tex., are available for review at the Municipal Building, 820 Saint Joseph Street, Gonzales, Texas.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Gonzales, Gonzales County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community, for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Guadalupe San Marcos River.	Downstream Corporate Limits.	282
	U.S. Highway 183	282
	Upstream Corporate Limits.	283
Tinsley Creek	Municipal Dam	284
	Downstream Corporate Limits.	280
	Saint Lawrence Street	280
	Fischer Street	281
	Saint Andrew Street	283
	Southern Pacific Railroad (Downstream).	288
Kerr Creek	Southern Pacific Railroad (Upstream).	290
	Dallas Street (Extended).	294
	Upstream Corporate Limits.	278
	Downstream Corporate Limits.	279
	Upstream Corporate Limits.	279

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2208 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4579]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS.

Final Flood Elevation Determination for City of Mason, Mason County, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Mason, Mason County, Texas. These base

(100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Mason, Mason County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mason, Mason County, Texas, are available for review at City Hall, 124 Moody Street, Mason, Tex.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Mason, Mason County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Comanche Creek	Just downstream of Bickenbach Avenue.	1518
	Just downstream of Spring Street.	1533
	Mulberry Street (extended).	1547
Gamels Branch	Just upstream of Live Oak Street.	1532
	Just downstream of Pecan Street.	1544

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
	Just downstream of Rainey Street.	1580
Koocks Branch.....	Just downstream of Robin Avenue.	1543
	Just downstream of Avenue F.	1560
Comanche Creek Tributary No. 1.	Northern Corporate Limits.	1530
Comanche Creek....	Just downstream of Mulberry Street.	1553
Tributary No. 2.....	At Northern Corporate Limits.	1566

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2209 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4436]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Valley Mills, Bosque County, Texas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Valley Mills, Bosque County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Valley Mills, Bosque County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Valley Mills, Bosque County, Texas, are available for review at the City Secretary's Office, City Hall, Valley Mills, Texas.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Valley Mills, Bosque County, Texas.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary 0.....	Just upstream Hwy 56....	563
	Just downstream State Hwy 6.	568
Tributary 1.....	Avenue A extended.....	580
	Approximately 70 feet upstream State Hwy 6.	588

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 14, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2210 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4116]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Hartford, Windsor County, Vermont

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Hartford, Windsor County, Vermont. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Hartford, Windsor County, Vermont.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hartford, Windsor County, Vermont, are available for review at the Hartford Municipal Building, White River Junction, Vermont.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Hartford, Windsor County, Vermont.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An

opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River	Just upstream of Interstate 89 Bridge	351
	Just downstream of U.S. Route 4 Bridge	354
White River	Just upstream of Hartford Bridge	360
	Just upstream of Interstate 89 Bridge	398
	Approximately 150 feet upstream of West Hartford Bridge	403
Ottawaquechee River	Approximately 700 feet upstream of Taftsville Station Dam	654

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2211 Filed 1-25-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3903]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Fredericksburg, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Fredericksburg, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

icksburg, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Fredericksburg, Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Fredericksburg, Virginia, are available for review at the City Planner's Office, Fredericksburg, Virginia.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Fredericksburg, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rappahannock River	Confluence with Hazel Run	38
	Kings Highway	40
	U.S. Route 1	41
	Upstream Corporate Limits	45

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2212 Filed 1-25-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7593]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Simplification of Reporting Requirements Under the Class Life Asset Depreciation Range System

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains amendments to the Income Tax Regulations (26 CFR Part 1) relating to reporting requirements under the Class Life Asset Depreciation Range System. The purpose of these amendments is to ease the public's reporting burden by using a less burdensome means to collect certain information. The amendments affect those persons who elect to use the Class Life Asset Depreciation Range System (CLADR System) for certain taxable years.

EFFECTIVE DATE: These amendments are effective for taxable years ending on or after December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Benedetta A. Kissel of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202-566-4454, not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) that ease the reporting burden of those taxpayers electing to use the CLADR System. The amendments are issued under the authority contained in sections 167(m) (85 Stat. 508, 26 U.S.C. 167(m)) and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

The existing regulations require taxpayers electing under the CLADR System to file an annual return containing detailed information relating to eligible property. These amendments reduce the amount of information required to be contained in the return. Certain information, reported by means of the annual return prior to these amendments, remains necessary to the administration of the system. To assure collection of this information, the amendments require that a small number of taxpayers, chosen on the basis of scientifically sound sampling methods, respond to infrequent Treasury surveys. These surveys will provide the Treasury with sufficient information to keep current the figures needed for establishing asset guideline classes and periods under the CLADR System.

Since these amendments will not operate to the detriment of any taxpayer, they need not be published with notice of proposed rulemaking.

DRAFTING INFORMATION

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

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended as follows:

PARAGRAPH 1. Section 1.167(a)-11 is amended as follows:

1. Paragraph (a)(1) is amended by deleting "specified in the election" the first place it appears in the seventh sentence and inserting in lieu thereof "selected", and by deleting "reporting" from the last sentence.

2. Paragraph (b)(4)(i) is amended by deleting "An election shall" from the first sentence and inserting in lieu thereof "The taxpayer's books and records must".

3. Paragraph (b)(4)(iii)(c) is amended by deleting the last sentence.

4. Paragraph (d)(1)(iii) is amended by deleting the third sentence.

5. The fifth sentence of paragraph (d)(2)(iv) is revised to read as follows: "The treatment of expenditures under this subdivision for a taxable year for all asset guideline classes shall be specified in the books and records of the taxpayer for the taxable year."

6. Paragraph (f)(1)(i) is amended by deleting the sixth sentence and inserting in lieu thereof "The election may be made with an amended return filed within the time prescribed by law (including extensions) for filing the original return for the taxable year of election."

7. Paragraph (f)(1)(iii) is revised to read as set forth below.

8. Paragraph (f)(2) is revised to read as set forth below.

9. Paragraph (f)(4) is revised to read as set forth below.

10. Paragraph (f)(5) is amended by deleting "(d)(3)(v)(c)" and inserting in lieu thereof "(d)(3)(v)(d)".

11. A new paragraph (f)(6) is added to read as set forth below.

§ 1.167(a)-11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

(f) Election with respect to eligible property—(1) Time and manner of election.***

(iii) Effective date. See paragraph (f)(6) of this section for the effective date of this paragraph.

(2) Information required. A taxpayer who elects to apply this section must specify in the election:

(i) That the taxpayer makes such election and consents to and agrees to apply, all the provisions of this section;

(ii) The asset guideline class for each vintage account of the taxable year;

(iii) The first-year convention adopted by the taxpayer for the taxable year of election;

(iv) Whether the special 10 percent used property rule described in paragraph (b)(5)(iii) of this section has been applied to exclude used property from the election;

(v) Whether the taxpayer elects to apply the asset guideline class repair allowance described in paragraph (d)(2)(iii) of this section;

(vi) Whether the taxpayer elects for the taxable year to allocate the adjusted basis of a special basis vintage account in accordance with paragraph (d)(3)(vi) of this section;

(vii) Whether any eligible property for which the taxpayer was not required or permitted to make an election was excluded because of the special rules of paragraph (b)(5)(v) or (6), or paragraph (e)(3)(ii) or (iv) of this section;

(viii) Whether any "section 38 property" was excluded under paragraph (b)(5)(iv) of this section from the election to apply this section;

(ix) If the taxpayer is an electric or gas utility, whether the taxpayer elects to apply this section on the basis of a composite asset guideline class in accordance with paragraph (b)(4)(iii)(a) of this section; and

(x) Such other information as may reasonably be required.

The information required under this subparagraph may be provided in accordance with rules prescribed by the Commissioner for reasonable grouping of assets or accounts. Form 4832 is provided for making an election and for submission of the information required. An election may be made and the information submitted only in accordance with Form 4832. An election to apply this section will not be rendered invalid under this subparagraph so long as there is substantial compliance, in good faith, with the requirements of this subparagraph.

(4) Special conditions to election to apply this section—(i) Maintenance of books and records. The taxpayer may not elect to apply this section for a taxable year unless the taxpayer maintains the books and records required under this section. In addition to any other information required under this section, the taxpayer's books and records must specify—

(a) The asset depreciation period selected by the taxpayer for each vintage account;

(b) If the taxpayer applies the modified half-year convention, the total cost or other basis of all eligible property first placed in service in the first half of the taxable year and the total cost or other basis of all eligible property first placed in service in the last half of the taxable year;

(c) The unadjusted basis and salvage value for each vintage account, and the amount, if any, by which gross salvage value was decreased under section 167 (f);

(d) Each asset guideline class for which the taxpayer elects to apply the asset guideline class repair allowance described in paragraph (d)(2)(iii) of this section;

(e) The amount of property improvement, determined under paragraph (d)(2)(vii)(a) of this section, for each asset guideline class for which the taxpayer elects to apply the asset guideline class repair allowance;

(f) A reasonable description of property excluded from an election to apply this section and the basis for the exclusion;

(g) The total unadjusted basis of all assets retired during the taxable year

from each asset guideline class, and the proceeds realized during the taxable year from such retirements; and

(h) The vintage (that is, the taxable year in which established) of the assets retired during the year from each asset guideline class.

For purposes of paragraph (f) (4) (i) (g) and (h) of this section, all accounts of the same vintage and asset guideline class may be treated as a single account. The taxpayer must specify the information required under paragraph (f) (4) (i) (g) and (h) without regard to the retirement of an asset by transfer to a supplies account for reuse.

(ii) *Response to survey.* Taxpayers who elect to apply this section must respond to infrequent data surveys conducted by the Treasury Department. These periodic surveys, which will be conducted on the basis of scientifically sound sampling methods, are designed to obtain data (including industry asset acquisitions and retirements) used to keep the asset guideline classes and periods up to date.

(iii) *Effective of noncompliance.* An election to apply this section will not be rendered invalid under this subparagraph so long as there is substantial compliance, in good faith, with the requirements of this subparagraph.

(6) *Effective date.* The rules in this paragraph apply to elections for taxable years ending on or after December 31, 1978. In the case of an election for a taxable year ending before December 31, 1978, the rules in paragraph (f) of this section, in effect before the amendments made by T.D. 7593 approved January 11, 1979, shall apply. See 26 CFR § 1.67 (a)-11(f) (1977) for paragraph (f) of this section as it appeared before the amendments made by T.D. 7593.

§ 1.263(f)-1 [Amended]

Par. 2. Paragraph (a) of § 1.263 (f)-1 is amended by deleting "(f) (4) (c)" and inserting in lieu thereof "(f)".

The provisions of this Treasury decision will not operate to the detriment of any taxpayer. For this reason, the Treasury decision need not be issued with notice and public procedure under subsection (b) of section 553, Title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 167(m) (85 Stat. 508, 26 U.S.C. 167(m)) and 7805 (68A Stat. 917, 26

U.S.C. 7805) of the Internal Revenue Code of 1954.

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: January 11, 1979.

DONALD C. LUBICK,
Assistant Secretary
of the Treasury.

[FR Doc. 79-2702 Filed 1-25-79; 8:45 am]

[4830-01-M]

SUBCHAPTER B—MISCELLANEOUS PROVISIONS

[T.D. 7592]

PART 420—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Disclosure of Certain Return Information to Officers and Employees of the Department of Labor for Purposes of Administering Titles I and IV of the Employee Retirement Income Security Act of 1974

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains amendments to the temporary regulations relating to disclosure by the Internal Revenue Service of certain described return information to officers and employees of the Department of Labor for purposes of administering the Employee Retirement Income Security Act of 1974. These amendments add to the authority contained in the existing regulations.

DATE: These regulations authorize the automatic disclosure of certain return information after the date of publication of this Treasury decision.

FOR FURTHER INFORMATION CONTACT:

David E. Dickinson of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3218, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains amendments to the Temporary Regulations on Procedure and Administration relating to the disclosure of returns and return information to the Department of Labor under section 6103(d)(2) of the Internal Revenue Code of 1954 as

added by section 1202 of the Tax Reform Act of 1976 (Pub. L. 94-455, 90 Stat. 1678).

AUTOMATIC DISCLOSURE OF CERTAIN RETURN INFORMATION TO DEPARTMENT OF LABOR FOR PURPOSES OF ADMINISTERING TITLES I AND IV OF EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

The Internal Revenue Service and the Department of Labor recently entered into an agreement entitled Procedures for Coordination Between the Internal Revenue Service and the Department of Labor of Employee Plan Examination and Litigation Activities. The purpose of this agreement, which is authorized by section 3004 of the Employee Retirement Income Security Act of 1974, is to further reduce duplication of effort under the Act and to improve the coordination of compliance programs under the Act. Proper implementation of the agreement necessitates automatic Internal Revenue Service disclosure to the Department of Labor of two categories of return information in addition to those categories presently described in § 420.6103 (d)(2)-3(a) of the temporary regulations.

Accordingly, § 420.6103 (d)(2)-3(a) is amended to permit the automatic notification that the Service intends to examine, or has completed an examination, either of an employee plan or to determine liability for tax under section 4971 or 4975. In addition, the Service is to automatically transmit copies of initial pleadings indicating that the Service intends to intervene in a civil action as authorized by section 502(h) of the Act.

DRAFTING INFORMATION

The principal author of this regulation was David E. Dickinson of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

WAIVER OF CERTAIN PROCEDURAL REQUIREMENTS OF PROPOSED TREASURY DIRECTING

A determination has been made by one of the undersigned, Jerome Kurtz, Commissioner of Internal Revenue, that there is an immediate need for amendment of the temporary regulations under section 6103(d)(2) of the Internal Revenue Code to allow additional automatic disclosures of certain return information to the Department of Labor for purposes of administering titles I and IV of the Employee Retirement Income Security Act of 1974. Because of the immediate need for such

information, compliance with the procedural requirements of paragraphs (8) through (13) of the proposed Treasury directive, relating to improving regulations (43 FR 22319) would be impracticable, and, therefore, these requirements have not been followed.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to amend the Temporary Regulations on Procedure and Administration (26 CFR Part 420) to allow for certain additional automatic disclosures to the Department of Labor, such regulations are amended to read as follows:

Section 420.6103(1)(2)-3(a) of the Temporary Regulations is amended—

1. By deleting "and" at the end of subparagraph (20) thereof,
2. By deleting the period at the end of subparagraph (21) and inserting in lieu thereof a semicolon, and
3. By adding thereto the following new subparagraphs (22) and (23):

§ 420.6103 (1)(2)-3 Disclosure to Department of Labor and Pension Benefit Guaranty Corporation of certain returns and return information.

(a) *Disclosures following general requests.* * * *

(22) Notification that the Service intends to undertake, or has completed, an examination to determine whether—

(i) A particular pension, profitsharing, or stock bonus plan, a trust which is a part of such plan, or an annuity or stock purchase plan meets the applicable requirements of part I of subchapter D of chapter 1 of the Code,

(ii) Any particular person is, or may be, liable for any tax imposed by section 4971 or 4975, or

(iii) A particular employee welfare benefit plan, as defined in section 3(1) of the Act, meets the applicable requirements of section 501(c) or 120 of the Code,

together with any completed Department of Labor form (and supplemental schedules) relating to such examination; and

(23) Copies of initial pleadings indicating that the Service intends to intervene in a civil action under section 502(h) of the Act.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision.

For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitations of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 6103(q) of the Internal Revenue Code of 1954 (90 Stat. 1685; 26 U.S.C. 6103(q)) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
*Commissioner of
Internal Revenue.*

Approved: January 17, 1979.

EMIL M. SUNLEY,
*Acting Assistant Secretary
of the Treasury.*

[FR Doc. 79-2704 Filed 1-25-79; 8:45 am]

[7710-12-M]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

**PART 111—GENERAL INFORMATION
ON POSTAL SERVICES**

Third-Class Carrier Route Presort

AGENCY: Postal Service.

ACTION: Interim regulations with comments invited for consideration in final rulemaking.

SUMMARY: As announced in the FEDERAL REGISTER on January 18, 1979 (44 FR 3797), the Postal Service will implement a new third-class carrier route presort classification on January 28, 1979 on a temporary basis. Implementing regulations for this new subclass have been developed and are set forth below. Although they are to take effect on January 28, 1979, comments on these regulations are solicited, and will be considered in drafting regulations for a permanent classification change if the Postal Service proposal is approved.

EFFECTIVE DATE: January 28, 1979, and until final regulations are issued. Comment Date: Written Comments should be received on or before April 1, 1979.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Room 1610, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. Copies

of all written comments received will be available for public inspection and photocopying between 9:00 AM and 4:00 PM, Monday through Friday, in the Office of Mail Classification, Room 1610, at the above address.

FOR FURTHER INFORMATION CONTACT:

Ernest Collins, (202) 245-4749.

SUPPLEMENTARY INFORMATION: Classification schedule provisions on bulk third-class mail in effect prior to this temporary classification change do not provide a postage rate reduction for pieces of bulk mailings which are presorted to carrier routes or presorted to a finer extent. This temporary classification change recognizes that when pieces of large bulk mailings are properly presorted to carrier routes, the Postal Service's costs for delivering the mail are less due to reductions in the required number of handlings by the Postal Service. To implement this temporary classification change, acceptance and verification procedures considered necessary by the Postal Service must be included. These regulations must be in effect if the Third-Class Carrier Route Presort subclass is to be implemented on January 28, 1979.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comments from the public whenever it proposes a new or amended regulation such as this, which might have a substantial effect on the public. In this case, however, publishing these rules as proposals, with a comment period of 30 days, would delay implementation of this new subclass to the disadvantage of mailers who might otherwise utilize this subclass.

Accordingly, the Postal Service finds it unnecessary and contrary to the public interest to follow its customary practice of publishing these rules as proposed rules for comment before they become effective. See 5 U.S.C. 553(d). However, we reiterate that comments are welcomed on the published rules, and that any proposed changes will be considered and acted upon as appropriate.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions of the Postal Service Manual:

PART 134—THIRD CLASS

In 134, revise .12 and add new .24 and .436f reading as follows:

134.1 Rates

32 Bulk Rates

Note. The annual bulk mailing fee is \$40. (See 134.222 and 134.42.)

	Special rate for authorized organizations only (see 134.5)	Regular rates	Carrier Presort Rates
.121 Books and catalogs having 24 or more bound pages with at least 22 printed, seeds, cuttings, bulbs, roots, scions, and plants (see 134.31 for weight limit). Minimum rate per piece:	14¢ per pound or fraction. 2.7¢ [Applies when a piece weighs not more than 3.0857 oz. or .19286 pounds or 87.479 grams]	36¢ per pound or fraction. 8.4¢ [Applies when a piece weighs not more than 3.7333 oz. or .23333 pounds or 105.838 grams]	36 cents per pound or fraction minus 1.5 cents per piece. 8.4 cents minus 1.5 cents [applies when a piece weighs not more than 3.7333 oz. or .23333 pounds or 105.838 grams]
.122 All matter, except the items in 134.121, not included in the first- or second-class (see 134.31 for weight limit). Minimum rate per piece:	17¢ per pound or fraction. 2.7¢ [Applies when a piece weighs not more than 2.5412 oz. or .15882 pounds or 72.041 grams]	41¢ per pound or fraction. 8.4¢ [Applies when a piece weighs not more than 3.2780 oz. or .20488 pounds or 92.931 grams]	41 cents per pound or fraction minus 1.5 cents per piece. 8.4 cents minus 1.5 cents [applies when a piece weighs not more than 3.2780 oz. or .20488 pounds or 92.931 grams]

.24 Carrier Route Presort

a. Eligibility Requirements. (1) Pieces must be eligible for mailing as regular bulk third-class mail.

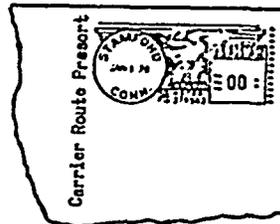
(2) Pieces must be of identical weight and size and must not exceed 10" height X 12" length X 3/4" thickness. Merchandise samples with detached labels are eligible and may exceed the 10" height X 12" length X 3/4" thickness dimensions as long as the detached labels meet the requirements of section 134.44a.

(3) Each mailing must contain a minimum of 2,000 separately addressed pieces properly presorted to carrier routes, rural routes, lockboxes, or general delivery. Mail addressed to post office boxes may qualify for the presort rate provided it is sorted in accordance with the scheme furnished by the Postal Service so as to eliminate incoming secondary sorts by the Postal Service.

(4) To qualify for the carrier presort rate, a piece must be in a group of ten or more properly sorted to the same carrier route. Groups of less than ten pieces to the same carrier route do not qualify for the carrier presort rate and are considered residual. The number of residual pieces to any single 5-digit ZIP Code area may not exceed 5% of the total presorted carrier route pieces addressed to that 5-digit area. Residual pieces are subject to the Regular Third-Class Bulk rates.

(5) The endorsement "Carrier Route Presort" must be printed or rubber stamped by the mailer either in or immediately adjacent to the permit imprint or postage. It may be incorporated in the permit imprint, meter ad plate, or meter "slug" as shown below. The endorsement "CAR-RT" may be printed as part of the permit imprint indicia instead of "Carrier Route Presort."

Meter Stamp



Permit Imprint

Carrier Route Presort
U.S. Postage Paid
Chicago, IL 60607
Permit No. _____

Permit Imprint

CAR-RT
U.S. Postage Paid
Chicago, IL 60607
Permit No. _____

RULES AND REGULATIONS

(6) Unsealed pieces may contain inserts or loose pages that may not be expected to become separated during postal handling.

(7) Mailers must present a listing that will reflect the number of qualifying and residual pieces mailed to each five-digit ZIP Code area with each mailing made under the carrier route presort subclass rate. After the first mailing the postmaster may authorize the mailer to retain the records and submit them upon request by the postmaster. These records must be kept for a period of 90 days following the date of mailing (or until any pending action regarding the recalculation of postage, see 8 below, is resolved to the satisfaction of the Postal Service).

(8) Mailers are responsible for the proper makeup of mail to carrier routes according to the latest official Postal Service scheme. Mailings with more than 5% error in the makeup to carrier routes in the five-digit ZIP Code area are subject to recalculation of postage at the regular Third-Class bulk rate for all pieces delivered in the five-digit ZIP Code area.

(9) Pieces bearing a simplified address as provided for in section 122.4, Postal Service

Manual, may qualify for the carrier route presort subclass if they meet all requirements for the subclass.

b. *How Mailers Obtain City Schemes.* Mailers may, under the provisions of Section 122.54, Postal Service Manual, request a copy of the city scheme used by clerks for sorting mail. They may also request the Postal Service to sort address cards, plates or stencils by carrier routes.

This section of the Postal Service Manual is being changed to indicate that such requests are to be forwarded to the Management Sectional Center (MSC) Manager of the destination city. Management Sectional Centers and the areas they serve are listed on pages XLIX and L of the 1979 National ZIP Code and Post Office Directory, Publication 65.

Carrier schemes are currently being maintained in a variety of formats. Carrier schemes, in a standard hard copy format, for all 6300 city delivery post offices will be available to mailers at appropriate MSC's by the middle of March, 1979. Later, the Postal Service expects to have available, for mailer use, a computer tape with carrier schemes

for all 480 multi-ZIP Coded post offices and 160 large single ZIP Coded post offices.

122.436 Packages and Sacks

f. *Preparation.* (1) *Packages—(a) Carrier Packages.* When there are 10 or more pieces addressed to the same carrier route, or box section they must be prepared by the mailer in packages of 10 or more pieces. Packages of letter size mail should not exceed 4 inches in thickness. The pieces in the packages must be faces in the same direction and securely wrapped or tied together. Rubber bands are the preferred method of securing packages. A facing slip must be attached to the package over the top piece of a package and prepared as follows:

San Francisco, CA 94133

Carrier Route 18

FR Portland, OR 972

- 5-digit ZIP of Address (need not be shown if the pieces bear a ZIP Code)
- Carrier Route or Rural Route Number or Lockbox Section
- Post Office of entry and its appropriate ZIP Code

San Francisco, CA 94133

Rural Route 18

FR Portland, OR 972

- 5-digit ZIP of Address (need not be shown if the pieces bear a ZIP Code)
- Carrier Route or Rural Route Number or Lockbox Section
- Post Office of entry and its appropriate ZIP Code

San Francisco, CA 94133

Lockbox Section 18

FR Portland, OR 972

- 5-digit ZIP of Address (need not be shown if the pieces bear a ZIP Code)
- Carrier Route or Rural Route Number or Lockbox Section
- Post Office of entry and its appropriate ZIP Code

(b) *5-Digit Packages.* Less than ten pieces to a carrier route do not qualify for the carrier route presort rate and are considered "Residual." Residual may be prepared as carrier packages as described above. If this is not done, they must be made up into 5-digit packages. All packages of residual must have a coded pressure sensitive

"Red D" to facilitate postal verification and handling. Labels are to be placed on the lower left hand corner of the top piece of each package. Postage on residual pieces must be paid at regular bulk third-class rates. The number of residual pieces must not exceed 5% of the total carrier route

presort mailing to the 5-digit ZIP Code area.

(2) *Sacks—(a) Carrier Sack.* Packages must be placed in a carrier route sack when there are 20 pounds or 1,000 cubic inches of mail to the same carrier route. These sacks must be labeled in the following manner:

San Francisco, CA 94133	--Destination
3CL-Carrier Route 18	--Contents (Third-Class Letter size pieces as defined in 128 PSM)
FR JC Company Boston, MA	--Mailer and Mailer's Location

San Francisco, CA 94133	--Destination
3CL-Rural Route 18	--Contents (as defined in 128 PSM)
FR JC Company Boston, MA	--Mailer and Mailer's Location

San Francisco, CA 94133	--Destination
3CF-Lockbox Section 18	--Contents (Third-Class flat size pieces as defined in 128 PSM)
FR JC Company Boston, MA	--Mailer and Mailer's Location

San Francisco, CA 94133	--Destination
3CF-Lockbox Section	--In this example, the contents are identified by circling the appropriate line.
3CF-Carrier Route _____	
3CF-Rural Route _____	--Mailer and Mailer's Location
FR JC Company Boston, MA	

(b) *5-Digit Sacks.* All packages of qualifying pieces not placed in carrier sacks must be placed in 5-digit sacks. There is no provision for city, SCF, or

state sacks for material sent at Carrier Route Presort rates. These sacks must be labeled in the following manner:

San Francisco, CA 94133	--Destination
3CL-Carrier Routes	--Contents
FR JC Company Boston, MA	--Mailer and Mailer's Location

(3) *Trays*—The accepting post office may authorize the use of trays or other containers in lieu of sacks providing the separation to individual carrier routes will be adequately maintained throughout all postal handlings, the route is identified and all address labels are faced in the same direction.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the Postal Service proposal on third-class carrier route presort is approved.

(39 U.S.C. 401, 403, 404, 3621, 3623, 3641)

W. ALLEN SANDERS,
Acting Deputy General Counsel.

[FR Doc. 79-2841 Filed 1-24-79; 9:18 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1031-71]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: This notice announces approval of a request from New Jersey to revise its State Implementation Plan. The effect of the revision being approved will be to change the State's regulation limiting the emission of particulate matter from manufacturing processes. In part, this change relaxes particulate matter emission limitations applicable to the glass manufacturing industry. The Environmental Protection Agency (EPA) is announcing approval of all but one part of this State Implementation Plan revision request. That part of the State's proposed regulation which allowed for variances from the emission limitations contained elsewhere in the regulation is not being approved by EPA because it failed to meet certain important EPA procedural requirements. However, EPA has proposed and is hereby promulgating a procedure whereby such variances granted by the State may be approved on an individual basis as a part of the State Im-

plementation Plan. Receipt of the revision request from New Jersey was announced in the FEDERAL REGISTER on September 28, 1978 at 43 FR 44552 where a full description of the proposed revision is contained.

DATES: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, 212-264-2517.

SUPPLEMENTAL INFORMATION: On March 31, 1977 the State of New Jersey requested that the Environmental Protection Agency (EPA) consider a proposed revision to its State Implementation Plan (SIP). Additional information was provided on April 18, 1977 and November 14, 1977. The revision request was submitted in accordance with all applicable EPA requirements under 40 CFR Part 51 including a public hearing which was held in Trenton, New Jersey on September 29 and 30, 1976.

The proposed revision consists of changes to the State regulation, Title 7, Chapter 27, Subchapter 6, of the New Jersey Administrative Code (N.J.A.C. 7:27-6.1 *et seq.*) entitled, "Control and Prohibition of Particles from Manufacturing Processes." A summary of the proposed changes to Subchapter 6 follows.

I. SECTION 6.1—DEFINITIONS

Definitions are provided for the terms "cullet," "glass," "glass manufacturing furnace," "lead glass," and "process weight." In addition, the present definition for the term "particles" is modified.

II. SECTION 6.2—STANDARDS FOR THE EMISSION OF PARTICLES

Except for glass manufacturing furnaces used for the production of lead glass, glass manufacturing furnaces are no longer required to meet a grain loading or control efficiency standard as specified in the present subsection 6.2(a), but instead are controlled by a new production rate standard contained in the changed subsection 6.2(b). No increase in allowable emissions from the production of lead glass is proposed because of the State's concern about the toxicity of lead.

III. SECTION 6.3—PERFORMANCE TEST PRINCIPLE

The methods for determining actual source emissions and plume opacity are identified as being those contained in N.J.A.C. 7:27 B-1, "Air Test Method One," and 7:27 B-2, "Air Test Method Two," respectively.

IV. SECTION 6.4—EMISSION TESTS

No changes are proposed for this section.

V. SECTION 6.5—VARIANCES

Under the proposal, the State may grant a variance from the emission limitations specified in Section 6.2 to those glass manufacturing furnaces where the material being processed in the furnace consists of greater than 25 percent cullet, by weight. The maximum allowable emission rate in such situations increases as the cullet content increases above 25 percent.

The proposed Section 6.5 also permits the State to grant a variance from the plume opacity limitation of 20 percent specified in subsection 6.2(d) if a glass manufacturing furnace can meet all applicable emission limitations, but cannot at the same time meet the plume opacity limitation of subsection 6.2(d).

VI. SECTION 6.6—PERMIT TO CONSTRUCT AND CERTIFICATE TO OPERATE

A minor change to the wording of subsection 6.6(c) is proposed.

VII. SECTION 6.7—EXEMPTIONS

Subparagraph 6.7(a)(3) is deleted. This subparagraph established a schedule for compliance by certain sources required to meet the provisions of Subchapter 6. This schedule has been superseded by EPA compliance schedules established in the FEDERAL REGISTER of July 24, 1975 (40 FR 30962).

While the regulatory changes proposed by New Jersey increase the allowable particulate matter emissions from glass manufacturing furnaces above those contained in the existing SIP, emission reductions not documented in the SIP from the Federal regulation requiring reduction in lead content of gasoline and from the installation of control devices which reduce emissions below existing SIP limitations more than compensate for this. The Regional Office has determined that the air quality impact of compliance with the proposed plan revision taken together with the emission reductions previously not considered in the SIP would be equivalent to the impact that would result from compliance with the existing regulation alone. Moreover, if it is found that other control measures are necessary to provide for attainment of secondary standards, additional emission limitations will be adopted by the State by January 1, 1979, as required by the amended Clean Air Act. EPA believes that, with the exception of the section relating to variances, the air quality improvement to be derived from replacing the existing regulation

with which many sources are currently out of compliance with a regulation such as has been proposed is sufficient justification for its approval.

EPA's approval of the proposed revision as it relates to nine furnaces previously identified by the State as having a potential for aerodynamic downwash is based on a commitment from the State put forth in an October 27, 1978 letter that these potential downwash problems will be examined and corrected, where necessary, in as expeditious a manner as possible. Such commitment was requested by EPA in the proposed rulemaking notice (43 FR 44552). One additional furnace was mistakenly included with the nine others in the proposed rulemaking notice. This was the Kraftco facility in Jersey City.

EPA did find one shortcoming in Section 6.5 "Variances," of the State's regulation. This section as submitted by the State contains no requirement that each variance issued by the State be submitted to EPA as a SIP revision request. Section 51.34 of Part 51 of Chapter I, Title 40, Code of Federal Regulations, requires that in order for a variance to be considered for approval as a revision to a state implementation plan, it must be submitted by the State in accordance with the requirements of Section 51.6, "Revisions."

Consequently, EPA proposed disapproval of subsections 6.5 (a), (b), and (c) of the State's revision request as submitted and proposed instead that each variance that the State grants under Section 6.5 of N.J.A.C. 7:27 be subject to a public hearing in accordance with the provisions of Section 51.4, "Public Hearings," and that each such variance be processed as an individual SIP revision for EPA approval.

The proposal for revision to the SIP was announced in the FEDERAL REGISTER on September 28, 1978 at 43 FR 44552, where a detailed description of the revision is provided. In this notice EPA advised the public that comments would be accepted as to whether the proposed revision to the New Jersey State Implementation Plan should be approved or disapproved. One comment was received from the New Jersey State Chamber of Commerce, and one comment was received from the New Jersey Business Industry Association. Both comments expressed support for the revision. Comments received from Owens-Illinois, Inc. expressed support for all but two provisions of the proposed regulation.

Owens-Illinois expressed two basic objections in its comments on the proposal; these objections relate to the provisions for granting variances and to EPA's call for a plan from the State to address the identified potential aerodynamic downwash problems.

Aerodynamic Downwash

Comment.—The company's objections to the approach taken to potential aerodynamic downwash problems centers around a number of points. It is claimed that specific reference to aerodynamic downwash was inappropriate because it is only one of many problems industry faces in complying with air pollution control regulations. Furthermore, the company points out that, even without measures to address downwash, no deterioration from present air quality would result from compliance with the proposed limitations. Owens-Illinois believes that it is significant that the New Jersey Department of Environmental Protection had not found it necessary to include any specific provision for downwash in Subchapter 6 and further believes that the SIP already included mechanisms to handle such problems. One such mechanism cited by the Company is the State's authority to impose conditions on sources as requirements for being granted variances. Finally, Owens-Illinois raises doubts about the basis on which the potential for aerodynamic downwash was evaluated. The Company claims that glass manufacturing facilities appear to have been singled out as though they were the only manufacturing facilities that can have this problem. The Company believes this is particularly inappropriate since the revision addresses a regulation for all manufacturing processes.

EPA response.—While aerodynamic downwash is not the only air pollution control problem that industrial facilities face, it is a problem that gives rise to the possibility for severe localized air quality problems despite compliance with the rest of the proposed regulation. In response to the Company's second point that air quality would not deteriorate under the revised regulation even without downwash provisions, EPA points out that while this is so, EPA must be extremely careful in examining and protecting or improving, if necessary, short term air quality in the vicinity of sources whose emission limitations are to be relaxed. In response to the Company's position that the absence of provisions for downwash in the State's existing and proposed regulations indicates that such provisions are unnecessary, EPA's position is that a commitment on behalf of the State to review the downwash situation is warranted by the technical analysis. Consideration of downwash effects only at the times when sources apply for variances as suggested by Owens-Illinois is not a system that provides assurance that all potential problems will be examined and corrected, if necessary. The plan requested by EPA does provide this assurance. Finally, the criteria requested by Owens-Illinois for evaluat-

ing the potential for downwash are contained in the control strategy demonstration submitted by New Jersey. The identification of nine glass manufacturing facilities as having downwash potential is not an attempt to single out glass manufacturing furnaces as the only kind of facilities that are subject to this problem. However, the substantive parts of this revision involve relaxations in emission limitations only for glass manufacturing facilities. Provisions for relaxing emission limitations for other kinds of facilities are not included. EPA must focus its concern on any possible violations of the air quality standards where relaxations are occurring.

Variances

Comment.—Owens-Illinois' position on the provision inserted in the proposal by EPA that all variances be subject to EPA review and approval/disapproval action is that this would be costly in terms of time and money for both industry and the federal government and that such federal review was contrary to the intent of the Clean Air Act Amendments of 1977 which attempt to delegate more authority to the States.

EPA response.—As stated in the proposed rulemaking notice, Section 34 of Part 51 of Chapter I, Title 40, Code of Federal Regulations, requires that a variance be submitted by the State in accordance with the requirements of section 51.6, "Revisions," if it is to be considered for approval as a SIP revision. The action taken serves to implement this requirement. If EPA were to give blanket approval to a state's variance provisions without knowledge of the air quality impact ramifications of such an approval, its actions would not be consistent with the implementation planning concept.

Based upon the technical support provided by New Jersey, EPA has found this revision to the New Jersey State Implementation Plan as submitted by the State and supplemented with the EPA variance provision consistent with the requirements of Section 110(a) of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Accordingly, EPA approves this revision. Furthermore, this action is being made effective immediately because the revision imposes no hardship on the affected sources.

Dated: January 22, 1979.

(Section 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601).)

DOUGLAS M. COSTLE,
Administrator, Environmental
Protection Agency.

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

Subpart FF—New Jersey

1. Section 52.1570 paragraph (c) is amended by adding new subparagraph (20) as follows:

§ 52.1570 Identification of plan.

• • • • •

(c) Supplemental information was submitted on:

• • • • •

(20) A revision consisting of all but one of the sections of the revised regulation, N.J.A.C. 7:27-6.1 *et seq.*, submitted by the New Jersey Department of Environmental Protection with a March 31, 1977 cover letter which also transmitted the basis and background document and the Report of the Public Hearing. The one section that is not approved as submitted by the State is Section 6.5, "Variances."

2. Subpart FF is amended by adding a new paragraph (a) to Section 52.1604 as follows:

§ 52.1604 Control Strategy and Regulations: Total suspended particulates.

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, Section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27-6.1 *et seq.*; provided that the Administrator may approve such variance as a plan revision when the provisions of this Part, Section 110(a)(3)(A) of the Act, and 40 CFR Part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such variance.

(Section 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601).)

[FR Doc. 79-2843 Filed 1-25-79; 8:45 am]

[6560-01-M]

SUBCHAPTER C—AIR PROGRAMS

[FRL 1045-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Connecticut Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This is a notice of final approval of a modification to the indirect source air pollution control regulation for Connecticut. The modification eliminates the requirement for

¹NOTE: Section 52.1604 was added at 43 FR 58569, December 15, 1978 and it consisted of a paragraph (b).

review of all off-street facilities, such as shopping centers, parking lots, and sports complexes, but retains review and permit requirements for highways and airports.

EFFECTIVE DATE: February 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald C. White, Air Branch, EPA Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On March 15, 1978, (43 FR 10708) the Environmental Protection Agency (EPA) published a notice informing the public of the agency's proposal to approve a revision to the indirect source portion of the Connecticut State Implementation Plan (SIP) submitted by the Connecticut Department of Environmental Protection (DEP). The revision eliminates the requirement for review of all off-street facilities, such as shopping centers, parking lots, and sports complexes but retains review and permit requirements for highways and airports.

EPA received fourteen written comments on the proposed approval, eight favoring the proposed action and six opposed. Comments focused primarily on questions of interpretation of the relevant portions of the Clean Air Act and secondarily on the substantive impact of the proposed revision. One of the commentators, the California Air Resources Board, also filed a notice of an intent to take legal action in connection with the proposed approval. The comments received, and the agency's reasons for approving the revision, are discussed below.

The most difficult questions concern the interpretation of Section 110(a)(5)(A)(iii) of the Clean Air Act. The section provides that:

Any State may revise an applicable implementation plan approved under Section 110(a) to suspend or revoke any such [indirect source] program included in such plan, provided that such plan meets the requirements of this section. (emphasis added)

The interpretation of this provision urged by those opposed to the revision is that a state may not remove the indirect source portion of a State Implementation Plan (SIP) unless it can show that the revision will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and was adopted with proper procedure. The California Air Resources Board argues, for example, that there is no indication that Congress did not intend all of the requirements of Section 110 to apply to a revision of an indirect source program. EPA disagrees, for several reasons.

First, the literal interpretation renders the provision mere surplusage to the Act. Section 110(a)(3)(A) already allows a state to revoke or revise any part of its SIP so long as that action does not interfere with the attainment and maintenance of the NAAQS. Therefore, Section 110(a)(5)(A)(iii), under the literal interpretation, adds nothing to Section 110(a).

Second, the literal interpretation raises an inconsistency within section 110(a)(5)(A) itself. If EPA refuses to approve a revocation of an indirect source review program and the state refuses to administer or enforce the program on its own, then the EPA must, under section 110(c)(1), promulgate and enforce its own indirect source review program. Such action, however, would be in direct conflict with section 110(a)(5)(A)(ii) which prohibits the Administrator from promulgating an indirect source program except for federal activities or sources. Therefore, under the literal interpretation section 110(a)(5)(A)(iii) conflicts with section 110(a)(5)(A)(ii).

Moreover, the literal interpretation of Section 110(a)(5)(A)(iii) results in harsh inequities. A state with an indirect source program would be prohibited from eliminating that program if the elimination would interfere with the attainment and maintenance of the NAAQS. A state without an indirect source program, however, cannot be forced to adopt one even if it were the only way to achieve and maintain the NAAQS. Thus, states which adopted indirect source programs when they were first proposed would be penalized and states which waited would be rewarded. California, for example, which opposes deletion of part of the Connecticut indirect source program, has no such program itself.

EPA has concluded that an interpretation of Section 110(a)(5)(A)(iii) which does not require a state to meet the substantive requirements of Section 110, including the attainment and maintenance requirement, is more in line with the overall intent of Section 110(a)(5).

Section 110(a)(5)(A)(i) allows states to include indirect source programs in SIPs and allows EPA to enforce such programs if a state chooses to adopt them, but it prohibits EPA from requiring such programs.

Section 110(a)(5)(A)(ii) prohibits EPA promulgation of indirect source programs with one exception, described below.

Section 110(a)(5)(A)(iii), which is in dispute here, allows a state to revise an approved plan to suspend or revoke indirect source programs, "provided that such plan meets the requirements of this section."

Finally, Section 110(a)(5)(B) allows EPA to promulgate, implement, and

enforce indirect source review programs under Section 110(c) which apply only to federally owned, assisted or operated indirect sources.

The clear general intent of Section 110(a)(5) is thus to allow states freedom to include or not include indirect source control programs in SIPs and to restrict EPA enforcement to such programs which states freely choose to adopt and to limit EPA promulgation, implementation and enforcement to federally funded, owned and operated indirect sources. It would be directly contrary to the apparent intent of these provisions were EPA to conclude that one clause in subsection 110(a)(5)(A)(iii) has the effect of either requiring Connecticut to include an indirect source review program which it clearly chooses not to include or of authorizing EPA to promulgate or implement or enforce such a program.

Given the overriding intent of Section 110(a)(5)(A), the provision attached to subsection (iii) should be construed narrowly so as to not conflict with the primary purpose of Section 110(a)(5)(A) as a whole. This can be achieved only by interpreting subsection (iii) to require a state to meet the procedural, but not the substantive, requirements of Section 110(a). The legislative history of Section 110(a)(5)(A) also supports this narrow interpretation. The Conference Report states that the prohibition against the Administrator requiring indirect source review extends to his authority to require "as a condition for approval the inclusion or retention of these [indirect source review] programs in state implementation plans" (emphasis added). The Report goes on to say that "any state at any time may suspend or revoke such a program". *H.R. Rep. No. 95-564*, 95th Cong., 1st Sess., 126 (1977). The Conference Committee intended that a state should be free to revoke an indirect source regulation as well as refuse to adopt one, without any substantive interference from the EPA.

Furthermore, it was logical for Congress to retain the procedural requirements of the section while dispensing with the substantive requirements. While Congress prohibited EPA's interference with a state's substantive decisions concerning indirect source review, it did not intend that the decision process itself should be free of procedural requirements. The reference to the procedural requirements of Section 110 is necessary to insure that the decision to revoke or retain an indirect source review program is reached openly and with full public participation. Arguably, without the provision, the state's decision would not be subject to the procedural requirements.

The interpretation of the phrase "requirements of this section" in Section 110(a)(5)(A) to mean procedural and not substantive requirements is strictly limited. It is a narrow exception to the normal interpretation based on the unique circumstances surrounding Section 110(a)(5)(A)(iii). EPA continues to interpret all other provisions within Section 110 using this phrase to require SIP revisions to conform to the substantive requirements of Section 110(a)(2) and (3). In particular, except with respect to indirect source regulations, Section 110(a)(3)(A) still requires that SIP revisions not interfere with the attainment and maintenance of the NAAQS. Also, in 1979, all of the states' SIP revisions must be designed to attain and maintain the NAAQS within the required time limits regardless of whether they include an indirect source program or not.

Several commentators opposed to the revision argued that the Connecticut indirect source regulation should not be deleted until the state submits and EPA approves an adequate substitute program, since otherwise the results would have a negative effect on attainment of the standards. EPA is approving this revision, however, on the basis that the congressional intent disfavors mandatory indirect source review programs, without regard to the impact of such action on attainment and maintenance of the NAAQS. All states are required, however, to submit fully adequate SIPs to EPA which comply with the requirements of the Clean Air Act as amended in August of 1977, or suffer the consequences of their failure to do so. A state which chooses to eliminate an indirect source review program must find alternate means of attaining or maintaining standards. Furthermore, although in this context EPA takes no position on whether the Connecticut program, as established or implemented, was effective, it is the agency's position that properly designed and administered programs can have a beneficial effect on attainment and maintenance of standards. EPA is approving the SIP revision not because the Connecticut program was ineffective or unnecessary, but because Connecticut has chosen to eliminate the program and Congress has indicated that EPA should respect that choice.

Some commentators took issue with the condition stated in the proposed approval that, in order for EPA to allow elimination of an indirect source review program, " * * * the state must be proceeding in good faith to revise its plan by the January, 1979 deadline for all non-attainment areas." Some commentators argued that there is no

basis for such a condition, while others claimed that Connecticut does not satisfy the condition. EPA agrees that there is no basis for the condition. Section 110(a)(5) contains no such condition. Accordingly, EPA attaches no such condition to this approval. The agency does, of course, intend to hold Connecticut to the requirement that adequate SIP revisions must be submitted within the time frames established in the Clean Air Act.

One commentator stated that the final decision should not be made by the Regional Administrator. This final decision is made by the Administrator. The same commentator listed ways in which the Connecticut SIP is inadequate. As explained above, this decision is made without regard to the overall adequacy of the Connecticut SIP.

Several commentators urged EPA to state that indirect source review programs are only maintenance and not attainment strategies. An indirect source review program could result in location and design of facilities and transportation modes which would reduce total transportation-related emissions and thus assist in attaining, and not just maintaining, standards.

Several commentators cited studies which concluded that indirect source regulations are of doubtful effectiveness. Whatever the experience may be to date with such programs, a properly designed and administered indirect source review program can result in substantial air quality benefits.

Several commentators pointed out that since Connecticut has repealed and deleted the off-street portion of its indirect source program and since EPA is prohibited from promulgating, implementing and enforcing regulations under Section 110(c), if EPA does not approve the revision, private developers would be left in a situation where they could be subject to suit under Section 304 of the Act for failing to obtain a permit, yet no agency could issue a permit. EPA agrees. If the agency were to disapprove the Connecticut revision, private developers in the state would be in an uncertain legal position. EPA could not issue indirect source permits itself since this would require a promulgation of regulations under Section 110(c) and such promulgation is prohibited. The DEP could not issue permits since there is now no state regulation authorizing such permits and the state does not intend to issue any permits. Yet developers could still be subject to suit. Approval of the revision eliminates this problem.

It should be noted, however, that this dilemma alone would not author-

ize EPA to approve a SIP revision absent a statutory provision similar to section 110(a)(5)(A)(iii).

Several commentators noted that the Connecticut hearing examiner's report contained conclusions that the indirect source regulation had a detrimental effect on air quality. As explained above, EPA takes no position on the substantive impact of the Connecticut regulation and thus neither agrees nor disagrees with the report.

After evaluation of the State's submittal, the Administrator has determined that the Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Connecticut Implementation Plan.

Final Agency action is reviewable only as provided under Section 307(b) of the Clean Air Act, as amended.

(Sec. 110(a), Clean Air Act, as amended, (42 U.S.C. 740), *et seq.*)

Dated: January 22, 1979.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart H—Connecticut

Section 52.370(c) is amended by adding subparagraph (9) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(9) Revision to Indirect Source Review Regulation 19-508-100 submitted on June 13, 1977 by the Connecticut Department of Environmental Protection.

[FR Doc. 79-2845 Filed 1-25-79; 8:45 am]

[6560-01-M]

[FRL 1030-61]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by Iowa Department of Environmental Quality to Iowa Valley Milling Company, West Branch, Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by Iowa Department of Environmental Quality to the Iowa Valley Milling Company. The Order requires the company to bring air emissions from its alfalfa dehydrating plant hammermill cyclone at West Branch, Iowa into compliance with certain regulations contained in the federally approved Iowa State Implementation Plan (SIP). Because of the Administrator's approval, Iowa Valley Milling Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108, Telephone 816/374-2576.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Environmental Protection Agency, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Missouri 64108.

SUPPLEMENTARY INFORMATION: On November 9, 1978, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGISTER, 43 FR 52255, a notice proposing approval of a delayed compliance order issued by Iowa Department of Environmental Quality to the Iowa Valley Milling Company. The notice asked for public comments by December 11, 1978, on EPA's proposed approval of the Order. No public com-

ments were received in response to the proposal notice.

Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Iowa Valley Milling Company on a schedule to bring its alfalfa dehydrating plant hammermill cyclone at West Branch into compliance as expeditiously as practicable with sub rule 400-43(2)b I.A.C. Process weight rate, a part of the federally-approved Iowa State Implementation Plan. The Order also imposes emission monitoring and reporting requirements. A finding has been made that the inclusion in the Order, of interim emission reduction requirements would be unreasonable. If the conditions of the Order are met, it will permit Iowa Valley Milling Company to delay compliance with the SIP regulations covered by the Order until May 1, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Iowa Valley Milling Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Iowa State Implementation Plan.

(Authority: 42 U.S.C. 7413(d), 7601)

Dated: January 15, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.201 to read as follows:

§ 65.201 EPA approval of State delayed compliance orders issued to major stationary sources.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Iowa Valley Milling Co....	West Branch, Iowa.	VII-78-DCO-14	Nov. 9, 1978	Subrule 400-43(2)b.	May 1, 1979

[FR Doc. 79-2846 Filed 1-25-79; 8:45 am]

[6560-01-M]

IFRL 1031-17

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for the Town of Kennebunkport, Maine

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to the Town of Kennebunkport, Maine. The Order requires the company to bring air emissions from its open burning dump at Kennebunkport into compliance with certain regulations contained in the federally-approved Maine State Implementation Plan (SIP). Kennebunkport's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: This rule takes effect on January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Attorney, Michael Gurchin (617/223-5061), or Engineer, R. W. DiNardo (617/223-5610), both at EPA, Region I, Rm. 2103, JFK Federal Building, Boston, Massachusetts 02203.

ADDRESSES: The Delayed Compliance Order, supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing issuance of the Order are available for public inspection and copying during normal business hours at: Enforcement Division, Environmental Protection Agency, Region I, JFK Federal Building, Room 2103, Boston, Massachusetts 02203.

SUPPLEMENTARY INFORMATION: On October 2, 1978, the Regional Administrator of EPA's Region I Office published in the FEDERAL REGISTER, 43 FR 45410, a notice setting out the provisions of a proposed delayed compliance order for the Town of Kennebunkport. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments or requests for a public hearing were received in response to the proposed notice.

Therefore, a Delayed Compliance Order effective this date is issued to the Town of Kennebunkport by the Administrator of EPA pursuant to the authority of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places the Town of Kenne-

bunkport on a schedule to bring the open burning dump in Kennebunkport into compliance as expeditiously as practicable with § 100.2.2 of the Maine Air Pollution Control Regulations, a part of the federally-approved Maine State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act and reporting requirements. Although Section 113(d)(1)(C) of the Act requires that emission monitoring be included as part of an order, no reasonable system of emission monitoring is in existence for open burning dumps.

If the conditions of the Order are met, it will permit the Town of Kennebunkport to delay compliance with the SIP regulations covered by the Order until April 1, 1979. The Town is unable to immediately comply with these regulations.

EPA has determined that the Order shall be effective upon publication of

this notice because of the need to immediately place the Town of Kennebunkport on a schedule for compliance with the requirement(s) of the Maine State Implementation Plan.

(Authority: 42 U.S.C. 7413(d), 7601)

Dated: January 23, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.240 to read as follows:

§ 65.240 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4) of the Act.

* * * * *

1978 on EPA's proposed approval of the Order. One citizen comment was received expressing concern over liability. The Delayed Compliance Order only protects the source from suit because of exceeding emission limitations of the State Implementation Plan and does not address liability under other statutes.

Therefore, the delayed compliance order issued to Suntex Veneer is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Suntex Veneer on a schedule to bring its plywood plant at Spokane, Washington into compliance as expeditiously as practicable with WAC 18-04-040, a part of the federally approved Washington State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and reporting requirements. Monitoring requirements are waived for this order. If the conditions of the Order are met, it will permit Suntex Veneer to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Suntex Veneer on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

(Authority: 42 U.S.C. 4713(d), 7601)

Dated: January 22, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.521 to read as follows:

§ 65.521 EPA Approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Town of Kennebunkport	Maine	A-SS-77-559	Oct. 2, 1978	§ 100.2.2	Apr. 1, 1979

[FR Doc. 79-2849 Filed 1-25-79; 8:45 am]

[6560-01-M]

[FRL 1034-5]

PART 65—DELAYED COMPLIANCE ORDERS

Approval of a Delayed Compliance Order Issued by the Spokane County Air Pollution Control Agency to Suntex Veneer—Division of Boise Cascade

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Spokane County Air Pollution Control Authority to Suntex Veneer—Division of Boise Cascade. The Order requires the company to bring air emissions from its plywood plant at Spokane, Washington, into compliance with certain regulations contained in the federally approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, Suntex Veneer's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Washington Air Coordinator, Enforcement Division, Mail Stop 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206/442-1387.

ADDRESS: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (11B, 11th Floor).

SUPPLEMENTARY INFORMATION: On November 13, 1978, the Regional Administrator of EPA's Region 10 Office published in the FEDERAL REGISTER, 43 FR 52500, a notice proposing approval, of a delayed compliance order issued by the Spokane County Air Pollution Control Authority to Suntex Veneer. The notice asked for public comments by December 13,

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Suntex Veneer	Spokane, Washington	WO1	WAC-18-040	Nov. 13, 1978	July 1, 1979

[FR Doc. 79-2851 Filed 1-25-79; 8:45 am]

[6560-01-M]

IFRL 1034-A1

PART 65—DELAYED COMPLIANCE ORDERS**Approval of a Delayed Compliance Order Issued by the Puget Sound Air Pollution Control Agency to Seattle Steam Corporation**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Puget Sound Air Pollution Control Agency (PSAPCA) to the Seattle Steam Corporation. The Order requires the company to bring air emissions from its heating plant at Seattle, Washington, into compliance with certain regulations contained in the federally approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, Seattle Steam Corporation's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: January 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Washington Air Coordinator, Enforcement Division, Mail Stop 513, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206/442-1387.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101 (11B, 11th Floor).

SUPPLEMENTARY INFORMATION: On November 14, 1978, the Regional Administrator of EPA's Region 10 Office published in the FEDERAL REGISTER, 43 FR 52743, a notice proposing approval of a delayed compliance order issued by the Puget Sound Air Pollution Control Agency to the Seattle Steam Corporation. The notice asked for public comments by Decem-

ber 14, 1978 on EPA's proposed approval of the Order. No comments or requests for public hearing were received.

Therefore, the delayed compliance order issued to Seattle Steam Corporation is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Seattle Steam Corporation on a schedule to bring its heating plant at Seattle, Washington into compliance as expeditiously as practicable with PSAPCA Regulation I, Section 9.03(b)(1), a part of the federally approved Washington State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Seattle Steam Corporation to delay compliance with the SIP regulations covered by the Order until July 1, 1979. The company is unable to immediately comply with these regulations. EPA has determined that its ap-

proval of the Order shall be effective upon publication of this notice because of the need to immediately place Seattle Steam Corporation on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

(Authority: 42 U.S.C. 7413(d), 7601)

Dated: January 23, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.521 to read as follows:

§ 65.521 EPA approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Seattle Steam Corp.....	Seattle, Washington.	W05.....	PSAPCA Reg. I, Sec 9.03(b)(1).	Nov. 14, 1978.	July 1, 1979

[FR Doc. 79-2848 Filed 1-25-79; 8:45 am]

[6820-33-M]

Title 41—Public Contracts and Property Management**CHAPTER 51—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED****PART 51-1—GENERAL****Definition of Other Severely Handicapped**

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Final rule.

SUMMARY: The Committee amends its regulations by redefining the term "other severely handicapped". The new definition is more comprehensive than the definition that is presently used in the regulations. This action is taken in recognition of the definition

of the term as it appears in the Rehabilitation Act of 1973, in the implementing regulations issued by the Department of Health, Education, and Welfare, as well as the terms developed in the Comprehensive Needs Study prepared for the Department of Health, Education, and Welfare by the Urban Institute in 1975.

EFFECTIVE DATE: January 26, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C.W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On October 2, 1978, the Committee published a proposed rule (43 FR 45414) to revise paragraph 51-1.2(g) of 41 CFR Part 51-1 to redefine the term "other severely handicapped".

The background and reasons for the redefinition of the term "other severely handicapped" were discussed in the notice announcing the proposed rule.

The proposed definition published in the FEDERAL REGISTER has been changed slightly by inserting in subparagraph (1) the words "or for" after the words "evaluation program conducted by". This change was made to recognize those situations where the evaluation program is conducted for the workshop by an agency other than the workshop itself.

Only one comment was received as the result of the notice in the FEDERAL REGISTER. It was recommended that the definition be expanded to include "behavioral impairments", "mental or emotional conditions", and under functional capabilities, "social competence".

These changes were not considered necessary or appropriate since the proposed definition now includes those emotionally disturbed individuals who have a severe mental impairment resulting from an injury, disease, or congenital defect such that they are unable to engage in normal competitive employment. Additionally, including the proposed words would have the effect of listing a particular illness (emotional disturbance), which may cause or contribute to an individual's disability. This would serve no useful purpose and could result in demands to list a variety of other injuries or illnesses.

Accordingly, 41 CFR Part 51-1 is amended by revising §51-1.2(g) to read as follows:

§ 51-1.2 Definitions.

(g) "Other severely handicapped" means a person, other than a blind person, who has a severe physical or mental impairment (a residual, limiting condition resulting from an injury, disease, or congenital defect) which so limits the person's functional capabilities (mobility, communication, self-care, self-direction, work tolerance or work skills) that the individual is unable to engage in normal competitive employment over an extended period of time.

(1) Capability for normal competitive employment shall be determined from information developed by an ongoing evaluation program conducted by or for the workshop and shall include, as a minimum, a preadmission evaluation and a reevaluation at least annually of each individual's capability for normal competitive employment.

(2) A person with a severe physical or mental impairment who is able to engage in normal competitive employment because the impairment has

been overcome or the condition has been substantially corrected is not "other severely handicapped" within the meaning of this definition.

* * * * *

C. W. FLETCHER,
Executive Director.
[FR Doc. 79-2833 Filed 1-25-79; 8:45 am]

[4310-84-M]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5657]

ALASKA

Classification of Lands for Selection by the State of Alaska

AGENCY: Bureau of Land Management (Interior).

ACTION: Public Land Order.

SUMMARY: The purpose of this public land order is to classify lands as suitable for selection by the State of Alaska under the provisions of the Alaska Statehood Act and in the process modify and amend numerous public land orders.

EFFECTIVE DATE: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Beau McClure, 202-343-3078 or Bob Sorenson, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99510.

By virtue of the authority vested in the Secretary of the Interior by Section 17(d)(1) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 708, and pursuant to Section 204 of the Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights the following described lands are hereby classified as suitable for State selection and the listed public land orders are modified and amended to the extent necessary to open the lands described in this paragraph to State selection; such classification and opening shall not attach to any lands segregated pursuant to Section 204(b) of the Act of October 21, 1976, or any applicable regulation, including but not limited to 43 CFR 2653, until such segregation is vacated and the land is not otherwise withdrawn:

COPPER RIVER MERIDIAN

T. 11 N., R. 23 E.
T. 12 N., R. 6 and 23 E.
T. 16 N., Rs. 4 and 5 E.
T. 20 N., R. 5 E.
Tps. 25 and 26 N., Rs. 6 through 8 E.
T. 27 N., R. 6 E., Sections 3 through 10, 13 through 36.
T. 27 N., R. 7 E., Sections 13 through 36.
T. 28 N., R. 5 E.
T. 28 N., R. 6 E., Sections 1 through 34.
T. 28 N., R. 7 E., Sections 1 through 20.
T. 2 N., Rs. 5 through 7 W.
T. 7 S., Rs. 6 through 11 W.
T. 8 S., Rs. 8 through 11 W.
T. 10 S., Rs. 2 through 5 W.
T. 11 S., Rs. 2 through 5 W.
T. 12 S., Rs. 1 through 3 W.
T. 13 S., R. 1 W.
Tps. 13 and 14 S., R. 1 E.

FAIRBANKS MERIDIAN

T. 5 N., Rs. 1 through 4 E.
T. 6 N., Rs. 5, 6, and 9 E.
T. 7 N., R. 6 E., secs. 22 through 27, 34 through 36.
T. 7 N., Rs. 7, 9 through 18 E.
T. 8 N., Rs. 11 through 17 E.
T. 9 N., Rs. 13 through 15 E.
T. 10 N., Rs. 13 through 15 E.
T. 11 N., R. 15 E.
T. 1 N., Rs. 18 through 23 W.
T. 1 N., R. 24 W., sections 1 through 18.
T. 1 N., R. 25 W., sections 1 through 18.
T. 1 N., R. 26 W., sections 1 through 18.
T. 2 N., R. 18 W.
T. 3 N., R. 18 W.
T. 4 N., Rs. 1 and 18 W.
T. 5 N., Rs. 13 through 15 W.
T. 6 N., R. 2 W.
T. 7 N., Rs. 2 and 3 W.
T. 7 N., R. 4 W., sections 1 through 18.
T. 8 N., Rs. 2 through 4 W.
T. 8 N., R. 5 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
T. 9 N., Rs. 1 through 5 W.
T. 10 N., Rs. 1 through 4 W.
T. 11 N., Rs. 3 through 5 W.
T. 12 N., R. 5 W.
T. 34 N., Rs. 2 through 8 W.
T. 35 N., Rs. 4 through 8 W.
Tps. 36 and 37 N., Rs. 5 through 8 W.
T. 1 S., Rs. 18 through 22 W.
T. 1 S., R. 23 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
T. 2 S., Rs. 15 through 22 W.
T. 2 S., R. 23 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
T. 3 S., Rs. 15 through 22 W.
Tps. 4 and 5 S., Rs. 16 through 22 W.
T. 6 S., Rs. 15 through 19 W.
T. 6 S., Rs. 20 and 21 W., sections 1 through 18.
T. 6 S., R. 22 W., sections 1 through 3, 10 through 15.
T. 7 S., Rs. 13, 14, 15 through 19 W.
T. 8 S., Rs. 11 through 14, 17 through 19 W.
T. 9 S., Rs. 10, 11, 13, and 15 W.
T. 10 S., Rs. 9, 10 and 11 W.
T. 11 S., R. 5 W.
T. 13 S., Rs. 27 and 28 W.
T. 14 S., Rs. 27 and 28 W.
T. 15 S., R. 23 W.
T. 18 S., R. 27 W., sections 19 through 36.
Tps. 19 and 20 S., Rs. 26 through 28 W.
T. 21 S., Rs. 26 through 28 W.
T. 23 S., R. 2 W., sections 19 through 21, 28 through 31.

T. 22 S., Rs. 3 through 10 W., sections 19 through 36.
 T. 22 S., R. 13 W.
 T. 2 S., Rs. 12 and 13 E.
 T. 3 S., Rs. 12 through 16 E.
 T. 3 S., R. 17 E., sections 19 through 36.
 T. 3 S., R. 18 E., sections 19 through 21, 28 through 33.
 T. 4 S., Rs. 10 through 18 E.
 T. 4 S., R. 19 E., sections 19 through 36.
 T. 5 S., Rs. 9 through 20 E.
 T. 6 S., Rs. 9 through 17, 19 and 20 E.
 T. 6 S., R. 18 E., sections 1 through 3, 10 through 15, and 19 through 36.
 T. 7 S., Rs. 11 through 16 E.
 T. 7 S., R. 17 E., sections 1 through 11, 14 through 23, 27 through 35.
 T. 7 S., R. 18 E., sections 1 through 6, 9 through 16, 21 through 28, 33 through 36.
 T. 8 S., R. 17 E.
 T. 8 S., R. 18 E., sections 5 through 8, 17 through 20, 29 through 32.
 T. 16 S., Rs. 11 through 16 E.
 T. 19 S., Rs. 12 and 13 E.
 T. 20 S., Rs. 14 through 16 E.

KATEEL RIVER MERIDIAN

T. 21 N., Rs. 8 through 11 E.
 T. 22 N., Rs. 7 through 13 E.
 T. 23 N., R. 4 E., sections 22 through 27, 34 through 36.
 T. 23 N., Rs. 5 through 12 E.
 T. 24 N., R. 6 E., sections 22 through 27, 34 through 36.
 T. 24 N., Rs. 7 and 8 E.
 T. 25 N., R. 7 E., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 25 N., R. 8 E., sections 4 through 9, 16 through 36.
 T. 1 N., R. 19 W.
 T. 1 N., R. 20 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 1 N., Rs. 28 through 35 W.
 T. 1 N., R. 40 W., sections 1 through 18, 22 through 27, 34 through 36.
 T. 2 N., R. 19 W.
 T. 2 N., R. 20 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 2 N., R. 28 through 40 W.
 T. 3 N., R. 19 W.
 T. 3 N., Rs. 28 through 40 W.
 T. 4 N., R. 19 W.
 T. 4 N., Rs. 28 through 39 W.
 T. 5 N., R. 19 W.
 T. 5 N., R. 20 W., sections 1 through 18.
 T. 5 N., R. 21 W.
 T. 5 N., R. 22 W., sections 1 through 18, 22 through 27, 34 through 36.
 T. 5 N., Rs. 33 through 37 W.
 T. 6 N., Rs. 22, 33 through 37 W.
 T. 28 N., R. 20 W., sections 1 through 21, 28 through 33.
 T. 28 N., Rs. 21 through 23 W.
 T. 29 N., R. 18 W., sections 1 through 18.
 T. 29 N., R. 19 W., sections 1 through 18.
 T. 29 N., Rs. 20 through 23, 28 W.
 T. 30 N., Rs. 18 through 21, 28 and 29 W.
 T. 31 N., Rs. 19 through 21 W.
 T. 31 N., R. 22 W., sections 1 through 18.
 T. 31 N., R. 23 W., sections 1 through 3, 10 through 15.
 T. 32 N., Rs. 18 through 22 W.
 T. 32 N., R. 23 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 1 S., Rs. 19, 20, 29 and 30 W.
 Tps. 5 and 6 S., Rs. 28 and 29 W.
 T. 7 S., Rs. 28 through 32 W.

T. 7 S., R. 33 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 8 S., Rs. 28 through 32 and 34 W.
 T. 8 S., R. 33 W., sections 1 through 18, 22 through 26, 35 and 36 W.
 T. 8 S., R. 35 W., sections 4 through 36.
 T. 18 S., R. 2 W.
 Tps. 22, 23, 24 S., R. 4 W.
 T. 28 S., Rs. 6 and 7 W.
 Tps. 9 and 10 S., Rs. 13 and 14 E.
 T. 16 S., Rs. 1 and 2 E.
 T. 17 S., R. 1 E.
 T. 17 S., R. 2 E., sections 1 through 18.
 T. 20 S., Rs. 28 through 30 E.
 T. 21 S., Rs. 27 through 30 E.
 Tps. 22, 23, 24 S., R. 26 E.
 T. 25 S., Rs. 20 through 27 E.
 T. 26 S., Rs. 13 through 20, 25 through 27 E.
 T. 27 S., Rs. 13 through 20, 27 and 31 E.
 T. 28 S., Rs. 17 through 20, 27 and 31 E.
 T. 29 S., Rs. 20, 27 through 31 E.

SEWARD MERIDIAN

T. 12 N., Rs. 4 and 5 E.
 T. 13 N., Rs. 4 through 6 E.
 T. 14 N., Rs. 4 through 7 E.
 T. 15 N., Rs. 5 through 8 E.
 T. 16 N., Rs. 5 through 10 E.
 T. 17 N., Rs. 5 through 10 E.
 T. 18 N., Rs. 4 through 10 E.
 T. 19 N., Rs. 6, 7, 9, and 10 E.
 T. 20 N., R. 3 and 10 E.
 T. 21 N., Rs. 1 through 5 E.
 T. 22 N., Rs. 1 through 4 E.
 T. 23 N., R. 1 E.
 T. 32 N., R. 8 E., sections 19 through 36.
 T. 32 N., R. 9 E., sections 19 through 36.
 T. 33 N., R. 2 E., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 33 N., Rs. 3 through 7 E.
 T. 33 N., R. 8 E., sections 4 through 9, 16 through 21, and 28 through 33.
 T. 10 N., R. 16 W., sections 4 through 9, 16 through 21, and 28 through 33.
 T. 10 N., Rs. 17 through 20 W.
 T. 11 N., Rs. 17 through 20 W.
 T. 12 N., Rs. 16 through 20 W.
 Ts. 15 through 18 N., Rs. 16 through 18 W.
 T. 19 N., Rs. 17 and 18 W.
 T. 21 N., Rs. 1 and 2 W.
 T. 22 N., Rs. 1 and 2 W.
 T. 23 N., R. 1 W.
 T. 23 N., R. 37 W., sections 4 through 9, 16 through 21, 28 through 33.
 T. 23 N., R. 38 W.
 T. 23 N., R. 39 W., sections 1 through 18, 22 through 27, 34 through 36.
 T. 23 N., R. 40 W., sections 1 through 3, 10 through 15.
 T. 24 N., R. 37 W., sections 4 through 9, 16 through 21, and 28 through 33.
 T. 24 N., Rs. 38 and 39 W.
 T. 24 N., R. 40 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 25 N., Rs. 1, 2, and 37 through 39 W.
 T. 26 N., R. 36 W., sections 4 through 9, 16 through 21, and 28 through 33.
 T. 26 N., 37 and 38 W.
 T. 26 N., R. 39 W., sections 1 through 3, 10 through 15, 19 through 36
 T. 27 N., Rs. 1, 35 through 38 W.
 T. 28 N., Rs. 1, 2, and 35 through 38 W.
 T. 29 N., Rs. 36 through 38 W.
 T. 30 N., Rs. 33, and 36 through 38 W.
 T. 31 N., Rs. 25, and 36 through 38 W.
 T. 32 N., R. 25 W.
 T. 32 N., R. 26 W., sections 1 through 3, 10 through 15.
 T. 33 N., R. 30 W., sections 1 through 18.

T. 34 N., R. 30 W.

UMIAT MERIDIAN

T. 15 S., Rs. 14 and 15 E.
 T. 16 S., Rs. 12 through 15 E.
 T. 17 S., Rs. 12 through 15 E.

The lands described in this subparagraph a are contained in Public Land Order No. 5180 of March 9, 1972, as amended by Public Land Order No. 5193 of March 17, 1972, Public Land Order No. 5251 of September 12, 1972, Public Land Order No. 5321 of December 7, 1972, Public Land Order No. 5393 of September 14, 1973, Public Land Order No. 5411 of February 7, 1974, and Public Land Order No. 5418 of March 25, 1974, or are contained in Public Land Order No. 5179 of March 9, 1972, as amended by Public Land Order No. 5250 of September 12, 1972.

FAIRBANKS MERIDIAN

Tps. 2 through 4 N., Rs. 19, 25, and 26 W.
 T. 5 N., Rs. 24 through 26 W.
 T. 6 N., R. 6 W.
 T. 7 N., Rs. 7 through 10 W.
 T. 8 N., R. 10 W.
 Tps. 4 and 5 S., Rs. 14 and 15 W.
 T. 6 S., R. 14 W.
 T. 7 S., Rs. 6 and 15 W.
 T. 8 S., Rs. 15 and 16 W.
 Tps. 9 and 10 S., Rs. 16 through 19 W.
 Tps. 11 and 12 S., Rs. 27 and 28 W.
 T. 22 S., Rs. 26 through 28 W.
 T. 7 S., Rs. 19 and 20 E.
 T. 8 S., R. 19 E.
 T. 8 S., R. 20 E., sections 4 through 9, 16 through 21, and 28 through 33.

COPPER RIVER MERIDIAN

T. 22 N., R. 10 E.
 Tps. 27 and 28 N., R. 8 E.

KATEEL RIVER MERIDIAN

T. 17 S., R. 1 W.
 T. 17 S., R. 2 W., sections 22 through 27, 34 through 36.
 T. 18 S., R. 3 W., sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36.
 Tps. 19 and 20 S., R. 3 W.
 T. 21 S., R. 4 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 Tps. 24 and 25 S., R. 5 W.
 T. 25 S., R. 6 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 26 S., R. 5 W., sections 4 through 9, 16 through 21, 28 through 33.
 T. 26 S., R. 6 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 27 S., R. 6 W., sections 1 through 3, 10 through 15, 22 through 27, 34 through 36.
 T. 3 S., R. 27 E.
 T. 4 S., R. 24 and 25 E.
 T. 5 S., Rs. 21 through 24 E.
 T. 6 S., R. 20 E., sections 1 through 3, 10 through 15, 19 through 36.
 T. 7 S., R. 19 E.
 T. 17 S., R. 30 E., sections 19 through 36.
 T. 18 S., R. 29 E., sections 22 through 27, and 34 through 36.
 T. 18 S., R. 30 E.
 T. 19 S., R. 29 E., sections 1 through 3, 10 through 15, and 19 through 36.

T. 19 S., R. 30 E.
 T. 20 S., R. 26 E., sections 22 through 27, and 34 through 36.
 T. 20 S., R. 27 E., sections 19 through 36.
 T. 21 S., R. 26 E.
 T. 22 S., R. 25 E., sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36.
 T. 23 and 24 S., Rs. 22 through 25 E.
 T. 27 S., Rs. 28 through 30 E.
 T. 28 S., Rs. 28 through 30 E.

SEWARD MERIDIAN

Tps. 29 and 30 N., Rs. 34 and 35 W.
 T. 31 N., Rs. 20 through 24 W.
 T. 32 N., Rs. 19 through 24 W.
 T. 33 N., Rs. 17 through 24 W.
 T. 34 N., Rs. 20 through 24 W.

The lands described in this subparagraph b are contained in Public Land Order No. 5173 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, Public Land Order No. 5213 of May 30, 1972, Public Land Order No. 5321 of December 7, 1972, and Public Land Order No. 5391 of September 14, 1973.

c.

FAIRBANKS MERIDIAN

Tps. 21 and 22 S., Rs. 14 through 16 E.

COPPER RIVER MERIDIAN

Tps. 9, 10, 11 N., R. 1 E.
 Tps. 12, 13, 14 N., Rs. 1 through 5 E.
 T. 15 N., Rs. 4 and 5 E.

The lands described in this subparagraph c are contained in Public Land Order No. 5178 of March 9, 1972, as amended by Public Land Order No. 5214 of May 30, 1972.

d.

KATEEL RIVER MERIDIAN

T. 1 and 2 N., Rs. 41 and 42 W.
 T. 3 N., R. 41 W.
 T. 3 N., R. 42 W., sections 19 through 36.
 T. 8 S., Rs. 36 through 39 W.
 T. 10 S., Rs. 37 through 39 W.

The lands described in this subparagraph d are contained in Public Land Order No. 5170 of March 9, 1972, as amended by Public Land Order No. 5395 of September 14, 1973.

e.

KATEEL RIVER MERIDIAN

T. 13 N., Rs. 14 and 15 W.
 T. 14 N., Rs. 14 and 16 W.
 Tps. 15 and 16 N., R. 16 W.

The lands described in this subparagraph e are contained in Public Land Order No. 5171 of March 9, 1972, as amended by Public Land Order No. 5389 of September 14, 1973, and Public Land Order No. 5428 of July 25, 1974.

f.

SEWARD MERIDIAN

Tps. 29 and 30 N., Rs. 1 through 11 E.
 T. 31 N., Rs. 1 through 9 E.
 T. 31 N., R. 10 E., sections 19 through 36.
 T. 32 N., Rs. 1 through 7 E.
 T. 33 N., R. 1 E.

T. 33 N., R. 2 E., sections 4 through 9, 16 through 21, 28 through 33.
 T. 29 N., R. 1 W.
 T. 30 N., Rs. 1 and 2 W.
 Tps. 31 through 33 N., R. 1 W.

The lands described in this subparagraph f are contained in Public Land Order 5174 of March 9, 1972, as amended by Public Land Order No. 5255 of September 12, 1972, and Public Land Order No. 5411 of February 7, 1974.

The areas described aggregate approximately 16 million acres.

2. Any portion of any township described in paragraph 1 which lies within the National Park, Wildlife Refuge, or Forest Systems, any National Monument, or within the areas described in Public Land Order 5653, as modified by Public Land Order No. 5654, is not classified and opened to selection by the State of Alaska, except those lands described in Public Land Order No. 5653, as modified by Public Land Order No. 5654, which were also described in paragraph 5 of the Memorandum of Understanding of September 1, 1972, between the State of Alaska and the United States.

3. This public land order is not intended to modify, amend, or revoke any withdrawal, reservation, or appropriation of the lands described in paragraph 1, whether by Executive Order, proclamation, public land order, or otherwise, unless such order of withdrawal is expressly listed in paragraph 1. Land classifications made pursuant to Public Law 88-607, 78 Stat. 986, *et seq.* (the Classification and Multiple Use Act of 1964), are hereby modified only to the extent necessary to permit the State of Alaska to select the above described lands. The orders of withdrawal listed in paragraph 1 are modified and amended only to the extent necessary to open to State selection those lands specifically described in paragraph 1.

4. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 83 Stat. 352, 42 U.S.C. 4332(2)(C), is required.

Dated: January 22, 1979.

CECIL D. ANDRUS,
 Secretary of the Interior.

[FR Doc. 79-2732 Filed 1-25-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

PART O—COMMISSION ORGANIZATION

Editorial Amendments Concerning Delegations of Forfeiture Authority to the Staff

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order corrects an error in the monetary limit on authority delegated to three staff units to impose forfeitures. The document corrected appears at 43 FR 52244, November 9, 1978.

EFFECTIVE DATE: February 2, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel, (202) 632-6444.

Adopted: January 17, 1979.

Released: January 18, 1979.

Order. In the Matter of Editorial Amendment of Delegations of Forfeiture Authority to the Staff.

1. In a recent Order delegating authority to the staff (FCC 78-767, November 2, 1978, 43 FR 52244, November 9, 1978), we inadvertently set the monetary limit for forfeitures imposed by the Broadcast and Common Carrier Bureaus at \$3999 rather than \$4000 as intended, and set the limit for the Safety and Special Radio Services Bureau at \$1999 rather than the intended \$2000. This Order corrects those errors.

2. Authority for these amendments is contained in Sections 4(i), 5(d), 503(b) and 504(b), of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), 503(b) and 504(b). Because the amendments are editorial and concern internal organization, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. Accordingly, it is ordered, Effective February 2, 1979, That Part O of the Rules is amended as set out in the attached appendix.

(Secs. 4, 5, 503, 504, 48 Stat., as amended, 1066, 1068, 1101; (47 U.S.C. 154, 155, 503, 504)).

R. D. LICHTWARDT,
Executive Director.

APPENDIX

Part O of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.281(c)(3) is revised to read as follows:

§ 0.281 Authority delegated.

(c) * * *

(3) Notices of opportunity for hearing pursuant to § 1.80(g) of this chapter; and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) if the amount set out in the notice of apparent liability is more than \$4000.

2. Section 0.291(g) is revised to read as follows:

§ 0.291 Authority delegated.

(g) *Authority concerning forfeitures.* Authority to issue a notice of opportunity for hearing pursuant to § 1.80(g) of this chapter; and authority to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) if the amount set out in the notice of apparent liability is more than \$4000.

3. Section 0.331(a)(9) is revised to read as follows:

§ 0.331 Authority delegated.

(a) * * *

(9) Authority to issue a notice of opportunity for hearing pursuant to § 1.80(g) of this chapter; and authority to issue notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) of this chapter if the amount set out in the notice of apparent liability is more than \$2000.

[FR Doc. 79-2819 Filed 1-25-79; 8:45 am]

PART 1—PRACTICE AND PROCEDURE

Editorial Amendment Concerning
Petition for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: Because all final action documents in rule making proceedings are not published in the FEDERAL REGISTER, the FCC is amending its rules to provide that petitions for reconsideration of final actions in rule proceedings may be filed within 30 days after the text is published or, if the document is not published, within 30 days after the text is released. This editorial amendment resolves an interval inconsistency in the rules.

EFFECTIVE DATE: February 2, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Upton Guthery, Office of General Counsel 202-632-6444.

SUPPLEMENTARY INFORMATION:

Adopted: January 17, 1979.

Released: January 18, 1979.

Order. In the Matter of Editorial Amendment of Section 1.429; Rules of Practice and Procedure.

1. Section 1.429(d) provides that petitions for reconsideration of final actions in rule making proceedings may be filed within 30 days after the text of the action is published in the FEDERAL REGISTER. When a proceeding is terminated without the adoption of rules, however, the action document is not always published in the Federal Register. To provide for such situations and to eliminate an inconsistency in the rules, it is appropriate to amend Section 1.429 to provide for the filing of petitions for reconsideration within 30 days after the action document is released.

2. The amendment is set out in the attached Appendix. Authority for the amendment is set out in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in § 0.231(d) of the Commission's rules, 47 CFR 0.231(d). Because the amendment is editorial and procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

3. *Accordingly, it is ordered,* Effective February 2, 1979, That § 1.429 of the rules is amended as set out in the Appendix hereto.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

R. D. LICHTWARDT,
Executive Director.

In part 1 of Chapter I of Title 47 of the Code of Federal Regulations, the first sentence of Section 1.429(d) is revised to read as follows:

§ 1.429 Petition for reconsideration

(d) The petition for reconsideration and any supplement thereto shall be filed within 30 days after publication in the FEDERAL REGISTER of the document containing the full text of the action taken or, if the document is not published, within 30 days after the full text of the document is released.

[FR Doc. 79-2818 Filed 1-25-79; 8:45 am]

[4910-62-M]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE
SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. No. 1-137]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant of the
Coast Guard

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968 as it relates to liquefied natural gas (LNG) facilities, on, in, or adjacent to the navigable waters of the United States.

EFFECTIVE DATE: This amendment is effective on January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Edward H. Bonekemper, III, U.S. Coast Guard, Port Safety and Law Enforcement Division (G-WLE-1/73), United States Coast Guard, 400 Seventh Street, S.W., Washington, D.C. 20500 (202-426-1927).

SUPPLEMENTARY INFORMATION: Since the amendment relates to the organization of the Department of Transportation, it is excepted from the notice and public comment requirements of the Administrative Procedure Act (5 U.S.C. 533). Also, because this amendment is not a substantive rule, publication in the FEDERAL REGISTER not less than 30 days before the effective date is not required.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant

Commander Edward H. Bonekemper, III, Project Manager, Office of Marine Environment and Systems, U.S. Coast Guard; Robert Beauregard, Office of the Chief Counsel, Research and Special Programs and Special Programs Administration; and Richard R. Clark, Office of the General Counsel, Office of the Secretary.

Discussion

Effective February 7, 1978, the U.S. Coast Guard (USCG) and the Materials Transportation Bureau (MTB) executed a Memorandum of Understanding (MOU) with respect to a division of regulatory responsibility for waterfront LNG facilities. This MOU was published in the FEDERAL REGISTER on July 14, 1978 (43 FR 30381).

The division of responsibilities agreed to in the MOU was considered necessary due to the overlapping regulatory authority of the USCG and the MTB affecting the siting, design, construction, operation, and maintenance of waterfront LNG facilities. The authority of the USCG over such facilities is derived from the Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221-1227) (PWSA) and the Magnuson Act (50 U.S.C. 191). The regulatory authority of the MTB over these same facilities is derived from the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*) (NGPSA) and the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*).

By the terms of the MOU, the USCG will establish, and the MTB will refrain from establishing, regulatory requirements for: (1) Facility site selection as it relates to management of vessel traffic in and around a facility; (2) fire prevention and fire protection equipment, systems, and methods for use at a facility; (3) security of a facility; and (4) all other matters pertaining to the facility between the vessel and the last manifold (or valve) immediately before the receiving tank(s).

Absent the MOU, such matters would be subject to the regulatory authority of the NGPSA, including that Act's Section 3 which addresses the regulatory authority of States over gas pipeline facilities:

"Any State Agency may adopt additional or more stringent standards for intrastate pipeline transportation if such standards are compatible with the Federal minimum standards. No State agency may adopt or continue in force any such standards applicable to interstate transmission facilities, after the Federal minimum standards become effective." (49 U.S.C. 1672(b))

In executing the MOU it was neither the USCG's nor the MTB's intention to alter the overall DOT/State relationship with respect to regulation of waterfront LNG facilities under the

NGPSA. However, if the USCG were to regulate the above four matters only under the authority of the PWSA and the Magnuson Act, such a relationship would be altered because neither of these statutes provides the Federal preemptive authority of the NGPSA. If this were permitted, a given facility could be subject to the unacceptable situation of a nonuniform approach to Federal/State regulation.

For the purpose of assuring continued uniform regulation of an entire waterfront LNG facility, the delegation of authority made by this amendment will permit the USCG to carry out its regulatory responsibilities under the MOU with the same preemptive powers already available to the MTB. It is not intended that this delegation, for this specific purpose, affect in any way the existing delegation of authority to the MTB to carry out the functions vested in the Secretary by the NGPSA (*see* 49 CFR 1.53(a) and APP. A to Part I).

In consideration of the above, Part I of Title 49 of the Code of Federal Regulations is amended by adding a new § 1.46(y) to read as follows:

§ 1.46 Delegation to the Commandant of the Coast Guard.

(y) Carry out the functions and responsibilities vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*) relating to rulemaking so far as it applies to liquefied natural gas facilities adjacent to the navigable waters of the United States: *Provided*, That such rulemaking is in accordance with the Memorandum of Understanding between the Coast Guard and Materials Transportation Bureau executed on February 7, 1978, for regulation of such facilities.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

Issued in Washington, D.C., on January 18, 1979.

BROCK ADAMS,
Secretary of Transportation.

[FR Doc. 79-2806 Filed 1-25-79; 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 the Red Rock Lakes National Wildlife Refuge, Montana, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing on the Red Rock Lakes 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 opportunities to the public.

DATES: Fishing season is open from the third Saturday in June through November. (June 16 through November 30, 1979.)

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Montana 59739; phone (406) 276-3347 or Area Manager, U.S. Fish & Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101; phone (406) 657-6115.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Red Rock Lakes National Wildlife Refuge, Montana, as posted. All areas open to fishing are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101. Sport fishing shall be in accordance with all applicable State of Montana regulations subject to the following special conditions:

1. Boats with motors are prohibited.

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.

E. D. STROOPS,
Refuge Manager, Red Rock
Lakes National Wildlife
Refuge, Lima, Montana 59739.

JANUARY 15, 1979.

[FR Doc. 79-2805 Filed 1-25-79; 8:45 am]

[4510-30-M]

Title 29—Labor

SUBTITLE A—OFFICE OF THE
SECRETARY

PART 97—SPECIAL FEDERAL PRO-
GRAMS AND RESPONSIBILITIES
UNDER THE COMPREHENSIVE EM-
PLOYMENT AND TRAINING ACT

Subpart F—Youth Incentive
Entitlement Pilot Projects: Changes

AGENCY: Department of Labor.

ACTION: Final rules.

SUMMARY: The Department is amending the Youth Incentive Entitlement Pilot Project regulations with respect to extending the period of intake of youths into the program and with respect to allowing participants full-time work during school vacations. The amendments will clarify provisions that the school year does not include school breaks of five consecutive days or more to permit youths employment when school is not in session and will reflect the extension of the program for an additional year.

EFFECTIVE DATE: January 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert Taggart, Administrator,
Office of Youth Programs, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213, Phone—202-376-7086.

SUPPLEMENTARY INFORMATION: On May 30, 1978, the Department of Labor published in the FEDERAL REGISTER final regulations to implement the Youth Incentive Entitlement Pilot Projects under the Youth Employment and Demonstration Projects Act of 1977 (YEDPA).

At this time the Department is amending three sections of the regulations for the Entitlement program. This action is being taken in order to deal with operational problems of the Entitlement projects in the period before regulations are to be published to implement the CETA Amendments of 1978 (Pub. L. 95-524).

These changes will be incorporated into the proposed Entitlement regulations under the CETA Amendments of

1978 (Pub. L. 95-524), when they are published.

Under Section 4(d) of Pub. L. 95-524 the Department may waive the requirements as to rulemaking in implementing the eligibility provisions for CETA. Accordingly, these regulations are being published in final form, effective immediately. The changes are as follows:

In § 97.507, *Preapplication specifications*, Paragraph (i)(1)(i), and in § 97.523, *Administrative provisions; hearing provisions, and limitations on use of funds*, Paragraph (d), that limit the maximum paid program time to 20 hours a week during the school year or 40 hours per week during the summer, these paragraphs are revised to clarify that the school year does not include school breaks of 5 consecutive days or more. The revision reflects the intent of the program that youths be limited in the hours they can work while attending school, but that they be allowed to work full-time when school is not in session (i.e., for Christmas and Spring vacations as well as during the summer).

In § 97.516, *Eligibility of participants*, Paragraph (f) is changed to remove the sentence, "No youths may be enrolled in the program after December 31, 1978." This change is made to allow intake after December 31, 1978, since the program has been extended an additional year.

Accordingly, Title 29 of the Code of Federal Regulations is amended as follows:

1. Section 97.507(i)(1)(i) is revised to read as follows:

Subpart F—Youth Incentive
Entitlement Pilot Projects

§ 97.507 *Preapplication specifications.*

(i) *Work-Site Development—(1) General.* (i) The employment or combination of employment and training guaranteed under this program is intended to be year-round with no limitation on the period of enrollment. However, this guarantee shall not exceed 20 hours per week for each youth employed during the school year, nor 40 hours per week during the summer and during school year breaks of 5 consecutive school days or more. During the school year, the guarantee must extend for at least 6 months and during the summer for at least 8 weeks. This guarantee shall not be provided to each youth for less than 10 hours per week during the school year and not less than 30 hours per week during the summer.

2. Section 97.516(f) is revised to read as follows:

§ 97.516 *Eligibility of participants.*

(f) Since jobs during the school year must last at least 6 months, and jobs in the summer must last at least 8 weeks, no youth may be enrolled in the program if the grant will end before the youth can complete the required period of employment.

3. Section 97.523(d) is revised to read as follows:

§ 97.523 *Administrative provisions; hearing provisions; and limitations on use of funds.*

(d) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program by an enrollee in excess of 20 hours a week during the school year, or 40 hours per week during the summer and during school year breaks of 5 consecutive days or more. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer.

Signed at Washington, D.C., this 16th day of January 1979.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 79-2892 Filed 1-25-79; 8:45 am]

[4510-26-M]

CHAPTER XVII—OCCUPATIONAL
SAFETY AND HEALTH ADMINIS-
TRATION, DEPARTMENT OF LABOR

[Docket No. H-052A]

PART 1910—OCCUPATIONAL SAFETY
AND HEALTH STANDARDS

Occupational Exposure to Cotton
Dust; Cotton Waste Processors and
Users; Lifting of Administrative
Stay

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Lifting of administrative stay of the cotton dust standard.

SUMMARY: This notice reinstates the application of the cotton dust standard, 29 CFR 1910.1043 (43 FR 27350), as it pertains to the cotton waste processing industries and employers who are purchasers and users of cotton batting, including employers in mattress, upholstered furniture, and automotive assembling industries. After careful review of the NIOSH health hazard evaluation survey of employees in two Stearns and Foster mattress plants,

and an evaluation of the comments submitted in response to the FEDERAL REGISTER Notice of Friday, September 1, 1978 concerning this NIOSH survey, OSHA has concluded that a permanent suspension of the cotton dust standard for these pertinent industries is unwarranted and that the temporary suspension issued on that date should be rescinded.

EFFECTIVE DATE: The cotton dust standard as it pertains to the cotton waste processing industries is effective on March 4, 1979.

FOR FURTHER INFORMATION CONTACT:

OSHA, Room S-5526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Gary Adams, telephone (202) 523-7177.

SUPPLEMENTARY INFORMATION:

The Occupational Safety and Health Administration (OSHA), in the FEDERAL REGISTER issue of June 23, 1978 (43 FR 27350), published a final occupational safety and health standard, pursuant to section 6(b) of the act, regulating worker exposure to cotton dust. The standard applies to all industries in which employees are exposed to cotton dust, with certain specified exceptions, and requires employers to take prescribed measures to control employee exposure to cotton dust. The standard was effective September 4, 1978, and, with limited exceptions, was applicable to all non-textile industries, including cottonseed oil mills, waste processing and use of cotton batting, as well as to the textile industry. On October 20, 1978, the U.S. Court of Appeals for the District of Columbia Circuit stayed the effective date of the cotton dust standard pending a decision of the merits of petitions for review before that Court. Accordingly, the agency's present action will not affect the waste processing industry while this judicial stay is in force.

On August 21, 1978, OSHA received a request for an administrative stay of the standard from the National Cotton Batting Institute and the Textile Fibers and By-Products Association, with respect to the cotton waste processing industries and employers who are purchasers and users of batting containing cotton. This request brought to OSHA's attention a draft report of a NIOSH health hazard evaluation of Stearns and Foster Company's garnetting and mattress workers. This report was not available prior to promulgation of the final standard. Upon preliminary review of this report, OSHA determined that the information it presented warranted further review and analysis. While this new evidence was received after the close of the cotton dust record, and therefore did not have to be consid-

ered as part of this proceeding, OSHA chose to invite comment on the significance of this evidence and, in the meantime, to suspend the cotton dust standard as it pertained to the waste processing industries and users of cotton batting. NIOSH submitted a final version of the health hazard evaluation for purpose of comment on August 31, 1978.

Thirty-three comments were received in response to OSHA's request. Comments concerning the study were submitted by the Wolf Corporation, State of North Carolina, the Motor Vehicle Manufacturers Association, the National Cotton Batting Institute and the Textile Fibers and By-Products Association, the National Association of Bedding Manufacturers, and the National Cotton Council of America. NIOSH also submitted comments along with its final evaluation report on the health hazard in the Stearns and Foster plants. (In addition to these comments twenty-four were submitted by representatives of specific cotton industries employing the blind and did not comment on the study but instead sought an exemption from the cotton dust standard.)

After evaluation of this report and the written comments submitted concerning it, the Assistant Secretary has determined that further proceedings such as reopening the record for additional comments or instituting new rulemaking proceedings are not warranted, and that the standard should be applied to these industries. The reasons for this conclusion are set forth in the following section:

Evaluation of the NIOSH Health Hazard Survey: In April of 1977, the NIOSH Health Hazard Evaluation team conducted a study at the Stearns and Foster Mattress Company in Cincinnati, Ohio. The study consisted of medical and environmental data involving 54 of 75 available workers in one old and one new facility. Nineteen of these individuals were garnett workers, nineteen were tape edgers, and sixteen were sorters. No external control group was studied.

Pulmonary function testing was conducted before and after a Monday shift. Environmental monitoring was carried out simultaneously by vertical elutriation and personal sampling techniques. Dust level exposures measured by vertical elutriator for garnett workers averaged 1,500 $\mu\text{g}/\text{m}^3$ and 710 $\mu\text{g}/\text{m}^3$ in the old and new plants respectively; quilting and tape department workers were exposed to 180 $\mu\text{g}/\text{m}^3$ and 170 $\mu\text{g}/\text{m}^3$, and sorters were exposed to 340 $\mu\text{g}/\text{m}^3$ and 110 $\mu\text{g}/\text{m}^3$, in respective old and new facilities. Responses to questionnaires were also collected.

In their comments, NIOSH pointed out the obvious health features of the

data. Acute pulmonary effects of exposure are discernable in the significant declines in FEV₁ (16/54 workers greater than 5% drop over the shift), and FVC in all three occupational categories of garnett, tape edgers and sorting. In addition, evidence of chronic pulmonary effect of exposure is demonstrated in the garnett worker group which exhibited an observed/predicted FEV₁ ratio of 91.5% compared to quilters and tape edgers (101%), and sorters (97%). In quilting and tape edge and sorting departments, dust levels measured by vertical elutriator varied from 110 $\mu\text{g}/\text{m}^3$ to 340 $\mu\text{g}/\text{m}^3$, yet significant acute broncho-constriction was evident among a substantial number of workers exposed at these low levels. NIOSH further noted that the pulmonary function declines observed among these workers are similar to declines observed among workers in primary textiles at similar dust levels. Byssinosis, as defined by questionnaire response, was found in one worker who also had an 11% drop in his FEV₁ over the shift.

Comments submitted by industry groups such as the National Cotton Batting Institute, and the Textile Fibers and By-Products Association, were similar in content. They can be summarized as follows: (1) The worker population involved in this study is small in comparison to the total population at risk; (2) no comparative relationships can be made between this worker population and other worker populations exposed to cotton dust with respect to race, age, smoking habits, years of exposure, etc; (3) the extent of respirator usage was never quantified; and (4) changes in pulmonary function could not be correlated with concentrations of dust present. These comments argue the impossibility of drawing any firm conclusions concerning the validity of this study or of relating dose to response from this data for the industry. These parties conclude that neither this latest NIOSH health hazard evaluation nor any other evidence in the cotton dust record supports the existence of a hazard from cotton dust in the cotton waste industries, and thus the cotton dust standard should not be applied to this segment of the cotton industry.

OSHA, based upon its review of this data, concluded that the appearance of one case of medically definable byssinosis, the large number of workers (16) with significant over-the-shift pulmonary function changes, the similarity observed between decrements among quilters and sorting workers, the decrements observed in the primary textile industry at similar dust levels and the likelihood that differential use of respirators masked some health effects, all tend to support OSHA's decision to include non-textile

cotton waste processors and users within the scope of the final standard. The evidence contained in this latest NIOSH survey is compatible with other non-textile studies which indicate the presence of adverse health effects upon exposure to cotton dust wherever cotton is handled. Surely, nothing in the study supports the exemption of the cotton batting of waste utilization industry from the standard.

With respect to the scope of the survey, OSHA agrees with NIOSH which stated in the summary of the study that, "no firm conclusions can be drawn from this study and no generalizations to this segment of the cotton industry should be attempted." In effect, the latest NIOSH survey shares common features with the other studies in the record, that is, evidence of significant health effects upon exposure, but inadequate information for determining a dose-response relationship. Until a larger and more complete study is conducted to explain the dose-response relationship in these industries, no evidence exists to justify modification of the standard.

Therefore, in view of the health effects evident even in this limited NIOSH survey, the data contained in the final report by NIOSH and the comments submitted provide no basis for permanently suspending the cotton dust standard with respect to the waste processing industries and users of cotton batting, or for instituting further rulemaking proceedings at this time. OSHA concludes, as NIOSH did, that the OSHA standard must be complied with in order to ensure adequate worker safety and health.

In order to give affected parties an adequate period of time to comply with the standard, the effective date of the standard as it pertains to the waste industry is March 4, 1979. All other startup dates in the standard will be similarly delayed 6 months, as will the date for final implementation of the compliance plan.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Secs. 4, 6, 8, 84 Stat. 1593; 29 U.S.C. 653, 655, 657; 19 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this 23rd day of January 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-2823 Filed 1-25-79; 8:45 am]

[4510-29-M]

CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Revision of Schedule B (Actuarial Information) and Permanent Waiver of Certain Actuarial Information in the Annual Report

AGENCY: Department of Labor.

ACTION: Adoption of a form and final regulation.

SUMMARY: This document contains (1) a revision of Schedule B (actuarial information) which is attached by certain employee benefit plans to the annual report filed under the Employee Retirement Income Security Act of 1974 (ERISA); and (2) a final regulation which waives a requirement of ERISA that certain actuarial information be included in the annual report. These actions will affect all defined benefit pension plans that are subject to the minimum funding standards of Part 3 of Title I of ERISA and section 412 of the Internal Revenue Code of 1954, as amended.

EFFECTIVE DATE: Plan years beginning January 1, 1978, and thereafter.

FOR FURTHER INFORMATION CONTACT:

Lottie Lisle, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4461, Washington, D.C. 20216, 202-523-9211. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On September 26, 1978, notice was published in the FEDERAL REGISTER (43 FR 43696) of proposed revisions to Schedule B (actuarial information) which must be filed under section 103(d) of ERISA as an attachment to the annual return/report (5500 series) by all defined benefit pension plans that are subject to the minimum funding standards of Part 3 of Title I of ERISA and section 412 of the Internal Revenue Code of 1954, as amended. These revisions were designed to achieve uniformity in the reporting of certain actuarial data, and to assist interested persons in determining the benefit obligations of an ongoing pension plan and in assessing the adequacy of the assets of a pension plan to meet its benefit obligations. The notice also announced that if certain proposed changes to the schedule B were adopted, the Department contemplated adopting a permanent

waiver from the requirements of section 103(d)(6) of ERISA.

All interested persons were invited to submit comments on the proposals. In addition, pursuant to notice published in the FEDERAL REGISTER (43 FR 52789, November 14, 1978), a public hearing was held on November 20, 1978, in which interested persons were afforded the opportunity to present their views on the Department's proposals.

After considering the written comments and the testimony at the public hearing, the Department has determined to adopt a Schedule B which is revised in several respects from that which was proposed and to adopt a regulation permanently waiving the requirement to file the specific information required by section 103(d)(6) of ERISA.¹

While, as discussed below, changes have been made to the Schedule B, certain important aspects of the proposal have been retained. These include: (1) The requirement that a uniform method—the accrued benefit cost (unit credit) method—be used to calculate the present value of accrued benefits; (2) that plans with less than 100 participants not be required to disclose the present value of accrued benefits; (3) that the assumptions used in calculating the accrued benefits be based on expectations relating to an ongoing rather than a terminating plan; and (4) that the major assumptions used be disclosed on the schedule B itself.

I. SCHEDULE B—DISCUSSION OF SIGNIFICANT COMMENTS AND CHANGES TO THE FORM.

A. End of Plan Year Basis. The proposed revision to the Schedule B would have required that the present value of accrued benefits be determined as of the end of the plan year to facilitate comparison between the value of plan assets as reported on the annual report and the plan's accrued benefit liabilities as reported on the Schedule B. The instructions provided that, for plans using a valuation date other than the end of the plan year, a reasonable estimate of the value of accrued benefits as of the end of the plan year could be projected from the most recent actuarial valuation.

According to the public comments, actuaries generally choose a valuation date other than the end of the plan year. If all plans were required to calculate plan liabilities as of the end of the plan year, this would, in the view of the commentators, increase costs to

¹Section 103(d)(6) requires that a plan's actuarial statement include the present value of all of the plan's liabilities for non-forfeitable pension benefits allocated by the termination priority categories set forth in section 4044 of ERISA and the actuarial assumptions used in these computations.

affected plans. The commentators also indicated that valuations are generally made at the beginning of the plan year and further calculations, sometimes at substantial cost, would be required in order to project values as of, or to revise estimates at, the end of the plan year in the light of events during the year.

In view of the comments received, the Department has decided to require that the present value of accrued benefits should be determined as of the beginning of the plan year. This requirement should minimize costs to plans while permitting some degree of comparability between information in the Schedule B and in the annual report.

B. Statement of the Present Value of Accrued Benefits. As proposed, Schedule B would have required that for plan years beginning in 1979, all plans with more than 100 participants must provide information with respect to: (a) The present value of vested benefits for (1) retired participants and beneficiaries receiving payments and (2) other participants (with figures for both categories calculated on a historical basis, i.e., based on service performed by, and compensation earned by, employees prior to the end of the plan year); (b) the present value of nonvested accrued benefits, also calculated on a historical basis; and (c) the present value of additional accrued benefits calculated on a projected basis.

A number of comments urged the Department to delete the proposed requirement to disclose the present value of additional accrued benefits based on projections, particularly since the projections would be limited to salary increases. The commentators argued that the proposed requirement would substantially increase plans' actuarial costs, that the resulting figure would not be meaningful, that it is rarely calculated in practice, and that it would distort comparisons between final average salary plans and plans such as flat benefit or career average plans. The Department has considered these comments and has decided to delete this requirement because it appears that the benefits of disclosing the present value of additional accrued benefits on a projected basis are not justified in view of the additional costs that would be incurred by plans.

C. Actuarial Assumptions. The instructions to the Schedule B, as proposed, would have required that each actuarial assumption used in calculat-

ing the present value of accrued benefits be reasonable.

A number of commentators indicated that the appropriateness of the actuarial assumptions used for any particular plan can only be evaluated in the aggregate, by examining aggregate gain or loss during any year or number of years. If the gains or losses remain relatively small, the commentators argued, there is no need to modify any of the assumptions. The commentators also argued that the requirement would be inconsistent with Congressional intent that the actuarial assumptions used in calculating plan liabilities be reasonable in the aggregate. In response to these comments the Department has deleted the requirement that each assumption must be individually reasonable.

D. Explanation of Differing Actuarial Assumptions. In the case where the assumptions used for the calculation of the present value of accrued benefits differ from those used in the calculation of the funding standard account, the proposed instructions to the Schedule B would have required the actuary to explain the reasons for the differences and to provide an estimate of the approximate effect of using different assumptions. Numerous comments stated that it would be difficult to estimate the effect of using different assumptions, and that any such estimate would involve substantial costs for plans. The Department has considered these comments and has modified its proposal. As adopted, the instructions to the Schedule B require the actuary to set forth the reasons for any differences in the assumptions used, but do not require an estimate of the financial effect of such differences.

In addition to the changes discussed above, minor changes have been made in response to comments which noted several technical inconsistencies in the instructions to the Schedule B.

II. PERMANENT WAIVER OF SECTION 103(d)(6)

Section 103(d)(6) provides that the actuarial statement required by section 103(d) must include the present value of the plan's liabilities for non-forfeitable pension benefits allocated by termination priority categories as set forth in section 4044 of ERISA, and the actuarial assumptions used in these computations. Under section 104(a)(2)(A) of ERISA, the Secretary

of Labor may waive the requirements of section 103(d)(6). In order to waive these requirements, however, the Secretary must find that:

(i) the interests of the plan participants are not harmed thereby and (ii) the expense of compliance with the specific requirements of section 103(d)(6) is not justified by the needs of the participants, the Pension Benefit Guaranty Corporation, and the Department of Labor * *

For plan years 1975, 1976 and 1977, the Secretary waived the requirements of section 103(d)(6) based on the findings that: (1) The information required under section 103(d)(6) is primarily important to a plan which is terminating and would be of little relevance to participants or the Secretary in the case on ongoing plans; (2) the requirements of section 103(d)(6) would add considerable expense and time to the preparation of the actuarial statement; and (3) the PBGC expressed no need for this information on an annual basis.

At the time the revisions to Schedule B were proposed, the Department announced that if certain changes to the Schedule B were adopted, the Department would issue a permanent waiver from the requirements of section 103(d)(6) of ERISA. The public comments received generally supported such a permanent waiver.

It appears that the information submitted in response to questions 6 (d) and (e) of the revised Schedule B should provide interested persons with sufficient information with respect to plan liabilities. It further appears that the information which would be provided under section 103(d)(6) would be of little interest to plan participants, PBGC and the Department, and would impose considerable expense on plans. Accordingly, the Department finds that the interests of the plan participants are not harmed by the adoption of § 2520.104-42—which provides a permanent waiver from the requirements of section 103(d)(6) of ERISA—and that the expense of compliance with the specific requirements of section 103(d)(6) is not justified by the needs of the participants, PBGC and the Department.

Pursuant to the authority in sections 103(d), 109(a) and 505 of ERISA, Pub. L. 93-406, 88 Stat. 840-852, 894 (29 U.S.C. 1023, 1029), Schedule B to the annual return/report (5500 series) and the instructions thereto are hereby amended to read as follows:

[4510-29-C]

SCHEDULE B (Form 5500)

Department of the Treasury Internal Revenue Service Department of Labor Pension and Welfare Benefit Programs Pension Benefit Guaranty Corporation

Actuarial Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974, referred to as ERISA, and section 6059(a) of the Internal Revenue Code, referred to as the Code. Attach to Forms 5500, 5500-C and 5500-K if applicable.

1978

This Form is Open to Public Inspection

For plan year beginning 1978 and ending 19

- Please complete every applicable item on this form. If an item does not apply, enter "N/A." Round off amounts to nearest dollar.

Name of plan sponsor as shown on line 1(a) of Form 5500, 5500-C or 5500-K Employer identification number

Name of plan Enter three digit plan number Yes No

- 1 Has a waiver of a funding deficiency for the current plan year been approved by the IRS? If "Yes," attach a copy of the IRS approval letter.
2 Is a waived funding deficiency of a prior plan year being amortized in the current year?
3 Have any of the periods of amortization for charges described in section 412(b)(2)(B) of the Code been extended by DOL? If "Yes," attach a copy of the DOL approval letter.
4 (a) Has the shortfall funding method been used? (i) If (a) is "Yes," has the deferral of the amortization of the shortfall gain (loss), beyond the plan year following the year in which the shortfall gain (loss) arose, been elected? (ii) If (a) is "Yes," has the deferral of the amortization of the actuarial gain (loss), beyond the first plan year after valuation, been elected?
5 Has a change in funding method for the current plan year been made? If "Yes," attach a copy of the IRS approval letter.

6 Operational information:

- (a) Enter most recent actuarial valuation date
(b) Enter date(s) and amount of contributions received this plan year for prior plan years and not previously reported: Date(s), Amount
(c) Current value of the assets accumulated in the plan as of the beginning of the plan year
(d) Present value of vested benefits as of the beginning of plan year: (i) For retired participants and beneficiaries receiving payments (ii) For other participants (iii) Total
(e) Present value of nonvested accrued benefits as of beginning of plan year
(f) Number of persons covered (included in the most recent actuarial valuation): (i) Active participants (ii) Terminated participants with vested benefits (iii) Retired participants and beneficiaries of deceased participants

7 Contributions made to the plan for the plan year by employer(s) and employees:

Table with 6 columns: (a) Month, (a) Year, (b) Amount paid by employer, (c) Amount paid by employees, (a) Month, (a) Year, (b) Amount paid by employer, (c) Amount paid by employees. Includes a Total row.

8 Funding standard account and other information:

- (a) Accrued liabilities as determined for funding standard account as of (enter date)
(b) Value of assets as determined for funding standard account as of (enter date)

Statement by Enrolled Actuary (see instructions before signing):

To the best of my knowledge, the information supplied in this schedule and on the accompanying statement, if any, is complete and accurate, and in my opinion the assumptions used in the aggregate (a) are reasonably related to the experience of the plan and to reasonable expectations, and (b) represent my best estimate of anticipated experience under the plan.

Signature of actuary Date
Print or type name of actuary Enrollment number
Address Telephone number (including area code) 263-106-1

8 Funding standard account and other information (continued):

(c) (i) Actuarial gains or (losses) for period ending ▶ _____
 (ii) Shortfall gains or (losses) for period ending ▶ _____

(d) Accumulated funding deficiency at end of plan year (amount of contribution certified by the actuary as necessary to reduce the funding deficiency to zero), from 9(m) or 10(g) _____

9 Funding standard account statement for plan year ending ▶ _____

Charges to funding standard account:

(a) Prior year funding deficiency, if any _____
 (b) Employer's normal cost for plan year _____
 (c) Amortization charges (outstanding balance at beginning of plan year ▶ \$ _____)
 (d) Interest on (a), (b) and (c) _____
 (e) Total charge, sum of (a) through (d) _____

Credits to funding standard account:

(f) Prior year credit balance, if any _____
 (g) (i) Employer contributions (total from column (b) of item 7) _____
 (ii) Employer contributions received this plan year for prior plan years and not previously reported _____
 (h) Amortization credits (outstanding balance at beginning of plan year ▶ \$ _____)
 (i) Interest on (f), (g) and (h) _____
 (j) Other (specify) ▶ _____
 (k) Total credits, sum of (f) through (j) _____

Balance:

(l) Credit balance, excess, if any, of (k) over (e) _____
 (m) Funding deficiency, excess, if any, of (e) over (k) _____

10 Alternative minimum funding standard account (omit if not used):

(a) Was the entry age normal cost method used to determine entries in item 9 above? Yes No
 If "No," omit (b) through (g) below.

(b) Normal cost _____
 (c) Excess, if any, of value of accrued benefits over market value of assets _____
 (d) Interest on (b) and (c) _____
 (e) Employer contributions (total from column (b) of item 7) _____
 (f) Interest on (e) _____
 (g) Funding deficiency, excess, if any, of the sum of (b) through (d) over the sum of (e) and (f) _____

11 Checklist of actuarial cost methods:

(a) Attained age normal (b) Entry age normal (c) Accrued benefit (unit credit)
 (d) Aggregate (e) Frozen initial liability (f) Individual level premium
 (g) Other (specify) ▶ _____

12 Checklist of certain actuarial assumptions:

	A Used for item 6(d) and (e)— value of accrued benefits				B Used for item 8, 9 or 10— funding standard account			
	Pre-retirement		Post-retirement		Pre-retirement		Post-retirement	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(a) Rates specified in insurance or annuity contracts								
(b) Mortality table code:								
(i) Males								
(ii) Females								
(c) Interest rate								
(d) Retirement age								
(e) Expense loading								
(f) Annual withdrawal rate:								
(i) Age 25	Male	Female			Male	Female		
(ii) Age 40								
(iii) Age 55								
(g) Ratio of salary at normal retirement to salary at:								
(i) Age 25								
(ii) Age 40								
(iii) Age 55								
(h) Is a statement of actuarial assumptions attached?					<input type="checkbox"/> Yes <input type="checkbox"/> No			

³ Provide these figures for 1978 plan year, if calculated. Beginning with the 1979 plan year disclosure of these figures is mandatory for all plans filing a Schedule B with 100 or more participants.

Department of
the Treasury
Internal
Revenue Service

Department of
Labor
Pension and Welfare
Benefit Programs

Pension
Benefit
Guaranty
Corporation

1978 Instructions for Schedule B (Form 5500)

Actuarial Information

(Code references are to the Internal Revenue Code. ERISA refers to the Employee Retirement Income Security Act of 1974.)

General Instructions

Who Must File.—The employer or plan administrator of a defined benefit plan that is subject to the minimum funding standards (see section 412 of the Code and Part 3 of Title 1 of ERISA) must file this schedule as an attachment to the annual return/report filed for plan years beginning on or after January 1, 1976. Plans maintained on January 1, 1974, pursuant to one or more collective bargaining agreements entered into before September 2, 1974, are not subject to the minimum funding standards for plan years beginning before the earlier of the termination of the collective bargaining agreement(s) or January 1, 1981.

For split-funded plans, the costs and contributions reported on Schedule B should include those relating to both trust funds and insurance carriers.

Specific Instructions

(References are to line items on the form.)

4(a). A collectively bargained plan only may elect the shortfall funding method (see regulations under section 412 of the Code). Advance approval from the IRS of the election of the shortfall method of funding is NOT required if it is first adopted on or before the later of (i) the first plan year to which section 412 of the Code applies or (ii) the last plan year commencing before December 31, 1980. However, advance approval from IRS is required, if adopted at a later time or if discontinued.

4(b). Advance approval from IRS of the election to defer the amortization of the shortfall gain (loss) and/or the amortization of the actuarial gain (loss) is required for a plan year, subsequent to the first plan year to which the shortfall method applies. Advance approval from IRS is required for discontinuance.

5. Changes in funding methods include changes in actuarial cost method, changes in asset valuation method and changes in the valuation date of plan costs and liabilities or of plan assets. Such changes require IRS approval.

6(a). The valuation for a plan year may be as of any date in the year, including the first and last. Valuations must be performed within the period specified by section 103(d) of ERISA and section 6059(a) of the Code.

6(b). Not applicable to the first plan year to which the minimum funding standards apply.

6(c). Enter current value of total assets as of the beginning of the plan year, as shown in item 13 on Form 5500, 5500-C or 5500-K. The beginning of the plan year value should be the same figure as that of the end of the prior plan year.

6(d) and (e). Schedule B for plan years beginning in 1979 will require that the information indicated in 6(d) and (e) be completed for all plans with 100 or more participants, in accordance with these instructions. Plans with fewer than 100 participants are to supply these figures if calculated. For plan years beginning in 1978, the information is required only to the extent it has been calculated. If the value indicated in item (d) has been calculated as of the beginning of the plan year beginning in 1978, it should be entered regardless of whether it has been determined according to these instructions. The term "accrued benefit" means the individual's accrued benefit determined under the plan as required by section 204 of ERISA.

Each separate actuarial assumption used in calculating the present value of accrued benefits reported in item 12 should explicitly reflect the expectations applicable to the plan on an ongoing (rather than a terminating) basis. The actuary shall take into account rates of early retirement and the plan's early retirement provisions as they relate to the accrued benefits, where these would significantly affect the results. See instructions for item 12 for further requirements concerning actuarial assumptions.

Where significant, the present value of accrued benefits for both (d) and (e) shall be increased by the present value of any subsidized early retirement benefits, disability benefits and death benefits

which are related to the accrued benefit. The present value of accrued benefits should also be increased by the present value of a cost-of-living clause if such a clause is currently part of the benefit formula.

The present values should be determined as of the beginning of the plan year.

Omit from items 6(d) and (e) liabilities fully funded by annuity and insurance contracts other than any contract funds not allocated to individuals.

6(d). Include the present value of all vested accrued benefits that are vested as of the beginning of the plan year. 6(d)(i) should include the present value of vested benefits for all retired participants. 6(d)(ii) should include the present value of vested benefits for other participants. 6(d)(iii) is the sum of 6(d)(i) and (ii).

6(e). Include the present value of the excess of the accrued benefits over the vested benefits included in 6(d).

7. Show all employer and employee contributions for the plan year, and employer contributions made not later than 2½ months (or such later date allowed under section 412(c)(10) of the Code and section 302(c)(10) of ERISA) after the end of the plan year.

8(a). If the aggregate cost or frozen initial liability method is used, enter "N/A".

8(b). Enter the value of assets determined in accordance with section 412(c)(2) of the Code or 302(c)(2) of ERISA.

8(c)(i). If the aggregate cost or frozen initial liability method is used, enter "N/A".

8(c)(ii). For the methods to be used to determine the shortfall gain (loss) see the regulations under section 412 of the Code.

8(d). Insert amount from item 9(m). However, if the alternative method is elected, and item 10(g) is smaller than item 9(m), enter the amount from item 10(g). File Form 5330 with the IRS to pay 5% excise tax on the funding deficiency.

Statement by Enrolled Actuary

In lieu of signing Schedule B (Form 5500) an enrolled actuary may attach a signed statement containing the name, address, enrollment number, telephone number and the actuary's opinion that the assumptions used in preparing Schedule B are in the aggregate reasonably related to the experience of the plan and to reasonable expectations, and represent his or her best estimate of anticipated experience under the plan and to

the best of his or her knowledge the report is complete and accurate. In addition, the actuary may offer any other comments related to the information contained in Schedule B.

9. Under the shortfall method of funding, the Normal Cost in the funding standard account, is the charge per unit of production (or per unit of service) multiplied by the actual number of units of production (or units of service) which occurred during the plan year. Each amortization installment in the funding standard account is similarly calculated. For a plan maintained by more than one employer, the amortization of the shortfall gain (loss) and the actuarial gain (loss) may be deferred. See regulations under section 412 of the Code.

9(b). If no valuation was made for the current year, enter the normal cost calculated in the most recent actuarial valuation, or the estimated cost for the current year based on such valuation. If amounts are not as of the date of the most recent actuarial valuation, indicate in the Statement of Actuarial Assumptions how the amounts shown were determined.

10(a). If the entry age normal cost method was not used to determine the entries in item 9, the alternative minimum funding standard account may not be used.

10(c). The value or accrued benefits should exclude benefits accrued for the current plan year. The market value of assets should be reduced by the amount of any contributions for the current plan year.

11. Enter only the primary method used. If the plan uses one actuarial cost method in one year as the basis of establishing an accrued liability for use under the frozen initial liability method in subsequent years, answer as if the frozen initial liability method were used in all years.

12. Complete all blanks. Enter "N/A" if not applicable. If the assumptions, listed under columns A and B differ, explain, in an attached Statement of Actuarial Assumptions, the reasons for the differences.

If unisex tables are used enter the values in both the male and female columns.

12(a). Check "Yes" if rates in contract were used (e.g. purchase rates at retirement).

12(b). Enter Code as follows:

Table	Code
1937 Standard Annuity	1
a-1949 Table	2
Progressive Annuity Table	3
1951 Group Annuity	4
1971 Group Annuity Mortality	5
1971 Individual Annuity Mortality	6
UP-1984	7
Other	8
None	9

Where an indicated table consists of separate tables for males and females, add F to the female table (e.g., 4F). When a projection is used with a table, follow the code with "P" and the year of projection (omit year if projection unrelated to a single calendar year); the identity of the projection scale should be omitted. When an age set-back or set-forward is used, indicate with "-" or "+" and the years. For example, if for females the 1951 Group Annuity Table with Projection C to 1971 is used with a 5-year set-back, enter "4P71-5." If the table is not one of those listed, enter "8" with no further notation. If the valuation assumes a maturity value to provide the post-retirement income without separately identifying the mortality, interest and expense elements, under "post-retirement" enter on 12(b) the value of \$1.00 of monthly pension beginning at the age shown on 12(d) assuming the normal form of annuity for an unmarried person; in this case enter "N/A" on 12(c) and 12(e).

12(c). Enter assumption as to expected interest rate (investment return).

If the assumed rate varies with the year, enter the weighted average of the assumed rate for 20 years following the valuation date.

12(d). If each participant is assumed to retire at his normal retirement age, enter "NRA"; otherwise enter the assumed retirement age. If the valuation uses rates of retirement at various ages, enter the estimated average whole age at which participants are assumed to retire.

12(e). If there is no expense loading, enter 0. If there is a single expense loading not separately identified as pre-retirement or post-retirement, enter it under pre-retirement and enter "N/A" under post-retirement. Where expenses are assumed other than as a percent of plan costs or liabilities, enter the assumed expense as a percent of the calculated normal cost.

12(f). Enter rates to nearest 0.1%. If select and ultimate rates which vary with both age and years of service are used, enter rates for a new participant at the age shown and enter "S" before the rate.

12(g). Enter salary ratio for the age indicated to the nearest 1%.

12(h). Attach a statement of actuarial assumptions used (if not fully described by item 12), actuarial methods used to calculate (i) the figures shown in items 6, 8, 9, 10 (if not fully described by item 11) and (ii) the value of assets shown on line 8(b). The statement is to include a summary of the principal eligibility and benefit provision upon which the valuation was based, an identification of benefits not included in the calculation, and other facts, such as any change in actuarial assumptions or cost methods and justifications for an such change. Include also such other information, if any, needed to fully and fairly disclose the actuarial position of the plan.

The final regulation set forth below is adopted pursuant to the authority in sections 101, 103, 104, 109, 110, 111(c) and 505 of ERISA, Pub. L. 93-406, 88 Stat. 840-52, 894 (29 USC 1021, 1023-24, 1029-31, 1135).

Chapter XXV of Title 29 of the Code of Federal Regulations is hereby amended so that § 2520.104-42 reads as follows:

§ 2520.104-42 Waiver of certain actuarial information in the annual report.

Under the authority of § 104(a)(2)(A) of ERISA, the requirement of section 103(d)(6) of ERISA that the annual report include as part of the actuarial statement (Schedule B) the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority categories, as set forth in section 4044 of Title IV of ERISA, and the actuarial assumptions used in these computations, is waived.

Signed at Washington, D.C. this 22nd day of January, 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 79-2714 Filed 1-23-79; 10:37 am]

[4510-26-M]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Lead; Administrative Stay; Reconsideration; Corrections

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of administrative stay of final standard for occupational exposure to lead; notice of reconsideration and opportunity to comment on respirator table; corrections to final standard.

SUMMARY: OSHA's final standard for occupational exposure to lead was published in the FEDERAL REGISTER on November 14 and November 21, 1978, to be effective February 1, 1979. This document gives notice of an administrative stay of the standard until February 24, 1979, to facilitate judicial consideration of motions to stay the standard pending full judicial review.

In addition, OSHA has decided to reconsider the final standard's prohibition on the use of dust, mist and fume respirators in certain circumstances, and to permit use of these respirators pending reconsideration.

DATES: (1) The effective date of the standard is February 24, 1979.

(2) Comments on the respirator table must be submitted by March 1, 1979.

ADDRESS: Comments should be sent to: Docket Officer, Docket H-004, U.S. Department of Labor, Room S-6212, Washington, D.C. 20210, Telephone: (202) 523-7894.

FOR FURTHER INFORMATION CONTACT:

Gary Adams, OSHA Office of Toxic Substances, U.S. Department of Labor, Room S-5520, Washington, D.C. 20210, telephone 202-523-7177.

SUPPLEMENTARY INFORMATION:

1. *Introduction.* On November 13, 1978, the Occupational Safety and Health Administration (OSHA) promulgated a permanent standard for occupational exposure to lead. [29 CFR 1910.1025, 43 FR 52952-53014 (November 14, 1978), 43 FR 54354-54509 (November 21, 1978)]. The standard provides for a delayed effective date of February 1, 1979. Pursuant to section 6(f) of the Occupational Safety and Health Act, 29 USC 655(f), numerous petitions were filed in several U.S. Courts of Appeal challenging the validity of the standard. All petitions are being transferred to the U.S. Court of Appeals for the District of Columbia Circuit (*United Steelworkers of America, AFL-CIO-CLC v. Marshall*, No. 78-2452 (3rd Circuit, January 10, 1979)). Following promulgation of the standard, sixteen petitions were directed to the Assistant Secretary for Occupational Safety and Health for administrative relief requesting that OSHA either withdraw the standard for reconsideration of various issues or grant an administrative stay of the effective date pending judicial review by the U.S. Court of Appeals. Petitions were received from the following persons:

1. Lead Industries Association
2. Battery Council International
3. Ford Motor Company
4. Chrysler Corporation
5. General Motors Corporation
6. Ethyl Corporation
7. American Telephone and Telegraph Company
8. American Iron and Steel Institute
9. St. Joe Minerals Corporation
10. Corning Glass Works
11. E. I. duPont de Nemours & Company
12. Minnesota Mining and Manufacturing Company
13. National Association of Printing Ink Manufacturers
14. Southwire Company

15. National Paint and Coatings Association, Inc.

16. National Association of Recycling Industries

Some petitions were treated as requests for clarification or interpretation, but administrative relief was denied to all petitioners except the Minnesota Mining and Manufacturing Company. Copies of petitions and responses are available for inspection and copying at: OSHA Docket Office, U.S. Department of Labor, Room S-6212, Washington, D.C. 20210, Telephone (202) 523-7894.

2. *Administrative stay.* Under the authority of section 10(d) of the Administrative Procedure Act (5 U.S.C. § 705) the February 1, 1979 effective date of the standard as set forth in paragraph (p) of 29 CFR 1910.1025 is stayed and amended to read February 24, 1979.

The record in the lead rulemaking proceeding demonstrates that lead has profoundly adverse effects on the health of exposed workers and that compliance with the regulation must begin immediately in order to afford workers much needed, and overdue, protection. However, the agency believes that staying the effective date of the standard until February 24, 1979 is in the public interest because it will facilitate expeditious judicial consideration of applications for stay pending judicial review filed by several parties.

The agency believes that the public interest lies in enforcement of this regulation as quickly as possible. It appears that a judicial decision on applications for stay of the standard pending review can be made by February 23, 1979, and to grant an administrative stay for this brief period of time will enable the court to fully consider the issues raised by such stay applications, and the Secretary's opposition thereto, obviating the need for emergency relief by the court before the issues are fully before it.

3. *Reconsideration.* The Minnesota Mining and Manufacturing (3M) Company petitioned OSHA on December 28, 1978 to reconsider the prohibition on the use of dust, fume, and mist respirators for concentrations of lead not in excess of 0.5 mg/m³. This prohibition is implicit in the exclusion of these respirators from the respirator selection table of the final standard. (29 CFR 1910.1025(f)(2)(i)) 3M claimed that the evidence in the rulemaking record did not support the prohibition of these respirators and, on the contrary supported their use. OSHA agrees that serious questions have been raised which warrant further administrative consideration. Therefore, OSHA has granted 3M's request to reconsider this issue and will permit the continued use of dust, fume and mist

respirators currently permitted under 29 CFR 1910.134 for concentrations of lead not exceeding 0.5 mg/m³ pending consideration of the issue.

OSHA relied primarily on the recommendations of NIOSH in formulating the table and will now review the NIOSH exhibits in the record, and request an interpretation from them. In addition, affected persons may submit comments on the issue of whether dust, fume, and mist respirators should be included in the respirator selection table of the final standard for concentrations of lead not in excess of 0.5mg/m³ or ten times the PEL. Comments must be submitted in quadruplicate on or before March 1, 1979 to the Docket Officer, Docket H-004, U.S. Department of Labor, Room S-6212, Washington, D.C. 20210. Telephone (202) 523-7894. Comments received will be available for public inspection and copying at the above address.

3. *Corrections.* The permanent standard for occupational exposure to lead, as published in the Federal Register on November 14, 1978, is correct-

ed below. These changes are intended to correct typographical errors and inadvertent additions to or deletions from the regulation. These changes are minor and do not require public notice and comment. (29 CFR 1911.5) Corrections to the preamble of the standard and appendices to the standard will be published in a subsequent Federal Register notice.

Accordingly, pursuant to section 6 of the Occupational Safety and Health Act (29 USC 655), 29 CFR 1911.5, and section 10(d) of the Administrative Procedure Act (5 USC 705), notice is hereby given that the use of dust, fume, and mist respirators currently permitted under 29 CFR 1910.134 is permitted under the respirator selection table of the permanent standard for occupational exposure to lead (29 CFR 1910.1025 (f) (2) (i)) until reconsideration of their exclusion from the table is completed by OSHA and a determination is made.

In addition, pursuant to the above authority FR Doc. 78-31911, promulgating 29 CFR 1910.1025, is amended as follows:

Page	Column	Line	Correction
1. 53007.....	1	44	Insert "Lead." after "(g)"
2. 53007.....	2	34	close parenthesis after "m"
3. 53007.....	2	50	insert period after "Exposure monitoring" in paragraph (d)
4. 53007.....	3	8-13	paragraph (d)(3)(IXB) should read "Any previous measurements of airborne lead; and"
5. 53007.....	3	24	add as paragraph (d)(3)(III): "Measurements of airborne lead made in the preceding 12 months may be used to satisfy the requirement to monitor under paragraph (d)(3)(I) if the sampling and analytical methods used meet the accuracy and confidence levels of paragraph (d)(9) of this section."
6. 53007.....	3	24	insert "and initial monitoring. (i)" after "Positive initial determination" in paragraph (d)(4)
7. 53007.....	3	32	change "which" to "who"
8. 53007.....	3	34	add as paragraph (d)(4)(II): "Measurements of airborne lead made in the preceding 12 months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of paragraph (d)(9) of this section."
9. 53007.....	3	36	change "paragraph" to "paragraphs"
10. 53008.....	1	7	change "may" to "shall"
11. 53008.....	1	Table 1	The entry for "all other industries" under the 100 µg/m ³ column should be "not applicable"
12. 53008.....	2	7	add to the end of footnote 3 of Table I "This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon the effectiveness of this section."
13. 53008.....	2	19	insert comma after "limit" in paragraph (e)(3)(I)
14. 53008.....	2	20	change "appropriate" to "applicable" in paragraph (e)(3)(I)
15. 53008.....	3	49	change "employee's" to "employees" in paragraph (e)(6)
16. 53009.....	1	4	add "negative pressure" after "wear a"
17. 53009.....	1	Table 2	(1) Add a footnote "3" after "filters" in lines 6 and 9 of the table. (2) Insert "PEL:" after "2000x" in left column.
18. 53009.....	3	31	in paragraph (g)(2)(VIII), delete comma and all after "air"; add period at end of sentence.
19. 53009.....	3	44	paragraph (h)(2)(II) should read "Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective."
20. 53009.....	3	53-55	delete "skin or clothing may come in contact with fume, dust, mist, or liquids containing lead or where" in paragraph (I)(1)
21. 53009.....	3	68-70	delete "their skin or clothing comes into contact with fume, dust, mist, or liquids containing lead or where" in paragraph (I)(2)
22. 53010.....	1	9-11	delete "where their skin or clothing comes into contact with fume, dust, mist or liquids containing lead or" in paragraph (I)(3)
23. 53010.....	1	18	change "1910.141(a)(3)" to "1910.141(d)(3)"
24. 53010.....	1	28-30, 41-43	delete "their skin or clothing comes into contact with fume, dust, mist, or liquids containing lead or where" in paragraphs (I)(4)(I) and (I)(4)(III)

RULES AND REGULATIONS

Page	Column	Line	Correction
25. 53010.....	1	45	add "the use of" before "respirator"
26. 53010.....	1	60-67	delete all of paragraph (l)(6)
27. 53010.....	2	6	in paragraph (j)(1)(iii), insert "including multiple physician review under paragraph (j)(3)(iii)" after "required medical surveillance"
28. 53010.....	2	53	insert a comma and "United States Department of Health, Education and Welfare" after "Control" in paragraph (j)(2)(iii)
29. 53011.....	1	71-72	delete "inorganic"
30. 53011.....	2	25	change "an" to "the" in paragraph (j)(3)(v)(A)
31. 53012.....	1	12	change semicolon to period at end of paragraph (k)(1)(ii)(A)
32. 53012.....	1	60-61	in paragraph (k)(1)(iii)(A)(4), change semicolon to period; delete "and"
33. 53012.....	2	39	delete "-III" in paragraph (k)(1)(v)(B)
34. 53012.....	2	44-45	(1) delete semi colon and insert "or" after "physician;" in paragraph (k)(1)(v)(B)(2) line up ¶(2) at margin
35-53012.....	2	46	change "proceeding" to "preceding"
36. 53012.....	3	33	insert "receives income" after "program, or"
37. 53012.....	3	37	change "no" to "not"
53013.....	1	42	change "(1)(ii)" to "(1)(iii)"
38. 53013.....	3	21	change "(1)(v)" to "(1)(vi)"
39. 53014.....	2		The effective date in paragraph (p) is changed to February 24, 1979
40. 53014.....	3	26	add a new paragraph (D) to read "Quantitative fit testing required under (f)(3)(ii)—one year from effective date. Qualitative fit testing is required in the interim.

Signed at Washington, D.C. this 25th day of January, 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-3022 Filed 1-25-79; 10:58 am]

proposed rules

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

[3410-30-M]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 220]

SCHOOL BREAKFAST PROGRAM

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to change the designation "especially needy school" to "school with severe need", establish minimum national eligibility criteria for States to use in determining schools with severe need, allow cost for severe need schools to be calculated on the School Food Authority level, and clarify the reimbursement formula for School Food Authorities which include schools with and without severe need. These changes are required by Public Law 95-166 and the Child Nutrition Amendments of 1978 (Public Law 95-627) as well as by clarifications in cost accounting methods. They are designated to provide greater national consistency of severe need determination, more efficient program operation, and inducement for increased participation by schools in the School Breakfast Program.

DATE: A 60 day comment period is provided for this proposal. Comments must be received on or before March 27, 1979 to be assured of consideration. It is the Department's intention to publish final regulations to be effective July 1, 1979.

ADDRESS: Send comments to: Margaret O'K. Glavin, Director, School Programs Division, FNS, USDA, Washington, D.C. 20250 (202) 447-8130. All written submissions received pursuant to this notice will be made available for public inspection in room 4300B, Auditor's Building, School Programs Division, FNS, during regular business hours (8:30 a.m. to 5:00 p.m.) (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director School Programs Division, FNS, USDA, Washington, D.C. 20250 (202)447-8130.

SUPPLEMENTARY INFORMATION:

CHANGES IN TERMINOLOGY

The change in terminology from "especially needy school" to "school with severe need" is a technical amendment to conform with the language of the Child Nutrition Act of 1966, as amended.

MINIMUM ELIGIBILITY CRITERIA

The Child Nutrition Amendments of 1978 (Public Law 95-627) make two categories of schools eligible for additional reimbursement when regular per meal reimbursement will not cover costs: (1) schools which are required by State law to serve breakfast and (2) schools which have a high number of needy children as defined by State criteria. The minimum State criteria is set by law at 40 percent of a school's lunches served. Schools are to rely on their statistics for free and reduced price lunches served during the second preceding school year to determine the number of needy children that they serve.

In addition to the explicit requirements of the law, the Department proposes to extend severe need reimbursement to schools which serve a high number of needy children but which did not have a lunch program in previous years upon which a forecast of participation by needy children could be made. Congressional intent is clearly to offer incentives for the expansion of the breakfast program, particularly in areas of economic need. Although the percentage of free and reduced price lunches served is a good indication that needy children will be reached in a breakfast program, administrators must rely on alternate guidelines when lunch statistics are not available. The regulations as proposed allow alternative bases on which a determination of need may be made in the absence of such data.

COST DETERMINATION

The Department proposes to continue to require the determination of eligibility for severe need funds to be made on a school by school basis. The language of the Child Nutrition Act, as amended, as well as the intent of Congress revealed in Congressional debate dictate that severe need funds be targeted to schools serving a substantial number of needy children. However, the Department proposes to allow cost to be determined on a School Food Authority basis, in keeping with

the cost accounting requirements of FNS (CN) Instruction 796-1 (Rev. 2). School Food Authority maintaining costs on an individual school basis may continue to do so. This proposal does not change the existing requirement that reimbursement not exceed cost.

The Department is aware that Section 6 of Public Law 95-627 states that no provision of the Child Nutrition Act or National School Lunch Act shall require schools receiving funds under these acts to account separately for costs incurred in the school lunch and school breakfast programs. This provision will be addressed in separate proposed rulemaking. However, it is envisioned that a formula will be devised to facilitate cost determination between programs in order that schools shall not be required under Federal regulations to maintain separate records on costs in order to qualify for severe need rates. The Department further proposes to amend that part of the regulations governing the reimbursement formula for School Food Authorities which include both schools with and without severe need by restructuring the regulations for further clarity.

Accordingly, Part 220.9 is proposed to be amended as follows: Paragraphs (b) and (c) are revised and new paragraphs (d) and (e) are added to read as follows:

§ 220.9 Reimbursement payments.

(b) The maximum rates of reimbursement for breakfasts served to eligible children are the applicable national average payment factors for breakfasts, prescribed semiannually by the Secretary in the FEDERAL REGISTER.

(c) The total reimbursement for breakfasts served to eligible children during the school year in any School Food Authority shall be equal to the lesser of the following amounts—(1) the total cost of such breakfasts minus revenues from other sources including children's payments; and (2) the sum of the products obtained by multiplying (a) the total number of paid breakfasts by the applicable rate of reimbursement for paid breakfasts, (b) the total number of reduced price breakfasts served in schools not determined to be in severe need by the applicable rate of reimbursement for reduced price breakfasts, (c) the total number

PROPOSED RULES

of free breakfasts served in schools not determined to be in severe need by the applicable rate or reimbursement for free breakfasts, and if the School Food Authority includes schools determined to be in severe need, (d) the total number of reduced price breakfasts served in schools determined to be in severe need by the applicable severe need rate of reimbursement for reduced price breakfasts, and (e) the total number of free breakfast served in schools determined to be in severe need by the applicable severe need rate of reimbursement for free breakfasts.

(d) The State agency, or FNSRO where applicable, shall determine whether a school is a school with severe need based on eligibility criteria established by the State educational agency, in the annual State Plan as required under 210.4a. At a minimum, a school shall be determined to be a school with severe need if the rate per meal established by the Secretary is insufficient to cover the costs of its breakfasts program and (1) it is required by State law to serve breakfasts, or (2) if under the National School Lunch Program, it served 40 percent or more of its lunches free or at a reduced price in the second preceding school year, or (3) if it does not have a lunch program but does have or did have a breakfast program in the second preceding school year, it served 40 percent or more of its breakfasts free or at a reduced price, or (4) if it has neither a lunch nor a breakfast program, it would estimate that it would serve 40 percent of its breakfasts free or at a reduced price. All such determinations shall be based on the most accurate data available, and must be adequately documented. A State educational agency may establish more inclusive eligibility criteria. State agencies shall submit for approval their eligibility criteria for the determination of severe need of a school in their annual State Plan.

(e) The total reimbursement for free and reduced price breakfasts served to eligible children in any School Food Authority may exceed the total cost of providing such breakfasts for any given month. However, the total reimbursement for free and reduced price breakfasts served to eligible children in any School Food Authority may not exceed the total cost as determined under guidelines established by FNS for the school year.

(Catalog of Federal Domestic Assistance No. 10.553.)

NOTE.—In accordance with Executive Order 12044, a copy of the detailed impact statement for this proposal is on file at the Office of the Director, School Programs Division, USDA-FNS, Washington, D.C. 20250 during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday).

Dated: January 22, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for
Food and Consumer Services.

IFR Doc. 79-2612 Filed 1-25-79; 8:45 am]

[3410-02-M]

Agricultural Marketing Service

[7 CFR Part 1280]

(Docket No. WR-11)

WHEAT AND WHEAT FOODS RESEARCH AND
NUTRITION EDUCATION ORDER

Hearing on Proposed Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: This noticed hearing is being held to consider a proposed Wheat and Wheat Foods Research and Nutrition Education Order, submitted by the Wheat and Wheat Foods Foundation that would establish a nationally coordinated program of research and nutrition education for wheat, processed wheat, and wheat end products. Such a program would be financed by assessments of up to five cents per hundredweight, to be paid by end product manufacturers of their purchases of processed wheat. The program would be administered by a twenty-member Council, composed equally or representatives of wheat producers, processors, end product manufacturers, and consumers. A coalition of wheat related organizations requested the proposed order. Proponents contend that a nationally coordinated program of research and nutrition education is needed to improve and enhance the quality, and make the most efficient use of American wheat, processed wheat, and wheat end products to ensure an adequate diet for the people of the United States.

DATES: The hearing sessions will be held beginning on February 27, March 6, and March 15 at three locations listed under "Supplementary Information."

ADDRESSES: See the list of locations under "Supplementary Information" below.

FOR FURTHER INFORMATION, CONTACT:

W. David Spalding, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: 202-447-3970

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing on a proposed national re-

search and nutrition education order for wheat and wheat foods. Hearing sessions will be held at three locations, beginning on the dates listed below:

1. February 27, 1979—Federal Building, Courtroom No. 2, 7th Floor, 316 North Robert Street, St. Paul, MN 55101

2. March 6, 1979—Federal Executive Building, Room 556, 275 Peachtree Street, N.E., Atlanta, GA 30303

3. March 15, 1979—State Social Service Building, Basement Auditorium, 1575 Sherman Street, Denver, CO 80203. Each day's session of the hearing will commence at 9:30 a.m., local time, unless the judge otherwise specifies during the course of the hearing. Any of the sessions may be continued beyond 1 day if necessary.

The hearing is called pursuant to the provisions of the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 *et seq.*), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate such an order (7 CFR Part 1280).

The public hearing is for the purpose of:

(a) Receiving evidence with respect to the economic and marketing conditions which relate to the proposed order set forth herein and to any appropriate modifications thereof;

(b) Determining the extent of need for an order to implement a nationally coordinated wheat and wheat foods research and nutrition education program;

(c) Determining the economic and social impact of the proposed order on the segments of industry and public affected by such an order; and

(d) Determining whether provisions specified in the proposed order or some other provisions appropriate to the terms of the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 *et seq.*) will tend to effectuate the declared policy of the Act. In addition, the following matters should also be addressed at the hearing:

(a) What are the social costs in relation to the social benefits associated with the proposed one cent per hundredweight assessment as opposed to any other assessment level between zero to five cents per hundredweight?

(b) What are probable quantitative impacts of alternative assessment levels on USDA costs, end product manufacturer costs, research budgets, competition between wheat products and their substitutes, and the longer term trends for nutrition, diets and health?

(c) Would there be a differentiation in effects from the program on low income and high income consumers, and on the different types of end product manufacturers?

(d) What evidence is there from similar actions in other commodities regarding the ability of research to improve efficiency, productivity, nutrition and diets?

The proposed order, set forth below, has not received the approval of the Secretary of Agriculture.

PROPOSED BY THE WHEAT AND WHEAT FOODS FOUNDATION

PROPOSAL NO. 1

The provisions of the order should read as follows:

PART 1280—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION

Subpart—Wheat and Wheat Foods Research and Nutrition Education Order

DEFINITIONS

- Sec. 1280.101 Wheat.
- 1280.102 Processed wheat.
- 1280.103 End product.
- 1280.104 Wheat producer.
- 1280.105 Processor.
- 1280.106 End product manufacturer.
- 1280.107 Research.
- 1280.108 Nutrition education.
- 1280.109 Wheat Industry Council or Council.
- 1280.110 Department.
- 1280.111 Secretary.
- 1280.112 Person.
- 1280.113 United States.
- 1280.114 Fiscal period.
- 1280.115 Eligible organization.
- 1280.116 Representative of wheat producers.
- 1280.117 Representative of processors.
- 1280.118 Representative of end product manufacturers.
- 1280.119 Representative of consumers.
- 1280.120 Part and subpart.
- 1280.121 Retail baker.
- 1280.122 Intra-company transfers.
- 1280.123 Related companies or divisions of the same company.
- 1280.124 Control.
- 1280.125 Act.
- 1280.126 Plans and projects.
- 1280.130 Establishment and membership.
- 1280.131 Term of office.
- 1280.132 Nominations.
- 1280.133 Appointment.
- 1280.134 Acceptance.
- 1280.135 Vacancies.
- 1280.136 Alternate members.
- 1280.137 Procedure.
- 1280.138 Compensation and reimbursement.
- 1280.139 Powers of the Council.
- 1280.140 Duties.

Sec.

RESEARCH AND NUTRITION EDUCATION

- 1280.145 Research and nutrition education.

EXPENSES AND ASSESSMENTS

- Sec. 1280.150 Expenses.
- 1280.151 Assessments.
- 1280.152 Refunds.
- 1280.153 Influencing governmental action.

REPORTS, BOOKS, AND RECORDS

- Sec. 1280.159 General.
- 1280.160 Reports.
- 1280.161 Books and records.
- 1280.162 Confidential treatment.

CERTIFICATION OF ORGANIZATIONS

- Sec. 1280.165 Certification of Organizations.

MISCELLANEOUS

- Sec. 1280.166 Suspension and termination.
- 1280.167 Proceedings after termination.
- 1280.168 Effect of termination or amendment.
- 1280.169 Personal liability.
- 1280.170 Patents, copyrights, inventions, and publications.
- 1280.171 Amendments.
- 1280.172 Separability.

AUTHORITY: Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et. seq.).

Subpart—Wheat and Wheat Foods Research and Nutrition Education Order

DEFINITIONS

- § 1280.101 Wheat.
“Wheat” means all classes of wheat grains grown in the United States.
- § 1280.102 Processed wheat.
“Processed wheat” means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.
- § 1280.103 End product.
“End product” means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food, notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.
- § 1280.104 Wheat producer.
“Wheat producer” means any person who grows wheat within the United States for market.
- § 1280.105 Processor.
“Processor” means any person who commercially produces processed wheat within the United States.
- § 1280.106 End product manufacturer.
“End product manufacturer” means any person who commercially produces an end product within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to,

hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family, or household use.

§ 1280.107 Research.

“Research” means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, or end products.

§ 1280.108 Nutrition education.

“Nutrition education” means any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products.

§ 1280.109 Wheat Industry Council or Council.

“Wheat Industry Council” or “Council” means the administrative body established pursuant to § 1280.130.

§ 1280.110 Department.

“Department” means the United States Department of Agriculture.

§ 1280.111 Secretary.

“Secretary” means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

§ 1280.112 Person.

“Person” means any individual, partnership, corporation, association or other entity.

§ 1280.113 United States.

“United States” means the several States and the District of Columbia, including any territory or possession.

§ 1280.114 Fiscal period.

“Fiscal period” means the calendar year or such other period as the Council may determine.

§ 1280.115 Eligible organization.

“Eligible organization” means any organization or association which has been certified by the Secretary pursuant to § 1280.165.

§ 1280.116 Representative of wheat producers.

“Representative of wheat producers” means a wheat producer, the owner, officer, or employee of a processor, or an officer, or employee of an organization or association representing wheat producers certified under § 1280.165.

§ 1280.117 Representative of processors.

"Representative of processors" means a processor, the owner, officer, or employee of a processor, or an officer, or employee of an organization or association representing processors certified under § 1280.165.

§ 1280.118 Representative of end product manufacturers.

"Representative of end product manufacturers" means an end product manufacturer, the owner, officer, or employee of an end product manufacturer, or an officer or employee of an organization or association representing end product manufacturers certified under § 1280.165.

§ 1280.119 Representative of consumers.

"Representative of consumers" means a consumer, or an officer or employee of an organization or association representing consumers certified under § 1280.165.

§ 1280.120 Part and subpart.

"Part" means 7 CFR Part 1280, containing rules, regulations, orders, supplemental orders, and similar matters concerning the Wheat and Wheat Foods Research and Nutrition Education Act. "Subpart" means any portion or segment of such part.

§ 1280.121 Retail baker.

"Retail baker" means an end product manufacturer who sells end products directly to the ultimate consumer. Provided, That such term shall not include any end product manufacturer who derives less than 10 percentum of gross end product sales revenues from sales to ultimate consumers or who derives 10 percentum or more of gross food or food product sales revenues from the sale of such products manufactured or produced by others.

§ 1280.122 Intra-company transfers.

"Intra-company transfers" means sales or transfers of processed wheat for use in the manufacture of end products to end product manufacturers from related companies or divisions of the same company.

§ 1280.123 Related companies or divisions of the same company.

"Related companies or divisions of the same company" means subsidiaries, affiliates, or divisions of an end product manufacturer which are controlled by, controlling, or under common control with, such end product manufacturer.

§ 1280.124 Control.

"Control", including the terms "controlling", "controlled by", and "under common control with", means the possession, directly or indirectly, of the

power to direct or cause the direction of the management and policies of any person, whether through the ownership of voting securities, by contract, or otherwise.

§ 1280.125 Act.

"Act" means the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et. seq.) and any amendments thereto.

§ 1280.126 Plans and projects.

"Plans and projects" means those research and nutrition education plans, studies or projects pursuant to § 1280.145.

WHEAT INDUSTRY COUNCIL**§ 1280.130 Establishment and membership.**

There is hereby established a Wheat Industry Council of twenty members, each of whom shall have a specific alternate. The Council shall be composed equally of representatives of wheat producers, processors, end product manufacturers and consumers, appointed by the Secretary from nominations submitted by eligible organizations certified pursuant to § 1280.165, or from nominations in a manner authorized by the Secretary pursuant to § 1280.132(a).

§ 1280.131 Term of office.

The members of the Council and their alternates shall serve for terms of two years, except appointments to the initial Council shall be proportionately for terms of two and three years. Each member and alternate member shall continue to serve until his successor is appointed by the Secretary and has qualified. No member or alternate shall serve more than three consecutive terms in such capacity, but service of three consecutive terms in one capacity will not disqualify any person from appointment in another capacity.

§ 1280.132 Nominations.

All nominations authorized under § 1280.130 shall be made in the following manner:

(a) Within 60 days after approval of this order by referendum, or such other period as determined by the Secretary, nominations shall be submitted to the Secretary as specified in paragraph (d) of this section by eligible organizations or associations certified pursuant to § 1280.165. Alternatively, if the Secretary determines that a substantial number of wheat producers, processors, end product manufacturers or consumers are not members of, or their interests are not represented by, any such eligible organizations or associations, then nominations shall be submitted by such wheat producers, processors, end product manufacturers

and consumers in a manner authorized by the Secretary;

(b) After the establishment of the initial Council, the nominations for subsequent Council members and alternates shall be submitted to the Secretary not less than sixty days prior to the expiration of the terms of the members and alternates previously appointed to the Council;

(c) Where there is more than one eligible organization or association representing wheat producers, processors, or end product manufacturers within any geographic area, or within any segment of the wheat producing, processing, or end product manufacturing industry, they may caucus for the purpose of jointly nominating two or more qualified persons for each member and alternate member to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held, each eligible organization or association may submit to the Secretary two or more nominations for each appointment to be made;

(d) In selecting such members and their alternates, factors such as those listed below shall be considered in determining equitable representation on the Council:

(1) For wheat producers, class and volume of wheat produced and geographic distribution;

(2) For processors, class of wheat processed, amount of wheat processed and geographic distribution;

(3) For end product manufacturers, the generic type of end product produced by each segment of the end product industry (baked goods, biscuits and crackers, cereals, paste products) and the percentage each such segment uses of the total processed wheat used by all such segments of the end product industry; and

(4) For consumers, the factors set out in § 1280.165.

§ 1280.133 Appointment.

From the nominations made pursuant to § 1280.132, the Secretary shall appoint the members of the Council, and an alternate for each such member, on the basis of representations provided for in §§ 1280.130, 1280.131 and 1280.132.

§ 1280.134 Acceptance.

Any person appointed by the Secretary as a member, or as an alternate member, of the Council shall qualify by filing a written acceptance with the Secretary within a period of time prescribed by the Secretary.

§ 1280.135 Vacancies.

To fill any vacancy occasioned by the failures to qualify of any person appointed as a member, or as an alternate member, of the Council, or in the

event of the death, removal, resignation, or disqualification of any member or alternate member of the Council, a successor for the unexpired term of such member or alternate member shall be nominated, qualified, and appointed in the manner specified in §§ 1280.130, 1280.132 (b) (c) (d), 1280.133, and 1280.134, except that replacement of a Council member, or alternate, with an unexpired term of less than six months is not necessary.

§ 1280.136 Alternate members.

An alternate member of the Council, during the absence of the member for whom he is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is appointed and has qualified.

§ 1280.137 Procedure.

(a) A majority of the members, including alternates acting for members of the Council, shall constitute a quorum, and any action of the Council shall require the concurring votes of at least a majority of those voting.

(b) For routine and non-controversial matters which do not require deliberation and exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Council, the Council may take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph, but any such action by telephone shall be confirmed promptly in writing.

§ 1280.138 Compensation and reimbursement.

The members of the Council and alternates shall serve without compensation but shall be reimbursed for necessary and reasonable expenses, as approved by the Council, incurred by them in the performance of their duties under this subpart.

§ 1280.139 Powers of the Council.

The Council shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1280.140 Duties.

The Council shall have the following duties:

(a) To meet and organize and to select from among its members a chairman and such other officers as may be necessary, to select committees and subcommittees of Council members, and to adopt such rules for the conduct of its business as it may deem advisable. The Council may also establish advisory committees of persons other than Council members and pay the necessary and reasonable expenses of the members of such committees;

(b) To appoint from its members and executive committee consisting of not less than 4 nor more than 8 members, and to delegate to the committee authority to administer the terms and provisions of this subpart under the direction of the Council and within the policies determined by the Council, if such a committee is believed to be necessary or appropriate, and to appoint or employ such persons as it may deem necessary and define the duties and determine the compensation of each;

(c) To develop and submit to the Secretary for approval research plans or projects, and nutrition education plans or projects resulting from research conducted either by the Council or others;

(d) To prepare and submit to the Secretary for approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of research and nutrition education plans or projects, and also including a general description of the proposed research and nutrition education programs contemplated therein;

(e) To prepare a summary of the approved annual budget, or amendments thereto, including a brief general description of the proposed research and nutrition education programs contemplated therein, which shall be published promptly in the FEDERAL REGISTER.

(f) To maintain such books and records, which shall be available to the Secretary for inspection and audit, and prepare and submit such reports from time to time, to the Secretary, as the Secretary may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) With the approval of the Secretary, to enter into contracts or agreements for the development and conduct of the activities authorized under § 1280.145 of this subpart and for the payment of the cost thereof with funds collected through the assessments pursuant to § 1280.151. Any such contract or agreement shall provide that: (1) The contractors shall de-

velop and submit to the Council a plan or project together with a budget or budgets which shall show the estimated cost to be incurred for such plan or project; (2) any such plan or project shall become effective upon approval of the Secretary; and (3) the contracting party shall keep accurate records of all of its transactions and make periodic reports to the Council of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary may require;

(h) With the approval of the secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under § 1280.151 in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank which is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States;

(i) To prepare and make public, at least annually, a report of its activities carried out and an accounting for funds received and expended;

(j) To cause its books to be audited by a certified public accountant at least once each fiscal period and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(k) To give the Secretary the same notice of meetings of the Council as is given to members in order that he or his representative may attend such meetings; and

(l) To submit to the Secretary such information pursuant to the subpart as he may request.

RESEARCH AND NUTRITION EDUCATION

§ 1280.145 Research and nutrition education.

The Council shall develop and submit to the Secretary for his approval any plans or projects authorized in this section. Such plans or projects shall provide for:

(a) the establishment, issuance, effectuation, and administration of appropriate plans or projects for nutrition education, both within the United States and in international markets, with respect to wheat, processed wheat, and end products;

(b) The establishment and conduct of research or studies with respect to sale, distribution, marketing, utilization or production of wheat, processed wheat, and end products and the creation of new products thereof to the end that marketing and utilization of wheat, processed wheat, and end products may be encouraged, expanded, improved, or made more acceptable;

(c) Each plan or project authorized under paragraph (a) or (b) of this section shall be periodically reviewed or evaluated by the Council to insure that each such plan or project contributes to an effective coordinated program or research and nutrition education. If it is found by the Council that such plan or project does not further the purposes of the Act, then the Council shall terminate such plan or project; and

(d) In carrying out any plan or project, no reference to a private brand or trade name shall be made unless the Secretary determines that such reference will not result in undue discrimination against wheat, processed wheat or end products of other persons. No such plans or projects shall make use of unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

EXPENSES AND ASSESSMENTS

§ 1280.150 Expenses.

(a) The Council is authorized to incur such expenses, (including provision for a reasonable reserve), as the Secretary finds are reasonable and likely to be incurred by the Council for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from assessments received pursuant to § 1280.151.

(b) The Council shall reimburse the Secretary, from assessments, for all the expenses and expenditures, including any referendum and administrative costs incurred by the Secretary under the Act, as the Secretary finds are reasonable and likely to be incurred under this subpart during any period specified by the Secretary.

§ 1280.151 Assessments.

(a) Each end product manufacturer shall pay to the Council, pursuant to regulations issued by the Council, an assessment based on the number of hundredweights of processed wheat purchased, including intra-company transfers of processed wheat with respect to which no assessment has been paid or scheduled for payment, for use in the manufacture of end products, from processors, distributors, or (in the case of such intra-company transfers) related companies or divisions of the same company: *Provided*, That no person, including any end product manufacturer who makes intra-company transfers, shall be required to pay more than one assessment with respect to the same processed wheat, whether or not such processed wheat is further processed by such person: *And provided further*, That the follow-

ing end product manufacturers shall be exempt from such assessment:

(1) Retail bakers, as defined in § 1280.121, including any end product manufacturer who does not purchase more than 2,000 hundredweights of processed wheat per year for use in the manufacture of end products: *Provided*, That any person exempted under this subparagraph may waive such exemption, upon application to and approval by the Council, and thereafter will be treated as a non-exempt end product manufacturer under this subpart unless and until such person requests that such exemption be reinstated.

(2) End product manufacturers who manufacture specified end products, or types or categories thereof, which are exempted under rules or regulations issued pursuant to section 1716 of the Act.

(b) The Council, with the approval of the Secretary, shall set the amount of the assessment, not to exceed five cents per hundredweight of processed wheat purchased or transferred: *Provided, however*, That the assessment rate for the first two years of the effectiveness of the order shall not exceed one cent per hundredweight.

(c) In order to enable product manufacturers to calculate the amount of processed wheat they have purchased, persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products shall disclose to such end product manufacturers the amount or proportion of processed wheat contained in such products, plus or minus 3 per centum.

(d) End product manufacturers shall remit assessments to the Council at such times and in such manner as prescribed by regulations issued by the Council, but in no case shall assessments be required to be remitted more often than quarterly.

§ 1280.152 Refunds.

(a) Subsequent to the publication of the summary of the Council budget, or amendments thereto, provided for under § 1280.140(e), all end product manufacturers not exempt from the assessments under § 1280.151 shall have 60 days from the date of publication within which to elect, under such conditions as the Secretary may prescribe, by so indicating to the Council in writing, by registered or certified mail, to reserve the right to seek refunds under paragraph (b) of this section. Only those end product manufacturers who make such an election, under the described procedure, shall be eligible for refunds of assessments paid during the one-year period immediately following the expiration of such 60-day period.

(b) Notwithstanding any other provision of this subpart, any end product manufacturer who has been subject to and has paid an assessment, but who has reserved the right, under paragraph (a) of this section, to seek a refund, and who is not in favor of supporting the programs as provided for herein, shall have the right to demand and receive from the Council a refund of such assessment: *Provided*, That such demand shall be made by such end product manufacturer in accordance with regulations, and on a form and within a time period, prescribed by the Council and approved by the Secretary and upon submission of proof satisfactory to the Council that the end product manufacturer paid the assessment for which refund is sought, and any such refund shall be made within 60 days after demand is received therefor.

§ 1280.153 Influencing governmental action.

No funds collected by the Council under this subpart shall in any manner be used for the purpose of influencing governmental policy or action, except to recommend to the Secretary amendments to this subpart.

REPORTS, BOOKS AND RECORDS

§ 1280.159 General

Consistent with the legislative history of the Act, the Secretary and the Council shall endeavor to keep any recordkeeping or reporting obligations imposed under this part to the absolute minimum necessary, consistent with the achievement of the objectives of the Act.

§ 1280.160 Reports.

Each end product manufacturer subject to this subpart, and other persons subject to § 1705(c) of the Act, may be required to report to the Council periodically such information as is required by the regulations recommended by the Council and approved by the Secretary. Such information may include but be limited to the following:

(a) The number of hundredweights of processed wheat purchased, sold, or initially transferred (as described in § 1280.122 and § 1280.151(a)) for use in the manufacture of end products;

(b) The number of hundredweights of processed wheat on which an assessment was paid; and

(c) The date any assessment was paid.

§ 1280.161 Books and records.

Each end product manufacturer who is subject to this subpart, and other persons subject to § 1705(c) of the Act, shall maintain and make available for inspection by the Council or the Secretary such books and records as are

necessary to carry out the provisions of this subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least two years beyond the fiscal period of their applicability.

§1280.162 Confidential treatment.

All information obtained from such books, records or reports under the Act and this part, and all information pertaining to refund requests and refunds, shall be kept confidential by all officers and employees of the Department, the Council, and by all officers and employees of contracting agencies having access to such information. Only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit: (a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person, (b) the publication, by direction of the Secretary, of general statements relating to refunds made by the Council during any specific period, or (c) the publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of the subpart violated by such person.

CERTIFICATION OF ORGANIZATIONS

§1280.165 Certification of organizations.

(a) Any organization or association may request the Secretary for certification of eligibility to participate in nominating members and alternate members of the Council to represent wheat producers, processors, end product manufacturers or consumers. Such eligibility shall be based, in addition to other available information, upon a factual report submitted by the organization or association which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to the following:

- (1) Geographic territory covered by the organization's active membership;
- (2) Nature and size of the organization's active membership including, in the case of an organization other than a consumer organization, the proportion of the total number of active wheat producers, processors, or end product manufacturers represented by the organization;

(3) The extent to which wheat producer, processor, or end product manufacturer membership, respectively, of such organization is represented in setting the organization's policies;

(4) Evidence of stability and permanence of the organization;

(5) Sources from which the organization's operating funds are derived;

(6) Functions of the organization; and

(7) The organization's ability and willingness to further the aims and objectives of the Act.

(b) The primary consideration in determining the eligibility of an organization, other than a consumer organization, shall be whether its membership consists primarily of wheat producers, processors, or end product manufacturers who produce a substantial volume of wheat, processed wheat, or end products, respectively, and whether the organization is based on a primary or overriding interest in the production, processing, or end manufacturing of wheat or wheat products, and the nutritional attributes thereof.

(c) In determining the eligibility of a consumer organization, the primary consideration shall be whether (1) a principal purpose of the organization is to promote consumer interests, consumer research, or consumer education, (2) such organization has a broadly representative constituency of consumers, with active membership participation on a regular basis, and (3) the organization has demonstrated to the Secretary's satisfaction its commitment to the achievement of the objectives of the Act.

(d) The Secretary shall certify any organization or association which he finds to be eligible under this section and his determination as to eligibility shall be final. After the original certification of organizations, such organizations shall request recertification every five years and the Secretary may require recertification at any time.

MISCELLANEOUS

§1280.166 Suspension and termination.

(a) The Secretary shall, whenever he finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of end product manufacturers subject to this subpart, to determine whether such manufacturers favor the termination or suspension of the subpart, and the Secretary shall suspend or terminate such subpart within six months after the Secretary determines that suspen-

sion or termination of the subpart is approved or favored by a majority of the end product manufacturers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the manufacture of end products or by end product manufacturers who produced end products containing more than 50 per centum of the total processed wheat contained in all end products manufactured during such period by the end product manufacturers voting in the referendum.

§1280.167 Proceedings after termination.

(a) Upon the termination of this subpart the Council shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Council. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property then in the possession or under the control of the Council, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustee shall: (1) Continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Council under any contracts or agreements entered into by it pursuant to §1280.140(g); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Council and of the trustees, to such persons as the Secretary may direct; and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the Council or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligations imposed upon the Council and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be used, to the extent practicable, in the interest of continuing one or more of the research or nutrition education plans or projects hitherto authorized.

§1280.168 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall

have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

§1280.169 Personal liability.

No member, alternate member or employee of the Council shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts either of commission or omission, of such member, alternate or employee, except for acts of dishonesty or willful misconduct.

§1280.170 Patents, copyrights, inventions and publications.

Any patents, copyrights, inventions, or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the U.S. Government as represented by the Council, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, inure to the benefit of the wheat and wheat foods industry. Upon termination of this subpart, §1280.167 shall apply to determine disposition of all such property.

§1280.171 Amendments.

Amendments to the subpart may be proposed, from time to time, by the Council, or by any organization or association certified pursuant to §1714 of the Act, or by any interested person affected by the provisions of the Act, including the Secretary.

§1280.172 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Proposed by the Livestock, Poultry, Grain, and Seed Division, Agricultural Marketing Service

PROPOSAL NO. 2

Make such changes as may be necessary to make the entire order conform with any provisions thereto that may result from this hearing.

Copies of this notice of hearing and the proposed order may be procured from W. David Spalding, Livestock,

Poultry, Grain, and Seed Division, Agricultural Marketing Service, Room 2084 South Building, United States Department of Agriculture, Washington, D.C. 20250, or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceedings. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Livestock, Poultry, Grain, and Seed Division, Agricultural Marketing Service (Washington office only).

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on January 22, 1979.

BARBARA LINDEMANN SCHLEI,
Administrator.

[FR Doc. 79-2853 Filed 1-25-79 8:45 am]

[3410-05-M]

Commodity Credit Corporation

[7 CFR Part 1434]

1979 CROP HONEY PRICE SUPPORT PROGRAM

Proposed Determination

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is preparing to make determinations with respect to a price support program for the 1979 crop honey and the regulations to carry out the program. These determinations are to be made pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1979 crop honey. Written comments are invited from interested persons.

DATE: Comments must be received on or before March 26, 1979 in order to be sure of consideration.

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

FOR FURTHER INFORMATION CONTACT:

Harry A. Sullivan (ASCS) (202) 447-7951.

SUPPLEMENTARY INFORMATION:

A. Price support program, color differentials and discounts for quality. Title II of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases or other operations, price support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Loan and purchase rates will be based on color, class and grade and will reflect market differentials under which honey is merchandised. Section 401 (b) of the Act requires that, in determining a price support rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired under a price support program, the need for offsetting temporary losses of export markets; and the ability and willingness of producers to keep supplies in line with demand.

B. Price support program availability dates. Comments are invited with respect to the loan and purchase availability dates and to the loan maturity date for the 1979 crop honey.

C. Detailed operating provisions. Detailed operating provisions necessary to carry out the program on honey will be considered for the 1979 crop honey. Provisions of this kind may be found in the regulations providing terms and conditions for the current price support program in Part 1434 of Title 7 of the Code of Federal Regulations.

PROPOSED RULE

The Secretary of Agriculture is considering the following determinations for the 1979 crop honey:

A. Price support rates based on color differentials, class and grade.

B. Price support program availability dates.

C. Detailed operating provisions to carry out the program.

Prior to making these determinations, consideration will be given to any data, views and recommendations. All comments will be made available to the public at the office of the Acting Director, Production Adjustment Division, ASCS, USDA, during regular business hours (8:15 a.m. to 4:45 p.m.), Monday through Friday, in room 3630 South Building, 14th and Indepen-

dence Avenue, SW., Washington, D.C. (7CFR 1.27 (b)).

NOTE.—An approved Draft Impact Analysis has been prepared in accordance with executive order 12044 and is available from Harry A., Sullivan (ASCS) 202-447-7951.

NOTE.—Based on an assessment of the environmental impacts of the proposed action, it has been determined that an Environmental Impact Statement need not be prepared since the proposals will have no significant effect on the quality of the human environment.

NOTE.—This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044.

Signed at Washington, D.C., on January 22, 1979

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 79-2718 Filed 1-25-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 3031]

GENERAL MOTORS CORP.

Consent Agreement With Analysis To 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 Detroit, Mich. motor vehicle manufacturer to cease misrepresenting the manufacturing source of engine options and the availability of standard or optional equipment. The order would also require the firm to make designated disclosures regarding the manufacturing source, ordering code, and availability of each engine option offered for the model years 1979 through 1981; notify dealers promptly of engine option substitutions; and provide them with the replacement parts and maintenance information necessary to service such equipment. Additionally, the company would be prohibited from using any wholesale order system which could prevent dealers from designating specific options requested by purchasers.

DATE: Comments must be received on or before March 27, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, 4R, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199. (216) 522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), 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 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)).

[File No. 772 3031]

GENERAL MOTORS CORP.

AGREEMENT CONTAINING CONSENT ORDER TO
CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of certain acts and practices of General Motors Corporation, a corporation, and it now appearing that General Motors Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between General Motors Corporation, and by its duly authorized officer, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent General Motors Corporation is a corporation organized, existing, and doing business under and by virtue of the Laws of the State of Delaware, with its office and principal place of business located at 3044 West Grand Boulevard, in the City of Detroit, State of Michigan.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

- (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 entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its accept-

ance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist 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. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. Anything herein to the contrary notwithstanding, the Commission shall abide by its commitments to General Motors Corporation as set forth in its letter dated March 14, 1978 to Richard W. Pogue, Counsel for General Motors Corporation, a copy of which is attached hereto and hereby made a part hereof, as well as any applicable order of court issued or to be issued in *Federal Trade Commission v. General Motors Corporation, et al.*, Case No. 77-927, United States District Court for the Northern District of Ohio, regarding the disclosure of documents.

ORDER

I

For purposes of this order, the following definitions shall apply:

A. The term "GM" shall mean General Motors Corporation, and all of its divisions, its successors, assigns, officers, representatives, agents, and employees, acting directly or through any subsidiary or other device.

B. The term "franchised GM passenger car dealer" shall mean any person, partnership, or corporation which is a party to a franchise agreement with GM to purchase

new GM passenger cars for resale to purchasers.

C. The term "Manufacturing source" shall mean the GM division or entity by which the item referred to was produced.

D. The term "line" shall mean each make and model of passenger car manufactured by General Motors Corporation and distributed or sold under the Chevrolet, Pontiac, Buick, Oldsmobile or Cadillac name.

E. The term "engine option" shall mean any engine designated by a GM ordering code number (including the standard engine) offered by GM as factory-installed equipment. For purposes of this order, each engine option shall be assigned a single, unique ordering code designation for a given model year which does not vary across division lines.

F. The term "material difference" shall mean any difference which results in a significant difference in engine performance, including but not limited to any difference in Environmental Protection Agency (EPA) fuel economy ratings, mileage intervals in excess of 1,000 miles for recommended engine maintenance, horsepower and displacement, or which results in a difference of regular maintenance replacement parts.

G. The term "substituted engine" shall mean an engine option installed in any GM line in any area of the country as a replacement for an engine option offered for that line in the same model year, but which is unavailable in such line or area, if the replacement engine option.

(1) Is produced by a division other than that which produced the engine option to be replaced; or

(2) Has any "material difference" from the engine option to be replaced.

H. The term "option" shall mean an item of equipment to be installed in a new GM passenger car for which GM provides purchasers a choice of alternatives.

I. The term "purchaser" shall mean a potential buyer, potential lessee, buyer and lessee of any new GM passenger car, but shall not include a franchised GM passenger car dealer.

II

It is hereby ordered. That GM is prohibited from misrepresenting as of the time the representation is made by GM:

A. The manufacturing source of any engine option; and

B. That an option or item of standard equipment offered for a new GM passenger car is available in fact it is not.

III

It is further ordered. That GM is prohibited from displaying the name of any GM car division on any engine or visible attachment to the engine under the hood of a new GM passenger car, including the air filter cover, unless the engine is manufactured by that Division.

IV

It is further ordered. That if:

A. GM furnishes or has furnished, during or in preparation for any model year, any information to any franchised GM passenger car dealers regarding any engine offered for any GM line for any model year, and

B. The engine described in the information provided to such dealers is to be or has been replaced by a substituted engine for that model year.

GM shall notify such dealers in writing, with respect to the affected lines handled

by them, forthwith after the decision to substitute has been made. Such written notification shall include the lines in which the substituted engine is offered, its manufacturing source, ordering code number, designation used in the vehicle identification number to identify the type of engine option, and any material differences between the substituted engine and the engine to be replaced.

V

It is further ordered. That, for the 1979, 1980, and 1981 model years, GM shall furnish to all franchised GM passenger car dealers point-of-sale literature for distribution to purchasers in dealer showrooms disclosing clearly and conspicuously the engine options available in the GM lines carried by the dealer, and, for each engine option, the lines and areas of the country in which it is or is not available, its manufacturing source, and its ordering code designation. GM shall take such steps as are reasonably necessary to furnish such information to such dealers on a current basis. GM shall request, in writing, that such dealers display such materials in a conspicuous, accessible area of the dealer showroom.

VI

It is further ordered. That GM shall clearly and conspicuously disclose the following statement in all print advertising for the 1979 model year, and in the principal new car point-of-sale catalogs for the 1979, 1980, and 1981 model years, which contain any reference to the engine (including any representation regarding EPA fuel economy) in any GM line, group of lines or division, in which an engine option produced by a division different from the division under whose name the passenger car is distributed is offered:

(Line, group of lines, divisional products) is (are) equipped with GM-built engines produced by various divisions. See your dealer for details.

VII

It is further ordered. That, for the 1979, 1980, and 1981 model years:

A. GM shall clearly and conspicuously disclose, on a "window sticker" attached by GM to each new passenger car, or on the price information labels required by the Automobile Information Disclosure Act (15 U.S.C. Section 1232), the engine ordering code, and the manufacturing source of the engine installed in that car.

B. GM shall disclose in each owner's manual, maintenance chart or other maintenance information provided to a purchaser of a new GM passenger car, the accurate information customarily furnished regarding recommended maintenance intervals and regular maintenance replacement parts applicable to the engine installed in that car.

VIII

It is further ordered. That GM shall make available, subject to *force majeure*, labor disruptions, and other causes outside GM's control, replacement parts and repair and maintenance information to franchised GM passenger car dealers adequate to allow such dealers to provide GM warranty service to purchasers of new GM passenger cars equipped with any substituted engine to the same extent as it does in the case of new GM passenger cars equipped with non-substituted engines.

IX

It is further ordered. That this order shall be limited in its application to sales of new GM passenger cars in the United States and its territories.

X

It is further ordered. That:

A. GM is prohibited from utilizing a wholesale ordering system whereby its franchised GM passenger car dealers may not designate the specific options, other than standard equipment, requested by the purchaser. GM shall notify its dealers in writing that purchasers should be given the opportunity to designate the specific options ordered. *Provided,* That GM shall indicate when an option is required to be paired with another specific option.

B. For the 1979, 1980, 1981, 1982, and 1983 model years, GM shall advise its franchised GM passenger car dealers in writing whenever GM plans to build or has built a passenger car with options other than as ordered by the dealer. GM will disclose on such writing the following language:

Notify customer promptly of any changes indicated. If unacceptable, contact zone for disposition.

C. For the 1979, 1980, 1981, 1982, and 1983 model years, GM shall clearly and conspicuously disclose in all principal new car point-of-sale catalogs the following statement:

Some options may be unavailable when your car is built. Your dealer receives advice regarding current availability of options. You may ask the dealer for this information. GM also requests the dealer to advise you if an option you ordered is unavailable. We suggest you verify that your car includes the options that you ordered or if there are changes that they are acceptable to you.

XI

It is further ordered. That:

A. GM shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

B. GM shall, within sixty (60) days after the effective date of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with 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 General Motors Corporation.

The proposed consent order and material submitted by General Motors Corporation to the Commission that is reasonably related to the merits of the order and is not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that General Motors Corporation has misrepresented the division of manufacture and the availability of certain standard and optional equipment in its passenger cars, and that GM substituted other equipment for unavailable equipment.

The complaint also alleges that General Motors Corporation failed to disclose that:

(a) Certain standard and optional equipment was manufactured by a division other than the division under whose name the car is distributed;

(b) Certain standard and optional equipment was not available in cars for which GM represented them as available;

(c) GM substituted other equipment which differed from the unavailable equipment;

(d) An order by a consumer for particular equipment would not necessarily result in an order specifying that particular equipment; and

(e) An order for particular equipment, previously represented as available, could result in delivery of a car without that equipment, or with different equipment.

The complaint further alleges that GM did not make available, information and parts adequate to enable its dealers to fulfill warranty obligations for cars equipped with substituted equipment, and that GM did not make available accurate information regarding recommended maintenance intervals and regular maintenance replacement parts to purchasers of cars equipped with substituted equipment.

The proposed order applies to sales of new GM passenger cars in the United States and its territories.

The proposed order prohibits General Motors Corporation from misrepresenting the manufacturing source of any engine option and the availability of any item of standard or optional equipment. GM is also prohibited from displaying the name of any GM car division on or near the engine if the engine is not manufactured by that division.

For three model years, 1979 through 1981, GM must furnish point-of-sale literature disclosing the manufacturing source, ordering code, and availability of each engine option offered, to each dealer.

For the 1979 model year GM must use the following language in any print advertising which makes any reference to the engine in any car line in which an engine option produced by a division different from the division under whose name the car is distributed:

(Line, group of lines, divisional products) is (are) equipped with GM-built engines produced by various divisions. See your dealer for details.

The same notice must be placed in the principal new car point-of-sale catalogs for three model years, 1979 through 1981.

The order also requires GM to disclose on the window of each passenger car the manufacturing source and order code of the engine installed in the car for the model years 1979 through 1981. GM must also provide accurate information regarding recommended maintenance intervals and regular maintenance replacement parts in owners manuals or other information given to purchasers.

GM must notify its dealers promptly whenever it decides to substitute an engine option and provide important information about the substituted engine and the engine option it replaces.

Subject to labor disruptions and other causes outside GM's control, the order also requires GM to make available replacement parts and repair and maintenance information to dealers to allow dealers to provide GM warranty service to owners of cars equipped with substituted engines to the same extent as it does for cars not equipped with substituted engines.

Finally, GM is prohibited from using a wholesale ordering system which does not permit dealers to designate specific options requested by the purchaser. GM must notify dealers that purchasers should be given the opportunity to designate the specific options ordered.

For five model years, 1979 through 1983, GM must notify its dealers whenever it plans to build or has built a car with an option other than as ordered by the dealer. That notice directs the dealer to tell the customer promptly of the changes in the car he ordered. For the same five year period, GM must disclose in all principal new car point of sale catalogs the following prescribed statement:

Some options may be unavailable when your car is built. Your dealer receives advice regarding current availability of options. You may ask the dealer for this information. GM also requests the dealer to advise you if an option you ordered is unavailable. We suggest you verify that your car includes the options that you ordered or if there are changes that they are acceptable to you.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-2803 Filed 1-25-79; 8:45 am]

[6355-01-M]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

ALUMINIZED POLYESTER FILM KITES

Proposed Banning of Hazardous Aluminized Polyester Film Kites

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed regulation.

SUMMARY: The Commission proposes a regulation banning aluminized polyester film kites because such kites are capable of conducting electricity and are susceptible to contact with high voltage electric power lines. This regulation is intended to reduce the risk of serious injury or death by electric shock created when an aluminized polyester film kite contacts a power line and conducts a strong electric current through the aluminized surface of the kite or its tail to a person in contact with the kite or its tail; and the risk of injury to persons in the vicinity of electric power lines which

could break and fall as a result of an electric arc caused by the kites.

DATES: Comments must be received on or before March 27, 1979. The proposed effective date of the ban is 30 days after publication of a final banning regulation for aluminized polyester film kites.

ADDRESS: Send comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in, and obtained from, the Office of the Secretary, 1111 18th Street, N.W., 3rd Floor, Washington, D.C. 20207 during business hours, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Elaine H. Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6453.

NOTE.—All of the documents and materials referenced in the preamble are available for inspection or copying in the Office of the Secretary, 1111 18th Street, N.W., 3rd floor, Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In October of 1975, upon the recommendation of its enforcement staff, the Consumer Product Safety Commission issued a notice of enforcement under section 15 of the Consumer Product Safety Act ("CPSA", 15 U.S.C. 2064) alleging that certain aluminized polyester film kites manufactured between November 1, 1973 and March 31, 1974 constituted a substantial product hazard within the meaning of section 15(a) of the Consumer Product Safety Act. (See, Notice of Enforcement, October 30, 1975, in the Matter of Francis Alonso, Jr., an individual doing business as Mylar Star Kites, CPSC Docket No. 75-16, hereinafter "Mylar Star Kites.") A formal hearing on the staff's allegations was held before the Commission's administrative law judge at which oral testimony and written evidence were received from Commission and outside experts concerning the potential hazards associated with such kites. The respondent also presented evidence and has an opportunity to cross-examine witnesses presented by the Commission. (See, Transcript of Hearing and exhibits attached thereto, *Mylar Star Kites*, February 24-25, 1976, hereinafter, "Transcript.")

The technical evidence presented at the hearing concerning the electrical conductivity of aluminized polyester film kites showed that such material is an excellent conductor of electricity. When the kites manufactured by the respondent were tested at the Commission's engineering laboratory, they

were found to be capable of transmitting approximately 52 to 66 milliamperes of current at ordinary household voltage of 115 to 120 volts through a resistance of 1500 ohms, representing the resistance of the human body. (Transcript at 81.) Significantly more current can be conducted through aluminized polyester film at higher than ordinary household voltage. (Transcript at 84.) The evidence also showed that if an aluminized polyester film kite and/or tail were entangled across a live 12,000-volt line and a line which would act as a ground, an arc or ionized path could be created through which a significantly greater amount of current can flow than would be expected from the thin layer of aluminum coating on the kite. Tests conducted at the Pacific Gas and Electric Company's San Ramon facility, revealed that as much as 100 amperes (100,000 milliamperes) can pass through such an arc. (Transcript at 95-100.)

When an electrically conductive metalized kite, tail or string comes in contact with a high-voltage power line, bodily contact with the kite, tail, or string can result in serious injury ranging from tissue burns to respiratory paralysis, ventricular fibrillation, and death. Ventricular fibrillation, a condition in which the heart pulsates irregularly and stops pumping blood, will cause death if not defibrillated within three minutes. (Transcript at 261.) A lethal shock can occur as a result of exposure to 100 milliamperes of electric current for one second. (Transcript at 252-253.)

Evidence presented in the *Mylar Star Kites* proceeding also indicated that aluminized polyester film kites are susceptible to becoming entangled in electric power lines in such a way as to conduct electricity from one power line to another. Incidents of such entanglement cited in the record of the *Mylar Star Kites* proceeding include the following:

In early April, 1975 at Herman Street, San Francisco, California, an aluminized polyester film kite and tail caused two 12,000 volt conductors to break and fall on a car. The live conductors burned a hole in the right rear of the seat and burn marks were found on the tires and wheels. (Transcript at 38.)

On April 15, 1975, near Jackson and Broderick Streets, San Francisco, California, an aluminized polyester film kite and tail, apparently having severed its string, crossed three high voltage conductors causing them to break and fall resulting in a power surge into nearby residences blowing a fuse box off the wall, exploding an electric meter and light fixture, and burning out a refrigerator compressor. (Transcript at 45.)

After a review of the testimony and other evidence presented in the proceeding, the administrative law judge found that aluminized polyester film kites manufactured by the respondent, including kites with tails 25 feet or more in length, box kites with dimensions of 36 x 28 inches, and "fighter" kites with dimensions of 25 x 31 inches, presented a substantial product hazard because they are conductive of electricity and susceptible to contact with high voltage power lines, thus presenting a hazard of electrical shock to users and retrievers of such kites, other persons in the vicinity of such power lines, and persons in homes and other buildings affected by high voltage surges caused by the kites. (See Initial Decision and Order, *Mylar Star Kites*, June 21, 1976, at 1.)

On review of the initial Decision and Order, the Commission concluded that there was substantial evidence to support the administrative law judge's findings of fact as to the hazardous nature of aluminized polyester film kites. Specifically, the Commission found that the record showed the kites to contain

"... a serious defect because the design incorporates a conductive material which is capable of transmitting a lethal electric shock to a person in contact with the kite. This aluminum surface does not add to the flying capability of the kite but merely adds to its aesthetic value." Commission Decision and Order, *Mylar Star Kites*, September 16, 1977, at 3.

The Commission concluded that because of the nature and severity of the risk without an offsetting benefit sufficient to justify the risk, a product such as the kites, if properly the subject of a proceeding under the CPSA, would present a substantial product hazard.

Notwithstanding this conclusion, the Commission determined that kites are articles intended for use by children and as such, fall within the scope of the Federal Hazardous Substances Act ("FHSA," 15 U.S.C. 1261). Since the majority concluded that the hazard presented by aluminized polyester film kites could be eliminated or reduced to a sufficient extent under the FHSA, the Commission, in accordance with section 30(d) of the CPSA (15 U.S.C. 2079(d)), as it existed at the time the proceeding was commenced,¹ set aside the proposed order of the administrative law judge in *Mylar Star Kites* and instructed the staff to prepare the present proposed action under the FHSA.

¹Subsequent to commencement of the *Mylar Star Kites* proceeding, section 30(d) was amended to permit the Commission to regulate hazards under the CPSA notwithstanding the applicability of a "transferred act" if the Commission finds by rule that it is in the public interest to proceed under the CPSA. (Section 16, Pub. L. 94-284, 90 Stat. 508, May 11, 1976.)

The Commission recognizes that aluminized polyester film kites are also used by adults. Such incidental use by adults does not invalidate the Commission's regulation of this product under the FHSA as an article intended for use by children.

The authority of the Commission to regulate under the FHSA, as articles intended for use by children, products that may also be used by adults was upheld in *Forester v. CPSC*, 559 F.2d 774 (D.C. Cir. 1977). In *Forester*, which involved a petition for review of the Commission's safety regulations under the FHSA for bicycles, the court concluded that "[i]ncidental use of an item by adults would not deprive the Commission of the jurisdiction to regulate an item under the FHSA." 559 F.2d at 786. The court held that the determination as to whether an item may be regulated under the FHSA depends on whether the item is intended for use by children, a determination vested in the sound discretion of the Commission.

In the present case, the Commission observes that kites are generally recognized as articles intended for use by children and are widely used by children. Neither the retail price nor the design of aluminized polyester film kites would exclude use by children. Moreover, as in the case of bicycles, it would be impossible to set a regulatory distinction between "children's" and "adult" kites.

THE PROPOSAL

The *Mylar Star Kites* proceeding specifically concerned particular models of aluminized polyester film kites manufactured by the respondent. However, the evidence in the record indicates that any aluminized polyester film kite susceptible to contact with high voltage electric power lines would pose the same hazard of electric shock to persons coming in contact with the kite or its aluminized tail, or persons in the vicinity of electric power lines which could break and fall as a result of an electric arc caused by the kites. Accordingly, the banning regulation proposed below is intended to apply to any aluminized polyester film kite posing the same hazard as those involved in the *Mylar Star Kites* proceeding.

The American National Standards Institute standard for electric power lines (ANSI C2 1977)² allows a minimum horizontal clearance of 12 inches between power lines transmitting current not exceeding 8.7 kilovolts (8700 volts). This standard is observed nationwide by electric utilities, and results in uniform placement of electric power lines. In order to allow for a

²Available from American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018.

margin of safety, the Commission is proposing to ban any kite containing a piece of aluminized polyester film measuring 10 inches or more. This provision allows for the possibility that electric power lines separated by a distance of 12 inches may be pulled together by a kite, its tail, or string becoming entangled in the line.

ECONOMIC CONSIDERATIONS

An assessment of potential economic impact has been made of the proposal set forth below. The Commission, on the basis of a staff investigation and analysis, has concluded that the proposed ban would affect only a small percentage of all kites manufactured in the United States. The precise number of kites manufactured in the United States is unknown but estimates indicate that approximately 40 million are produced annually. The average selling price of affected kites is \$5.00. In addition to prohibiting manufacture, distribution, or sale of aluminized polyester film kites, the proposed rule set forth below would require the repurchase of banned kites, in accordance with section 15 of the FHSA (15 U.S.C. 1274) and Commission regulations published at 16 CFR 1500.202 and 1500.203.

The repurchase requirement would have the effect of requiring the recall of any banned kites which had been previously manufactured or distributed. The cost of such recall may be significant for a small number of firms. However, the Commission notes several factors which may tend to limit such costs. The Commission's staff was unable to identify any firms which are still manufacturing the long-tailed "dragon" kites which were the subject of the original notice of enforcement issued in the *Mylar Star Kites*, and which were the type of kite involved in the incidents described above. Given the relatively short usable life of an aluminized polyester film kite, there may be very few previously sold kites still in consumers' hands and available for recall. Moreover, several of the firms which had previously manufactured these kites have already conducted a recall. In the recalls conducted, relatively few kites were actually returned by consumers. Several firms have, however, continued to manufacture and distribute box kites and other kites containing aluminized polyester film which would be subject to the proposed ban and repurchase. Greater numbers of those kites would be available in the chain of distribution or in consumers' hands and consequently subject to repurchase.

A copy of the economic assessment is on file and can be inspected in the Commission's Office of the Secretary at the above address.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact has been made of the proposal set forth below. The Commission concludes that there are no significant environmental effects associated with the proposal. Therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file and can be inspected in the Commission's Office of the Secretary at the above address.

EFFECTIVE DATE

It is contemplated that the effective date will be 30 days after publication of a final banning regulation for aluminized polyester film kites. The regulation will be applicable to all kites meeting the definition, regardless of when manufactured or introduced into interstate commerce. Thus, as of the effective date, no kite meeting the definition set forth in § 1500.18(c)(1) below may be manufactured, introduced or delivered for introduction into, or received in, interstate commerce. Moreover, under section 15 of the FHSA (15 U.S.C. 1274), any such kite is subject to repurchase in accordance with 16 CFR 1500.202 and 1500.203. For purposes of this regulation, introduction into interstate commerce is defined as follows: A kite manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A kite manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate.

CONCLUSION

Under the Federal Hazardous Substances Act (FHSA) the term "hazardous substance" includes any toy or article intended for use by children that the Commission determines by regulation presents an electrical hazard (sec. 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D)). Section 2(q)(1)(A) of the FHSA provides that such toy or article is also a banned hazardous substance.

"Electrical hazard" is defined by section 2(r) of the act, which reads

"an article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock." (15 U.S.C. 1261(r)).

Based on information available to the Commission, the Commission has preliminarily determined that certain aluminized polyester film kites, because of electrical hazards associated with their design (specifically their

size and electrical conductivity), present a risk of personal injury from electric shock as a result of their ability to conduct electricity and to become entangled in or otherwise contact high voltage electric power lines. The Commission believes that the potential for serious personal injury presented by such kites outweighs the potential economic impact that would result from a ban. Consequently, the Commission believes such kites should be banned from interstate commerce.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(D), (q)(1)(A), (r), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-189, 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission proposes to amend Title 16, Chapter II, Subchapter C of the Code of Federal Regulations by adding a new paragraph (c)(1) to § 1500.18 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS.

§ 1500.18 Banned toys and other banned articles intended for use by children.

(c) *Toys and other children's articles (not electrically operated) presenting electrical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children (not electrically operated) present an electrical hazard within the meaning of section 2(r) of the act.

(1) Any kite 10 inches or greater in any dimension constructed of aluminized polyester film or any kite having a tail or other component consisting of a piece of aluminized polyester film 10 inches or greater in any dimension presents an electrical hazard and is a banned hazardous substance because its design (specifically its size and electrical conductivity) presents a risk of personal injury from electric shock due to its ability to conduct electricity and to become entangled in or otherwise contact high voltage electric power lines.

Interested persons are invited to submit, on or before March 27, 1979, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received after the close of the comment period will be considered to the extent practi-

cable. Comments and accompanying material may be seen in, or copies obtained from, the Office of the Secretary, 1111 18th St., N.W., Third Floor, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: January 23, 1979.

SADYE E. DUNN,
Secretary, Consumer
Product Safety Commission.

[FR Doc. 79-2817 Filed 1-25-79; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 436 and 440]

[Docket No. 78N-0337]

PYROGEN TEST FOR CERTAIN PENICILLIN
DRUGS

Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the antibiotic drug regulations by increasing the pyrogen test dose concentration or volume for certain penicillin drugs. This increase will improve the sensitivity of the pyrogen test and thereby assure better quality control of these drug products.

DATE: Comments by March 26, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The pyrogen test is a biological test using rabbits, and it is used to determine the presence of pyrogens, substances that can produce a febrile reaction, in injectable drug products. The antibiotic drug regulations in § 436.32 (21 CFR 436.32) prescribe the volume of the pyrogen test dose to be administered to the test animal; however, the amount of antibiotic drug substance in each dose (concentration) is established by applicable regulations for specific antibiotic drugs.

The test dose concentration currently specified in the regulations for penicillin G potassium, carbenicillin disodium, nafcillin sodium, and penicillin

G procaine are substantially below the recommended daily dose of each drug.

Based on its own laboratory findings, FDA has determined that the test dose concentration for penicillin G potassium, carbenicillin disodium, and nafcillin sodium can be raised without harm to the test animal. Also, FDA found that with penicillin G procaine, which is not soluble at a higher concentration, the volume of test dose solution administered can be safely increased, thereby increasing the amount of antibiotic drug the test animal receives. The sensitivity of the test method in detecting the presence of pyrogens is improved by increasing the concentration or volume of the antibiotic drug administered to the test animal.

Therefore, the Commissioner of Food and Drugs proposes that the regulations providing for those drugs be amended to increase the pyrogen test dose volume or concentration.

Although not reviewed separately, the test dose concentration for penicillin G sodium is also proposed to be raised. Because the toxicity of penicillin G sodium is so similar to penicillin G potassium in the test animal it can be assumed that the higher test dose will be tolerated. In addition, a typographical error in the italicized heading of § 440.41a(b)(3) is corrected by changing the phrase "Nafcillin content" to read "Pyrogens."

The FDA has determined that this document does not contain an agency action covered by 21 CFR 25.1(b), and consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 436 and 440 be amended as follows:

PART 436—TESTS AND METHODS OF ASSAY
OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING
DRUGS

1. Part 436 is amended in § 436.32 by adding new paragraph (h) to read as follows:

§ 436.32 Pyrogen test.

(h) *Method 8.* Proceed as directed in paragraph (a) of this section, except inject a test dose of 2.0 milliliters of the diluted sample per kilogram of rabbit weight.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

2. Part 440 is amended:
a. in § 440.13a, by revising paragraph (b)(3) to read as follows:

§ 440.13a Sterile carbenicillin disodium.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 200 milligrams of carbenicillin per milliliter.

* * * * *

b. In § 440.41a, by revising paragraph (b)(3) to read as follows:

§ 440.41a Sterile nafcillin sodium monohydrate.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 80 milligrams of nafcillin per milliliter.

* * * * *

c. In § 440.74a, by revising paragraph (b)(3) to read as follows:

§ 440.74a Sterile penicillin G procaine.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(h) of this chapter, using a solution containing 2,000 units of penicillin G per milliliter.

* * * * *

d. In § 440.80a, by revising paragraph (b)(3) to read as follows:

§ 440.80a Sterile penicillin G potassium.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

e. In § 440.81a, by revising paragraph (b)(3) to read as follows:

§ 440.81a Sterile penicillin G sodium.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

* * * * *

f. In § 440.241, by revising paragraph (b)(3) to read as follows:

§ 440.241 Nafcillin sodium monohydrate for injection.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(a) of this chapter, using a solution containing 80 milligrams of nafcillin per milliliter.

g. In § 440.274b, by revising paragraph (b)(3) to read as follows:

§ 440.274b Sterile penicillin G procaine suspension.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(h) of this chapter, using a solution containing 2,000 units of penicillin G per milliliter.

h. In § 440.274c, by revising paragraph (b)(3) to read as follows:

§ 440.274c Sterile penicillin G procaine for suspension.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(h) of this chapter, using a solution containing 2,000 units of penicillin G per milliliter.

i. In § 440.280b, by revising paragraph (b)(3) to read as follows:

§ 440.280b Penicillin G potassium for injection.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

j. In § 440.281b, by revising paragraph (b)(3) to read as follows:

§ 440.281b Penicillin G sodium for injection.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

k. In § 440.1080a, by revising paragraph (b)(3) to read as follows:

§ 440.1080a Sterile Penicillin G potassium buffered.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter

1. In § 440.1081a, by revising paragraph (b)(3) to read as follows:

§ 440.1081a Sterile penicillin G sodium buffered.

(b)***

(3) Pyrogens. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 20,000 units of penicillin G per milliliter.

Interested persons may, on or before March 26, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

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

Dated: January 22, 1979.

MARY A. McENRY, Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 79-2117 Filed 1-25-79; 8:45 am]

[4110-03-M]

[21 CFR Part 1090]

[Docket No. 76N-00501]

ACCIDENTAL RADIOACTIVE CONTAMINATION OF HUMAN FOOD AND ANIMAL FEEDS

Recommendations for State and Local Agencies; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 78-34860 appearing in the issue of December 15, 1978, the note above the signature at the close of the document, in the third column on page 58797, is corrected to read:

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

FOR FURTHER INFORMATION CONTACT:

John A. Richards, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

Dated: January 22, 1979.

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

[FR Doc. 79-2116 Filed 1-25-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4303]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Sanibel, Lee County, Fla.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on pages 31031-31032 of the FEDERAL REGISTER of July 19, 1978.

EFFECTIVE DATE: July 19, 1978.

PROPOSED RULES

FOR FURTHER INFORMATION CONTACT:

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

The table showing base flood elevations for the Gulf of Mexico should be corrected to read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gulf of Mexico.....	Intersection of Sanibel Captiva Road and Wulfert Road.	11
	Intersection of West Gulf Drive and East Rocks Drive.	12
	Intersection of Periwinkle Way and Tarpon Bay Road.	12
	Intersection of Dixie Beach Boulevard and Royal Poinciana Drive.	11
	Intersection of Casa Ybell Road and Camino Drive.	12
	Intersection of Periwinkle Way and Bally Road.	12
	Intersection of Gulf Drive and Anchor Drive.	12

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

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2385 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4995]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of East Peoria, Tazewell County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of East Peoria, Tazewell

County, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, East Peoria, Illinois. Send comments to: The Honorable Calvin Cummins, Mayor, City of East Peoria, 100 South Main Street, East Peoria, Illinois 61611.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Illinois River.....	At western corporate limits.	459	
	Just upstream of Toledo Peoria and Western Railroad Bridge.	460	
	Farm Creek.....	At northern corporate limits.	400
		Confluence with Illinois River.	400
		Upstream of Peoria and Pekin Union Railroad.	401
		580 feet upstream of State Route 116.	462
		Upstream side of Interstate 74.	400
		400 feet upstream from East Washington Street.	470
		400 feet upstream from U.S. Route 150.	476
		Confluence with Dempsey Creek.	480
		At eastern corporate limits.	489
Farm Creek Diversion Channel.		At confluence with Illinois River.	400
	At confluence with Farm Creek.	460	
Dempsey Creek.....	At confluence with Farm Creek.	480	
	Upstream side of U.S. Route 150.	481	
	180 feet downstream from U.S. Route 150.	502	
	140 feet upstream from U.S. Route 150.	507	
	Upstream side of Hill Road.	531	
	Upstream side of U.S. Route 150.	540	
	Corporate limits (1.725 miles upstream from confluence with Farm Creek).	559	
	Corporate limits (2.165 miles upstream from confluence with Farm Creek).	581	
	Downstream side of U.S. Route 150 (2.67 miles upstream from mouth).	609	
	Upstream of corporate limits (2.79 miles upstream from mouth).	010	
Fondulac Creek.....	At Illinois Route 8.....	508	
	120 feet upstream from Oakwood Road.	521	
	Upstream side of Government Access Road.	522	
School Creek.....	Upstream side of Farmdale Road at southern corporate limits.	521	
	At eastern corporate limits.	533	

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional

review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2386 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4996]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Oak Forest, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 15601 South Cicero Avenue, Oak Forest, Illinois. Send comments to: The Honorable James W. Wesk, Jr., Mayor, City of Oak Forest, 15601 South Cicero Avenue, Oak Forest, Illinois 60452.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Oak Forest, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek..	Downstream corporate limit.	633
	At Waverly Avenue.....	637
	Just upstream of 159th Street.	646
Natalie Creek.....	At 163rd Street.....	654
	Just upstream of Cicero Avenue.	637
	Just upstream of Laporte Avenue.	641
Boca Rio Ditch.....	Just upstream of Laramie Avenue.	648
	Just upstream of 155th Street.	654
	At upstream corporate limits.	660
	Just upstream of 147th Street.	659
	Just upstream of 151st Street.	671
Western Tributary to Midlothian Creek.	Just upstream of Alameda Avenue.	678
	Just downstream of Victoria Drive.	683
	Mouth at Midlothian Creek.	651
	Just upstream of Chicago Rock Island and Pacific Railroad.	660
	Upstream corporate limits.	665

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2387 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4997]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Quincy, Adams County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office and City Engineer's Office, City Hall, Quincy, Illinois. Send comments to: The Honorable C. David Nuessen, Mayor, City of Quincy, 507 Vermont Street, Quincy, Illinois 62301.

FOR FURTHER INFORMATION CONTACT:

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

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

PROPOSED RULES

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

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

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Cedar Creek.....	At west corporate boundary.	487
	Upstream at U.S. Highway 24.	515
	Upstream side of 5th Street.	520
	Downstream side of Sunset Cemetary Road.	530
	Upstream side of Sunset Cemetary Road.	544
	At Illinois Soldiers and Sailors Home Coal Storage Road.	547
	100 feet upstream of 12th Street.	551
	At eastern corporate boundary.	555
Curtis Creek.....	At southwestern corporate boundary.	491
	Downstream side of 8th Street.	500
	Upstream side of 8th Street.	508
	Downstream side of 12th Street.	528
	Upstream side of 12th Street.	543
	Just upstream of Eaton Lane.	577
	Just upstream of Harrison Street.	583
	250 feet downstream of 28th Street.	588
	Upstream side of 28th Street.	593
	Downstream side of Ridgewood Drive.	605
	Upstream side of Ridgewood drive.	618
	Downstream side of State Route 96.	625
	Upstream side of state route 96.	631
	750-foot upstream of State Route 96.	631
	At southeastern corporate boundary.	661
Emery Creek.....	At confluence with Curtis Creek.	585
	Downstream side of Monroe Street.	588
	Upstream side of Monroe Street.	594
	100 feet upstream of State Street.	600
	100 feet upstream of 30th Street.	619

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
	Downstream side of 36th Street.	635
	Upstream side of 36th Street.	646
Tributary 2.....	Eastern corporate limit..	653
	At southern corporate limit.	583
	Downstream side of woodside drive.	585
	Upstream side of woodside Drive.	590
	Upstream side of Fox Run West.	616
	275 feet upstream of Fox Run West.	620
	At eastern corporate limits.	636
Tributary 3.....	400 feet upstream of Burlington Northern Railroad.	608
	At corporate limit 2,120 feet upstream of 30th Street.	631
Mississippi River...	1.2 miles downstream of memorial Bridge.	486
	Confluence with Cedar Creek.	487
	1.7 miles upstream of confluence with Cedar Creek.	488

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-2388 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4998]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Tinley Park, Cook and Will Counties, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Tinley Park, Cook and Will Counties, Illinois. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is re-

quired to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Office of Director of Community Development, 17355 South 68th Court, Tinley Park, Illinois. Send comments to: Mr. John T Dunn, Village President, Village of Tinley Park, Village Hall, 17355 South 68th Court, Tinley Park, Illinois 60477.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

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

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

Source of flooding	Location	Elevation in feet, (National Geodetic Vertical Datum)	
Midlothian Creek..	2,800 feet downstream of Gaynelle Avenue.	675	
	700 feet upstream of Gaynelle Avenue.	684	
	700 feet upstream of Oak Park Avenue.	694	
	Just upstream of 80th Avenue.	696	
	171st Street (upstream corporate limit).	696	
	76th Avenue Ditch	Mouth at Midlothian Creek.	695
		167th Street.....	695
		Just upstream of 164th Plaza.	696
		Just upstream of Nottingham Drive.	699
		Just upstream of 163rd Street.	702
Union Drainage Ditch.	76th Avenue	702	
	Just upstream of 159th Street.	706	
	Upstream corporate limit.	703	
	Downstream corporate limits.		692
		1,000 feet downstream of Oak Park Avenue.	693
		Upstream corporate limit.	694
	Tributary to Union Drainage Ditch.	Downstream corporate limit.	694
		Downstream of 183rd Street.	695
		Upstream of 183rd Street.	696
		Just downstream of 80th Avenue.	697

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

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2389 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4999]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Lowell, Lake County, Indiana

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, 512 East Commercial Street, Lowell, Indiana. Send comments to: Mr. Larry Hitzman, Vice President of Town Board, Town of Lowell, 512 East Commercial Street, Lowell, Indiana 46356; Attention: James Mandon.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Cedar Creek.....	At southern corporate limit.	658	
	100 feet downstream of Oakley Avenue.	659	
	Just downstream of Oakley Avenue.	661	
	300 feet upstream of Washington Avenue.	665	
	Just upstream of Main Street.	669	
	Just upstream of Mill Street.	670	
	Just upstream of Clark Street.	671	
	At northern corporate limit.	674	
	McConnell Ditch...	Confluence with Cedar Creek.	671
		Just upstream of Morse Street.	673
At northern corporate limits.		674	

In accordance with Section 7 (o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

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

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2390 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5000]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Town of Vevay, Switzerland County, Indiana

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

the national flood insurance program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall and Switzerland County Planning Commission, 702 West Main Street, Vevay, Indiana 47043. Send comments to: Mr. Roy L. Branham, Town Board President, Town of Vevay, 702 West Main Street, Vevay, Indiana 47043.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limit.	471
	Downstream corporate limit.	471

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

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2391 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5001]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Marion, Marion County, Kansas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 203 North 3rd, Marion, Kansas. Send comments to: The Honorable Peggy Blackman, Mayor, City of Marion, City Hall, 203 North 3rd, Marion, Kansas 66861.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cottonwood River	1500 feet downstream of Third Street.	1,300
	Just upstream of Thrd Street.	1,307
	1100 feet downstream of Chicago Rock Island and Pacific Railroad.	1,310
	Just downstream of the Chicago Rock Island and Pacific Railroad.	1,311
	Just upstream of the Chicago Rock Island and Pacific Railroad.	1,314
Cottonwood River Tributary.	800 feet upstream of Main Street.	1,315
	Southern corporate limit.	1,300
	1700 feet downstream of Welch Street.	1,309
	500 feet downstream of Welch Street.	1,313
	Just upstream of Welch Street.	1,319
Old Mod Creek Channel (Interior Drainage Rainfall).	1200 feet upstream of Welch Street.	1,322
	Ponding area	1,303

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2392 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5002]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of New Buffalo, Berrien County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, New Buffalo, Michigan. Send comments to: The Honorable Clarence Sayles, Mayor, City of New Buffalo, 224 West Buffalo Street, New Buffalo, Michigan 49117.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gallen River	Mouth at Lake Michigan.	584
	Eastern corporate limits	584

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2393 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5003]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of New Buffalo, Berrien County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Hall, New Buffalo, Michigan. Send comments to: Mr. Edward O. Hime, Township Supervisor, Township of New Buffalo, P.O. Box 160, New Buffalo, Michigan 49117.

FOR FURTHER INFORMATION CONTACT:

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

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

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

calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Gallen River	Western corporate limits.	584
	Just upstream of Red Arrow Highway.	585
	2,500 feet upstream of Red Arrow Highway.	588

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2394 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5004]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Centerville, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 1694 Sorel Street, Centerville, Minnesota. Send comments to: The Honorable Walter Pracher, Mayor, City of Centerville, 1694 Sorel Street, Centerville, Minnesota 55038.

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clearwater Creek..	Mouth at Peltier Lake....	887
	Just downstream of Main Street.	899
	Just upstream of Main Street.	906
	Eastern corporate limits	906

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2395 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5005]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Shorewood, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 20630 Manor Road, Shorewood, Minnesota. Send comments to: The Honorable Steven Frazier, Mayor, City of Shorewood, Shorewood City Hall, 20630 Manor Road, Shorewood, Minnesota 55331

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka..	Entire lake.....	931

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-2396 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-50061]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Unincorporated Areas of Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD,

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Manager's Office, Rowan County Courthouse, 202 North Main Street, Salisbury, North Carolina 28144. Send comments to: Mr. Seth Murdock, County Manager, Rowan County Courthouse, 202 North Main Street, Salisbury, North Carolina 28144.

FOR FURTHER INFORMATION CONTACT:

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

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

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coldwater Creek ...	Just downstream of Old Beauty Ford Road.	656
	Just downstream of Daugherty road.	671
	Just downstream of Pine Branch Road.	692
	Just downstream of Lentz Road.	712
Beaver Creek	Just downstream of confluence of Beaver Creek Tributary.	666
Beaver Creek	Just downstream of Ebenezer Street.	700
	Just upstream of Ebenezer Street.	703
	Just downstream of US 29-601.	764
Beaver Creek Tributary.	Just downstream of confluence of Moose Branch.	715
	Just downstream of Ebenezer Street.	733
Moose Branch.....	Just downstream of 22nd St.	782
	Approximately 620 feet upstream of confluence with Beaver Creek Tributary.	720
Town Branch.....	Just downstream of China Grove Road.	686
	Just downstream of Old Beauty Ford Road.	723
	Just downstream of US 29-601.	754
	Just upstream of US 29-601.	761
Coldwater Creek Tributary.	Approximately 350 feet upstream of Daugherty Road.	675
	Just downstream of China Grove Road.	702
	Just upstream of China Grove Road.	708
Walnut Street Branch.	Approximately 300 feet upstream of confluence with Cold Water Creek.	688
	Just downstream of Pine Ridge Road.	713
Pine Ridge Branch.	Just downstream of Arant Road.	740
	Just upstream of Arant Road.	748
East Centerview Branch.	Approximately 1000 feet upstream of confluence with Cold Water Creek.	700
	Just downstream of Highway 29 Alternate.	744
Patterson Branch.	Just upstream of Grace Avenue.	750

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Jackson St.	752		Just downstream of Neil Road.	731	Railroad Branch ...	Approximately 400 feet upstream of confluence with Town Creek.	653
	Just downstream of Marie Ave.	755	Grants Creek	Just downstream of 3rd Street.	634		Ice Plant Creek	Approximately 400 feet upstream of confluence with Town Creek.
	Just downstream of Ruth Avenue.	759		Just downstream of 7th Street.	640			
	Just downstream of 11th Street.	771		Just downstream of US 601.	654			
	Just downstream of 13th Street.	780		Just upstream of Woodleaf Rd.	672	Town Creek.....	Just downstream of I-85 Just upstream of Correll St.	635 667
Dutch Buffalo Creek.	Just downstream of confluence of Dutch Buffalo Creek Tributary.	689		Just downstream of Rowan Mill Road.	677		Just downstream of Julian Rd.	718
	Just downstream of Old Beatty Ford Road.	695	Rowan Avenue Park Stream.	Just downstream of Fisher Mill Road.	701		Just downstream of Peach Orchard Road.	741
	Just downstream of Rogers Rd.	727		Just downstream of Spencer corporate limits.	636		Just downstream of Webb Road.	761
	Just upstream of Rogers Road.	732	Lomax Creek	Approximately 600 feet upstream of confluence with Grants Creek.	638		Just downstream of Mt. Hope Road.	782
Dutch Buffalo Creek Tributary.	Just upstream of Roy Cline Road.	753		Sixth Street Branch.	642	Julian Tributary ...	Just downstream of Julian Road.	727
Bostian Heights Branch.	Just downstream of Old Concord Road.	720		Approximately 700 feet upstream of confluence with Grants Creek.	642		Just downstream of I-85	740
	Just downstream of Sercy Rd.	740	Henderson Branch	Approximately 1400 feet upstream of confluence with Grants Creek.	646	Gravel Pit Branch	Approximately 300 feet upstream of confluence with Julian Tributary.	722
	Just downstream of Daugherty Road.	750		Just downstream of the Golf Course Fairway.	657		Just downstream of I-85	730
Irish Buffalo Creek.	Just downstream of C Street.	687	Mahaley Branch ...	Just downstream of Park Road.	649	Town Creek Tributary.	Just downstream of Leach Road.	771
	Just downstream of Kannapolis Lake Dam.	692		Approximately 100 feet downstream of Hickory Drive.	655		Just upstream of Leach Road.	778
	Just upstream of Kannapolis Lake Dam.	729	Maple Avenue Branch.	Just downstream of Woodleaf Road.	678		Just downstream of Brookfield Circle Drive.	770
	Just downstream of Cannon Farm Road.	733	Woodleaf Branch..	Just downstream of confluence of Maple Avenue Branch.	677		Just downstream of Weaver Rd.	780
	Just downstream of Saw Road.	753		Just downstream of Lincolnton Broad.	680	Crane Creek.....	Just downstream of Old Union Church Road.	637
Baker Branch	Just downstream of Glenn Ave.	698	Petrea Branch	Approximately 2200 feet upstream of confluence with Grants Creek.	718		Just downstream of Bringle Ferry Road.	662
	Just downstream of A Street.	709		Just downstream of China Grove Corporate Limits.	732		Just upstream of Bringle Ferry Road.	660
	Just downstream of 22nd St.	755	Swearington Branch.	Just downstream of New Subdivision Road.	746		Just downstream of Barringer Road.	712
	Just upstream of 22nd Street.	758		Just upstream of New Subdivision Road.	752		Just downstream of St. Pauls Church Road.	732
Dye Branch.....	Just downstream of 8th Street.	710	Lake Wright Branch.	Just downstream of Miller Rd.	720	Trexler Creek	Just upstream of Treatment Plant Road.	709
	Just upstream of 8th Street.	719		Just downstream of Stirewalt Road.	744		Just upstream of Carolina and Northwestern Railroad.	722
Lumber Yard Branch.	Just downstream of 8th Street.	727	Five Forks Tributary.	Just downstream of Stirewalt Road.	740	Legion Park Branch.	Just downstream of Old 80 Rd.	714
	Just downstream of Church Ave.	757		Just upstream of Stirewalt Rd.	748		Just upstream of Old 80 Rd.	720
	Just upstream of Church Ave.	770	Wright Branch	Approximately 800 feet upstream of confluence with Lake Wright Branch.	773	Byrd Road Tributary.	Just downstream of Faith Rd.	727
Graeber Branch	Approximately 300 feet upstream of confluence with Baker Branch.	725		Just downstream of Lake Wright Road.	793		Just downstream of Legion Club Road.	777
Graeber Tributary	Approximately 300 feet upstream of confluence with Baker Branch.	740	North Fork Tributary.	Approximately 400 feet upstream of confluence with Lake Wright Branch.	773	Quarry Creek.....	Just downstream of St. Pauls Church Road.	762
Rose Hill Branch ..	Just downstream of Blackwelder Street.	793		Just upstream of a Private Dr.	845		Just downstream of Confluence of Cemetery Creek.	762
	Just upstream of Blackwelder Street.	800	Little Creek.....	Just downstream of Shue Road.	697	Cemetery Creek	Approximately 100 feet upstream of confluence with Quarry Creek.	763
	Just downstream of Rice St.	807		Just upstream of Shue Road.	700		Just downstream of Old Covered Road.	750
	Just downstream of Rosemont Avenue.	812		Just downstream of Miller Rd.	711	Falth Road Branch.	Just downstream of Webb Road.	776
Draft Branch.....	Just downstream of Rowan Mill Road.	678		Just upstream of Miller Road.	713		Approximately 1000 feet upstream of confluence with Falth Road Branch.	760
	Just downstream of Neil Road.	705		Just downstream of Cooper Rd.	726	Southside Tributary.	Just downstream of Webb Road.	778
	Just downstream of Cauble Rd.	737		Just upstream of Cooper Road.	731		Just downstream of Rockwell corporate limits.	710
Wildlife Tributary	Just downstream of Harrison Road.	675						
	Just downstream of Lentz Road.	708						
Draft Branch Tributary.	Approximately 1000 feet upstream of confluence with Draft Branch.	704						

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the

Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

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

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2397 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5007]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Yeadon, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, Church Lane and Bailey Road, Yeadon, Pennsylvania 19050. Send comments to: Mr. Richard Schwab, Manager of the Borough of Yeadon Church Lane and Bailey Road Yeadon, Pennsylvania 19050

FOR FURTHER INFORMATION CONTACT:

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

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

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cobbs Creek	Downstream Corporate Limits	29
	Chessle System	31
	Church Lane	33
	65th Street	34
	Cobbs Creek Parkway (Downstream crossing)	36
	Cemetery Access Road	38
	Cobbs Creek Parkway (Upstream crossing)	39
	Longacre Boulevard	47
	Conrall	48
	Baltimore Avenue	52
Darby Creek	Upstream Corporate Limits	52
	Downstream Corporate Limits	31
	Providence Road (Downstream)	33
	Providence Road (Upstream)	38
	Upstream Corporate Limits	39

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Public Law 95-557, 92 Stat. 2080, this proposed rule

has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: January 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-2398 Filed 1-25-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5008]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Richardson, Dallas, and Collin Counties, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

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

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Director of Public Work's Office, P.O. Box 309, Richardson, Texas 75080. Send comments to: Mayor Raymond Noza or Mr. Aubrey Adcock, Director of Public Works, P.O. Box 309, Richardson, Texas 75080.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Richardson, Dallas and Collin Counties, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which

PROPOSED RULES

added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	At the confluence of Beck Branch.	505
Beck Branch	Approximately 200' upstream of North Star Road.	535
Spring Creek	Approximately 100' upstream of Jupiter Road.	552
	Approximately 200' upstream of Greenville Ave. (State Hwy 5).	569
	Approximately 100' upstream of U.S. Hwy 75.	586
Stream 2I7	Just upstream of Campbell Rd.	561
Stream 2I8	Just upstream of Unnamed Road.	585
Prairie Creek	Just upstream Hwy 75 North Bound.	579
	Just upstream of Fall Creek Rd. Drive.	603.
	Just upstream of Custer Road.	618
	Just downstream of Renner Rd.	647
Duck Creek	Just upstream of Jupiter Road.	596
	Just upstream of Yale Boulevard.	605
	Just upstream of Plano Road.	616
Stream 2C7	Approximately 100' upstream of Yale Boulevard.	605
	Just upstream of N. Plano Rd.	619
Floyd Branch	Approximately 100' upstream of Spring Valley Road.	607
	Just upstream of Phillips St.	620
Stream 5B11	At Abrams Road.	611
	Just upstream of Highland Boulevard.	629
Cottonwood Creek	Approximately 60' upstream of Spring Valley Road.	565

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 80' upstream of Beltline Road.	582
	Approximately 120' upstream of Arapaho Drive.	620
	Approximately 70' downstream of Campbell Road.	650
	Just upstream of Lookout Dr.	676
Hunt Branch	Just upstream of Spring Valley Road.	568
	Just upstream of Dumont Dr.	604
Stream 5B12	Just upstream of waterview Drive.	600
	Just upstream of Arapaho Dr.	623
	Just upstream of Melrose Dr.	637
	Just upstream of Campbell Rd.	659

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 12, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-2399 Filed 1-25-79; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 7]

[LR-199-76]

INCOME TAX

Amortization of Certain Rehabilitation Costs for Certified Historic Structures; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public Hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to amortization of certain rehabilitation costs for certified historic structures, under section 191 of the Internal Revenue Code of 1954, which appeared in the FEDERAL REGISTER for August 30, 1978 (43 FR 38731).

DATES: The public hearing will be held on March 15, 1979, beginning at 10:00 a.m. Outlines or oral comments must be delivered or mailed by March 1, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-199-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 191 of the Internal Revenue Code of 1954. The proposed regulations appeared in the FEDERAL REGISTER for August 30, 1978, at page 38731 (43 FR 38732). A Notice of Extension of Time for Comments appeared in the FEDERAL REGISTER for November 1, 1978, at page 50920 (43 FR 50920).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (28 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 1, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restriction, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, November 8, 1978.

By Direction of the Commissioner of Internal Revenue.

ROBERT A. BLEY,
Director, Legislation and
Regulations Division.

[FR Doc. 79-2705 Filed 1-25-79 8:45 am]

[6560-01-M]

**ENVIRONMENTAL PROTECTION
AGENCY**

[40 CFR Part 65]

IFRL 1035-8; Docket Nos. A-SS-77-591 and
A-SS-77-5921

**STATE AND FEDERAL ADMINISTRATIVE
ORDERS PERMITTING A DELAY IN COMPLIANCE
WITH STATE IMPLEMENTATION PLAN
REQUIREMENTS**

Proposed Delayed Compliance Orders for the
Towns of Rockport and Camden, Maine

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: EPA proposes to issue administrative orders to the towns of Rockport and Camden, Maine. The orders require the towns to bring air emissions from their open burning dump in Rockport into compliance with certain regulations contained in the federally-approved Maine State Implementation Plan (SIP). Because the towns are unable to comply with these regulations at this time, the proposed orders would establish expedited schedules requiring final compliance by July 1, 1979. Source compliance with the orders would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the orders. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the orders.

DATES: Written comments must be received on or before February 26, 1979, and requests for a public hearing must be received on or before February 12, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region I, Room 2103, JFK Federal Building, Boston, Massachusetts, 02203, Attn: Air Compliance Clerk.

Material supporting the orders and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. Michael Gurchin, attorney, 617/223-5061 or Mr. R. W. DiNardo, engineer, 617/223-5610, both at EPA, Region I, Room 2103, JFK Federal Building, Boston, Massachusetts, 02203.

SUPPLEMENTARY INFORMATION: The towns of Rockport and Camden operate an open burning dump at Rockport, Maine. The proposed orders address emissions from the dump, which are subject to section 100.2.2 of the Maine Air Pollution Control Regulations. The regulation prohibits open burning of waste, and is part of the federally-approved Maine State Implementation Plan. The orders require final compliance with the regulation by July 1, 1979, and the sources have consented to their terms. The sources have also agreed to meet the orders' increments during the period of this informal rulemaking.

The proposed orders satisfy the applicable requirements of Section 113(d) of the Clean Air Act (the Act). If the orders are issued, source compliance with their terms would preclude further EPA enforcement action under Section 113 of the Act against the sources for violations of the regulation covered by the orders during the period the orders are in effect. Enforcement against the sources under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the orders. Testimony given at any public hearing concerning the orders will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the orders in 40 CFR Part 65.

(Authority: 42 U.S.C. 7413, 7601.)

Dated: December 22, 1978.

WILLIAM ADAMS,
Regional Administrator, Region I.

The text of the proposed orders are as follows:

PART 65—DELAYED COMPLIANCE ORDERS

**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY, REGION I**

In the Matter of Rockport, Maine Proceedings under Section 113 of the Clean Air Act, 42 U.S.C. § 7413; Order No. A-SS-77-591.

This ORDER is issued pursuant to section 113(d)(1) of the Clean Air Act (the "Act"), the 42 U.S.C. § 7413(d)(1). This ORDER contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Maine have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

1. Former section 100.2.2 of the Maine Air Pollution Control Regulations ("Regulations") stated, in pertinent part, as follows: Open burning of waste of any kind shall be prohibited after July 1, 1974 except that municipalities qualifying for an extension under the Solid Waste Management Plan shall cease open burning as a means of solid waste disposal by July 1, 1975.

2. Section 100.2.2 of the Regulations is part of the Maine Implementation Plan submitted to and approved by the Environmental Protection Agency ("EPA") pursuant to section 110 of the Act. Although Maine has revised section 100.2.2, EPA disapproved this revision. Therefore, the implementation plan remains unchanged and section 100.2.2 of the Regulations is still a "requirement of an applicable plan," as that phrase is used in section 113(a)(1) of the Act.

3. The Towns of Rockport and Camden, Maine respectively own and operate an open burning disposal site in Rockport.

4. On December 15, 1977, the Regional Administrator of EPA issued Notices of Violation, pursuant to section 113(a)(1) of the Act, to the Towns of Camden and Rockport alleging a violation of the above-cited regulation. Information received from the Town Managers of Rockport and Camden in letters dated October 20, 1977, discussing the Towns' open burning of refuse, served as the basis for the issuance of these Notices.

5. Representatives of Camden and Rockport were afforded an opportunity to confer with EPA concerning the alleged violation, in accordance with section 113(a)(4) of the Act. The conference was held on February 23, 1978.

6. Comments made by the Town Manager of Rockport at the February, 1978 conference concerning Rockport's and Camden's continued open burning indicate that the violation of section 100.2.2 of the Regulations has continued more than thirty days beyond Camden's and Rockport's receipt of the Notices of Violation.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with section 113(d) of the Act.

DEFINITIONS: For the purpose of this order:

"System for solid waste disposal" shall mean a land area, associated structures and necessary equipment used for storing, compacting, and processing the solid waste projected to be generated by the Towns of Rockport and Camden. The system shall satisfy all applicable regulations and procedures prescribed by the Main Department of Environmental Protection ("DEP").

It is hereby ORDERED:

I. That the Town of Rockport shall comply with the Maine Implementation Plan regulations in accordance with the fol-

lowing schedule for implementation of plans for a solid waste disposal facility to dispose of the Town's refuse on or before the dates specified.

A. November 15, 1978—choose an alternative system of solid waste disposal.

B. December 15, 1978—enter into any necessary contracts to implement the alternative waste disposal system.

C. January 1, 1979—issue all necessary purchase orders and submit a progress report which shall contain the expected delivery dates of all necessary material and equipment.

D. April 1, 1979—begin construction and site preparation for the chosen solid waste disposal facility.

E. May 15, 1979—submit a progress report to EPA which shall contain an estimate of the percentage of construction completed and an anticipated completion date.

F. July 1, 1979—cease all open burning of solid waste and begin operation of a solid waste disposal facility in accordance with all applicable regulations.

II. That the Town of Rockport shall comply with the following interim requirements which have been found to be reasonable and practicable and will avoid an imminent and substantial endangerment to the public health.

A. Burning shall be restricted to those times when meteorological conditions are such that a minimum of smoke will impact on local residences.

B. The Limerock Street dump shall be protected by a gate and a dump attendant during normal operating hours to prevent accidental fires.

C. Burning of all tannery wastes shall cease immediately.

D. The dump shall close by 5:30 p.m. every day so that burning may occur earlier in the day.

That the Town of Rockport need not install an emission reduction system because no such system exists for open burning dumps and, therefore, need not comply with section 100.2.2 of Maine Implementation Plan regulations while this order is in effect.

III. That the Town of Rockport is not relieved by this ORDER from compliance with any requirement imposed by the Maine Implementation Plan, EPA and/or the courts pursuant to section 303 during any period of imminent and substantial endangerment to the health of persons.

IV. That the Town of Rockport shall comply with the following reporting requirements on or before the dates specified below:

A. Not later than five days after any date for achievement of an incremental step or final compliance specified in this ORDER, Rockport shall notify EPA in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this ORDER, the Town shall immediately notify EPA in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay does not excuse the delay.

B. All submittals and notifications to EPA pursuant to this ORDER shall be made to: Director, Enforcement Division, U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, MA 02203, Attn: Air Compliance Clerk.

V. That while section 113(d)(1)(C) of the Act normally requires emission monitoring

in an ORDER, no reasonable system of emission monitoring for the Town of Rockport's open burning dump site exists.

VI. Nothing herein shall affect the responsibility of the Town of Rockport to comply with State, local, or other Federal regulations.

VII. Rockport is hereby notified that failure to achieve final compliance by July 1, 1979 may result in a requirement to pay a noncompliance penalty under section 120 of the Act. In the event of such failure, the Town will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VIII. This ORDER shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator determines on the record, after notice and hearing, that an inability to comply with section 100.2.2 of the Regulations no longer exists.

IX. Violation of any requirement of this ORDER shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to sections 113(a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and, in appropriate cases, criminal prosecution.

B. Revocation of this ORDER, after notice and opportunity for a public hearing, and subsequent enforcement of section 100.2.2 of the Regulations in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

X. This ORDER is effective upon publication in the FEDERAL REGISTER.

DATED: January 23, 1979.

DOUGLAS M. COSTLE,
Administrator.

The Town of Rockport, Maine, finding that the compliance schedule in this ORDER is reasonable and practicable, hereby consents to the issuance of this ORDER and will undertake to comply with all of its terms and conditions.

Dated: October 30, 1978.

CARL L. BETTERLEY,
Authorized Source Signature.

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY, REGION I

In the Matter of Camden, Maine Proceedings under Section 13 of the Clean Air Act, 42 U.S.C. 87413; Order No. A-SS-77-592.

This Order is issued pursuant to section 113(d)(1) of the Clean Air Act (the "Act"), 42 U.S.C. §7413(d)(1). This ORDER contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Maine have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

1. Former section 100.2.2 of the Maine Air Pollution Control Regulations ("Regulations") stated, in pertinent part, as follows:

Open burning of waste of any kind shall be prohibited after July 1, 1974 except that municipalities qualifying for an extension under the Solid Waste Management Plan shall cease open burning as a means of solid waste disposal by July 1, 1975.

2. Section 100.2.2 of the Regulations is part of the Maine Implementation Plan submitted to and approved by the Environmental Protection Agency ("EPA") pursuant to section 110 of the Act. Although Maine has revised section 100.2.2, EPA disapproved this revision. Therefore, the implementation plan remains unchanged and section 100.2.2 of the Regulations is still a "requirement of an applicable plan," as that phrase is used in section 113(a)(1) of the Act.

3. The Towns of Rockport and Camden, Maine respectively own and operate an open burning disposal site in Rockport.

4. On December 15, 1977, the Regional Administrator of EPA issued Notices of Violation, pursuant to section 113(a)(1) of the Act, to the Towns of Camden and Rockport alleging a violation of the above-cited regulation. Information received from the Town Managers of Rockport and Camden in letters dated October 20, 1977, discussing the Towns' open burning of refuse, served as the basis for the issuance of these Notices.

5. Representatives of Camden and Rockport were afforded an opportunity to confer with EPA concerning the alleged violation, in accordance with section 113(a)(4) of the Act. The conference was held on February 23, 1978.

6. Comments made by the Town Manager of Rockport at the February, 1978 conference concerning Rockport's and Camden's continued open burning indicate that the violation of section 100.2.2 of the Regulations has continued more than thirty days beyond Camden's and Rockport's receipt of the Notices of Violation.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with section 113(d) of the Act.

DEFINITIONS: For the purposes of this order:

"System for solid waste disposal" shall mean a land area, associated structures and necessary equipment used for storing, compacting, and processing the solid waste projected to be generated by the Towns of Rockport and Camden. The system shall satisfy all applicable regulations and procedures prescribed by the Maine Department of Environmental Protection ("DEP").

It is hereby ORDERED:

I. That the Town of Camden shall comply with the Maine Implementation Plan regulations in accordance with the following schedule for implementation of plans for a solid waste disposal facility to dispose of the Town's refuse on or before the dates specified.

A. November 15, 1978—choose an alternative system for solid waste disposal.

B. December 15, 1978—enter into any necessary contracts to implement the alternative waste disposal system.

C. January 1, 1979—issue all necessary purchase orders and submit a progress report which shall contain the expected delivery dates of all necessary material and equipment.

D. April 1, 1979—begin construction and site preparation for the chosen solid waste disposal facility.

E. May 15, 1979—submit a progress report to EPA which shall contain an estimate of

the percentage of construction completed and an anticipated completion date.

F. July 1, 1979—cease all open burning of solid waste and being operation of a solid waste disposal facility in accordance with all applicable regulations.

II. That the Town Camden shall comply with the following interim requirements which have been found to be reasonable and practicable and will avoid an imminent and substantial endangerment to the public health.

A. Burning shall be restricted to those times when meteorological conditions are such that a minimum amount of smoke will impact on local residences.

B. The Limerock Street dump shall be protected by a gate and a dump attendant during normal operating hours to prevent accidental fires.

C. Burning of all tannery wastes shall cease immediately.

D. The dump shall close by 5:30 p.m. every day so that burning may occur earlier in the day.

That the town of Camden need not install an emission reduction system because no such system exists for open burning dumps and therefore need not comply with section 100.2.2 of Maine Implementation Plan regulations while this order is in effect.

III. that the Town of Camden is not relieved by this ORDER from compliance with any requirement imposed by the Maine Implementation Plan, EPA and/or the courts pursuant to section 303 during any period of imminent and substantial endangerment to the health of persons.

IV. That the Town of Camden shall comply with the following reporting requirements on or before the dates specified below:

A. Not later than five days after any date for achievement of an incremental step or final compliance specified in this ORDER, Camden shall notify EPA in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirement of this ORDER, the Town shall immediately notify EPA in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay does not excuse the delay.

B. All submittals and notifications to EPA pursuant to this ORDER shall be made to: Director, Enforcement Division, U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, MA 02203, Attn.: Air Compliance Clerk.

V. That while section 113(d)(1)(C) of the Act normally requires emission monitoring in an ORDER, no reasonable system of emission monitoring for the Town of Camden's open burning dump site exists.

VI. Nothing herein shall affect the responsibility of the Town of Camden to comply with State, local, or other Federal regulations.

VII. Camden is hereby notified that failure to achieve final compliance by July 1, 1979 may result in a requirement to pay a noncompliance penalty under section 120 of the Act. In the event of such failure, the Town will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VIII. This order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator determines on the record, after notice and hearing, that an inability to

comply with section 100.2.2 of the Regulations no longer exists.

XI. Violation of any requirement of this ORDER shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to sections 113(a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and, in appropriate cases, criminal prosecution.

B. Revocation of this ORDER, after notice and opportunity for a public hearing, and subsequent enforcement of section 100.2.2 of the Regulations in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

X. This ORDER is effective upon publication in the FEDERAL REGISTER.

Dated: January 23, 1979.

DOUGLAS M. COSTLE,
Administrator.

The Town of Camden, Maine, finding that the compliance schedule in this ORDER is reasonable and practicable, hereby consents to the issuance of this ORDER and will undertake to comply with all of its terms and conditions.

Dated: October 30, 1978.

ELMER SAVAGE,
Authorized Source Signature.

[FR Doc. 79-2847 Filed 1-25-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1045-7]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Chase Bag Company, Paper Mill Division, Chagrin Falls, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to Chase Bag Company, Paper Mill Division. The Order requires the Company to bring Boilers #1 and #2 (the source) into compliance with Ohio Regulation AP-3-11 part of the federally approved Ohio State Implementation plan (SIP). Because the Company is unable to comply with this regulation at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (the Act) for violation of the SIP regulation covered by the Order. The pur-

pose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before February 26, 1979 and requests for a public hearing must be received on or before February 12, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur E. Smith, Jr., Attorney, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: Chase Bag Company owns a paper mill at Chagrin Falls, Ohio. The proposed Order addresses emissions from Boilers #1 and #2 at this facility, which is subject to Regulation AP-3-11 of the Ohio Implementation Plan. The regulation limits the emissions of particulate matter and is part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suite provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the

public comment period and any public hearing, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

Dated: January 10, 1979.

JOHN MCGUIRE,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

I. By amending the table in Section 65.400 to reflect the approval of the following order:

65.400 Federal Delayed Compliance Orders issued under Section 113(d) (1), (3), and (4) of the Act.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

[Order No. FRL 1045-7]

In the Matter of Chase Bag Company, Paper Mill Division, Chagrin Falls, Ohio. Proceeding Pursuant to Section 113(d) of the Clean Air Act, as amended [42 U.S.C. Section 7413(d)].

This ORDER is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (Act). This ORDER contains a schedule for compliance, interim control requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Ohio have been provided pursuant to Section 113(d) of the Act.

FINDINGS

1. On January 16, 1978, the United States Environmental Protection Agency (U.S. EPA) issued a Notice of Violation, pursuant to Section 113(a)(1) of the Act, to the Chase Bag Company, Paper Mill Division (Chase Bag), upon a finding that Chase Bag Boilers #1 and #2, are in violation of Ohio regulation AP-3-11, a part of the applicable Ohio implementation Plan as defined in Section 110(d) of the Act. This finding was based upon emission factor calculations derived from data submitted to U.S. EPA by the subject facility.

2. In satisfaction of Section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegate was given to Chase Bag, and on March 23, 1978, an enforcement conference was held.

3. It has been determined that Chase Bag is unable to immediately comply with the applicable implementation Plan.

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in

this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with Section 113(d) of the Act. Therefore, it is hereby ORDERED:

ORDER

I. That Chase Bag shall comply with the Ohio Implementation Plan regulation AP-3-11 in accordance with the following schedule on or before the dates specified therein.

A. In regard to Boilers #1 and #2:
1. Achieved—Chase Bag shall submit final control plans.

2. Achieved—Chase Bag shall award contracts for the control equipment.

3. March 1, 1979—Chase Bag shall initiate on-site construction of the control equipment.

4. July 1, 1979—Chase Bag shall complete on-site construction of the control equipment and achieve compliance with Ohio Implementation Plan regulation AP-3-11.

5. Pursuant to Sections 113(a) and 114 within 2 months after July 1, 1979, Chase Bag shall demonstrate compliance with Boilers #1 and #2 to the U.S. EPA.

II. Pursuant to Section 113(d)(7) of the Act, during the period in which this ORDER is in effect, Chase Bag shall comply with the following interim requirements and shall use the best practicable systems(s) of emission reduction so as to minimize particulate emissions and to avoid an imminent and substantial endangerment to the health of persons and shall further comply with the requirements of the applicable implementation plan insofar as it is able to:

A. Chase Bag shall operate and maintain existing control equipment to maximize reliability and efficiency during the interim period preceding final compliance.

B. Commencing immediately, Chase Bag shall operate and maintain its boilers to minimize particulate matter emissions from the boilers on a day-to-day basis during the interim period preceding final compliance.

III. That Chase Bag shall comply with the following emission monitoring and reporting requirements:

A. Emission Monitoring: Pursuant to Sections 113(a) and 114, in operation of the control equipment, Chase Bag shall provide means for continuously determining the pressure drop across each baghouse compartment and shall monitor the pressure drop half-hourly during operation of Boilers #1 and #2. Upon indication of bag failure, the compartment associated therewith shall be immediately shut off and maintenance initiated.

B. Reporting Requirements: 1. No later than 15 days after any date for achievement of an incremental step or final compliance, specified in this

ORDER, Chase Bag shall notify U.S. EPA in writing of its compliance, or noncompliance and reasons therefor, with the requirement. If delay is anticipated in meeting any requirements of this ORDER, Chase Bag shall immediately notify U.S. EPA in writing of the anticipated delay and reasons therefor.

2. Pursuant to Sections 113(a) and 114, every 3 months, Chase Bag shall report to the U.S. EPA details of all incidents of bag failure including date, time of day, and number of bags involved.

3. Every 3 months, Chase Bag shall report on the progress of its program for compliance specified in Paragraph I.A.

4. All submittals and notifications to U.S. EPA pursuant to this ORDER shall be made to Mr. Eric Cohen, Chief, Compliance Section, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. A copy of all submittals and notifications should be sent to the Division of Air Pollution Control, Department of Public Health and Welfare, 2735 Broadway Avenue, Cleveland, Ohio 44115.

5. The first quarterly report pursuant to this ORDER shall be submitted January 1, 1979.

IV. Nothing herein shall affect the responsibility of Chase Bag to comply with State or local regulations, or other Federal regulations.

V. Chase Bag is hereby notified that its failure to achieve final compliance by July 1, 1979, at Boilers #1 and #2, may result in a requirement to pay a noncompliance penalty under Section 120. In the event of such failure, Chase Bag will be formally notified, pursuant to Section 120(b)(3) and any regulations promulgated thereunder, of it noncompliance.

VI. This ORDER is effective upon final publication in the FEDERAL REGISTER.

Date _____,

_____,
Administrator, U.S.
Environmental
Protection Agency

WAIVER OF RIGHTS TO CHALLENGE ORDER

Although Chase Bag does not admit any violations, the Company hereby consents to the provisions of this ORDER and waives any and all rights under provisions of law to challenge this ORDER.

Date _____,

_____,
Chase Bag Company,
Paper Mill Division

[FR Doc. 79-2844 Filed 1-25-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 405]

MEDICARE PROGRAM

Cost to Related Organizations

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

ACTION: Proposed rule.

SUMMARY: This regulation would revise the current Medicare program regulation which limits the amount a provider may be reimbursed when it obtains services, facilities, or supplies from an organization related to it by common ownership or control. The revision clarifies the meaning and intent of the regulation by defining terms and adding explanatory language. The purpose of the revision is to make the regulation more understandable to the public, and to reduce those areas of misinterpretation which cause dispute in administration.

DATES: Consideration will be given to written comments or suggestions received on or before March 27, 1979.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. In commenting, please refer to MAB-87-P. Comments will be available for public inspection beginning approximately 2 weeks after publication in room 5231 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Mr. Hugh J. McConville, Medicare Bureau, Health Care Financing Administration, East Building, Room 412, 6401 Security Boulevard, Baltimore, Maryland 21235 (301-594-9430).

SUPPLEMENTARY INFORMATION: A Medicare provider's reimbursable costs for items of services, facilities, or supplies furnished to the provider by another organization are normally the charges made by the supplying organization. (See 42 CFR 405.451.) However, a special rule applies when a provider obtains items from a supplier to which it is related by common ownership or control. (See 42 CFR 405.427, Cost to Related Organizations.)

In the situation of a related supplying organization, the provider's allowable costs for items obtained from the organization are limited to the organi-

zation's costs rather than its charges, provided those costs do not exceed the open market price of items. The regulation is intended to prevent the program from paying the provider any profit factor attributable to the provider's dealing with itself through the related organization. An exception is provided to this general rule for items supplied by related organizations meeting established criteria. (See 42 CFR 405.427(d).) Where the exception applies, the provider's allowable costs for the items obtained would be the charges made by the related supplying organization, if those charges do not exceed the prices in the open market.

In practice, the current regulation has been difficult to apply. Some of its provisions have been susceptible to misinterpretation and to subjective decisions on the part of the intermediaries and providers. As a result, many provider appeals have been brought before intermediary hearing officers and the Provider Reimbursement Review Board for resolution of disputes. Primary areas of concern have been the determination of relatedness, the determination of allowable cost, and the application of the criteria in the exception. The purpose of this proposed revision is to clarify the meaning and intent of the regulation, including the criteria for the exception to the regulation, and to extend the regulation to cover special contract situations.

1. DETERMINATION OF "RELATEDNESS"

The existing regulation treats a provider and a supplying organization as related if they are associated or affiliated "to a significant extent". The definitions of "common ownership" and "control" also use the terms "significant ownership" and "significant influence". The subjectiveness of these terms has caused problems in interpreting and consistently applying the regulation. We are proposing to revise these definitions to remove these phrases. A provider and a supplying organization would be treated as related if there is "any" common ownership or control. Questions have also arisen regarding the proper treatment of chain organizations. We are proposing to define chain organization and clarify current policy, which treats dealings among components of a chain organization as dealings between related organizations. This proposed regulation would limit reimbursement to providers who obtain services, facilities or supplies from organizations related by common ownership or control. While HMO's are not "providers of services" for Medicare purposes, this provision is made applicable to them, subject to specific limitations by § 405.2042 (Principles of Reimbursement For Cost-Basis HMO's under

Title XVIII; Allowable Costs). Therefore, because of our continuing interest in fostering the development of HMO's, we would be particularly interested in comments regarding the potential effect of the proposed regulation on HMO's.

2. DETERMINATION OF ALLOWABLE COST

The existing rule does not deal specifically with how the costs of a related supplying organization are to be determined and questions have arisen as to what methods are acceptable. We are proposing that the supplier's allowable costs be determined in accordance with the general reimbursement principles of Subpart D of the Medicare regulations. Our intent is that the supplier use generally accepted accounting principles, except where special rules have been adopted for Medicare.

3. EXCEPTIONS

We are proposing some clarifications and revisions in the existing criteria for granting an exception to the general principle. For example, we are proposing that the related supplying organization must conduct at least 80 percent of its business, of the type transacted with the provider, in the open market. The existing regulation uses the criterion "a substantial part", which is too vague to provide clear guidance. We have chosen 80 percent because, in our view, it is tantamount to the provider buying in the open market. At this level of activity, the forces prevailing in the market place should control the price charged the provider, and the supplying organization's existence would not be dependent upon the business conducted with the provider.

4. SPECIAL APPLICATIONS

The application of the regulation has been extended to provide that, even if the common ownership or control relationship terminates prior to the end of a contract for service, facilities, or supplies originally made between related organizations, the rule on related organizations would continue to apply during the full term of the contract. This application is necessary, in our view, because the contract terms, which were not arranged in arms-length bargaining, have not been changed by the termination of the relationship between the provider and the supplier.

The proposed revision to the regulation also applies the rule for related organizations to cases in which the provider and the supplying organization are unrelated prior to the execution of a contract, but common ownership or control is created at the same time by the nature of the contract or by other means.

5. SHARED-SERVICES ORGANIZATIONS

This proposed rule does not incorporate the special provisions regarding shared-services organizations since those were published separately as a proposed rule on August 17, 1978 (43 FR 36488). A full explanation of the proposed rule and of our reasons for proposing it was set forth in that NPRM. Comments regarding that rule have been received and are being considered.

42 CFR 405.427 is revised to read as follows:

§ 405.427 Cost to related organizations.

(a) *Scope.* This section specifies criteria for determining a provider's allowable costs when the provider obtains services, facilities, or supplies from an organization that is related to it by common ownership or common control.

(b) *Definitions.* As used in this section, unless the context indicates otherwise:

"Chain organization" means any group of two or more facilities that are owned, leased, or controlled by one organization.

"Common control" means that an individual(s) or organization has the power to influence or direct the actions or policies of both a provider and a supplying organization or to influence or direct the transactions between a provider and a supplying organization. The term includes direct or indirect control, whether or not it is legally enforceable.

"Common ownership" means that an individual(s) or organization owns or has equity in both a provider and a supplying organization.

"Related organization" means an entity that is under common ownership or common control with a provider.

(c) *Allowable costs.* Fees charged among components of a chain organization are not allowable as provider costs. However, subject to paragraph (d) of this section, a provider's allowable costs for services, facilities, or supplies furnished to it by a related supplying organization include:

(1) Costs that would be allowable if they were incurred directly by the provider.

(2) Costs of services, facilities, or supplies furnished by one component of a chain organization to another component; and

(3) Costs of services, facilities, or supplies furnished by the home office

of a chain organization to another component.

Example: Corporation A, a construction company, builds a hospital or nursing home and leases it to Corporation B to operate as a provider. Corporation B is related to Corporation A by common control. Rental payments made to Corporation A would not be used to determine the provider's allowable costs. Corporation B could only include in its allowable costs Corporation A's costs of ownership of the facility. These would include depreciation costs, interest on a mortgage, real estate taxes, and other expenses incurred by the owner for the leased facility.

(d) *Conditions for payment.*—(1) *Basic condition.* Except as provided in paragraphs (d) (2) and (3), a provider's allowable costs for services, facilities, or supplies furnished to it by a related supplying organization shall not exceed the lower of:

(i) The cost of the services, facilities, or supplies to the related supplying organization; or

(ii) The price at which comparable services, facilities, or supplies can be purchased in the open market.

(3) *Related open market suppliers.* (i) A provider's allowable costs are not limited to the provisions if paragraph (d)(1) of this section of the provider can show, to the satisfaction of the intermediary that:

(A) The related supplying organization is operated separately from the provider. This means it cannot be operated by the same sole proprietor, by the same partners of partnership, or by the same corporation, regardless of the internal corporate operating arrangements, that operates the provider.

(B) The related supplying organization transacts 80 percent or more of its business (of the type carried on with the provider) with organizations to which it is not related.

(C) There is an open, competitive market for the type of services, facilities, or supplies furnished by the related supplying organization. For example, the items are produced and offered for sale in large quantities to the general public or the services are available at an established market price from a number of suppliers. This requirement for an open, competitive market does not apply, however, to items that are produced or acquired under a special contract, such as a provider building constructed by a related organization or a provider building rented for a related organization.

(D) The services, facilities, or supplies are of the type commonly ob-

tained by providers from other organizations.

(ii) If all the conditions of paragraph (d)(3)(i) of this section are met, the provider's allowable costs for services, facilities, or supplies furnished by the related supplying organization shall be lower the of:

(A) The charge made by the related supplying organization to the provider; or

(B) The price at which comparable services, facilities, or supplies can be purchased in the open market.

(4) *Accounting method.* The allowable cost of services, facilities, and supplies to a related supplying organization will be determined in accordance with this subpart.

(e) *Applicability.* (1) If paragraph (d)(1) of this section is applicable, it governs the provider's allowable costs throughout the full term of a supply contract executed between a provider and a related supplying organization, even if the common control or common ownership terminates prior to the end of the contract.

(2) If a provider and a supplying organization are not related prior to the execution of a supply contract, but common ownership or common control is created at the same time by the supply contract, by a companion agreement, or by any other means, the supply contract will be treated as having been made between related organizations for purposes of paragraph (d) of this section.

Example: Corporation A owns a building and executes a lease contract with Corporation B, a provider. A single stockholder owns 100 percent of the capital stock of both corporations. A person unrelated to either corporation buys the stock of Corporation B from the stockholder, thus terminating the relationship of Corporation B and Corporation A. However, until the lease is terminated, Corporation B's allowable costs would be limited to Corporation A's costs of ownership.

(Secs. 1102, 1861(v), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395o(u), and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: October 12, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: January 15, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-2163 Filed 1-25-79; 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.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

ELBOW LAKE LIVESTOCK SALES CO., ELBOW LAKE, MINNESOTA, ET AL

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., Name, Location of Stockyard, and Date of Posting

- MN-113 Elbow Lake Livestock Sales Company, Elbow Lake, Minnesota, March 1, 1960.
 MN-119 Granite Falls Sales Co., Granite Falls, Minnesota, September 19, 1959.
 MN-136 Park Rapids Sales Co., Park Rapids, Minnesota, October 2, 1959.
 MN-142 Rush City Livestock Auction, Rush City, Minnesota, April 11, 1960.
 MN-157 Walnut Grove Sales Pavilion, Walnut Grove, Minnesota, September 23, 1959.
 ND-109 Ellendale Livestock Market, Inc., Ellendale, North Dakota, June 6, 1959.
 ND-118 Kamrath Sales Pavilion, Mott, North Dakota, May 27, 1959.
 ND-120 Oakes Livestock Commission Co., Oakes, North Dakota, May 13, 1959.
 SD-109 Centerville Livestock Auction, Inc., Centerville, South Dakota, May 19, 1959.
 SD-117 Faulkton Livestock Commission Company, Faulkton, South Dakota, June 3, 1959.
 SD-122 Herreid Livestock Commission Company, Inc., Herreid, South Dakota, June 23, 1954.
 SD-141 Rapid City Livestock Market, Inc., Rapid City, South Dakota, January 24, 1947.
 SD-151 Wall Livestock Auction, Inc., Wall, South Dakota, May 30, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective January 26, 1979.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 19th day of January 1979.

EDWARD L. THOMPSON,
 Chief, Registrations, Bonds, and
 Reports Branch, Livestock
 Marketing Division.

[FR Doc. 79-2724 Filed 1-25-79; 8:45 am]

[3410-02-M]

Federal Grain Inspection Service

OFFICIAL AGENCY DESIGNATION

Cancellation of Designation of the Lubbock Grain Inspection and Weighing, Inc.—Official Designation of Lubbock Grain Inspection and Weighing—Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the cancellation of designation of the Lubbock Grain Inspection and Weighing, Incorporated, as an existing agency at Lubbock, Texas, and the designation of the Lubbock Grain Inspection and Weighing which is owned by Mr. Raymond Anthis, as a new official agency at Lubbock, Texas, to perform grain inspection services under the U.S. Grain Standards Act, as amended, effective October 19, 1978. This notice also proposes a geographic area within which the agency will operate.

DATE: Comments by March 12, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 201 14th Street SW., Room 2405, Auditor's Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service

(FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

On September 18, 1978, a notice was published in the FEDERAL REGISTER (43 FR 41418) announcing that (1) the Lubbock Grain Inspection and Weighing, Incorporated, Lubbock, Texas, requested that its designation as an official inspection agency be transferred to Mr. Raymond Anthis, the Chief Inspector of that agency; and (2) Mr. Anthis has applied for designation in accordance with Section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)) to operate as an official agency at Lubbock, Texas, to be known as the Lubbock Grain Inspection and Weighing.

Interested persons were given until October 18, 1978, to submit written views and comments with respect to the requested transfer of designation and/or to apply for designation to operate as an official agency at Lubbock, Texas. No comments were received regarding the September 18, 1978, notice. No additional applications were received, other than the application from Mr. Anthis.

The FGIS has conducted the required investigation of the Lubbock Grain Inspection and Weighing which included an onsite review of the inspection point at Lubbock (specified service point).

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

As a result of this investigation and after due consideration of the request for transfer, the Lubbock Grain Inspection and Weighing owned by Mr. Anthis, was selected for designation under the Act to perform official inspection functions (other than appeal inspection), not including official weighing, and the designation of the Lubbock Grain Inspection and Weighing, Incorporated was canceled effective October 19, 1978.

A document designating the Lubbock Grain Inspection and Weighing,

as an official agency was signed on October 19, 1978. Said designation also includes an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned to the Lubbock Grain Inspection and Weighing on an interim basis pending final determination in this matter is:

Bounded on the North by: The northern Cochran County line from the Texas-New Mexico State line east; the northern Hockley County line east to Farm to Market Road (FM) 303; FM 303 north to U.S. Route 84; U.S. Route 84, including Sudan, Texas, southeast to FM 37; FM 37 east to FM 179; FM 179 north to FM 1914; FM 1914 east, not including Hale Center, Texas, to FM 400; FM 400 south to FM 37; FM 37 east to the eastern Hale County line; the Hale County line south; northern Crosby County line east; the northern Dickens County line east;

Bounded on the East by: The eastern Dickens, Kent, Scurry, and Mitchell County lines;

Bounded on the South by: The southern Mitchell, Howard, Martin, and Andrews County lines; and

Bounded on the West by: The Texas-New Mexico State line from the southern Andrews County line north to the northern Cochran County line.

In addition, the area shall include El Paso County, Texas.

Interested persons may obtain a map of the proposed geographic area from the Compliance Division, Delegation and Designation Branch.

The specified service point of the Lubbock Grain Inspection and Weighing is 920 Avenue A, Box 675, Lubbock, Texas 79408, which is located within the agency's proposed geographic area. A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future within the agency's assigned geographic area.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to the Lubbock Grain Inspection and

Weighing. All views or comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street, S.W., Room 2405, Auditors Building, Washington, D.C. 20250. All materials submitted should be mailed to the Director not later than March 12, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Done in Washington, D.C., on January 19, 1979.

LESLIE E. MALONE,
Acting Director.

[FR Doc. 79-2837 Filed 1-25-79; 8:45 am]

[3410-02-M]

OFFICIAL AGENCY TERMINATION

Termination of Designation of The Corn Exchange, Buffalo, New York

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and request for applications and comments.

SUMMARY: This notice announces the termination of the designation of The Corn Exchange, Buffalo, New York, as an official agency to perform grain inspection under the U.S. Grain Standards Act, as amended. The Federal Grain Inspection Service is requesting comments on the need for designation of a replacement agency to perform official inspection in the area previously serviced by The Corn Exchange. In addition, interested persons are invited to make application for designation to operate as an official agency in the Buffalo, New York, area.

DATES: Termination effective midnight, November 19, 1978. Application and/or comments received by March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 201 14th Street, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: Pub. L. 94-582 was enacted in 1976 to amend the United States Grain Standards Act (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"). Section 27 of the Act (7 U.S.C. 74 note) provides that any interior inspection agency providing service on November 20, 1976, the date on which the amended Act became effective, could continue to do so without a designation under the Act until the expiration of a period of time as determined by the Administrator, but not to exceed 2 years after the Act's effective date.

The Corn Exchange (Exchange), Buffalo, New York, was advised on November 15, 1977, that conflicts of interest, as defined by Section 11(b) of the Act (7 U.S.C. 87(b)), existed in their agency. The Exchange submitted no proposal to effect a satisfactory resolution of these conflicts of interest and therefore was ineligible for designation as an official agency.

Because the Exchange did not become eligible for designation under the terms of the amended Act, their designation terminated midnight, November 19, 1978, in accordance with Section 27 of the Act (7 U.S.C. 74 note).

The Administrator of the Federal Grain Inspection Service (FGIS) is authorized under the provisions of the Act to provide official inspection where it is determined official inspection is needed (7 U.S.C. 79(f)(1)). FGIS requests comments from the grain trade and other interest parties with respect to the need for continuing to provide official grain inspection service under the Act in the area previously serviced by the Exchange. All comments should be submitted in writing and mailed to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 14th & Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, not later than March 12, 1979.

Subject to a final determination by the Administrator as to the need for continuing official grain inspection service in this area, interested persons are hereby given opportunity to make application for designation to operate as an official agency in the Buffalo, New York, area, pursuant to the requirements in Section 7(f)(1)(A) of the amended Act (7 U.S.C. 79(f)(1)(A)) and section 26.96 of the regulations (7 CFR 26.96). Persons wishing to apply for designation to operate as an official agency in the Buffalo area should contact the Office of the Director, Compliance Division, at the above mentioned address, for the appropriate forms and mail their applications to that Director's office not later than March 12, 1979.

Official inspection services on domestic grain will be provided by the

FGIS in the area previously serviced by the exchange until such time as the necessity of a replacement agency is determined. Persons desiring official inspection services during this period should contact Mr. Patrick Flanagan, Field Office Supervisor, United States Department of Agriculture, Federal Grain Inspection Service, Port of Albany, Albany, New York 12202, (518) 465-2662.

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

In making a final determination as to the need for a replacement agency in the Buffalo, New York, area, and the designation of an official agency if deemed necessary, consideration will be given to all comments filed and to any applications submitted and to all other information available to the Administrator. All comments and applications submitted pursuant to this notice will be made available for public inspection at the above Office of the Director during regular business hours (7 CFR 1.27(b)).

(Sec. 8, Pub. L. 94-582, 90 Stat. (7 U.S.C. 79); sec. 13, Pub. L. 94-582, 90 Stat. 2880 (7 U.S.C. 87); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note) 7 CFR 26.96.)

Done in Washington, D.C., on January 19, 1979.

LESLIE E. MALONE,
Acting Administrator.

[FR Doc. 79-2838 Filed 1-25-79; 8:45 am]

[3410-05-M]

Office of the Secretary

ADVISORY COMMITTEE ON EXPORT SALES REPORTING

Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following Committee meeting:

NAME: Advisory Committee on Export Sales Reporting.

DATE: February 8, 1979.

TIME: 9 a.m. to 4 p.m.

PLACE: Room 4960-South Building, U.S. Department of Agriculture, 1400 Independence Avenue, Washington, D.C. 20250.

TYPE OF MEETING: Open to the public. However, only written comments will be accepted and should be submitted to Kelly Harrison, General Sales Manager, U.S.D.A., Washington, D.C. 20250, telephone (202) 447-5173. Copies of summary minutes of Committee meetings may be obtained from the address shown above.

PURPOSE: The Committee is expected to review and approve its report to the Secretary of Agriculture.

Dated: January 19, 1979.

GEORGE S. SHANKLIN,
Acting General Sales Manager.
[FR Doc. 79-2723 Filed 1-25-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 33363]

FORMER LARGE IRREGULAR AIR SERVICE INVESTIGATION

Hearing

The hearing on the applications of IAL, Inc. (Dockets 33233, 33232) consolidated into this proceeding will be held on February 15, 1979 at 9:00 a.m. in Room 1003, Hearing Room B, at 1875 Connecticut Avenue, N.W., Washington, D.C. 20428.

Dated at Washington, D.C., January 19, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-2826 Filed 1-25-79; 8:45 am]

[6320-01-M]

[Docket 34475]

FUNFLIGHTS, INC. ET AL

Assignment of Proceeding

In the matter of Funflights, Inc., Edwin Skuller, Robert Nichols, and David Wolfe, Respondents, Enforcement Proceeding.

This proceeding is hereby assigned to Administrative Law Judge Richard J. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., January 19, 1979.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 79-2827 Filed 1-25-79; 8:45 am]

[6320-01-M]

[Order 79-1-105; Docket 33196, et al.]

NATIONAL AIRLINES, INC., ET AL

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of January, 1979.

In the matter of application of National Airlines, Inc. for amendment of its certificate of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended (Docket 33196); applications of Northwest Airlines, Inc. (Docket 33350), Eastern Airlines, Inc. (Docket

32720), Western Air Lines, Inc. (Docket 32964), Southern Airways, Inc. (Docket 33438), for amendment of their certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended; applications of Northwest Airlines, Inc. (Docket 33351), Eastern Airlines, Inc. (Docket 32891), for exemption authority pursuant to section 416(b) of the Federal Aviation Act.

On August 14, 1978, National Airlines filed an application and a petition for an order to show cause why its authority on Route 39 in the San Francisco/Oakland/San Jose-Atlanta market should not be converted from mandatory to permissive (Docket 33196).¹

On September 5, 1978, Northwest Airlines filed an application for an amendment of its existing certificate of public convenience and necessity for Route 3, or for the grant of new certificate authority, to permit non-stop service between the San Francisco area and Atlanta (Docket 33350). It filed a motion for hearing on the same date, as well as an application under section 416(b) of the Act for an exemption from its certificate requirements so as to permit it to provide nonstop service between San Francisco/Oakland/San Jose and Atlanta for two years, or until 60 days after final Board decision on its application for certificate authority (Docket 33350).

On September 15, 1978, Southern Airways filed a motion to consolidate its application for Atlanta-San Francisco certificate authority (Docket 33438) with the applications of Northwest, Eastern Airlines (Docket 32720) and Western Air Lines (Docket 32964).² Eastern,³ Western, and an incumbent in the market, Delta, filed answers in opposition to Northwest's exemption request.

Neither of the incumbents, Delta or National, has filed an answer to any of the pending applications for certificate authority or to Northwest's motion for hearing.

¹National has apparently already canceled its service for an indefinite period. Beginning with the October 15, 1978, Official Airline Guide, no National flights are listed in this market.

²Western had already filed a motion to consolidate its application with that of Eastern on July 3, 1978.

³Eastern had filed for Atlanta-San Francisco exemption authority on June 21, 1978 (Docket 32891). This application was supported by the City of Atlanta and the Atlanta Chamber of Commerce and opposed by National, Western, and Delta. Eastern's request was accompanied by financial, economic and environmental data supportive of both the exemption request and the certificate request in Docket 32720. On October 25, 1978, Eastern also filed for "unused" Atlanta-San Francisco/Oakland/San Jose authority under section 401(d)(5)(A) of the Act, and was awarded this authority in Order 78-11-41 (November 9, 1978).

In its application, ⁴ Northwest argues that the current service in the San Francisco-Atlanta market provided by Delta and National does not meet the needs of the public; that Delta provides three nonstop round trips daily but at inconvenient hours for the business traveler, and National offers only one nonstop round trip on the weekend. It proposes to provide two nonstop round trips each day, using B-727 equipment, at hours more convenient for the business traveler, and to offer "Super Saver" and other promotional fares that will compete with existing fares and benefit the public. It estimates that it will earn an operating profit of \$1,318,000.

We tentatively conclude, on the basis of the tentative findings below, that it is consistent with the public convenience and necessity to award multiple authority on a Category II subsidy-ineligible basis, in the San Francisco-Atlantic and San Jose-Atlantic markets, and to grant the certificate applications of Northwest, Eastern, Western, Southern and any other fit, willing and able applicant whose fitness, willingness and ability can be established by officially noticeable data. ⁵ Further, we tentatively conclude that no oral evidentiary hearing is needed here since there are no material determinative issues of fact requiring such a hearing for their resolution.

Since the Oakland-Atlanta market is at issue in the pending *Oakland Service Case* (Docket 30699), we will not deal with the applications to the extent that they request such authority and, under section 302.12(d) of our Regulations, dismiss those portions of the applications. ⁶

We have also tentatively decided not to hyphenate San Francisco and San Jose. If a carrier does not use its San Jose-Atlanta authority, another carrier can obtain that authority under section 401(d)(5) of the Act as long as San Jose is listed as a separate point

⁴The supporting data appear in Northwest's application for exemption authority (Docket 33351), although they support both the exemption request and the certificate request.

⁵Officially noticeable data consist of that material filed under section 302.24(m) of our Rules of Practice. Applicants whose fitness cannot be so established must make a showing of fitness, as well as dealing with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

On the basis of officially noticeable data, we find that Northwest, Eastern, Western and Southern are citizens of the United States and are fit, willing and able to perform the air services proposed and to conform to the provisions of the Act and our rules, regulations and requirements.

⁶See *Florida Service Case*, Order 78-11-15 (November 2, 1978).

on the first carrier's certificate. (See Order 78-11-41). We find this approach more consistent with the Act's declaration of policy which calls on us to encourage air service at major urban areas through secondary or satellite airports. ⁷

Under the Airline Deregulation Act of 1978, we must approve an application for certificate authority unless we find, by a preponderance of the evidence, that approval would not be consistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). The new Act creates a presumption that the grant of all applications is consistent with the public convenience and necessity. It places on any opponents of these applications the burden of proving them inconsistent with the public convenience and necessity (Pub. L. No. 95-504, section 14). To give such opponents a reasonable opportunity to meet an admittedly heavy burden of proof, it is our view that applicants must indicate what type of service they would provide if, after receiving authority, they chose to serve the markets at issue. This does not mean that an applicant must show that it will provide service if it receives authority but rather what the nature of its service would be if it decided to serve. We will give all existing and further applicants 15 days from the date of service of this order to supply data, ⁸ in order to give interested persons sufficient information on the nature of the applicants' proposals to assess consistency with the public convenience and necessity. Our tentative findings concerning all applicants that have not filed illustrative service proposals are contingent on such filings. ⁹

⁷We will give Northwest and Eastern 15 days from this order's service date to file any revisions to their illustrative service proposals for the Bay Area.

⁸They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

⁹Even though we granted Eastern dormant authority in this market in Order 78-11-41 (November 9, 1978), we propose to award it section 401 certificate authority as well. Under the provisions of the Airline Deregulation Act of 1978, Eastern may lose its dormant authority if it does not provide service for a 13-week period (see PDR-59). (Eastern received an exemption from the prescribed 45-day service start-up deadline until January 20, 1979 in Order 78-11-96, November 17, 1978, and commenced service on December 15, 1978.) A carrier awarded

Upon review of all the facts and pleadings in this case, we have tentatively determined that there is no reason why we should not grant multiple awards. Our tentative conclusions comport with the letter and spirit of the Airline Deregulation Act of 1978, particularly the declaration of policy set forth in section 102 which instructs us to rely, to the maximum extent possible, on competitive forces, including potential competition. ¹⁰ See our general conclusions about the benefits of multiple permissive authority in *Improved Authority to Wichita Case, et al.*, Order 78-12-106, December 14, 1978. Accordingly, we conclude that it is desirable to award the additional authority sought by the applicants, whether or not services are in fact operated. The existence of additional operating rights in markets now being served by incumbent carriers or authorized to be served will best effect the statute's policy objective of placing maximum reliance on the decisions of the marketplace. This will occur because newly authorized carriers may actually enter the market in order to exploit unmet demand, both in terms of price and service, or because incumbents will be encouraged by the realistic threat of entry to meet that demand. Because demand is dynamic in character and therefore constantly changing, the most effective means to assure that competitive forces will operate quickly and efficiently is to award multiple operating authority to carriers that are fit, willing and able to provide service.

Notwithstanding the foregoing tentative conclusions in support of multiple authority in this proceeding, we wish to make clear that we in no way desire to deter objections that might be asserted under the 1978 Act by air carriers, civic interests or other interested persons. The new statute contains a completely revised declaration of policy in section 102, as well as numerous additional and modified substantive provisions. Some of these statutory changes relate to considerations not expressly covered in the preceding statute. For example, while diversion

authority under section 401, however, will not lose its authority if it fails to provide service, and may enter the market at any time.

¹⁰Section 102(a) specifies as being in the public interest, among other things:

"The placement of maximum reliance on competitive market forces and on actual and potential competition (A) to provide the needed air transportation system, and (B) to encourage efficient and well-managed carriers to earn adequate profits and to attract capital" and "the encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services."

from existing carriers will not be given decisive weight in rejecting applications for new authority except upon an extraordinary showing of financial jeopardy on the part of one or more existing air carriers, with the consequent loss of air service which cannot be immediately replaced, other provisions suggest that the Congress desires us to take into account other factors. These include, but are not limited to, satellite airport questions and the degree of concentration within the industry and safety. Any party in this proceeding may explain in full why the authority that we propose to grant should not issue. Such explanations should apply specifically to the applications in issue, and should be sufficiently detailed to overcome the presumption of favorable treatment that the Act bestows on applications.

We have also decided to dismiss the application and show cause petition of National to convert its San Francisco-Atlanta authority from mandatory to permissive. Under new section 401(j) of the Airline Deregulation Act of 1978, a certificated carrier is free to suspend service at a point or over a segment for which it is the only certificated carrier providing nonstop single-plane service, provided that it gives us and the communities affected the notice prescribed in that section.¹¹ To the extent that National is merely requesting permissive authority to serve the San Francisco-Atlanta market, the issue is moot.¹²

Since Eastern has already received authority, under the dormant authority provisions of the Airline Deregulation Act of 1978, to commence service in the San Francisco-Atlanta market, we have determined that it would not be consistent with the public interest to award it exemption authority as well. It has received an extension of the 45-day start-up requirement for dormant authority until January 20, 1979.¹³ We feel that the time granted to it to initiate service is sufficient,

¹¹Under section 419 of the Act, a certificated carrier intending to suspend service or reduce it below what we have determined is essential air transportation at a point must give 90 days' notice of this intent before suspending or reducing its service. We must require the carrier to continue providing essential service until we can find a suitable replacement.

¹²As noted in fn. 1, *supra*, National has apparently provided no service between Atlanta and San Francisco since May 6, 1978 (see Docket 31891). Since it discontinued all service on this segment before passage of the Airline Deregulation Act of 1978, it had no statutory authority to suspend such service, and therefore acted in violation of its certificate requirements. Our actions here, however, in no way condone National's behavior in this matter. We will refer this matter to our Bureau of Consumer Protection for any action they may deem necessary.

¹³See n. 9, *supra*.

and that to award it exemption authority would be redundant and unnecessary.

We cannot find that it is consistent with the public interest to grant Northwest an exemption to serve the Atlanta-San Francisco/San Jose markets. Under the new Act, the change in statutory language overrides much of the precedent developed under former section 416(b)(1) and encourages us to eliminate many of the limitations we observed in the past exercise of our exemption authority. However, we are also cognizant of the fact that, despite enacting sweeping changes under the Airline Deregulation Act, Congress chose to retain the basic framework of the Federal Aviation Act¹⁴ under which certification is the norm. Therefore, we will require each exemption applicant to demonstrate that a grant of a particular exemption will fulfill an immediate public need, so as to justify resort to the exemption procedure in lieu of utilizing conventional certification procedures. Here, although Northwest alleges a pressing need for additional service between Atlanta and the Bay Area, any such need that did exist has now been vitiated by Eastern's institution of two daily nonstop round trips between Atlanta and San Francisco, pursuant to its award under section 401(d)(5)(A) of the Act. We do find, however, that it would be consistent with the public interest to grant Northwest an exemption to serve the Atlanta-Oakland market (see Order 78-12-101, December 14, 1978).¹⁵

Finally, upon review of the environmental evaluations submitted by Northwest and Eastern in their applications, to which no answers have been filed, we find that our decision to award them authority will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, or a major regulatory action under the Energy Policy and Conservation Act of 1975. We reserve judgment on the environmental consequences of other applications, pending submission of environmental data.

We will give interested persons 30 days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final; answers will be due within 10 days thereafter. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such

¹⁴See, e.g., *Northwest Airlines, Inc. v. C.A.B.*, 539 F.2d 749 (D.C. Cir. 1976); *Utah Agencies v. C.A.B.*, 504 F.2d 1231, 1237 (10 Cir. 1974).

a hearing is necessary and what relevant and material facts he would expect to establish through such a proceeding that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections. We remind objectors that under the 1978 Act they have the burden of proving why the awards proposed here will not be consistent with the public convenience and necessity.

Accordingly,

1. We direct all interested persons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificate of public convenience and necessity of Northwest Airlines for Route 3, Eastern Airlines for Route 10, Southern Airways for Route 98 and Western Air Lines for Route 19 so as to authorize the carriers to engage in nonstop operations between Atlanta, on the one hand, and San Francisco and San Jose, on the other;

2. We direct any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, to file with us and serve upon National, Northwest, Eastern, Southern, Western, Delta and the Atlanta civic parties, no later than February 22, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers shall be due no later than March 5, 1979;

3. If timely and properly supported objections are filed, we will accord full consideration to the matters and issues raised by the objections before we take further action;¹⁶

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and we may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We dismiss the application of National in Docket 33196 as moot;

6. We grant the motions of Southern and Western to consolidate their applications in Dockets 33438 and 32964, respectively, with those of Northwest and Eastern in Dockets 33350 and 32720, respectively;

7. We deny the application for exemption authority of Eastern in Docket 32891;

8. We exempt Northwest from any requirements of the Act, the Board's Regulations and/or its certificate which otherwise would prevent it from operating nonstop service between Atlanta and Oakland; to the extent not

¹⁶Since provision is made for the filing of objections to this portion of the order, we will not entertain petitions for reconsideration on these issues.

granted here, Northwest's application in Docket 33351 is denied;

9. We direct Southern, Western and any other applicant for the authority in issue to file the data set forth in footnote 8 no later than February 7, 1979.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:¹⁶

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-2834 Filed 1-25-79; 8:45 am]

[6320-01-M]

[Docket 34431]

**PAN AMERICAN WORLD AIRWAYS
ENFORCEMENT PROCEEDING**

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Rudolf Sobernheim. Future communications should be addressed to Judge Sobernheim.

Dated at Washington, D.C., January 19, 1979.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 79-2828 Filed 1-25-79; 8:45 am]

[3510-15-M]

DEPARTMENT OF COMMERCE

[Docket No. S-6351]

OGDEN TRAVELER, INC.

Application

Notice is hereby given that Ogden Traveler, Inc. has filed an application under the Merchant Marine Act, 1936, as amended (the act), for operating-differential subsidy to engage in bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1979, unless extended. Inasmuch as the applicant, and/or related persons or firms, employ or may employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if the application for operating-differential subsidy is to be granted.

Ogden Traveler, Inc. requests written permission to continue the employment of its tanker, the SS TRAVELER, in the domestic intercoastal and/or coastwise service.

The following companies are related to Ogden Traveler, Inc. and are holders of operating-differential subsidy contracts in the grain trade to the Union of Soviet Socialist Republics.

These companies have previously received written permission under section 805(a) of the Act for the following vessels to engage in domestic intercoastal or coastwise service:

Connecticut Transport, Inc., *ST Connecticut*.
James River Transport, Inc., *SS James*.
Mohawk Shipping, Inc., *SS Mohawk*.
Wabash Transport, Inc., *ST Ogden Wabash*.
Ogden Sea Transport, Inc., *SS Columbia*.
Empire Transport, Inc., *SS Potomac*.
Willamette Transport, Inc., *ST Ogden Willamette*.
Ogden Merrimac Transport, Inc., *SS Merrimac*.
Penn Tanker Company, *ST Ogden Champion*, *ST Ogden Challenger*.

It will be necessary that the written permission granted to the foregoing companies for the foregoing vessels be extended to Ogden Traveler, Inc., and for the permission requested by Ogden Traveler, Inc. for the SS TRAVELER be extended to each of the foregoing companies. The foregoing written permission is required notwithstanding the fact that a grain voyage of the SS TRAVELER would not be eligible for subsidy if the vessel engaged in the domestic trade on that voyage.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on February 7, 1979, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: January 22, 1979.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-2697 Filed 1-25-79; 8:45 am]

[3510-08-M]

**National Oceanic and Atmospheric
Administration**

**COASTAL ZONE MANAGEMENT ADVISORY
COMMITTEE**

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Monday and Tuesday, February 5-6, 1979. The meeting will commence at 9:00 A.M. on February 5 and 9:00 A.M. on February 6 in Room 416, Page Building I, 2001 Wisconsin Avenue N.W., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 4:00 P.M. until 4:30 P.M. on February 5, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration or oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Committee Control Officer before or after the meeting, or may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (Attn: Michael E. Shapiro, Committee Control Officer, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634-4128.

The items for Committee discussion at the meeting will include the following:

FEBRUARY 5

9:00 a.m.—Call to Order and Swearing in of New Members, John F. Hussey, Chairman, Robert W. Knecht, Assistant Administrator, Richard A. Frank, Administrator, NOAA.

Informal introductions.

¹⁶All Members concurred.

9:30 a.m.—Overview of 1978 Work Program.
 9:40 a.m.—Status of State Programs; New Members.
 10:45 a.m.—Status of the National Program; report from the CSO Task Force.
 11:45 a.m.—Lunch.
 1:30 p.m.—Coastal Zone Management Program Update, Senior Staff, the Office of Coastal Zone Management.
 4:00 p.m.—Public Statements, (if any).

FEBRUARY 6

9:00 a.m.—President's Reorganization Program, Guest Speaker.
 10:45 a.m.—This one hour session to be held at the Capitol in a place To Be Announced at the meeting.
 11:45 a.m.—Lunch.
 1:30 p.m.—Future of CZM Panel (Environmental/government/industry representatives) Joe Bodovitz, Chairman.
 2:30 p.m.—Discussion of Work Program/Formation of Task Force(s).
 4:15 p.m.—Adjourn.

The Notice of Public Meeting does not permit members of the public sector 15 days notification because of an administrative delay in processing clearances and selecting of new members to provide a quorum as specified in the Committee's Charter.

Dated: January 24, 1979.

R. L. CARNAHAN,
*Acting Assistant Administrator
 for Administration, National
 Oceanic and Atmospheric Administration.*

[FR Doc. 79-2902 Filed 1-25-79; 8:45 am]

[3510-22-M]

PACIFIC FISHERY MANAGEMENT COUNCIL
 Amended Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Pacific Fishery Management Council established by Section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has modified its meeting dates to begin its meeting one day earlier. (FR Vol. 44, No. 3, dated January 4, 1979).

DATES: The Council will meet from 1:00 p.m. to 5:00 p.m. on Wednesday, February 7, 1979, to discuss salmon management. Meeting times and agendas for Thursday and Friday, February 8-9, 1979, remain unchanged.

ADDRESS: The meeting will take place at the Seattle Hyatt House, 17001 Pacific Highway South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry Nakatsu, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street,

Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: January 23, 1979.

WINFRED H. MEIBOHM,
*Acting Executive Director,
 National Marine Fisheries Service.*

[FR Doc. 79-2820 Filed 1-25-79; 8:45 am]

[3510-22-M]

PACIFIC FISHERY MANAGEMENT COUNCIL'S
 BILLFISH ADVISORY SUBPANEL AND PLAN
 DEVELOPMENT TEAM

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Billfish Advisory Subpanel and Plan Development Team of the Pacific Fishery Management Council established under Section 302(g) of the Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss the Draft Billfish Fishery Management Plan.

DATES: The meeting will convene on Thursday, February 22, 1979, at 10:00 a.m. and adjourn at approximately 5:00 p.m.. This meeting is open to the public.

ADDRESS: The meeting will take place at the California Fish and Game Office, 350 South Golden Shores, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: January 23, 1979.

WINFRED H. MEIBOHM,
*Acting Executive Director,
 National Marine Fisheries Service.*
 [FR Doc. 79-2821 Filed 1-25-79; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM
 THE BLIND AND OTHER SEVERELY
 HANDICAPPED

PROCUREMENT LIST 1979

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1979 commodities and military resale items to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED
 ON OR BEFORE: February 28, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and military resale items listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and military resale items to Procurement List 1979, November 15, 1978 (43 F.R. 53151):

Class 7520

Box, Filing, Wood
 7520-00-285-3144 (GSA Regions 9, 10)
 7520-00-285-3145 (GSA Regions 4, 5, 6, 7, 8)
 7520-00-285-3146 (GSA Regions 4, 5, 6, 7, 8)
 7520-00-285-3148 (GSA Regions 4, 5)

Class 8415

Cotton Gloves, White Cloth
 8415-00-268-8354 (small)
 8415-00-268-8353 (medium)
 (Combined requirement of 300,000 pairs annually)

Military Resale Item No. and Name

No. 063 Retractable Pen
 No. 064 Retractable Pen
 No. 062 Rolling Ball Writer
 No. 061 Rolling Ball Writer
 No. 060 Rolling Ball Writer
 No. 067 Ultra Fine Tip Marker
 No. 066 Ultra Fine Tip Marker
 No. 065 Ultra Fine Tip Marker

C. W. FLETCHER,
Executive Director.

[FR Doc. 79-2809 Filed 1-25-79; 8:45 am]

[3910-1-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

PAVE PAWS RADAR SYSTEM OPERATION,
 OTIS AFB, MASS.

Environmental Impact Statement, Review
 Period Extension

JANUARY 19, 1979.

The public review period for the Environmental Impact Statement on operation of the PAVE PAWS Radar System at Otis AFB, Massachusetts (FEDERAL REGISTER January 2, 1979) has been extended from February 12 to February 27, 1979.

Comments should be forwarded to Carlos Stern Ph.D., Deputy for Environment and Safety, Office of the As-

Assistant Secretary of the Air Force (SAF/MIQ), Washington, D.C. 20330.

CAROL M. ROSE,
Air Force Federal Register
Liaison Officer.

[FR Doc 79-2811 Filed 1-25-79; 8:45 am]

[3910-01-M]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 18, 1979.

The USAF Scientific Advisory Board Ad Hoc Committee to Review the Air Force Human Resources Laboratory will hold meetings at the Pentagon, Washington, D.C., on February 20 and 21, 1979. The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. both days.

The Ad Hoc Committee will receive briefings and discuss the internal operations and functions of the Air Force Human Resources Laboratory. The meetings will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

CAROL M. ROSE,
Air Force Federal Register
Liaison Officer.

[FR Doc. 79-2810 Filed 1-25-79; 8:45 am]

[3810-70-M]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on March 8, 1979.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Department propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and mi-

croelectronics. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Head-
quarters Service, Department
of Defense.

JANUARY 23, 1979.

[FR Doc. 79-2725 Filed 1-25-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for November 1978

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: November 1978 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for November 1978.

DATES: Payments for entitlements required to be purchased under this notice must be made by January 31, 1979. The monthly transaction report specified in § 211.66(i) shall be filed with the DOE by February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 6128L, Washington, D.C. 20461, (202) 254-8660.

Fred Wolgel (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461, (202) 633-8820.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for November 1978 submitted to the DOE by refiners and

other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); December 1978 deliveries of crude oil for storage in the strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for November 1978, is calculated to be .166378.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of November 1978, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .154545 of a barrel of deemed old oil.

The issuance of entitlements for the month of November 1978 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to CFR § 211.67(l)(4), the price at which entitlements shall be sold and purchased for the month of November 1978 is hereby fixed at \$8.16, which is the exact differential as reported for the month of November between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of November 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of November 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of November 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such en-

titlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through October 1978 pursuant to 20 CFR § 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the

issues involved, see *Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the November 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its November 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see *Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 2,393,862 barrels.

For the month of November 1978, imports of residual fuel oil eligible for entitlements issuances totaled 33,571,702 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California Lower Tier Crude Oil	10,158,903	19*
California Upper Tier Crude Oil	7,179,641	20*

The total number of entitlements required to be purchased and sold under this notice is 21,051,237.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for November 1978, the pricing composition and weighted average costs thereof are as follows:

	Volumes	Weighted average cost	Percent of total volumes*
Lower tier.....	85,943,853	\$6.12	17.4
Upper tier.....	90,577,277	13.02	18.4
Exempt domestic:			
Alaskan.....	34,655,747	12.98	7.0
Stripper.....	36,946,800	14.49	7.5
Naval petroleum reserve.....	3,306,003	13.31	.8
Total domestic.....	251,429,686	10.87	51.0
Total imported.....	241,484,203	14.72	49.0
Total reported crude oil receipts.....	492,913,894	12.76	100.0
Total reported crude oil runs to stills.....	493,854,178		

* Numbers may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for November 1978 must be made by January 31, 1979.

On or prior to February 12, 1979, each firm which is required to purchase or sell entitlements for the month of November 1978 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of November. The monthly transaction

report forms for the month of November have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by January 31, 1979 are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to January 31, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before February 26, 1979.

Issued in Washington, D.C. on January 18, 1979.

DAVID J. BARDIN,
Administrator,
Economic Regulatory
Administration.

APPENDIX.—Notice of Entitlements for Domestic Crude Oil

[November 1978]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Aconsol'D-Sales	-29,676	0	0	0	0	0	*29,676
A-Johnson	0	143,220	0	0	0	0	143,220
Allied	99,696	83,312	0	0	0	16,384	0
Amer-Petrofina	542,655	736,461	0	0	0	0	193,806
Amerada-Hess	1,914,716	**3,305,722	0	332,806	0	0	1,391,006
Amoco	8,988,838	5,823,153	0	0	0	3,165,685	0
Anchor	13,310	75,144	0	0	13,015	0	61,834
Arco	3,431,142	4,229,459	0	0	28,783	0	709,317
Arizona	76,744	47,068	0	0	2,470	29,676	0
Asamera	90,443	139,575	0	0	0	0	49,132
Ashland	1,070,485	1,699,665	0	0	0	0	629,180
Asiatic	0	495,205	0	495,205	0	0	495,205
Augsbury	0	4,139	0	4,139	0	0	4,139
Basin	183,779	184,442	0	0	65,161	0	603
Bayou	6,816	46,134	0	0	0	0	39,318
Beacon	218,044	134,503	-15,700	0	28,014	63,541	0
Belcher	0	146,823	0	146,823	0	0	146,823
Bi-Petro	5,637	171,341	0	0	0	0	165,704
Bruin	22,634	105,385	0	0	0	0	82,751
C&H	0	31	0	0	0	0	31
Calcasieu	18,214	50,071	0	0	0	0	31,857
Calumet	21,911	26,840	0	0	0	0	4,929
Canal	47,108	64,233	0	0	0	0	17,125
Carbonif.	0	12,431	0	0	0	0	12,431
Caribou	72,965	80,302	0	0	0	0	7,337
Castle	0	14,293	0	14,293	0	0	14,293
Champlin	1,529,964	1,192,017	0	0	224,716	337,947	0
Charter	725,988	836,362	470,935	0	0	0	110,374
Chevron	4,357,313	6,589,087	0	37,408	364,620	0	2,231,774
Cibro	248,424	224,882	0	0	0	23,542	0
CI	-9,118	0	0	0	0	0	9,118
Cirillo	0	51,575	0	51,575	0	0	51,575
Citgo	1,943,350	1,450,172	0	0	0	493,178	0
Claiborne	55,742	38,533	0	0	0	17,209	0
Clark	162,174	639,602	0	0	0	0	477,428
Coastal	198,527	1,091,437	0	27,842	0	0	892,910
Colonial	0	62,122	0	62,122	0	0	62,122
Conoco	2,551,698	1,856,324	0	24,537	137,557	695,374	0
Consumers-Power	0	56,947	0	56,947	0	0	56,947
Coral	6,180	153,436	0	0	0	0	147,256
Corco	0	1,296,044	***562,129	183,793	0	0	1,296,044
Cra-Farmland	274,956	437,756	0	0	0	0	162,800
Cross	44,248	90,295	0	0	0	0	46,047
Crown	288,562	535,459	0	0	0	0	246,897
Crystal-Oil	69,496	120,299	0	0	0	0	50,803
Crystal-Ref.	0	24,980	0	0	0	0	24,980
Delta	190,798	263,696	0	0	0	0	72,898
Demunno	14,251	79,608	0	0	13,335	0	66,273
Derby	0	**48,544	0	0	0	0	48,544
Detroit-Ed	0	66,775	0	66,775	0	0	66,775
Diamond	434,837	320,169	0	0	0	114,668	0
Dorchester	2,933	202,472	0	0	0	0	199,539
DOW	33,712	94,172	0	0	0	0	60,460
E-Seaboard	0	54,406	0	54,406	0	0	54,406
ECO	113,486	98,884	0	0	35,528	14,602	0
Eddy	34,574	36,512	0	0	0	0	1,938
Elm	0	17,633	0	17,633	0	0	17,633
Energy-Coop	20,186	656,054	0	0	0	0	635,868
Erickson	5,817	114,400	0	0	0	0	108,583
Evangeline	11,832	36,821	0	0	0	0	24,989
Exxon	7,579,080	**7,896,694	0	367,564	0	0	317,614
EZ-Serve	174,399	105,746	0	0	21,234	68,653	0
Farmers-UN	180,059	272,486	0	0	0	0	92,427
Fletcher	0	111,622	0	0	0	0	111,622
Flint	7,991	7,051	0	0	0	940	0
Friendswood	115,117	27,438	0	0	0	87,679	0
Funding	46,927	59,816	0	0	0	0	12,889
Gary	134,278	119,196	0	0	0	15,082	0
Getty	1,292,310	925,136	0	0	0	367,174	0
Giant	33,834	45,671	0	0	0	0	11,837
Glacier-Park	82,478	45,702	0	0	0	36,776	0
Gladieux	72,011	120,112	0	0	0	0	48,101
Glenrock	675	1,438	0	0	0	0	763
Golden-Eagle	0	176,671	34,357	0	0	0	170,071
Golden-Eagle-NY	0	19,916	0	19,916	0	0	19,916

APPENDIX.—Notice of Entitlements for Domestic Crude Oil—Continued

[November 1978]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Goldking.....	40,452	117,755	0	0	0	0	77,303
Good-Hope.....	43,548	242,617	0	0	0	0	199,069
Guam.....	0	258,135	0	0	0	0	258,135
Gulf.....	7,564,362	4,682,464	0	31,995	64,461	2,901,838	0
Gulf-Sts.....	24,661	106,760	0	0	0	0	82,099
Hiri.....	0	375,855	0	0	0	0	375,855
Howell.....	194,709	247,626	0	0	0	0	52,917
Hudson-Oil.....	9,976	173,084	0	0	0	0	163,108
Hunt.....	166,581	242,263	0	0	0	0	75,682
Husky.....	522,268	522,268	211,759	0	10,917	0	****0
Independent-Ref.....	53,757	119,468	0	0	0	0	65,711
Indiana-Farm.....	27,087	186,127	0	0	0	0	159,040
Indust-Fuel.....	0	35,824	0	0	0	0	35,824
Irrving.....	0	20,601	0	20,601	0	0	20,601
J&W.....	49,954	33,542	0	0	0	16,412	0
Kenco.....	9,269	36,582	0	0	0	0	27,313
Kentucky.....	14,652	12,516	0	0	0	2,136	0
Kern.....	308,905	324,891	111,956	0	60,169	0	15,986
Kerr-McGee.....	1,046,598	687,606	0	0	0	358,992	0
Koch.....	375,319	702,966	0	17,002	0	0	327,647
Lagloria.....	413,041	231,007	0	0	0	182,034	0
Lakeside.....	7,288	35,257	0	0	0	0	27,969
Laketon.....	123,744	139,486	37,396	0	0	0	15,742
Little-Amer.....	1,066,037	948,454	517,090	0	0	117,583	0
Louisiana-Land.....	153,851	254,415	0	0	0	0	100,564
MacMillan.....	51,738	142,096	0	0	10,363	0	90,358
Marathon.....	4,076,823	2,592,429	0	0	0	1,484,394	0
Marion.....	93,240	187,454	0	0	0	0	94,214
Metropolitan.....	0	145,438	0	145,438	0	0	145,438
Mid-Amer.....	1,870	33,772	0	0	0	0	31,902
Mid-Tex.....	14,205	24,799	0	0	0	0	10,594
Mobil.....	5,471,855	4,494,866	0	9,769	435,238	976,989	0
Mobile-Bay.....	0	118,768	0	0	0	0	118,768
Mohawk.....	482,389	370,065	113,241	0	49,119	112,324	0
Monoco.....	0	12,412	0	12,412	0	0	12,412
Monsanto.....	281,732	259,065	0	0	0	22,667	0
Morrison.....	11,650	10,682	0	0	0	968	0
Mountameer.....	6,978	5,773	0	0	0	1,205	0
Mt-Airy.....	48,129	118,553	0	0	0	0	70,424
Murphy.....	799,478	608,987	0	0	0	190,491	0
N-Amer-Petro.....	48,188	131,239	0	0	15,230	0	83,051
Natl-Coop.....	203,470	334,803	0	0	0	0	131,333
Navajo.....	323,648	365,762	121,959	0	0	0	42,114
Nevada.....	13,657	34,918	0	0	0	0	21,261
New-Edgington.....	665,419	473,350	39,401	0	210,614	192,069	0
New-Engl-Petro.....	0	252,180	0	252,180	0	0	252,180
Newhall.....	150,249	204,220	0	0	50,295	0	53,971
Northeast-Petro.....	0	48,691	0	48,691	0	0	48,691
Northland.....	34,401	34,401	15,093	0	0	0	0
Northville.....	0	6,310	0	6,310	0	0	6,310
OKC.....	67,915	119,971	0	0	0	0	52,056
Okla-Ref.....	53,594	128,980	0	0	0	0	75,386
Oxnard.....	43,978	41,872	0	0	17,360	2,106	0
Peerless.....	0	6,507	0	0	0	0	6,507
Pemex.....	0	**250,515	0	0	0	0	256,515
Pennzoil.....	565,536	291,920	0	0	0	273,616	0
Pester.....	111,434	191,921	0	0	0	0	80,487
Petro-Heat-Pa.....	0	8,287	0	8,287	0	0	8,287
Phillips.....	1,972,057	1,611,141	0	0	-3,201	360,916	0
Phillips-PR.....	0	170,653	0	170,653	0	0	170,653
Pioneer.....	36,311	49,222	0	0	0	0	12,911
Placid.....	200,680	223,692	0	0	0	0	23,012
Plateau.....	111,114	162,941	0	0	0	0	51,827
Poverine.....	310,823	348,390	0	0	102,326	0	37,567
PR-Olefins.....	0	927	0	927	0	0	927
Pride.....	131,700	183,845	0	0	0	0	52,145
Publicker.....	0	18,870	0	18,870	0	0	18,870
Quad.....	95,339	76,391	0	0	33,132	18,948	0
Quaker-St.....	28,503	200,992	0	0	0	0	172,489
Quitman.....	16,998	37,385	0	0	0	0	20,387
Rancho-Ref.....	2,099	12,963	0	0	0	0	10,864
Raymal.....	5,921	23,488	0	0	0	0	17,567
Richards.....	289	60,010	0	0	0	0	59,721
Road-Oil.....	0	444	0	0	0	0	444

APPENDIX.—Notice of Entitlements for Domestic Crude Oil—Continued

[November 1978]

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position					
		Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Rock-Island	290,516	296,173	0	0	0	0	5,057
Saber-Tex	15,820	135,842	0	0	0	0	120,022
Sabre-Cal	33,592	120,310	0	0	8,975	0	80,718
Sage-Creek	2,840	3,667	0	0	0	0	827
San-Joaquin	305,644	372,657	109,978	0	111,937	0	67,013
Schulze	5,332	14,235	0	0	0	0	8,503
Seminole	10,625	103,349	0	0	0	0	92,724
Sentry	655	60,043	0	0	0	0	59,388
Shell	7,980,777	5,188,090	0	0	440,316	2,792,687	0
Shepherd	18,997	55,529	0	0	0	0	36,532
Signor	5,031	134,311	0	0	0	0	129,280
Slapco	12,720	73,088	0	0	0	0	60,368
So-Hampton	12,274	118,483	0	0	0	0	106,209
Sohio	1,353,201	2,232,818	0	0	0	0	879,617
Somerset	15,482	42,837	0	0	0	0	27,355
Sound	48,373	103,889	0	0	16,243	0	55,616
Southern-Union	164,512	217,174	0	0	0	0	62,662
Southland	354,869	412,992	221,979	0	0	0	58,123
Southwestern	2,691	3,099	0	0	0	0	408
Sprague	0	40,504	0	40,504	0	0	40,504
Sunland	6,192	120,302	0	0	622	0	114,110
Sunoco	4,506,730	2,417,224	11,576	0	0	2,089,506	0
Swann	0	32,987	0	32,987	0	0	32,987
T&S	3,625	40,478	0	0	0	0	36,853
Tenneco	872,482	519,467	0	0	0	353,015	0
Tesorero	199,608	382,344	0	0	0	0	182,736
Texaco	6,696,884	5,393,497	0	285,479	317,154	1,303,387	0
Texas-American	26,699	95,886	0	0	0	0	69,187
Texas-Asph	32,448	21,589	0	0	0	10,859	0
Texas-City	377,619	594,793	0	0	0	0	217,174
Thagard	180,666	184,546	31,890	0	54,187	0	3,880
Thriftway	29,226	47,112	0	0	0	0	17,880
Thunderbird	72,456	121,339	0	0	0	0	48,883
Tipperary	26,784	55,302	0	0	0	0	28,518
Tonkawa	26,375	54,645	0	0	0	0	28,270
Tosco	2,009,060	1,403,606	0	0	464,765	605,454	0
Total-Petroleum	144,516	480,099	0	0	0	0	335,683
UCC-Caribe	0	125,521	0	125,521	0	0	125,521
Uni-Ref	0	122,636	0	0	0	0	122,636
Union-Oil	3,628,692	2,529,001	0	0	273,927	1,099,691	0
Union-Petro	0	28,793	0	28,793	0	0	28,793
Untd-Ref	83,785	316,200	0	0	0	0	232,415
US-Oil	39,263	178,423	0	0	19,862	0	139,160
USA-Petrochem	94,618	194,018	0	0	26,744	0	99,400
Val-Verde	261	822	0	0	0	0	501
Vickers	214,593	368,422	0	0	0	0	153,820
Waller	0	12,478	0	12,478	0	0	12,478
Warrior	60,405	66,995	33,101	0	0	0	6,590
West-Coast	82,312	152,188	0	0	41,978	0	69,878
Western	118,233	119,914	0	0	0	0	1,001
Winston	104,434	155,004	0	0	0	0	50,570
Wireback	0	848	0	0	0	0	848
Witco	51,243	150,177	0	0	15,752	0	98,034
Wyatt	0	41,005	0	41,005	0	0	41,005
Wyoming	33,504	138,602	0	0	0	0	105,098
Yetter	0	859	0	0	0	0	859
Young	62,521	49,741	21,489	0	0	12,780	0
Total	98,993,204	98,993,204	2,649,629	3,273,686	3,782,918	21,051,237	21,051,237

*See discussion in Notice.

**Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

***Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

****This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co. v. DOE, et al.*, Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978), remanded — F.2d — (No. 10-18 TECA, August 10, 1978).*****This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co. v. FEA* Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 79-2586 Filed 1-25-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER79-124]

APPALACHIAN POWER CO.

Notice of Filing

JANUARY 17, 1979.

Take notice that American Electric Power Service Corporation (AEP) on December 29, 1978, tendered for filing on behalf of its affiliates, Appalachian Power Company (Appalachian), Modification No. 9 dated October 1, 1978 to the Interconnection Agreement dated February 1, 1948 between Appalachian and Virginia Electric and Power Company (Appalachian Rate Schedule FPC No. 16).

AEP states that Section 1 of Modification 9 provides for an increase in the demand charge for Short Term Power from \$0.45 to \$0.70 per kilowatt per week and Section 3 provides for an increase in the demand charge for Limited Term power from \$2.50 to \$3.75 per kilowatt per month. AEP further states that Section 2 of Modification No. 9 provides for an increase in the transmission charge for third party Short Term Power transactions from \$0.125 per kilowatt per week to \$0.175 per kilowatt per week and Section 4 provides for an increase in the transmission charge for third party Limited Term transactions from \$0.55 per kilowatt per month to \$0.75 per kilowatt per month. AEP indicates that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from this Modification for such period.

AEP requests an effective date of January 1, 1979, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Virginia Electric and Power Company, to Virginia State Corporation Commission and to the Public Service Commission of West Virginia, to AEP

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1979. 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. 79-2759 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-126]

ARIZONA PUBLIC SERVICE CO.

Proposed Rate Change

JANUARY 17, 1979.

Take notice that Arizona Public Service Company (Arizona), on December 29, 1978, tendered for filing rate increases in its following FPC Electric Service Rate Schedules:

- 12—Electrical District No. 3
- 12—Electrical District No. 7
- 14—Maricopa County Municipal Water Conservation District No. 1
- 15—Roosevelt Irrigation District
- 16—Buckeye Water Conservation & Drainage District
- 17—Navopache Electric Co-operative, Inc.
- 34—Town of Wickenburg
- 35—Electrical District No. 6
- 50—Citizens Utilities Company
- 52—Papago Tribal Utility Authority
- 57—Arizona Electric Power Cooperative, Inc.
- 58—Wellton-Mohawk Irrigation & Drainage District
- 59—Arizona Power Authority
- 65—Colorado River Indian Irrigation Project
- 66—San Carlos Indiana Irrigation Project
- 68—Electrical District No. 1

Arizona states that the proposed rate change would increase revenue from jurisdictional sales and service by \$5,165,063 based on the 12-month period ending February 28, 1979.

Arizona further states that the proposed changes are necessary to offset the rapidly escalating costs involved in rendering service under these schedules.

Arizona proposes to place the revised rate provisions into effect on March 1, 1979 as to all wholesale customers affected by this filing other than the following districts:

- Electrical District No. 3
- Electrical District No. 7
- Maricopa County Municipal Water Conservation District No. 1
- Roosevelt Irrigation District
- Buckeye Water Conservation & Drainage District
- Electrical District No. 6

Copies of the filing were served upon the Company's resale customers affected by the filing and the Arizona Corporation Commission, according to Arizona.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 29, 1979. 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. 79-2760 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-4891]

ARKANSAS MISSOURI POWER CO.

Informal Settlement Conference

JANUARY 19, 1979.

Please take notice that pursuant to Presiding Administrative Law Judge Bruce L. Birchman's Order of January 15, 1979, an informal settlement conference will be held at 10:00 A.M. on February 2, 1979 in room 3200, Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C.

The informal conference will be followed at 1:00 P.M. with a formal settlement conference before the Presiding Judge in a hearing room of the Federal Energy Regulatory Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2761 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-132]

CENTRAL MAINE POWER CO.

Notice of Filing

JANUARY 18, 1979.

Take notice that Central Maine Power Company (Central Maine) on January 5, 1979, tendered for filing a new service contract with Carrabassett Light & Power Company. Central Maine states that the instant contract replaces its previous contract with Carrabassett which expired by its own terms five (5) years from December 1, 1973.

Central Maine further states that all conditions of service in the instant

contract remain the same as in the previous contract.

Central Maine requests waiver of the Commission's notice requirements in order to allow an effective date of December 1, 1978.

According to Central Maine copies of the filing were served upon Carrabasset Light & Power Company and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1979. 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. 79-2762 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY

Filing of Pipeline Refund Reports and Refund Plans

JANUARY 18, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before February 1, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F PLUMB,
Secretary.

APPENDIX

Filing date	Company	Docket No.	Type Filing
Jan. 2, 1979	Consolidated Gas	RP72-157	Plan
Jan. 2, 1979	Transcontinental	AR69-1, et al	Report
Jan. 4, 1979	Consolidated Gas	RP72-157	Plan
Jan. 5, 1979	Texas Eastern	G-12706	Report

[FR Doc. 79-2763 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-23]

DISTRIGAS OF MASSACHUSETTS CORP

Proposed Changes in FERC Gas Tariff

JANUARY 19, 1979.

Take notice that Distrigas of Massachusetts Corporation (DOMAC), on January 5, 1979, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve month period ending September 30, 1978, as adjusted, and would increase jurisdictional terminaling service revenues by \$4,442,258 per year above the level of the rate for terminaling service rate under the TS Rate Schedule in the Settlement Agreement of October 19, 1977, filed in Docket No. CP77-216 et al.

DOMAC has also tendered Alternate Revised Tariff Sheets which would provide for the recovery of demurrage

charges estimated at \$1,023,102 per year as an integral component of its TS Rate in lieu of recovery of the actual cost of demurrage in its Rate Schedules GS-1 and BO-1 for the sales of LNG.

DOMAC states that the proposed increased rate is necessary to permit it to recover its costs of service for the test period of twelve months ended September 30, 1978, as adjusted. The cost of service reflects increases in the unit cost of terminaling services.

Copies of the filing have been served upon DOMAC's customers and interested State Commissions.

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, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before January 30, 1979. 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. 79-2764 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-24]

DISTRIGAS CORP

Filing of Revised Tariff Sheets

JANUARY 19, 1979.

Take notice that Distrigas Corporation (Distrigas) on January 5, 1979, tendered for filing:

- Title Page to First Revised Volume NO. 1
- First Revised Sheet No. 3
- Second Revised Sheet No. 4
- Second- Revised Sheet No. 5
- First Revised Sheet No. 6

to its FERC Gas Tariff. These revised sheets are submitted to clarify existing tariff provisions and make no substantive changes. Specifically the revisions relate to the incorporation into Section 2 language concerning charges to Distrigas of Massachusetts Corporation (DOMAC) presently contained in Section 5.

No change in rate is involved in these revised tariff sheets nor will Distrigas experience a change in sales level or revenues as a result of the proposed tariff changes.

Distrigas requests that the proposed tariff sheets become effective thirty days after filing or if suspension is necessary that such suspension be limited to one day.

A copy of this filing is being served upon all affected parties and interested State Commissions.

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, N.E., 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 January 30, 1979. 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 79-2765 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-145]

DUKE POWER CO.

Notice of Filing

JANUARY 19, 1979.

Take notice that Duke Power Company (Duke Power) on January 12, 1979, tendered for filing a proposed supplement to the Company's Electric Power Contract with the City of Shelby. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 235.

Duke Power further states that the Company's proposed contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 1, from 7,500 Kw to 9,500 Kw.

Duke Power indicates that this proposed supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of February 19, 1979.

According to Duke Power Copies of this filing were mailed to the City of Shelby and the North Carolina Utilities Commission.

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, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. 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. 79-2744 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-146]

DUKE POWER CO.

Filing

JANUARY 19, 1979.

Take notice that Duke Power Company (Duke Power) on January 12, 1979, tendered for filing a proposed supplement to the Company's Electric Power Contract with Rutherford Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FPC No. 138.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for a new point of delivery, Delivery Point No. 14 with a designated demand of 2,600 Kw.

Duke Power indicates that this supplement also includes an estimate of sales and revenues for twelve months immediately succeeding the effective date. Duke Power proposes an effective date of February 19, 1979.

According to Duke Power copies of this filing were mailed to Rutherford Electric Membership Corporation and the North Carolina Utilities Commission.

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, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. 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. 79-2745 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP76-37 and RP77-97]

EL PASO NATURAL GAS CO.

Filing of Revised Rate Schedule

JANUARY 17, 1979.

Take notice that on January 4, 1979, El Paso Natural Gas Company (El Paso) tendered for filing the following original and revised sheets to its

FERC Gas Tariff, Third Revised Volume No. 2:

First Revised Sheets Nos. 669 through 675
Original Sheet No. 675-A
First Revised Sheets Nos. 681 through 684
First Revised Sheet No. 686
First Revised Sheet No. 691

These tariff sheets constitute a notice of change in rate and certain other modifications to El Paso's special Rate Schedule T-4.

El Paso states that said Rate Schedule T-4 is comprised of the Gas Transportation Agreement dated May 9, 1975, ("Transportation Agreement") between El Paso and Southwest Gas Corporation ("Southwest"), providing for the best efforts transportation of natural gas for the account of Southwest by means of El Paso's interstate gas pipeline transmission system from a point of receipt near Ignacio, Colorado, to delivery points within the State of Arizona and on the Arizona-Nevada boundary near Big Bend, Arizona.¹ El Paso further states that on December 14, 1978, El Paso and Southwest have, by an Amendment to Gas Transportation Agreement dated December 14, 1978, ("Amendment") agreed to revise, among other things, the rate provisions contained in the currently effective Transportation Agreement in order to conform such rates to the applicable "Mainline Transmission Charges" appearing on El Paso's statement of rates sheet for transportation services rendered under executed transportation agreements included as special rate schedules in El Paso's Third Revised Volume No. 2 Tariff.

El Paso further states that it is currently charging 18.96 cents and 19.44 cents per Mcf for deliveries made pursuant to Rate Schedule T-4 at the Arizona-Nevada boundary and within the State of Arizona, respectively. El Paso proposes to reduce its transmission rates to 15.64 cents per Mcf for deliveries made at the Arizona-Nevada boundary, and to 15.12 cents per Mcf for deliveries made within the State of Arizona. El Paso states that this filing would change the currently effective rates charged to Southwest under this Rate Schedule to the applicable rates charged pursuant to Tariff Sheet No. 1-D.2, FERC Gas Tariff, Third Revised Volume No. 2.² The proposed effective date for these decreased rates is the earlier of the date of initial deliveries made pursuant to the above-

¹Permanent authorization for the transportation arrangements provided for under special Rate Schedule T-4 was granted by Federal Power Commission order issued December 3, 1975, at Docket Nos. CP75-309 and CP76-37.

²El Paso now has pending before the Commission a general rate change filing in Docket No. RP79-12. This filing includes an increase applicable to Tariff Sheet No. 1-D.2. The Commission suspended this rate increase on December 28, 1978.

mentioned. Amendment of December 14, 1979, or January 1, 1979.

The filing also proposes certain revisions to priorities assigned to the receipt and allocation of volumes received by El Paso from Southwest pursuant to presently effective or future agreements. In addition, El Paso proposes to change to a volumetric basis of measurement of gas transported from the currently effective Btu basis. Furthermore, El Paso requests waiver of all necessary Regulations so that the tendered filing sheets may be accepted for filing, and the rates may go into effect on the proposed date.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before January 30, 1979, 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 any 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2766 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CS78-373, et al.]

G & G OPERATING CO., ET AL.¹

Order Granting Rehearing for Purposes of Further Consideration and Granting Intervention

JANUARY 17, 1979.

In the Matter of Certificates (Construction and Operation) and application for rehearing (Granted for Further Consideration).

The following petitions for rehearing have been filed in the following dockets relating to the orders granting temporary and permanent certificates of public convenience and necessity issued on the dates indicated.

matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order of the Commission entered in this docket.

(B) The aforelisted applications for rehearing of our orders as shown above are hereby granted solely for the purpose of affording further time for consideration. Since this order is not a final order on rehearing, no response to the order will be entertained by the Commission in accordance with the terms of §1.34 of the Commission's Rules of Practice and Procedure.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2772 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. RP78-76]

GAS RESEARCH INSTITUTE

Gas Research Institute Adjustment

JANUARY 18, 1979.

Take notice that on January 8, 1979, Natural Gas Pipeline Company of America (Natural) refiled under Docket No. RP78-76 proof that certain AGA research project costs have been removed from its Base Rates. Accordingly, under a concurrent filing of this same date, Natural has refiled in its pending rate proceeding, Docket No. RP78-78, Base Rates to be effective January 1, 1979, to give effect to the elimination of the AGA research project costs.

Natural states that it has requested acceptance of the tariff sheets under its concurrent filing in Docket No. RP78-78 incorporating the lower Base Rates as well as the proposed GRI surcharge of 3.5 mills per Mcf. Natural states this procedure has been followed in order to avoid filing duplicate sets of tariff sheets both to be effective January 1, 1979, with both sets reflecting the same rate levels.

Natural also requested waiver of any Commission regulations and orders to the extent necessary to allow the procedures used by it in the two interrelated filings and to allow the refiled tariff sheets in Docket No. RP78-78 to be made effective as of January 1, 1979.

Copies of Natural's filing and tariff sheets have been mailed to Natural's jurisdictional customers and interested state agencies.

Docket No.	Certificate Holder	Date Certificate Order Issued	Rehearing Applicant
CS78-373.....	G & G Operating Company.....	Nov. 24, 1978.....	Transwestern Pipeline Company*
CS73-338.....	James P. Evans, Jr.....	Nov. 24, 1978.....	United Gas Pipe Line Company*
CS74-149.....	Daniel Oil Company.....	Nov. 24, 1978.....	United Gas Pipe Line Company*
CS78-377.....	SPG Operating Company.....	Nov. 24, 1978.....	United Gas Pipe Line Company*
CS78-381.....	William S. Evans.....	Nov. 24, 1978.....	United Gas Pipe Line Company*
CS78-386.....	Michel T. Halbouty.....	Nov. 24, 1978.....	United Gas Pipe Line Company*
CI78-602.....	J. M. Huber Corporation.....	Nov. 30, 1978.....	El Paso Natural Gas Company*
CI78-799.....	The Superior Oil Company.....	Nov. 22, 1978.....	Michigan Wisconsin Pipe Line Company**
CI75-729.....	Union Texas Petroleum (A Division of Allied Chemical Corporation).	Nov. 30, 1978.....	El Paso Natural Gas Company*

*Indicates filing of petition to intervene.

**Indicates objections raised in addition to costs of conditioning gas.

The certificates were conditioned that if any of the costs associated with processing, dehydration, compression or other conditioning of the subject gas were included in the rates of the purchaser then the purchaser will be required to prove that these costs have not been compensated for in the applicable national ceiling rate. The orders also provide that this condition is subject to whatever action is taken by the Commission on rehearing in Docket Nos. CI77-412, CP77-558 and CP77-577.

The Commission finds: Participation in this proceeding by petitioners as

listed above may be in the public interest.

The Commission orders: (A) Those parties listed above as petitioning for permission to intervene are permitted to intervene in the captioned proceeding subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to

¹The petitions addressed by this order have been combined herein solely for administrative conveniences. The dockets have not been combined or consolidated by this order for any other purpose.

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, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-2746 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-131]

GEORGIA POWER CO.

Proposed Tariff Change

JANUARY 18, 1979.

Take notice that Georgia Power Company (Georgia Power), on January 4, 1979, tendered for filing a new Interchange Agreement with Tennessee Valley Authority (TVA), replacing Georgia Power's FERC Rate Schedule No. 704. Georgia Power states that Rate Schedule No. 704 expired on October 31, 1978, and the new agreement will provide for the continued use of Georgia Power facilities to transmit TVA power to TVA customers in north Georgia.

Georgia Power further states that pursuant to the agreement, TVA will make a monthly facilities charge which is a function of Georgia Power's transmission carrying charges and Georgia Power's investment in transmission facilities utilized to serve TVA's customers.

Georgia Power proposes an effective date of November 1, 1978, and therefore requests waiver of the Commission's notice requirements.

[Mcf at 14.73 p.s.l.a.]

Customer	Present Contract Quantity	Proposed Increase in Contract Quantity	Proposed Total Contract Quantity
Natural Gas Pipeline Company of America.....	155,000	4,409	159,409
Michigan Consolidated Gas Company.....	57,000	1,621	58,621
Michigan Wisconsin Pipe Line Company.....	13,000	370	13,370

Applicant's proposals are more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the gas required to render the additional sales is proposed to be imported by Appli-

Georgia Power indicates that copies of this filing have been served upon TVA.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1979. 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. 79-2767 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-141]

GREAT LAKES GAS TRANSMISSION CO.

Application

JANUARY 18, 1979.

Take notice that on January 2, 1979, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 49226, filed in Docket No. CP79-141 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of 6,400 Mcf of natural gas per day to three of its existing customers on a *pro rata* firm basis, under its presently effective Rate Schedule CQ as follows:

TransCanada and subsequently sold to Applicant and that this would cause the heating value of the gas to drop to a level below 1,000 Btu's per cubic foot. In view of this, Applicant indicates that it has executed an amendatory agreement dated November 1, 1978, with TransCanada to provide for increased imports of 6,400 Mcf of natural gas per day to make up for expected Btu deficiencies below 1,000 Btu per cubic foot.

Applicant indicates that its other three customers, Northern, operating as Peoples Natural Gas Division, InterCity Gas Limited and Michigan Power Company, which buy approximately 8.4 percent of the total volumes sold by Applicant to its existing customer, stated that they did not wish to purchase their *pro rata* share, and that their share was, therefore, reallocated back to Natural, Michigan Consolidated and Michigan Wisconsin.

It is stated that Applicant would render the sales at existing delivery points through the use of existing facilities. It is further stated that proposed sales would permit three of Applicant's existing customers to augment their gas supplies to offset reductions in the heat content of the natural gas delivered to them by Applicant. All of these customers have indicated that they intend to use these volumes in their existing market areas, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1979, 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 peti-

cant from TransCanada PipeLine Limited (TransCanada) in Docket No. CP79-142. Applicant states that in April 1978 TransCanada advised Applicant that its Alberta supplies would be extracting more of the heavier hydrocarbons from the gas delivered to

tion 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. 79-2747 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CP71-223]

GREAT LAKES GAS TRANSMISSION CO.

Petition to Amend

JANUARY 17, 1979.

Take notice that on January 3, 1979, Great Lakes Gas Transmission Company (Petitioner), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP71-223 a petition to amend the order of June 1, 1971, issued in the instant docket (45 FPC 1037)¹ pursuant to Section 3 of the Natural Gas Act so as to authorize the importation of 1,300,000 Mcf of natural gas annually from Canada from TransCanada PipeLines Limited (TransCanada) for resale in the United States, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner requests authorization to import from TransCanada for resale in the United States 1,300,000 Mcf of natural gas annually, which gas has been previously authorized to be imported for compressor fuel or other company use, but which is not now required for such uses as a result of the conservation of gas resulting from loop pipeline installed by Great Lakes pursuant to authorization granted it in Docket No. CP77-502. This looping is expected to reduce the amount of fuel gas required by the company in rendering its transportation and sales services.

Petitioner indicates that it would receive the imported gas from TransCanada at the existing point of interconnection between the two systems at the international boundary near Emerson, Manitoba. It is further indicated that pursuant to an application filed in Docket No. CP79-144, Petition-

er proposes to sell the gas sought herein to be imported to Natural Gas Pipeline Company of America and Michigan Consolidated Gas Company pursuant to its Rate Schedule CQ.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2768 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-142]

GREAT LAKES GAS TRANSMISSION CO.

Application

JANUARY 18, 1979.

Take notice that on January 2, 1978, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP79-142 an application pursuant to Section 3 of the Natural Gas Act for authorization to import an additional 6,400 Mcf of natural gas per day from TransCanada PipeLines Limited (TransCanada), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to import an additional 6,400 Mcf of natural gas per day at a point on the United States-Canadian border near Emerson, Manitoba, where Applicant's system presently interconnects with the facilities of TransCanada. It is stated that such additional volumes would be purchased from TransCanada for resale in the United States and are intended to offset a reduction in the heating content of natural gas presently being imported. Applicant indicates that in April 1978, TransCanada advised that its Alberta supplier would be extracting more of the heavier hydrocarbons from the gas which would cause its heating value to drop to a level below 1,000 Btu's per cubic foot. This level is currently approxi-

mately 995 Btu's per cubic foot and is expected to drop to 985 Btu's per cubic foot in the fall of 1979, it is said.

Applicant indicates that in order to effect the sale and importation of the additional quantity of gas it and TransCanada have executed an amending agreement, dated November 1, 1978, to their gas purchase contract No. 1 of July 14, 1967, to increase the contract quantity that may be purchased under that agreement from 87,600 Mcf per day to 94,000 Mcf per day. Applicant further indicates that the amending agreement also provides for a Btu adjustment in the event the border price is not set by the National Energy Board of Canada (NEB) on the basis of the total heating value of the gas delivered. The present border price (\$2.16 U.S. per million Btu) is set by the NEB on the basis of the heating value of the gas and, therefore, would reflect any decrease in Btu's delivered, it is indicated.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-2748 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-144]

GREAT LAKES GAS TRANSMISSION CO.

Application

JANUARY 18, 1979.

Take notice that on January 3, 1979, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP79-144 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of 1,300,000 Mcf of natural gas per year to Natural Gas Pipeline Company of America (Natural) and Michigan Consolidated Gas Company (Michigan Consolidated), two of Appli-

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

cant existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to sell 2,604 Mcf per day of natural gas to Natural and 957 Mcf per day of natural gas per year to Michigan Consolidated pursuant to its Rate Schedule CQ. It is indicated that pursuant to an amendment filed in Docket No. CP71-223, Applicant proposes to import the gas proposed herein to be sold to Michigan Consolidated and Natural from TransCanada PipeLine Limited (TransCanada), which gas has been previously authorized to be imported for compressor fuel or other company use. Applicant states that the proposed volumes of gas to be sold are not expected to be required for such uses as a result of the installation of loop pipeline on Applicant's system as authorized in Docket No. CP77-502.

Applicant states that it would import the gas at an existing interconnection with TransCanada at Emerson, Manitoba, and that the gas would be delivered to the customers at the existing delivery points at which the gas is being currently delivered by Applicant to Natural and Michigan Consolidated.

It is indicated that Applicant has entered into new service agreements dated December 20, 1978, with Natural and Michigan Consolidated, which agreements increased the contract quantity under the existing service agreements. It is asserted that Natural and Michigan Consolidated have advised Applicant that this gas would form a part of their base supply and no new market would be served by this gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1979, 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. 79-2749 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CI64-26]

GULF OIL CORP.

Order Granting Notice, Directing Filings, and
Setting Certain Issues for Hearing

JANUARY 17, 1979.

On October 15, 1976, the Commission¹ issued Opinion No. 780² in the captioned docket, ordering Gulf Oil Corporation (Gulf) to deliver gas to Texas Eastern Transmission Corporation (TETCO) "at a rate of 625 MMcf per day beginning on December 15, 1976 * * *." (Order at 18).

Ordering Paragraph (B) of that opinion required Gulf to file a computation of refunds due to TETCO's ratemakers for past underdeliveries of Gulf. Pursuant to this paragraph (B), Gulf filed a computation of refunds on December 15, 1976.³

Ordering Paragraph (E) required TETCO to file a plan for the flow-through to its jurisdictional customers of the monies Gulf must refund. This flow-through plan was to include "the amount payable to each jurisdictional

¹This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977, (10 CFR 1000.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

²Opinion And Order On Deliveries Of Gas Under Certificate And Warranty Contract, Docket No. CI64-26.

³Gulf's December 15, 1976 filing included a Schedule (B) and Schedule (C) which included therein *force majeure* volumes of gas Gulf estimated was not delivered due to the lack of OCS lease sales during the years 1962-1972. Gulf's argument was rejected by the Court of Appeals on review of the Commission's Opinion Nos. 780 and 780-A and is moot.

customer, the basis used to compute the amount payable, and the periods involved." (Order at 19).

The Commission issued Opinion No. 780-A⁴ on December 9, 1976. Gulf, thereafter filed a petition for a stay of the Commission orders in the Third Circuit Court of Appeals, and the Court issued a "Temporary Stay" on December 15, 1976 and a "Stay Pending Review" of the Commission's Opinions and Orders on December 22, 1976.⁵

The stay of the Commission's Orders was lifted February 24, 1978 effective upon the entering of the judgment by the Third Circuit following the Supreme Court's Denial of Gulf's Petition for Writ of Certiorari on February 21, 1978.

TETCO filed its "Plan for Flow-Through and Recoupment of Refunds" on June 22, 1978 pursuant to Ordering Paragraph (E) of Opinion No. 780. TETCO asserted that it had "surveyed its customers and the relevant State Commissions as ordered by the Commission. It appears," continued TETCO, "that a substantial majority of Texas Eastern's customers would prefer that the refunds be placed in escrow, with the proceeds from investment from such refund monies to be paid to the customers. In accordance with the desire of such customers, Texas Eastern submits the following Refund Flow-Through Plan." (Plan at 2).

Gulf, on July 24, 1978, filed a letter in response to TETCO's Refund Flow-Through Plan which advised the Commission that it reserved all of its rights under Opinion No. 780-A "with respect to the entitlement of Texas Eastern's customers to the refund and as to the amount of the refund which should be remitted to Gulf."

By letter of May 3, 1978 Gulf filed a "Supplemental Statement Reflecting Refund and Interest". In a June 16, 1978 letter, Gulf filed a "Revised Supplemental Statement Reflecting Refund And Interest" and Gulf, by letter of July 14, 1978 filed its third "Revised Supplemental Statement Reflecting Refund And Interest" pursuant to Ordering Paragraph (B) of Opinion No. 780. On August 21, 1978, Gulf filed its "Fourth Supplemental Statement" Reflecting Refund And Interest to July 1, 1978. Gulf filed its Fifth and Sixth Supplemental Statements, revising earlier refund calculations, by letters dated September 14 and October 11, 1978 respectively. In the October 11, 1978 letter, Gulf now

⁴Opinion And Order Denying Rehearing In Part, Docket No. CI64-26, issued December 9, 1976.

⁵Gulf Oil Corp. v. FPC, No. 76-2596. The Court affirmed the Commission's Orders on September 7, 1977, 563 F.2d 588 (CA-3, 1977) cert. denied February 21, 1978, 46 USLW 3526.

estimates its refund liability for the period July 31, 1971 thru July 31, 1978 at \$80,899,539.33 of principal and \$19,786,317.96 of "interest".

Ordering Paragraph (F) of Opinion No. 780 requires Gulf to file monthly reports of its deliveries to TETCO. Pursuant to an understanding between Staff and Gulf, as set forth in a January 26, 1977 letter to Mr. Carroll L. Gilliam, Esquire (Gulf's counsel) from Mr. Allan A. Tuttle, Esquire (the then Commission's Solicitor), Gulf has filed monthly reports pursuant to Ordering Paragraph (F) during the pendency of judicial review.⁶

By letter dated March 23, 1978 Staff requested Gulf to explain, in detail, how the company arrived at the monthly *force majeure* volumes as set forth in its "computation of refund" filings, as well as included in its monthly "reports of deliveries". Gulf responded to Staff's request in a April 12, 1978 letter.

The Public Service Commission of the State of New York (New York) filed a "Motion for Prompt Action On Plan For Flow-Through And Recoupment of Refunds" on June 28, 1978. New York requests the Commission to take prompt action to "effectuate Opinion No. 780 by directing Gulf to pay Texas Eastern for the account of its customers at least \$100,000,000 of the refunds and interest presently due, and either approve the Texas Eastern escrow plan for flow through and recoupment of the Gulf refunds, or establish an interim mechanism which will provide full protection to Texas Eastern customers pending determination of an appropriate flow through plan". (Motion at 3). On August 2, 1978, Gulf filed a response in opposition to New York's June 28, 1978 Motion. Gulf stated that New York's request of the Commission to direct Gulf to make an immediate payment to TETCO of at least \$100,000,000 "would conflict with Ordering Paragraph (B) of Opinion No. 780, which states in pertinent part, 'Gulf shall make the required refund to Texas Eastern within 30 days of Commission approval of Gulf's computation of refund.'"

On October 19, 1978, New York filed a letter with the Commission asking that its June 28, 1978 Motion be acted upon expeditiously. New York reiterated its request that the Commission order Gulf to make "such refunds as its filings purport to show are due now . . . pending final Commission action on the other issues raised by the Gulf filings including the propriety of its huge *force majeure* claims." (Letter at 2).

⁶By letter filed September 28, 1978, Gulf stated that for August, 1978 its average daily deliveries to TETCO were 738,886 Mcf and, in addition, it had average daily *force majeure* volumes of 101,523 Mcf.

There are a number of issues which remain to be resolved in this docketed proceeding. Namely, (1) are the volumes of *force majeure* shown in the aforementioned Gulf filings accurate and reasonable and should any *force majeure* be authorized in a warranty sale; (2) are the computations of refunds, both principal and interest, made by Gulf correct; (3) what are the specific terms of the "Escrow Agreement" proposed by TETCO, including, *inter alia*, the interest, net of expenses, offered by the bank on the principal sums deposited; (4) to which of TETCO's jurisdictional customers, and in what percentages of the whole, will the net proceeds of the Escrow Account be distributed as proposed in TETCO's "Refund Flow-Through Plan" and (5) have the affected TETCO customers and pertinent State Regulatory Commissions been apprised by such specifics, in accordance with Opinion No. 780, Ordering Paragraph (E)?

Ordering Paragraph (B) of Opinion No. 780 sets forth the Commission's directive concerning Gulf's calculation of refunds for the period of time from November 1, 1964 to December 1, 1976 in which Gulf failed to meet its certificated delivery obligations. Pursuant to this Ordering Paragraph, relating to a "locked-in" period of time, Gulf on December 15, 1976, filed the required refund report. The Third Circuit stayed the Commission from further action on the refund computations by Orders Granting Stays issued December 15 and 22, 1976 (*supra*). But for these stay orders the TETCO jurisdictional customers would have received the time value of the refunded monies from December 15, 1976, without obligation to repay Gulf such monies under the recoupment portion of the Commission's Order.

In these circumstances the jurisdictional customers of TETCO should receive the interest accrued on and after December 15, 1976 on the refunds owing as of that date, as if a stay had never been issued by the Court of Appeals. As the Commission said in Opinion No. 780-A, at 10, "Gulf's loss of the time value of the amounts refunded is simply a proper reflection of loss suffered by Texas Eastern's customers from Gulf's failure to deliver its contract or certificate volumes of gas".

The interest accrued on and after December 15, 1976 on the refund amount determined to be due for underdeliveries from November 1, 1964 to December 1, 1976 is to be passed through to the jurisdictional customers of TETCO without obligation on their part to allow Gulf to "recoup" such interest pursuant to Ordering Paragraph (D) of Opinion No. 780 as amended by Opinion No. 780-A. Consequently, when Gulf is required to

make refunds, the interest on such refunds for the period on and after December 15, 1976, will be flowed through to Texas Eastern's customers.

The Commission hereby notifies all concerned about the various filings made to date in this docketed proceeding and discussed above, and, with the exception of the *force majeure* issue discussed below, invites comments thereon from any interested person. The Commission wishes to call particular attention to the following matters: (a) New York's June 28, 1978 motion for immediate flow-through of uncontested refunds; (b) TETCO's escrow plan; (c) the alternative plan to flow-through the refund to the ultimate rate payer; (d) the disposition herein of the interest accrued on and after December 15, 1976, on Gulf's refunds.

Texas Eastern is directed to furnish the Commission with a copy of the proposed "Escrow Agreement", setting forth all the terms and conditions of such agreement. Texas Eastern shall submit its detailed flow-through plan, designating each jurisdictional customer who will share in the net proceeds of the "Escrow Account" and the basis for the computation of each such customer's share. Texas Eastern shall file, under oath by a responsible company officer, a statement attesting to the correctness of the volumes of gas delivered to it by Gulf and included within the various Statements Reflecting Refund and Interest filed by Gulf on and after December 15, 1976. TETCO shall also file its comments as to the correctness of Gulf's computations of refunds and interest set forth in Gulf's December 15, 1976 Statement as revised. In addition, TETCO shall file an alternative plan for the distribution of the corpus of the refunds to its jurisdictional customers and the plan for Gulf's recoupment thereof. In this context, "corpus" is defined as the principal and interest calculated to be owed by Gulf for all underdeliveries from November 1, 1964 through December 1, 1976. Texas Eastern is directed to file all of the aforementioned documents and information within 30 days of the issue date of this order.

The Commission hereby sets the *force majeure* issues down to a hearing to determine whether the claimed *force majeure* volumes are accurate and reasonable and should be allowed. To this end, Gulf is directed to assist the Staff's review and examination by complying promptly with all relevant Staff requests for documents and or information. The Commission directs the parties to the hearing to elaborate their respective views on, among other related issues, whether any *force majeure* is appropriate in a warranty sale, and if so, whether the *force majeure* volumes asserted in Gulf's filings are

accurate and reasonable and should be allowed.

The Commission orders: (A) Pursuant to the Natural Gas Act, particularly Sections 4, 5, 7, 8, 10, 14 and 16 thereof, the rules and regulations thereunder, (18 CFR, Chapter I), the Natural Gas Policy Act of 1978, (Pub. L. 95-621, *et seq.*), and the regulations thereunder (18 CFR, Chapter I, Subchapters H and I), the Commission hereby orders a public hearing in the captioned docket, to be held in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 for the purpose of hearing and disposition of the *force majeure* issues in this proceeding.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(C) Gulf, and any intervenor supporting Gulf's position as to the accuracy and reasonableness of the asserted *force majeure* volumes as set forth in the filings by Gulf made pursuant to the Commission's Opinion Nos. 780 and 780-A, shall file its direct testimony and exhibits on the *force majeure* issues, including a full explanation of the factual basis and the rationale for each claim of the *force majeure*, on or before February 21, 1979. All testimony and exhibits shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding. Gulf shall file not only opinion evidence on the *force majeure* issues, but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards.

(D) The Commission Staff shall examine, and copy where it feels appropriate, the records, accounts, memoranda and other documents of Gulf pertaining to the *force majeure* issues. To this end, Gulf is directed to assist the Staff's examination by promptly complying with all relevant requests for documents and/or information.

(E) The Presiding Judge shall preside at a prehearing conference to be held on April 4, 1979 at 10:00 A.M. E.S.T. in a hearing room at the address noted in Ordering Paragraph (A).

(F) Texas Eastern shall, within 30 days of the date of issuance of this order, file with the Commission, with copies to the Commission Staff, all

parties of record in Docket No. CI64-26, all its jurisdictional customers and affected States' Regulatory Commissions, its proposed "Escrow Agreement" setting forth all its terms and conditions, which if duly executed and approved, would be the operative "Escrow Agreement" regarding the refund flow-through and recoupment provided for in Opinion Nos. 780 and 780-A. Texas Eastern shall simultaneously file its detailed flow-through plan, designating each jurisdictional customer by name, and its proposed respective percentage entitlement of the net proceeds of the "Escrow Account" by payment period, and all supporting work papers and schedules. Texas Eastern shall file, at the same time as the above-stated filings: (1) a statement under oath by a responsible company officer, attesting to the correctness of the volumes of gas delivered to it by Gulf and included within the various Statements Reflecting Refund and Interest filed by Gulf on and after December 15, 1976. In the event Texas Eastern considers the stated volumes incorrect, it shall explain the basis for its disagreement; (2) a statement regarding the correctness of Gulf's computations of monetary refunds and interest as set forth in the aforementioned Gulf filings; (3) a plan for the distribution and recoupment of the entire principal and interest to its jurisdictional customers, of the refunds calculated to be owed for Gulf's under-deliveries during the period November 1, 1964 through December 1, 1976.

(G) Comments on any of the matters set forth in this order and the filings made pursuant thereto, except for those issues listed in Ordering Paragraphs A-E, above shall be filed with the Commission and its Staff at its offices at 825 North Capitol Street, N.E. Washington, D.C. 20426 with copies served on all parties, within 60 days of this order's issue date. Such comments will be considered in determining appropriate action, but those filing comments will not, as a result thereof, become parties to this proceeding.

(H) The Commission will defer action on New York's June 28, 1978 Motion until it has had an opportunity to review the comments filed herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2769 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-134]

IDAHO POWER CO.

Notice of Filing

JANUARY 17, 1979.

Take notice that Idaho Power on November 29, 1978, tendered for filing 1st Revised FERC Electric Tariff Volume No. 1 (Supersedes Original Volume No. 1). Also tendered were executed Service Agreements between the Company and several companies who have purchased or desire to purchase energy under the above referenced Tariff together with unexecuted Service Agreements among the Company and Southern California Edison Company and the Department of Water and Power, City of Los Angeles.

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, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. 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 filed with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2770 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-135]

THE IDAHO POWER CO.

Notice of Filing

JANUARY 17, 1979.

Take notice that on January 2, 1979, Idaho Power Company tendered for filing a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during November, 1978, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 9, 1979. 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2771 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-141]

KANSAS CITY POWER & LIGHT CO.

Notice of Filing

JANUARY 19, 1979.

Take notice that on January 10, 1979, Kansas City Power & Light Company (KCPL) tendered for filing Service Schedules C-MPA-4 for Firm Power Service under Municipal Participation Agreements between KCPL and the following Municipals:

Customer, Superseding and Replacing

Baldwin City, Kansas, Schedule C-MPA-3, Supplement No. 3 to KCPL's Rate Schedule FERC No. 85

Garnett, Kansas, Schedule C-MPA-3, Supplement No. 3 to KCPL's Rate Schedule FPC No. 78

Osawatimie, Kansas, Schedule C-MPA-2A, Supplement No. 3 to KCPL's Rate Schedule FPC No. 77

Carrollton, Missouri, Schedule C-MPA-3, Supplement No. 3 to KCPL's Rate Schedule No. 86

KCPL states that the purpose of this filing is to bring Firm Power rate levels for these customers up to those rate levels presently in effect for similar service as approved by FERC in Order dated June 2, 1978, in Docket No. ER77-522. KCPL proposes an effective date of May 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 1979. 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. 79-2751 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-136]

KANSAS GAS AND ELECTRIC CO.

Tariff Change

JANUARY 18, 1979.

Take notice that Kansas Gas and Electric Company (KG&E) on January 8, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff No. 47. KG&E states that the proposed Amendment changes the minimum and maximum amounts of power at Delivery Points No. 5 and 6 of The Caney Valley Electric Cooperative Association, Inc.

KG&E further states that this Amendment is necessary because the Cooperative has exceeded its present demand amounts. KG&E proposes an effective date of December 11, 1978.

Copies of the filing were served upon The Caney Valley Electric Cooperative Association, Inc., according to KG&E.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1979. 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. 79-2735 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-137]

KANSAS GAS AND ELECTRIC CO.

Proposed Tariff Change

JANUARY 19, 1979.

Take notice that Kansas Gas and Electric Company (KG&E) on January 8, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff No. 114. KG&E indicates that the proposed Amendatory Agreement changes the minimum and maximum amounts of power.

KG&E further indicates that the Amendatory Agreement is necessary because the present demands are being exceeded. KG&E proposes an effective date of November 27, 1978.

According to KG&E copies of this filing were served upon the City of Arma, Kansas.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 5, 1979. 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. 79-2752 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-147]

KANSAS GAS & ELECTRIC CO.

Proposed Tariff Change

JANUARY 19, 1979.

Take notice that Kansas Gas and Electric Company (KG&E) on January 12, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff No. 111. The proposed Amendatory Agreement changes the minimum and maximum amounts of power for the City of Haven, Kansas.

KG&E states the Amendatory Agreement is necessary because the present demands are being exceeded.

KG&E also states that copies of this filing were served on the City of Haven, Kansas.

KG&E proposes an effective date of December 18, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions of protests should be filed on or before February 9, 1979. 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 79-2753 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-149]

KANSAS GAS & ELECTRIC CO.

Proposed Tariff Change

JANUARY 19, 1979.

Take notice that Kansas Gas and Electric Company (KG&E) on January 12, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff No. 55. The proposed Amendment changes the minimum and maximum amounts of power at Delivery Point No. 2 of Missouri Public Service Company.

KG&E states the Amendment is necessary because the present demands are being exceeded.

KG&E also states that copies of this filing were served upon the Missouri Public Service Company.

KG&E proposes an effective date of January 1, 1979.

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, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions of protests should be filed on or before February 9, 1979. 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. 79-2736 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-138]

KANSAS GAS & ELECTRIC CO.

Proposed Tariff Change

JANUARY 19, 1979.

Take notice that Kansas Gas and Electric Company (KG&E) on January 8, 1979, tendered for filing proposed changes in its FPC Electric Service Tariff No. 119. KG&E states that the proposed Amendatory Agreement changes the minimum and maximum amounts of power.

KG&E further states that the Amendatory Agreement is necessary because the present demands are being exceeded. KG&E proposes an effective date of November 28, 1978.

Copies of this filing were served upon the City of Mulberry, Kansas, according to KF&E.

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, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1979. 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. 79-2750 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket Nos. CP78-174, CP78-216]

KANSAS-NEBRASKA NATURAL GAS CO., INC.
AND MICHIGAN WISCONSIN PIPE LINE CO.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity and Granting Petition To Intervene

JANUARY 12, 1979.

On January 25, 1978, and on March 6, 1978, applications were filed by Kansas-Nebraska Natural Gas Company, Inc. (K-N),¹ and Michigan Wisconsin Pipe Line Company (M-W)² in Docket Nos. CP78-174 and CP78-216, respectively, pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing (1) M-W to sell gas to K-N for resale in interstate commerce; (2) the transportation of natural gas for M-W by K-N; (3) the transportation of natural gas by N-W for Monsanto Company (Monsanto); and (4) the construction and operation by M-W and K-N of the necessary facilities for the exchange of natural gas between

¹K-N, a Kansas corporation having its principal place of business in Phillipsburg, Kansas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order of April 6, 1943, in Docket No. G-259 (3 FPC 966).

²M-W, a Delaware corporation having its principal place of business in Detroit, Michigan, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order of November 30, 1946, in Docket No. G-669 (5 FPC 953).

them, all as more fully set forth in the applications.

Monsanto and M-W each own a 50 per cent interest in the Long Butte No. 1 well (Long Butte well) in Fremont County, Wyoming. Monsanto has sold its 50 per cent interest to M-W, retaining the right to repurchase 50 percent of the transferred volumes.³

The Long Butte well is distant from M-W's system, but close to K-N's. In order to make this gas available to M-W, M-W and K-N have agreed as follows:

(1) K-N will construct, pursuant to its budget-type authority, the necessary gathering facilities to connect the Long Butte well to its system. K-N will charge M-W a gathering fee of 7.37 cents per Mcf of gas.

(2) M-W will construct, with \$371,650 of internally generated funds, the necessary facilities to connect the systems of M-W and K-N in Hemphill County, Texas (redelivery point).

(3) K-N will construct a \$7,000 tap and valve at the redelivery point.

(4) K-N will gather, and deliver by exchange, up to 10,000 Mcf of natural gas from the Long Butte well to the redelivery point, at a charge of 18.74 cents per Mcf of gas redelivered.

(5) K-N will have the right to purchase up to 25 percent of the volumes transported for M-W, at the applicable FERC area rate.

Since the proposed sale by M-W, the proposed transportation and exchange, and the facilities necessary therefor involve the sale for resale and transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, said sale and service, and the construction of the necessary facilities, are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.⁴

After due notice by publication in the FEDERAL REGISTER in Docket No. CP78-174, on February 2, 1978 (42 FR 5877), and in Docket No. CP78-216, on April 7, 1978 (43 FR 1207), a timely petition to intervene was filed in Docket No. CP78-174 by M-W in support of the application. No further petitions to intervene, notices of intervention,

³M-W agreed to transport this repurchased gas for Monsanto, through M-W's system and the systems of unidentified pipeline companies, to Monsanto's plant in Decatur, Alabama. There can be no authorization of this transportation service without applications from the other pipeline companies involved; none have yet been filed.

⁴The sale by M-W to K-N is not a "first sale" as defined by Section 2(i)(21) of the Natural Gas Policy Act because (a) the volumes sold are not solely attributable to M-W's production, and (b) the sale is for resale in interstate commerce, and thus the price of the gas is regulated pursuant to the Natural Gas Act. See Section 270.203 of the Interim Regulations Implementing the Natural Gas Policy Act.

or protests to the granting of the application have been filed.

At a hearing held on January 10, 1979, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record, *The Commission finds:*

(1) M-W and K-N are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(2) The proposed sale, transportation and exchange of natural gas and the construction and operation of facilities necessary therefor are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(3) Participation by M-W in Docket No. CP78-174 may be in the public interest.

The Commission orders:

(A) Upon the terms and conditions of this order, certificates of public convenience and necessity are issued in Docket Nos. CP78-174 and CP78-216, authorizing (1) M-W to sell natural gas to K-N; (2) K-N to transport by exchange natural gas for M-W; and (3) K-N and M-W to construct the necessary facilities, all as hereinbefore described and as more fully described in the applications.

(B) The certificates issued by paragraph (A) above and the rights granted thereunder are conditioned upon K-N's and M-W's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in Part 154, and in paragraphs (a), (c)(3), (c)(4), (e), (f), and (g), of § 157.20 of such Regulations.

(C) M-W's proposal to transport gas for Monsanto is denied without prejudice.

(D) M-W and K-N shall complete construction of all facilities and commence the operation thereof within 12 months of the date of this order.

(E) M-W is permitted to intervene in Docket No. CP78-174 subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and, *Provided, further*, that the admission of such intervenor will not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2754 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. ER79-140]

METROPOLITAN EDISON CO.

Proposed Tariff Change

JANUARY 19, 1979

Take notice that Metropolitan Edison Company, (Met-Ed) on January 6, 1979, tendered for filing Supplemental Letter Agreements dated October 30, 1978 to the Wheeling and Supplemental Power Agreement dated November 9, 1973 between Met-Ed (Rate Schedule FPC No. 26) and Allegheny Electric Cooperative, Inc.

Met-Ed states that the Supplemental Letter Agreements provided for the establishment of three additional delivery points for service to Adams Electric Cooperative, Inc., a member of Allegheny Electric Cooperative, Inc. Met-Ed further states that the addition of the new delivery points (a) Parkville, (b) Valley and (c) Orrtanna 115 KV will enable the Cooperative to transfer load to the new delivery points resulting in improved service capabilities to their customers.

Met-Ed proposes an effective date of February 1, 1979, and therefore requests waiver of the Commission's notice requirements.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1979. 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. 79-2737 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. RP78-611]

MOUNTAIN FUEL RESOURCES, INC.

Tariff Sheet Filing

JANUARY 17, 1979.

Take notice that on January 8, 1979, Mountain Fuel Resources, Inc. (Resources) filed First Revised Sheet Nos. 4, 65, 66, 68, and 75 of its Rate Schedule No. T-1, FERC Gas Tariff, Original Volume No. 1. Resources states that the Rate Schedule No. T-1 covers transportation service available to any gas distribution system or gas pipeline company for the transportation of natural gas by Resources through its main pipeline system located in Colorado and Utah. Rocky Mountain Natural Gas Company is currently the only customer served under Rate Schedule No. T-1.

Resources states that the tariff sheets are filed in order to change the pressure base for Rate Schedule No. T-1 from 15.025 psia to 14.73 psia, to increase the transportation rate from that currently being charged to 17.79¢ per Mcf @ 14.73 psia, and to make some minor housekeeping-type modifications.

Copies of the filing have been served upon the customers of Resources, Rocky Mountain Natural Gas Company and Mountain Fuel Supply Company, and are available for public inspection at the general office of Resources, Suite 1450, 36 South State Street, Salt Lake City, Utah 84111.

Any person desiring to be heard and to make any protest with reference to said filing should on or before January 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 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, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Resources' tariff filing is on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-2738 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. RP79-19]

MOUNTAIN FUEL SUPPLY CO.

Order Accepting for Filing and Suspending and Setting for Hearing Proposed Rate Increase, Subject to Condition

JANUARY 17, 1979.

On December 18, 1979, Mountain Fuel Supply Company ("Mountain Fuel") tendered for filing a proposed rate increase in the transportation rate contained in its special Rate Schedule X-4. The increase would be from 4¢/mcf to 13.2¢/mcf at 14.73 psia. Rate Schedule X-4 is a Gas Purchase and Exchange Agreement between Mountain Fuel and Colorado Interstate Gas Company (CIG) providing for a sale priced at the appropriate national rate, of a portion of the gas produced by Mountain Fuel from the Spearhead Ranch area of Wyoming. The Rate change is based upon: (1) claimed increases in the investment costs, (2) reduced transportation volumes, and (3) a reduction in the estimated remaining life of the reservoir.

Mountain Fuel supported its \$156,000 increase with only Statements L, M, & N even though the increase does not qualify under §154.63(b)(4) (Minor Rate Increase) of the Commission's Regulations. Inasmuch as the increase concerns the transportation rate portion of a single rate schedule, for purposes of the filing requirements we shall treat this filing as a minor rate increase and accept the supporting statements as adequate compliance with the Commission's filing requirements.

Based on a review of Mountain Fuel's filing herein, 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 Mountain Fuel's proposed rate increase for filing, suspend its use for five months or until June 18, 1979, when it shall become eligible to become effective in the manner prescribed in Section 4 of the Natural Gas Act, subject to refund, and shall set the matter for hearing, as hereinafter conditioned.

Mountain Fuel's rates reflect corporate federal income taxes calculated at a 48% rate. However, since Congress recently adopted a tax measure which reduced the corporate federal income tax rate from 48% to 46% effective on January 1, 1978,¹ we shall require Mountain Fuel to file revised tariff sheets reflecting the lower rate (46%). However, Mountain Fuel shall not be permitted to make offsetting rate adjustments other than those made pur-

suant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

The Commission orders: (A) Mountain Fuel's proposed rate increase in the transportation rate contained in Rate Schedule X-4 of its FERC Gas Tariff is hereby accepted for filing and suspended for five months, until June 18, 1979, at which time it may be made effective, subject to refund, upon motion filed by Mountain Fuel in accordance with the Natural Gas Act, as hereinafter conditioned.

(B) 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 Mountain Fuel.

(C) Staff shall serve its top sheets on or before April 20, 1979.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of a Statement of Position by the Staff in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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) Thirty days prior to the end of the suspension period prescribed in this order, Mountain Fuel shall file revised tariff sheets reflecting the 46% corporate federal income tax rate. However, Mountain Fuel shall not be permitted to make offsetting rate adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2755 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. R-406]

NATURAL GAS PIPELINE COMPANIES FERC
GAS TARIFFS

Proposed Amendments to Purchased Gas Cost
Adjustment Provisions

JANUARY 17, 1979.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on January 5, 1979, tendered for filing

First Revised Sheet No. 245 and First Revised Sheet No. 253 to its FERC Gas Tariff, Original Volume No. 1 to become effective January 1, 1979.

Eastern Shore states that the purpose of the filing is to revise Eastern Shore's FERC Gas Tariff in order to comply with the requirements prescribed in Commission Order No. 13 issued October 28, 1978 in Docket No. R-406. Sheet No. 245 reflects the prescribed tracking dates of March 1 and September 1 under Eastern Shore's changes in Rates to Reflect Curtailment Credits or Debits, and to provide that any rate adjustments to be effective subsequent to February 1, 1979 shall be filed to be effective on March 1 and September 1 of each year, provided however, that if an adjustment is filed to be effective March 1, 1979 the provision that adjustments shall be placed into effect no sooner than six months after the next previous adjustment shall not apply thereto. Sheet No. 252 provides for the principles of interperiod income tax allocation in the determination of carrying charges on balances in FERC Account No. 191—Unrecovered Purchased Gas Cost Account and to reflect the prescribed tracking dates of March 1 and September 1 under Eastern Shore's Deferred Gas Cost Adjustment.

The Company states that copies of the filing have been sent to each of its jurisdictional customers and interested State Commissions.

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, N.E., 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 January 26, 1979. 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. 79-2758 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. RP78-78]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed Change in FERC Gas Tariff

JANUARY 18, 1979.

Take notice that on January 8, 1979, Natural Gas Pipeline Company of

¹H.R. 13511, PL 950600 (1978).

America (Natural) submitted for filing as part of its FERC Gas Tariff the below listed tariff sheets to be effective January 1, 1979.

THIRD REVISED VOLUME No. 1

Second Substitute Thirty-sixth Revised Sheet No. 5
Substitute Eleventh Revised Sheet No. 5A
Substitute Second Revised Sheet No. 5B

Natural states it has reduced its Base Rates from the level shown in its pending December 29, 1978 filing in Docket No. RP78-78 to reflect the elimination of certain American Gas Association research costs, as required in the Commission order issued on December 27, 1978 in Gas Research Institute, Docket No. RP78-76 (GRI Order). The cost of service supporting the revised Base Rates also reflects the adjustments made in Natural's December 29, 1978 compliance filing for the actual balance of advance payments as of November 30, 1978, the elimination of facilities not actually certificated and placed in service by November 30, 1978, and the reduction in the federal income tax rate from 48 percent to 46 percent.

Natural also states that this procedure is appropriate because it allows the lower tax rate to be reflected in rates currently without impairing Natural's refund obligation, from and after December 1, 1978, for all items other than federal income tax and it will also serve to reduce eventual refunds in this proceeding.

A concurrent filing under separate cover at Docket No. RP78-76 was submitted by Natural requesting that its proposed GRI surcharge be approved at the 3.5 mill per Mcf level. The Base Rates shown on this latter filing are at the levels proposed on the submitted tariff sheets.

Natural requested that the Commission's Regulations be waived to the extent necessary to permit the lower Base Rates to become effective January 1, 1979.

Copies of Natural's filing and tariff sheets together with supporting data have been mailed to Natural's jurisdictional customers, interested state commissions and all other parties in Docket No. RP78-78.

Any person wishing to do so may submit comments in writing concerning Natural's filing. All such comments should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 on or before February 2, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2756 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. ER79-57]

NEW ENGLAND POWER CO.

Proposed Settlement Agreement

JANUARY 16, 1979.

Take notice that on January 5, 1979, New England Power Company (NEP) tendered for filing a proposed Settlement Agreement executed by NEP and its Municipal Customers. Copies of the Agreement, according to NEP, have been sent to Fitchburg Gas & Electric Light Company and the Village of Lyndonville, Vermont, the only other customers affected. NEP requests that the Commission act on the Settlement Agreement by February 1, 1979.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 24, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-2739 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. ER79-57]

NEW ENGLAND POWER CO.

Proposed Settlement Agreement

JANUARY 16, 1979.

Take notice that on January 5, 1979, New England Power Company (NEP) tendered for filing a proposed Settlement Agreement executed by NEP and its Municipal Customers. Copies of the Agreement, according to NEP, have been sent to Fitchburg Gas & Electric Light Company and the Village of Lyndonville, Vermont, the only other customers affected. NEP requests that the Commission act on the Settlement Agreement by February 1, 1979.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 24, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-2773 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. ER79-142]

NIAGARA MOHAWK POWER CORP.

Proposed Tariff Filing

JANUARY 19, 1979.

Take notice that Niagara Mohawk Power Corporation (Niagara), on January 9, 1979, tendered for filing as a proposed rate schedule, a transmission agreement between Niagara and Consolidated Edison Company of New York, Inc. (Con Edison), dated October 3, 1978.

The service to be rendered by Niagara provides for the delivery of pumping and generating energy in connection with Nonfirm Pumped Storage Energy Service provided to Con Edison by the Power Authority of the State of New York (PASNY) under PASNY's Service Tariff No. 3.

Transmission capacity to be made available by Niagara to Con Edison will be that amount scheduled on an hourly basis by Con Edison each day for the subsequent 24-hour period beginning at midnight.

Niagara asks for an effective date of December 18, 1978, and therefore requests a waiver of the notice requirements.

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, N.E., Washington, D.C. 20426, in accordance with paragraphs 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 February 9, 1979. 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. 79-2757 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CP78-237, Docket No. CP66-110, *et al.*]

NORTHERN NATURAL GAS CO. AND GREAT LAKES GAS TRANSMISSION CO.

Order Consolidating Applications, Granting Certain Interventions, Denying Certain Late Interventions, and Providing for Formal Hearing Upon Approval of Import Authorization

JANUARY 12, 1979.

On March 17, 1978, as supplemented on November 16, 1978, Northern Natural Gas Company (Northern) filed in Docket No. CP78-237 an application pursuant to Sections 3 and 7 of the Natural Gas Act for authorization to import synthetic natural gas (SNG) from Canada by displacement and for a certificate of public convenience and necessity authorizing Northern to receive and transport the imported volumes through its transmission system and for an order approving certain rate treatment. In conjunction with Northern's application, Great Lakes Gas Transmission Company (Great Lakes) on April 20, 1978, filed a petition to amend its authorizations in Docket Nos. CP66-110, *et al.*, to permit deliveries by means of displacement of the gas which Northern is proposing to import in Docket No. CP78-237. Northern's and Great Lakes' proposals are more fully set forth in their respective applications, as supplemented.

Northern and Great Lakes have also filed applications with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for import authorizations pursuant to Section 3 of the Natural Gas Act. These applications were consolidated by ERA by order of June 29, 1978, in ERA Docket No. 78-002 NG, *et al.* The Administrator of ERA has been authorized to determine whether the proposed import will not be inconsistent with the public interest by Sections 301 and 402(f) of the Department of Energy Organization Act, Pub. L. 95-91, and DOE Delegation Order Nos. 0204-4 (42 FR 60726, November 29, 1977) and 0204-25 (43 FR 47772). Pursuant to Sections 3, 4, and 7 of the Natural Gas Act, Subsections 402(e) and (f) and Section 642 of the DOE Act, and DOE Delegation Order No. 0204-26 (October 17, 1978, 43 FR 47772), the Commission has jurisdiction over certain aspects of Northern's and Great Lakes' applications. As of the date of this order, neither ERA nor the Commission has rendered a decision on the subject applications.

Northern seeks authorization to import from Canada and to receive and transport in its system up to 75,000 Mcf of gas per day for five winter seasons (November 1 through March 31) with annual volumes not to exceed 10 Bcf. Deliveries would com-

mence after receipt of all necessary regulatory approvals. Northern proposes to purchase this gas from Union Gas Limited (Union) of Chatham, Ontario, pursuant to a contract dated December 21, 1977. The gas Northern would purchase from Union would be the equivalent on an aggregate Btu basis of synthetic natural gas (SNG) which Union has contracted for and would receive from Petrosar Limited (Petrosar) at Corunna, Ontario, pursuant to a contract between Union and Petrosar dated November 20, 1974. The SNG is produced in a plant located near Sarnia, Ontario, using western Canadian crude oil as feedstock. The plant's capacity is 33,000 Mcf per day.

It is proposed that from April 1 through November 1 of each contract year, Union would store for Northern's account the total output of the Petrosar plant. During the winter period, Northern would nominate deliveries from Union of up to 75,000 Mcf per day, which would come from Petrosar's daily output and from SNG placed in storage. Northern would use these supplies to meet peak day requirements.

Union's gas would be delivered to Northern through arrangements with TransCanada PipeLines Limited (TransCanada) and Great Lakes. Great Lakes has an existing arrangement with TransCanada whereby TransCanada delivers gas to Great Lakes at the Minnesota-Manitoba border near Emerson, Manitoba, and Great Lakes transports the gas and re-delivers it to TransCanada at the Michigan-Ontario border near St. Clair, Michigan. TransCanada transports and sells a portion of these re-delivered volumes to Union at Dawn, Ontario. Great Lakes also transports gas for the account of Northern from the Emerson import point to interconnecting points with Northern at Carlton and Grand Rapids, Minnesota and Wakefield, Michigan. On days when Northern requests gas from Union, Great Lakes would reduce its deliveries to Union by an equivalent volume: Union would reduce the volumes of SNG held in storage for Northern's account, and would use this gas to serve its own market. Great Lakes would then deliver the additional volumes received from TransCanada (attributable to the SNG volumes) and deliver this gas to Northern at the three interconnection points with Northern, with Carlton as the primary delivery point.

Great Lakes has entered into an agreement with TransCanada whereby gas delivered to Northern under the Northern-Union agreement would for billing purposes be included as gas delivered by Great Lakes to TransCanada at St. Clair, Michigan under the transportation contract between Great Lakes and TransCanada dated Sep-

tember 12, 1967. Northern would not be charged by Great Lakes for the transportation service provided.

Pursuant to the contract between Northern and Union, Northern would pay Union a contract price which is based on a formula which does not have a cost of service derivation. The price for the SNG is related to the value of the various petrochemical products created by Petrosar at its plant and the plant's feedstock costs which, in turn, are related to the price of crude oil in Alberta. Northern would also pay a monthly demand charge and a commodity charge for the storage service.

Northern says that the total average incremental cost per Mcf of the subject gas (including storage) would be \$3.86 in 1978-79, and would increase to \$5.33 in 1982-83. On a rolled-in basis, the effect on Northern's annual system cost per Mcf of sales would be 4.26 cents in 1978-79, and would increase to 8.47 cents in 1982-83.

Northern contends that it needs the SNG to serve high-priority customers on its system. Northern asserts that without the SNG, it will need to curtail into priority categories 1, 2B, 2C, and 3 of its curtailment plan.¹

Northern requests that it be permitted to recover the costs of the purchase of SNG on a rolled-in basis. In addition, Northern's proposed tariff provides that the costs of SNG may be included in its annual Purchased Gas Adjustment (PGA) filings. In its March 17, 1978, application, Northern also sought authority to include a surcharge in its 1978 PGA rate filing to be effective only during the year 1979 to recover the estimated cost of SNG to be incurred during November and December 1978. Northern asserted that the surcharge is required in order to avoid deferring until 1980 collection of an estimated \$12.8 million in purchased gas costs.

In August 1978, the National Energy Board of Canada issued an export license to Union.

Northern's application and Great Lakes' petition to amend are companion filings for one project. We find that the expeditious management of these applications would be best served by consolidating them, and we so order.

¹Northern's curtailment plan consists of the following priority categories:

Priority 1: Residential, small commercial and industrial requirements.

Priority 2: (a) Customer storage injection requirements.

(b) Firm industrial requirements for plant protection, feedstock and process needs.

(c) Commercial and industrial requirements 300 to 499 per day or less than 50,000 Mcf annually.

Priority 3: All commercial requirements 500 Mcf to 1499 Mcf per day and all industrial not specified in Priorities 1 through 10.

Priorities 4-11: Industrial requirements with alternate fuel capabilities.

In Docket No. CP78-237, timely notices of intervention or petitions to intervene were filed by the following:

- (1) Iowa Public Service Company
- (2) Iowa Electric Light and Power Company
- (3) Northwestern Public Service Company
- (4) Northern Illinois Gas Company
- (5) Terra Chemicals International, Inc.
- (6) Northern Municipal Defense Group and Minnesota Municipal Utilities Association
- (7) Iowa Power and Light Company
- (8) Union Gas Limited
- (9) Wisconsin Power and Light Company
- (10) Wisconsin Gas Company
- (11) Metropolitan Utilities District of Omaha
- (12) Iowa-Illinois Gas and Electric Company
- (13) Greeley Gas Company
- (14) Nebraska Natural Gas Company

Untimely notices of intervention or petitions to intervene were filed by the following:

- (1) Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)
- (2) TransCanada PipeLines Limited
- (3) Michigan Public Service Commission
- (4) Minnesota Gas Company
- (5) Public Service Commission of Wisconsin
- (6) Kansas-Nebraska Natural Gas Company, Inc.
- (7) Northern Central Public Service Company, Division of Donovan Companies, Inc.
- (8) North Central Public Service Corporation
- (9) Iowa Southern Utilities Company
- (10) Columbia LNG Corporation

In Docket Nos. CP66-110, *et al.*, Union, TransCanada, and Wisconsin Gas Company filed timely petitions for leave to intervene.

Those interveners who filed timely petitions are granted leave to intervene. Of those interveners who filed petitions to intervene out-of-time, only Columbia LNG Corporation and TransCanada stated any justification for their late filings. Columbia LNG Corporation's and TransCanada's petitions to intervene, therefore, shall be granted; the others shall be denied. See *Trunkline Gas Co., et al.*, Docket No. CP78-386, order issued November 15, 1978. The notices of intervention of the Michigan Public Service Commission and the Public Service Commission of Wisconsin are also granted.

In Docket No. CP78-237, the Metropolitan Utilities District of Omaha (Omaha) filed a timely request for a formal hearing. On the basis of Northern's and Great Lakes' applications, Northern's responses to Staff deficiency letters, and Omaha's request for a formal hearing, we believe that the subject applications should be set for formal hearing on the following general issues:

- (1) Do Northern's winter market requirements necessitate the purchase of this SNG?

(2) Are there less expensive sources of supply available to Northern to meet Northern's winter requirements?

(3) Should Northern receive PGA rate treatment for the cost of the SNG?

These issues are ones which the Commission normally addresses in determining whether to grant a certificate of public convenience and necessity under Section 7 of the Natural Gas Act. DOE Delegation Order No. 0204-26 specifies that all functions under Sections 4, 5, and 7 of the Natural Gas Act are to be exercised by the FERC, as well as certain other functions within the purview of Section 3 of the Natural Gas Act. Delegation Order No. 0204-25 delegates to the Administrator of the ERA the authority to determine whether the importation is not inconsistent with the public interest under Section 3 of the Natural Gas Act on the basis of the following considerations:

- (1) The security of supply and effect on U.S. balance of payments;
- (2) The price proposed to be charged at the point of importation;
- (3) Consistency with duly promulgated and published regulations or statements of policy of the Department of Energy specifically applicable to imports of natural gas;
- (4) National need for the natural gas to be imported;
- (5) Such other matters within the scope of Section 3 of the Natural Gas Act as the Administrator shall find in the circumstances of a particular case to be appropriate for his determination, including: (A) Regional needs for the natural gas to be imported; (B) The eligibility of purchasers and participants and their respective shares.

In general, the delegation orders provide that ERA is to determine whether the proposed import is consistent with the national interest and the national and regional need for gas. The Commission is to determine whether the proposal serves the public convenience and necessity of the pipeline applicants, their customers, and the ultimate consumers of the proposed gas supply.

The delegation orders appear to contemplate that ERA would act on an import application prior to the commencement of any formal proceedings before the Commission. However, no specific procedures have been developed between the ERA staff and the FERC staff to process expeditiously matters within the scope of the delegation orders. In the matter before us, the Applicant filed simultaneously applications before ERA and the Commission almost nine months ago. As of the date of this order, neither ERA nor this Commission has taken formal action on the subject applications. The applications before us involve matters

which, we now believe, will have to be set for formal hearing at this Commission if ERA approves the related applications presently before it. In order to put the parties to this proceeding, including the Commission staff, on notice that a formal hearing will, in all likelihood, be required on the subject applications if ERA approves the related import authorizations, the Commission hereby announces that it intends to issue an order specifying the issues to be set for hearing and the procedures to be followed, following any ERA approval in this matter. The Commission believes that this order will assist the parties in preparing for future Commission proceedings in the subject dockets and will expedite consideration of these matters by the Commission.

At this time, however, we can not set forth in a definitive fashion all the issues which may be the subject of a formal hearing. That can not be done until the Administrator of ERA issues his order, with any terms and conditions which he may attach. Under Delegation Order No. 0204-26, the Commission has the authority to issue orders granting import and certificate authorizations in a manner necessary or appropriate to implement the determinations made by the Administrator of ERA pursuant to Delegation Order No. 0204-25. The Commission may grant its import authorization only if it adopts the terms and conditions attached by the Administrator in his order granting import authorization. The Commission, however, may deny any application if the Commission determines that the application, as conditioned by the Administrator, is inconsistent with Sections 4, 5, or 7 of the Natural Gas Act or those portions of Section 3 which have delegated to the Commission by Delegation Order No. 0204-26.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that notice be given of the Commission's present intent to hold a public hearing on the matters involved and the issues presented as hereinbefore described and limited, as well as any other matters and issues which the Commission determines shall be the subject of public hearing in any future order following any approval by the Economic Regulatory Administration of the related application of Northern and Great Lakes presently before it.

(2) Participation in these proceedings by the listed timely interveners may be in the public interest and permitting the filing of TransCanada's and Columbia LNG Corporation's late petitions to intervene and accepting the late-filed notices of intervention will not delay the proceedings and may be in the public interest.

(3) The public convenience and necessity as well as the expeditious management of these proceedings require the consolidation of Northern's application and Great Lakes' petition to amend.

The Commission orders: (A) The application filed in Docket No. CP78-237 by Northern and the petition to amend filed by Great Lakes in Docket Nos. CP66-110, et al., are hereby consolidated and shall be set for public hearing if ERA approves the related import applications in ERA Docket No. 78-002 NG, et al., and if the Commission at that time believes a hearing is required.

(B) TransCanada, Columbia LNG Corporation, and those persons filing notices of intervention or timely petitions to intervene are permitted to intervene subject to the rules and regulations of the Commission: *Provided, however,* that participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be considered as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(C) Those persons filing untimely petitions to intervene who offered no justification for their late filing are hereby denied leave to intervene.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2774 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. CP79-1331

ONG WESTERN, INC.

Application

JANUARY 18, 1979,

Take notice that on December 20, 1978, ONG Western, Inc., 624 South Boston Avenue, Tulsa, Oklahoma (Applicant) filed an application in Docket No. CP78-133 pursuant to Section 7(c) of the Natural Gas Act and Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for a certificate of public convenience and necessity authorizing Applicant to sell natural gas to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed to sell to Natural for a term of 8 years such quantities of gas as Applicant may have available,¹ at the price of

¹Estimated volumes would be 100,500 Mcf per day.

\$2.0001 per Mcf of gas. Such sale is required by Natural to meet its emergency needs pursuant to Section 2.70 of the Commission's General Policy and Interpretations, it is asserted.

Applicant states that it gathers natural gas within the State of Oklahoma and sells such gas to its parent company, Oklahoma Natural Gas Company, and is exempt from the provisions of the Natural Gas Act and the regulations thereunder. Applicant requests that the requested authorization provide that:

(a) The Commission specifically waives its accounting and reporting requirements with respect to Applicant for the term of the authorization, provided Applicant reports the volumes of gas sold and the price paid for the gas.

(b) The facilities, transportation, and sales by suppliers of gas to Applicant, including but not limited to any producers, and all of the existing facilities, transportation of gas, and sales by Applicant with the exception of the proposed sales and the related interconnecting facilities shall remain exempt from Commission jurisdiction and their non-jurisdictional status shall not be affected by the authorization requested.

(c) Applicant is permitted and required to abandon the sales, transportation, and facilities referred to at the end of the eight-year term without further action by Applicant or the Commission, such condition being equally applicable to any suppliers of Applicant for the purpose of making the proposed sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1979, 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 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee, on this application if no petition to intervene is filed within the

time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2754 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. CP76-409]

PANHANDLE EASTERN PIPE LINE CO. AND
TRUNKLINE GAS CO.

Petition To Amend

JANUARY 18, 1979.

Take notice that on December 20, 1978, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline) (Petitioners), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-409 a petition to amend the order issued on November 1, 1976, in the instant docket pursuant to Section 7(c) of the Natural Gas Act and §2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) to authorize Petitioner to transport for two years natural gas for Glass Containers Corporation (Glass), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.¹

Petitioners state that Glass has a continuing need for gas supplied pursuant to §2.79 of the Commission's General Policy and Interpretations, and that to meet that need Glass has contracted with John O. Clay and Associates to purchase gas from a well in Caldwell Parish, Louisiana, at a rate of \$2.075 per million Btu's. Petitioners request that their previous authorization be extended to allow them to receive, transport and deliver up to 660 Mcf per day on a firm basis and 440 Mcf of gas per day on best-efforts basis. It is stated that Trunkline would receive the gas from the wellhead through existing facilities, deliver it to Panhandle at an existing interconnection between their systems in Tuscola, Illinois, whereupon Panhandle would transport the gas to Citizens Gas and Coke Company for Glass' account at

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1, it was transferred to the Commission.

an interconnection between their systems in Marion County, Indiana. Glass would pay a monthly charge of \$3,485 to Petitioners, to be adjusted up or down at a rate of 17.38 cents per Mcf, depending on the amount of gas transported above or below the firm transportation volumes. It is stated that Panhandle would reimburse Trunkline approximately 82.6 percent of the fees collected from Glass.

The petition indicates that Trunkline would construct a measuring station at the point of receipt in Caldwell Parish and that Glass would reimburse Trunkline for the cost of such facility.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 9, 1979, 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 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 79-2740 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. CP75-163]

SOUTHERN NATURAL GAS CO.

Second Amendment to Application for Pipeline Certificate

JANUARY 18, 1979.

Take notice that on November 13, 1978, Southern Natural Gas Company (Applicant), filed in Docket No. CP75-163 a second Amendment to its application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas, all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

Applicant now proposes certain revisions in the facilities originally proposed in the subject docket, which will enable it to receive gas to be purchased or transported by it from South Marsh Island Blocks 268, 269, and 281, offshore Louisiana. Trunkline

Gas Company will transport the gas from offshore to a point near Southern's Shadyside Compressor Station, St. Mary Parish, Louisiana. Applicant states that certain reductions in the facilities originally proposed at the subject docket are necessary because of a decrease in the quantity of gas to be transported by Trunkline for the account of Applicant, such decrease being attributable to the fact that alternate arrangements have been made with respect to gas produced from Blocks 64, 74 and E/2 of 65, Eugene Island Area, offshore Louisiana, which Applicant had previously contemplated would be received and transported through the facilities proposed in this docket.

The revised facilities for which Applicant requests a certificate of public convenience and necessity by the amendment are approximately 0.96 miles of 18-inch pipeline, 1,800 horsepower compression and related facilities. The estimated cost of revised proposed facilities is \$2,952,887, which Applicant states will be financed from funds on hand.

Applicant further requests authorization to relocate to Shadyside Compressor Station on a temporary basis 1,080 horsepower of existing compression located at Gwinville Compressor Station in Jefferson Davis County, Mississippi. Applicant states that the proposed temporary relocation is necessary to permit the early commencement of deliveries from South Marsh Island Blocks 268, 269 and 281 in accordance with Commission Opinion Nos. 10 and 10-A, prior to the date on which Applicant anticipates that the proposed permanent compression horsepower will be ready for service. Applicant estimates the cost of the proposed relocation to be \$140,814, which cost includes the cost of returning the relocated compression to Gwinville Compressor Station. Applicant states that the proposed temporary relocation will not adversely affect the operation of Applicant's Gwinville Compressor Station.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 2, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or 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 appropriate action to be taken but will not serve to make any 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 inter-

vene 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 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 finds 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. 79-2776 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. Nos. CP67-337; CP77-18; CI77-278; CI77-311]

**SOUTH TEXAS NATURAL GAS GATHERING CO.
AND COASTAL STATES GAS PRODUCING CO.**

Informal Conference

JANUARY 18, 1979.

Take notice that an informal conference will be held on February 7, 1979, with respect to certain matters and problems that are the outgrowth of the applications and other related filings that have been submitted by the parties to the above-styled proceedings.

One of the main purposes of this conference is to enable the Commission Staff to make a current assessment and evaluation of the problems underlying these filings. It would be helpful to such an evaluation if the parties are able to state their present position relative to each of the above-styled proceedings at this conference and whether they are of the view that each proceeding is so related to the others that such proceedings should be consolidated for purposes of Commission action.

It further appears that the existence of a substantial imbalance in an exchange arrangement authorized by the Commission in the proceeding entitled *South Texas Natural Gas Company* in Doc. No. CP67-337 has to some degree delayed the expeditious determination of the other proceedings. It would further assist in the

evaluation of the applications filed in the above-styled proceedings if South Texas Natural Gas Gathering Company and Trunkline Gas Company would be prepared to discuss at this conference proposals that they would deem acceptable providing for the elimination of this imbalance. The latter two companies would be further expected to indicate why they felt that their proposals were justified or warranted in view of all of the underlying facts and circumstances.

The above-noted conference will be held on February 7, 1979, in Room No. 8402, at the Offices of Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2741 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. CP79-132]

TENNESSEE GAS PIPELINE CO., A DIVISION OF
TENNECO INC. AND CONSOLIDATED GAS
SUPPLY CORP.

Application

JANUARY 17, 1979.

Take notice that on December 20, 1978, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, (Applicants) filed an application in Docket No. CP79-132 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to add a proposed delivery point, to be paid for by Consolidated and constructed and operated by Tennessee, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants propose for Tennessee to construct and operate, at an initial estimated cost of \$92,200 to be borne by Consolidated, connecting and measuring facilities in Mercer County, Pennsylvania, as an additional delivery point to Consolidated in Tennessee's Northern Rate Zone. The proposed delivery point is stated to be capable of maximum daily deliveries of 7,000 Mcf of gas; these volumes would not increase the quantities of gas Tennessee has been previously authorized to deliver to Consolidated. The proposed connection is stated to be required in order to ensure continued service to The Peoples Natural Gas Company's customers.

Applicants further propose to amend their existing service agreement to substitute their previously certificat-

ed, jointly-owned storage pool meters at the Ellisburg Storage Pool in Potter County, Pennsylvania, as the primary CD-4 delivery point for sales by Tennessee to Consolidated in lieu of the Ellisburg Sales Delivery Point which is proposed to be retained in place as an emergency delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-2742 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-143]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JANUARY 18, 1979.

Take notice that on January 2, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-143 an application pursuant

to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 21,000 Mcf (14.73 psia) of natural gas per day on a firm basis for Florida Gas Transmission Company (Florida), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 21,000 Mcf of natural gas per day for Florida pursuant to the terms of a gas transportation agreement dated September 11, 1978, between the two companies, which gas Florida has contracted to purchase from Shell Oil Company (Shell), Florida Gas Exploration Company (Florida Exploration), Barber Oil Exploration, Inc. (Barber) and Drillamex, Inc. (Drillamex) from Blocks 149 and 150, South Marsh Island Area (SMI), offshore Louisiana. Applicant indicates that it would receive the gas from Block 132, SMI and would transport and deliver thermally equivalent quantities of gas to Florida (less fuel and line loss make-up) at an existing point of interconnection between Applicant's Southeast Louisiana Gathering System and Florida's facility in St. Helena Parish, Louisiana.

Applicant further indicates that it was granted authorization in Docket No. CP77-453 to construct and operate an extension of its Southeast Louisiana Gathering System from Block 66, SMI to Block 106, SMI, and beyond to Blocks 130 and 132, SMI and Block 331, Vermilion Area, South Addition. Applicant states that the proposed pipeline facilities would be utilized to attach new offshore gas supplies for its system and to provide capacity for transportation services for others from the offshore producing areas that would be reached by the extension.

It is stated that Applicant would charge Florida for the firm transportation service an estimated initial monthly demand charge of \$244,230, which demand charge is based on a contract demand quantity of 21,000 Mcf per day reflecting, in part, preliminary estimates of the cost of completing the facilities authorized in Docket No. CP77-453 and, prior to the initial service hereunder, will be adjusted to reflect the actual cost of such facilities. In addition, current estimates of projected daily quantities indicate compression would be required at Block 106, SMI; upon installation of such compression facility the monthly charge would be adjusted to reflect the actual cost of such facility and the remaining primary term of the transportation agreement, it is said,

Applicant states that in the event additional facilities are required to transport gas owned by Applicant and

NOTICES

others and to maintain capacity for the contract demand quantity for Florida, Florida has the option of (1) terminating the transportation service, (2) reducing the contract demand quantity to a level that will eliminate the need for installation of additional facilities (and the monthly demand charge shall be adjusted to reflect such reduction), or (3) notifying Applicant to install such additional facilities as may be required to maintain capacity for Florida's contract demand quantity. If Florida exercises the latter option then Applicant would, at its option, either install such facilities to be jointly owned by Applicant and Florida, whereupon Florida would reimburse Applicant for Florida's proportionate share of the cost of such facilities and the monthly demand charge would be adjusted to reflect transportation through Florida's proportionate share of such facilities; or Applicant would install such facilities to be solely owned by Applicant, whereupon the monthly demand charge would be adjusted to reflect such additional facilities, it is stated.

Applicant indicates that in order to provide for offshore compressor fuel and line loss make-up, it reserves the right to retain a portion of the quantities of gas received at Block 132, based upon a determination by Applicant that such quantities are warranted by operating conditions. To provide for onshore compressor fuel and line loss make-up, Applicant initially would retain 1.2 percent of the quantities of gas it received at Block 132, SMI, it is said. Applicant asserts that it reserves the right from time to time to change the offshore and onshore percentages for fuel and line loss make-up, based upon a determination by Applicant that such percentage change is warranted by operating conditions.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing

therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-2777 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-1171]

VIRGINIA ELECTRIC & POWER CO.

Filing

JANUARY 17, 1979.

Take notice that on December 26, 1978, Virginia Electric and Power Company filed proposed supplemental contracts to FERC Rate Schedules No. 84-40 and No. 84-41. The Shenandoah

Delivery Point	Present FERC No.	Proposed FERC No.	Item Corrected
Heflin.....	83-19	83-43	1, 5 (1), (3), 8, 10, 11,

VEPCO states that the revised contract supplement is intended to supersede the listed FERC Rate Schedule and requests that the revised supplement be allowed to become effective on September 15, 1978, and therefore requests waiver of the Commission's notice requirements.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure

Valley Electric Cooperative has requested a change in delivery voltage from 23 kV to 115 kV at Sherando Delivery Point which resulted in a previous change in delivery point location.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1979. 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. 79-2839 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-1301]

VIRGINIA ELECTRIC & POWER CO.

JANUARY 18, 1979.

Take notice that on January 4, 1979, Virginia Electric and Power Company (VEPCO) tendered for filing a revised supplement to the contract between VEPCO and Prince William Electric Cooperative. VEPCO states that the revised contract supplement reflects changes due to a change in transformer capacity from 2.5 MVA to 11.2/14.0 MVA as set forth below:

(18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1979. 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. 79-2840 Filed 1-25-79; 8:45 am]

[6450-01-M]

[Doc. No. ER79-129]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Filing

JANUARY 18, 1979.

Taken notice that on January 3, 1979, Wisconsin Public Service Corporation, (WPSC) tendered for filing an amendment to the "Partial Requirements Service Agreement" with Consolidated Water Power Company. WPSC states that this amendment will establish a new interconnection point.

WPSC proposes an effective date of October 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Consolidated Water Power Company, according to WPSC. 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 2, 1979. 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. 79-2778 Filed 1-25-79; 8:45 am]

[6450-01-M]

Office of Environment

STUDY GROUP ON THE GLOBAL EFFECTS OF CARBON DIOXIDE

Meeting

Pursuant to the provisions of the

Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Study Group on the Global Effects of Carbon Dioxide will meet Saturday, February 10, 1979, at 8:30 a.m. in the Magnolia Room, Hilton Inn, Atlanta Airport, Atlanta, Georgia.

The purpose of the Study Group is to give advice to the Department of Energy in the development of its role in environmental research dealing with the global effects of increasing levels of carbon dioxide from fossil fuel combustion and related matters. The Group's guidance will be based on a thorough review of ongoing and planned national and international research activities in this area.

The tentative agenda is as follows:

1. Call to order.
2. Approval of Minutes of the previous meeting.
3. Report on Progress and Functions of DOE CO₂ Effects Division.
4. Future Role and Function of Study Group: (a) Policy Advice to Assistant Secretary; (b) Advice and Assistance to CO₂ Effects Division; and (c) Scientific Considerations and Evaluations.
5. Discussion of World Climate Conference.
6. Other Business.
7. Public Comment (10 minute rule).
Adjourn approximately 1:00 p.m.

The meeting is open to the public. The Chairperson 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 concerning items on the agenda will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements concerning items on the agenda should inform Georgia Hildreth, Director, Advisory Committee Management (202) 252-5187, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The minutes of the meeting will be available for public review and copying at the Freedom of Information Public

Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. An Executive Summary of the meeting may be obtained by calling the Advisory Committee Management Office at the above number.

Issued at Washington, D.C. on January 18, 1979.

GEORGIA HILDRETH,
Director,
T3 Advisory
Committee Management.

[FR Doc. 79-2699 Filed 1-25-79; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals.

CASES FILED WEEK OF DECEMBER 29 THROUGH JANUARY 5, 1979

Notice is hereby given that during the week of December 29, 1978 through January 5, 1979 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (January 26, 1979) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. January 19, 1979.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

(Week of December 29, 1978 through January 5, 1979)

Date	Name and location of applicant	Case No.	Type of Submission
Dec. 29, 1978	Gustafson Oil Company of California, Washington, D.C.	DEE-2106	Price Exception (Section 212.93). IF GRANTED: Gustafson Oil Company of California would receive retroactive exception relief from the provisions of 10 CFR 212.93, which would allow the company to increase its prices of residual fuel oil and diesel fuel during the period October 1973 through June 1976.
Dec. 29, 1978	Mohawk Petroleum Corporation, Inc., Los Angeles, California.	DEE-2105	Exception to the Entitlements Program. IF GRANTED: Mohawk Petroleum Corporation, Inc. would receive an exception from its obligation to purchase entitlements under the provisions of 10 CFR 211.67 to account for its crude oil receipts and runs to stills during its 1979 fiscal year.
Dec. 29, 1978	Schulze Processing Inc., Washington, D.C.	DEA-0274	Appeal of the October 1978 Entitlements Notice. IF GRANTED: The October 1978 Entitlements Notice would be amended with respect to Schulze Processing Inc.'s entitlement purchase obligations.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS —Continued

Date	Name and location of applicant	Case No.	Type of Submission
Jan. 1, 1979	Pasco Petroleum Co., Inc., Kansas City, Missouri	DSG-040 and DES-0140	Request for Special Redress and Stay Request. IF GRANTED: The Office of Hearings and Appeals would review the denial by DOE Region IX of the Application to Quash a Subpoena submitted by Pasco Petroleum Co., Inc. A stay of the subpoena would be approved pending a determination of Pasco's Petition for Special Redress Relief.
Jan. 2, 1979	Kernaghan's Service, Great Falls, Montana	DEE-2109	Price Exception (Normal business practices—credit terms). IF GRANTED: Kernaghan's Service would be permitted to charge interest to his agricultural customers who purchase gasoline on long-term credit in an amount which covers the increased cost to the firm since the base period.
Jan. 2, 1979	Glenn Martin Heller, Boston, Massachusetts	DRT-0167	Temporary Stay. IF GRANTED: Glenn Martin Heller would be granted a temporary stay of the Interim Remedial Order for Immediate Compliance issued to it on December 22, 1978 by DOE Region I.
Jan. 2, 1979	Dorothy Roberts, Las Vegas, Nevada	DFA-0275	Appeal of the Information Request Denials on Nov. 29, 1978 and Dec. 18, 1978. IF GRANTED: The DOE's November 29, 1978 and December 18, 1978, Information requests denials would be rescinded and Dorothy Roberts would receive access to documents relating to litigation.
Jan. 3, 1979	Charter Oil Company, Jacksonville, Florida	DXE-2108	Exception to the Entitlements Program. IF GRANTED: Charter Oil Company would receive an exception to the provisions of 10 CFR 211.67 regarding its entitlement purchase obligations beyond February 28, 1979.
Jan. 4, 1979	Dome Petroleum Corporation, Washington, D.C.	DES-0141 and DST-014L	Request for Stay and Request for Temporary Stay. IF GRANTED: Dome Petroleum Corporation would receive a stay of the provisions of a Decision and Order issued by the Economic Regulatory Administration of December 28, 1978, pending a final determination of an Exception Application and an Appeal of the Order which the firm intends to file.
Jan. 3, 1979	Energy Reserves Group, Wichita, Kansas	DEE-2107	Price Exception (Section 212.73). IF GRANTED: Energy Reserves Group would be permitted to sell the crude oil produced from North Bayou Coddris Field located in Concordia Parish, Louisiana, at upper tier ceiling prices.

Notices of Objection Received

Date	Name and location of applicant	Case No.
Dec. 29, 1978	San Joaquin Refining Co., Newport Beach, California	DXE-1977
Dec. 29, 1978	Burk Royalty Company, Washington, D.C.	DEE-1010
Jan. 2, 1979	Consumer Power Company, Washington, D.C.	DEE-0978

Proposed remedial orders, notices of objection received

Jan. 2, 1979	Glenn Martin Heller, Boston, Massachusetts	DRO-0167
Jan. 2, 1979	Thomas P. Reidy, Inc., Washington, D.C.	DRO-0168
Jan. 3, 1979	Jack Halbert, Dallas, Texas	DRO-0169

[FR Doc. 79-2779 Filed 1-25-79; 8:45 am]

[6450-01-M]

CASES FILED WEEK OF JANUARY 5 THROUGH JANUARY 12, 1979

Notice is hereby given that during the week of January 5, 1979 through January 12, 1979 the appeals and application for exception or other relief in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice (Jan-

uary 26, 1979) or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. January 19, 1979.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 5, 1979 through 12, 1979]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 5, 1979	Little America Refining Company, Washington, D.C.	DXE-2110	Exception to the Entitlements Program. IF GRANTED: Little America Refining Company would receive an exception to the provisions of 10 CFR 211.67 regarding its entitlements purchase obligations.
Jan. 5, 1979	Tenneco Oil Company, Washington, D.C.	DRD-0089	Motion for Discovery. IF GRANTED: Discovery would be granted Tenneco Oil Company with respect to the objections submitted in response to the Proposed Remedial Order (Case No. DRO-0089) issued on July 26, 1978.
Jan. 8, 1979	Bassett Oil and Equipment Co., Alexandria, Virginia	DRA-0277	Appeal of Remedial Order. IF GRANTED: The September 10, 1978 Remedial Order issued to Bassett Oil and Equipment Company by the DOE Region III would be rescinded.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

Date	Name and location of applicant	Case No.	Type of submission
Jan. 8, 1979	Continental Oil Company, Washington, D.C.	DEE-2085 and DST-2085.	Price Exception (211.10) and Stay Request. IF GRANTED: Continental Oil Co. would be granted an exception to the provisions of 10 CFR 211.10 in regard to the allocation fraction of kerosene jet fuel customers. A stay would be granted to the firm pending a final determination on the Application for Exception.
Jan. 8, 1979	Geronimo Oil Company, Houston, Texas	DEE-2111	Price Exception, (§212.73). IF GRANTED: Geronimo Oil Company would be permitted to sell the crude oil produced from the Northwest quarter of Section 72, located in San Patricio County, Texas, at upper tier ceiling prices.
Jan. 8, 1979	Glenn Martin Heller, Boston, Massachusetts	DRS-0167	Request for Stay. IF GRANTED: Glenn Martin Heller would receive a stay of the provisions of an Interim Remedial Order for Immediate Compliance issued to the firm on December 22, 1978, by DOE Region I.
Jan. 8, 1979	Kirkwood Oil and Gas, Washington, D.C.	DRA-0276	Appeal of a Revised Remedial Order. IF GRANTED: The DOE would review the revised Remedial Order and rescind the portion concerning the Rudnik No. 32-27 lease classified as a stripper well lease.
Jan. 8, 1979	Theodore I. Leben, Wichita, Kansas	DEE-2112	Price Exception (Section 212.73). IF GRANTED: Theodore I. Leben would be permitted to sell the crude oil produced from the NE of Sec. 1-T19S-R25W, located in Ness County, Kansas, at Exempt prices.
Jan. 8, 1979	Northland Oil & Refining Co., Tulsa, Oklahoma	DES-0142	Request for Stay. IF GRANTED: Northland Oil & Refining Company would receive a stay of the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations for January, 1979.
Jan. 9, 1979	Ashland Oil, Inc., Washington, D.C.	DSG-0041 and DES-0144.	Petition for Special Redress and Stay Request. IF GRANTED: The Special Counsel would be disqualified from reviewing the July 24, 1978 denial of Ashland Oil, Inc.'s Application to Quash or modify a subpoena and the Administrator of the Economic Regulatory Administration would be designated as the appropriate official to hear Ashland's Application for Review. Compliance with the subpoena would be stayed pending a determination of the firm's Petition for Special Redress.
Jan. 9, 1979	Natural Resources Defense Council, Inc., Washington, D.C.	DFA-0278	Appeal of an Information Request Denial. IF GRANTED: The DOE's December 14, 1978, Information Request Denial would be rescinded and Natural Resources Defense Council, Inc. would receive access to the document of the interview with Dr. Zalman M. Shapiro.
Jan. 9, 1979	Schulze Processing, Inc., Washington, D.C.	DES-0143	Request for Stay. IF GRANTED: Schulze Processing, Inc. would receive a stay of the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations pending a final determination on its Appeal which the firm has filed.
Jan. 9, 1979	Tesoro Petroleum Corporation, Washington, D.C.	DSG-0042 and DES-0145.	Petition for Special Redress and Stay Request. IF GRANTED: The Special Counsel would be disqualified from reviewing the July 24, 1978 denial of Tesoro Petroleum Corporation's Application to Quash or Modify a subpoena and the Administrator of the Economic Regulatory Administration would be designated as the appropriate official to review the Tesoro application. Compliance with the subpoena would be stayed pending a final determination on its Petition for Special Redress.
Jan. 10, 1979	Coastal States Gas Corporation, Houston, Texas	DFA-0279	Appeal of an Information Request denial. IF GRANTED: The DOE's December 7, 1978 Information Request Denial would be rescinded and Coastal States Gas Corporation would receive access to documents relating to various FEA regulatory matters.
Jan. 10, 1979	Dome Petroleum Corporation, Washington, D.C.	DEA-0280	Appeal of the Economic Regulatory Administration Decision and Order. IF GRANTED: The Economic Regulatory Administration Decision and Order of December 28, 1978, assigning SNG Feedstocks to Consumers Power Company would be amended.
Jan. 10, 1979	Pester Refining Company, Des Moines, Iowa	DEA-0282	Appeal of a Validation Order. IF GRANTED: The November 22, 1978 Validation Order issued to Pester Refining Company by DOE Region VIII regarding the continued delivery of fuel to Diamond Gas and Fuel Company would be rescinded.
Jan. 10, 1979	Standard Oil Company of Indiana, Chicago, Illinois	DES-0146	Request for Stay. IF GRANTED: Standard Oil Company of Indiana would receive a stay of the provisions of a Decision and Order issued by the Economic Regulatory Administration on December 28, 1978 pending a final determination of an Appeal of the Order which the firm intends to file.
Jan. 11, 1979	Petroleum International Associates, Inc., Washington, D.C.	DRD-0212	Motion for Discovery. IF GRANTED: Discovery would be granted the Petroleum International Associates, Inc. with respect to the Appeal of a Remedial Order which the firm has filed.

Notices of Objection Received

Date	Name and location of applicant	Case No.
Jan. 9, 1979	Southwestern Refining Co., Inc., Bountiful, Utah	DEE-0483
Jan. 9, 1979	Texaco, Inc., Los Angeles, California	DEE-1777
Jan. 10, 1979	Henry Petroleum Corp., Midland, Texas	DEE-1400
Jan. 10, 1979	Rickelson Oil and Gas Company, Tulsa, Oklahoma	DEE-0363

Proposed Remedial Orders, Notices of Objection Received

Date	Name and location of applicant	Case No.
Jan. 10, 1979	E-Z Serve, Inc., Abilene, Texas	DRO-0170
Jan. 10, 1979	Great Plains Corporation, Wichita, Kansas	DRO-0171

[FR Doc. 79-2780 Filed 1-25-79; 8:45 am]

[6560-01-M]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 1046-1]

RESOURCE CONSERVATION COMMITTEE

Open Meeting

The Resource Conservation Committee is the cabinet level interagency committee established by Section 8002(j) of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580). The Committee is responsible for studying and making recommendations to the President and the Congress on a broad range of resource conservation policies. The Committee is chaired by the Administrator of the Environmental Protection Agency and includes the Secretaries of Commerce, Labor, Interior, Treasury, and Energy, the Chairman of the Council on Environmental Quality and the Council of Economic Advisers; and the Director of the Office of Management and Budget.

The Committee will meet on January 31, 1979 to endorse findings and decide on recommendations concerning the following resource conservation initiatives:

- a. Product Regulation.
- b. Virgin Materials Extraction Taxes.
- c. Subsidies for Resource Recovery.
- d. National Solid Waste Disposal Charge.
- e. Local User Fees for Solid Waste Management.
- f. National Litter Tax.
- g. Beverage Container Deposits.
- h. Deposits and Bounties on Durable and Hazardous Goods.
- i. Federal Tax Policy Affecting Resource Conservation.
- j. Railroad Freight Rates for Secondary Materials.

A report of the Committee's findings and recommendations on these initiatives will be sent to the President and Congress in March 1979.

This meeting of the Committee will be held in Room 2010, New Executive Office Building, 17th Street, N.W., between Pennsylvania Avenue and H Street, Washington, D.C. beginning at 10:00 a.m. The public is invited to observe the procedures.

Dated: January 24, 1979.

BARBARA BLUM,

Deputy Administrator,

Environmental Protection Agency.

[FR Doc. 79-2850 Filed 1-26-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

AMERICAN PIONEER LIFE INSURANCE CO.

Acquisition of Bank

American Pioneer Life Insurance Company, Truman, Arkansas has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain an additional 13.3 per cent of the voting shares of First National Bank of Pomsett County, Truman, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 19, 1979. Any comment on an applications that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of act that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 18, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-2726 Filed 1-25-79; 8:45 am]

[6210-01-M]

BANK HOLDING CO.

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater con-

venience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 21, 1979.

A. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

1. **CITICORP** New York, New York (commercial lending and leasing activities; California, Arizona, Nevada): To engage, through its subsidiary, Citicorp (USA), Inc., in commercial lending for its own account (with the intention that Citibank, N.A., Citibank (New York State), N.A., and other commercial banks may participate in the loans); and leasing personal property or acting as agent, or broker advisor in leasing such property subject to the conditions of the Board's Regulation Y. These activities would be conducted from an office in Los Angeles, California, and the geographic areas to be served are Santa Barbara, Ventura, Kings, San Bernadino, Los Angeles, Orange, Riverside, Imperial, and San Diego Counties, California; Maricopa and Pima Counties, Arizona; and Clark County, Nevada.

2. **CITICORP** New York, New York (financing and insurance activities; Oregon): To engage, through its subsidiary, Person-to-Person Financial Center, Inc., in making loans to individuals (for personal, family or household uses) and businesses to finance the purchase of mobile homes, modular units, or related manufactured housing, together with real property to which such housing will be permanently affixed; and the sale of life

(singly or jointly with co-signers), accident and health (or to make contractual monthly payments of the credit transaction in the event of the obligor's disability), and property and casualty insurance (including liability coverage where such is the general practice), directly related to its extensions of credit. These activities would be conducted from an office in Portland, Oregon, and the geographic area to be served is Oregon.

B. *Federal Reserve Bank of Richmond*, 100 North Ninth Street, Richmond, Virginia 23261:

NCNB CORPORATION, Charlotte, North Carolina (financing and insurance activities; Alabama, Georgia): To engage, through its subsidiary, Trans-South Financial Corporation, in operating a finance company, including the extension of direct loans for consumer and other purposes, the discount of retail and installment notes or contracts, the purchase of recreational lot notes, the extension of direct loans to dealers for the financing of inventory (floor planning) and working capital purposes, and the purchase of personal property lease contracts; and acting as agent for the sale of life, accident and health, and physical damage insurance directly related to its extensions of credit. These activities would be conducted from offices in Alexander City, Auburn, Enterprise, Eufala, Greenville, Prattville, Talladega, and Troy, Alabama, and the geographic areas to be served are the counties in which those offices are located, portions of certain contiguous counties in Alabama, and the western section of Quitman County, Georgia.

C. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

ST. JOSEPH BANK AND TRUST COMPANY, and ST. JOSEPH AGENCY, INC., South Bend, Indiana (mortgage banking activities; Illinois): Through its subsidiary, St. Joseph Mortgage Co., Inc., to originate, acquire, sell, and service residential, commercial, and industrial mortgage loans. These activities would be conducted from an office in Olympia Fields, Illinois, and the geographic area to be served is within a 15-mile radius of that office.

D. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

FIRST UNITED BANCORPORATION, INC., Fort Worth, Texas (financing activities; Texas): To make or acquire loans or extensions of credit, including issuing letters of credit and accepting drafts; loans such as would be made by a mortgage, finance, credit card, or factoring company; consumer credit loans; accounts receivable of a bank in connection with credit card purchases; loans secured by liens on

improved real estate; construction loans; short-term commercial loans; loans to finance the acquisition or carrying of accounts receivable or inventory; retail installment paper originated by dealers or other sellers of goods or services purchased by a bank; certificates of deposit issued by a bank; mortgage warehousing loans; equipment financing loans; income-producing mineral interest loans; and repurchase agreements with financial institutions involving money-market or other investments in short-term securities either on a direct investment or repurchase basis. These activities would be conducted from an office in Ft. Worth, Texas, and the geographic area to be served is Tarrant County, Texas.

E. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2712 Filed 1-25-79; 8:45 am]

[6210-01-M]

CITIZENS BANKERS, INC.

Formation of Bank Holding Co.

Citizen Bankers, Inc., Baytown, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens Bank and Trust Company of Baytown, Texas, Baytown, Texas and 100 percent of the voting shares (less directors' qualifying shares) of Baytown State Bank, Baytown, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 18, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2729 Filed 1-25-79; 8:45 am]

[6210-01-M]

DIVERSIFIED FINANCIAL SERVICES, INC.

Formation of Bank Holding Co.

Diversified Financial Services, Inc., Otis, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.1 per cent or more of the voting shares of Otis State Bank, Otis, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 18, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2730 Filed 1-25-79; 8:45 am]

[6210-01-M]

FIRST NORTHERN BANCORPORATION

Acquisition of Bank-

First Northern Bancorporation, Anchorage, Alaska, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less director's qualifying shares) of Alaska Pacific Bank, Anchorage, Alaska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 14, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu

of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-2710 Filed 1-25-79; 8:45 am]

[6210-01-M]

FIRST PENNSYLVANIA CORP.

Proposed Acquisition of First Pennsylvania Corporation

First Pennsylvania Corporation, Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b) of the Board's Regulation Y (12 CFR 225.4(b)), for permission to retain ownership of the shares of Vestaur Corporation, Philadelphia, Pennsylvania.

Applicant states that it will serve, through its subsidiary, as an investment adviser (1) as defined in section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that act; and (2) to the extent of providing portfolio investment advice to any other person, and furnishing general economic information and advice, general economic statistical forecasting services, and industry studies. These activities would continue to be performed from offices of Applicant's subsidiary in Philadelphia, Pennsylvania, and San Francisco, California, and the geographic areas to be served are national (advisement-registered investment company) and principally California, Pennsylvania, New Jersey, Connecticut, Maryland, Delaware, Virginia, and North Carolina (other specified activities). Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4 (b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that

would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 22, 1979.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-2713 Filed 1-25-79; 8:45 am]

[6210-01-M]

LINDALE BANCSHARES, INC.

Formation of Bank Holding Co.

Lindale Bancshares, Inc., Lindale, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 to 100 per cent of the voting shares of Lindale State Bank, Lindale, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 19, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-2709 Filed 1-25-79; 8:45 am]

[6210-01-M]

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the

Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 20, 1979.

A. *Federal Reserve Bank of Richmond*, 100 North Ninth Street, Richmond, Virginia 23261:

MARYLAND NATIONAL CORPORATION, Baltimore, Maryland (commercial lending activities; Midwestern United States): to engage, through its subsidiary, Maryland National Industrial Finance Corporation, in commercial lending operations, including financing of accounts receivable, inventories, and other loans to commercial enterprises, servicing commercial loans, and acting as adviser or broker in commercial lending transactions. These activities would be conducted from an office in Oakbrook, Illinois, and the geographic area to be served is the mid-western United States, principally Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, and Kentucky.

B. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

1ST STATE CORPORATION, Chicago, Illinois (leasing and lending activities; Illinois): to engage in making and acquiring commercial loans and other commercial extensions of credit such as would be made by a commercial bank; and leasing automobiles on a full payout basis as prescribed by the Board's Regulation Y. These activities would be conducted from an office at 4646 North Cumberland Avenue, Chicago, Illinois, and the geo-

graphic area to be served is the Chicago metropolitan area.

C. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

OLD NATIONAL BANCORPORATION, Spokane, Washington (finance and insurance activities; California): to engage, through its subsidiaries, Old National Financial Services, Inc., and Union Securities Co., in making or acquiring loans and other extensions of credit, including making consumer installment loans, purchasing consumer installment sales finance contracts, and making loans to small businesses; and acting as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to its extensions of credit. These activities would be conducted from an office in Monterey, California, and the geographic area to be served is Monterey County, California.

Board of Governors of the Federal Reserve System, January 19, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

IFR Doc. 79-2727 Filed 1-25-79; 8:45 am

[6210-01-M]

MINATARE STATE CO.

Formation of Bank Holding Co.

Minatare State Company, Minatare, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less directors' qualifying shares) of the voting shares of The Minatare State Bank, Minatare, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 16, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

IFR Doc. 79-2711 Filed 1-25-79; 8:45 am

[6210-01-M]

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than February 15, 1979.

A. *Federal Reserve Bank of Boston*, 30 Pearl Street, Boston, Massachusetts 02106:

OLD STONE CORPORATION, Providence, Rhode Island (finance, Morris Plan banking, and insurance activities; Massachusetts, Rhode Island): to engage, through its subsidiary, Old Stone Banking Company of Bristol County, in making mortgage loans, consumer installment loans, and consumer demand loans; accepting savings deposits as authorized for Morris Plan Banking Corporations; and making available credit life insurance directly related to its extensions of credit, under a group policy. These activities would be conducted from an office in Seekonk, Massachusetts, and the geographic areas to be served are Seekonk and the westerly portion of

Bristol County, Massachusetts, and East Providence, Rhode Island.

B. *Federal Reserve Bank of New York*, 33 Liberty Street, New York, New York 10045:

CITICORP New York, New York (finance and insurance activities; California): to engage, through its subsidiary, Citicorp Person-to-Person Financial Center, Inc., in making consumer installment personal loans; purchasing and servicing consumer installment sales finance contracts; making loans, such as 1-4 family unit mortgage loans, for the account of others; making loans to individuals and businesses secured by real and personal property, the proceeds of which may be for the other than personal, family, or household purposes; and selling life, accident and health, decreasing or level (for single payment loans) term life, and property and casualty insurance (including home and automobile liability coverage where such is the general practice) directly related to its extensions of credit. These activities would be conducted from offices in City of Industry and Sherman Oaks, California, and the geographic area to be served is the Los Angeles metropolitan area.

C. *Federal Reserve Bank of Richmond*, 100 North Ninth Street, Richmond, Virginia 23261:

UNION TRUST BANCORP Baltimore, Maryland (consumer finance and insurance activities; Maryland): to engage, through its subsidiary, Union Home Loan Corporation, in making secondary mortgage loans secured in whole or part by mortgage, deed of trust, security agreement, or other lien on real estate; and acting as agent for the sale of credit life, accident and health insurance directly related to its extensions of credit. These activities would be conducted from an office in Salisbury, Maryland, and the geographic area to be served is Wicomico County, Maryland.

D. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

FINANCIAL SERVICES CORPORATION OF THE MIDWEST, Rock Island, Illinois (consumer finance and insurance activities, Illinois): to engage, through its subsidiary, The Money Shops, Inc., in making consumer installment personal loans, purchasing consumer installment sales finance contracts, and acting as agent for the sale of credit life, accident and health, and casualty insurance directly related to extensions of credit by Applicant's subsidiary. These activities would be conducted from an office in Morton, Illinois, and the geographic area to be served is within a radius of 25 miles from the central business district of that town.

E. *Federal Reserve Bank of St. Louis*, 411 Locust Street, St. Louis, Missouri 63166:

MERCANTILE BANCORPORATION, INC., St. Louis, Missouri (consumer finance and insurance activities; Washington): to engage, through its subsidiary, Franklin Finance Company, in making, acquiring, and servicing loans and other extensions of credit for personal, family, or household purposes, such as are made by a finance company; and acting as agent or broker for the sale of life, accident and health, and property damage insurance directly related to its extensions of credit. These activities would be conducted from an office at 19940 Ballinger Way, N.E., Seattle, Washington 98155, and the geographic area to be served is within a two-mile radius of that office.

F. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

MISSOURI COUNTRY BANCSHARES, INC., Liberal, Missouri (insurance activities; Missouri): to act as agent or broker for the sale of property and casualty, life, and accident and health insurance directly related to extensions of credit by its subsidiary, Citizens Bank of Liberal, and in the sale of any insurance for that subsidiary. These activities would be conducted at the subsidiary bank's premises in Liberal, Missouri, and the geographic area to be served is Barton County, Missouri.

G. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

FIRST SECURITY NATIONAL CORPORATION, Beaumont, Texas (data processing activities; Texas): to provide financially related data processing services primarily for financial institutions and to provide bookkeeping or other data processing services for the internal operations of Applicant and its subsidiaries. These activities would be conducted from an office in Bryan, Texas, and the geographic area to be served is within a 50-mile radius of that town:

H. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, January 17, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2728 Filed 1-25-79; 8:45 am]

[6210-01-M]

PRESQUE ISLE BANCORPORATION, INC.
Formation of Bank Holding Co.

Presque Isle Bancorporation, Inc., Rogers City, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company

Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Presque Isle Bank, Rogers City, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 19, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 79-2731 Filed 1-25-79; 8:45 am]

[4110-87-M]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Center for Disease Control

**RADIO FREQUENCY AND MICROWAVE
TERATOLOGY INVESTIGATIONS**

Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Center for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: February 5, 1979.

Time: 9:00 a.m. to 4:30 p.m.

Place: Room 115, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To discuss the details of research protocols concerning the reproductive hazards of radio frequency and microwave radiation in experimental animal investigations.

Additional information may be obtained from: Dr. David L. Conover, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684-8483.

Dated: January 16, 1979.

WILLIAM H. FOEGE,
Director,
Center for Disease Control.

[FR Doc. 79-2808 Filed 1-25-79; 8:45 am]

[4110-03-M]

Food and Drug Administration

[Docket No. 75N-0213; DESI 11556]

SULFINPYRAZONE

Drugs for Human Use; Drug Efficacy Study
Implementation; Announcement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the results of the efficacy review of sulfapyrazone and the conditions for marketing the drug for the indications for which it is classified as effective. The drug is effective for the treatment of intermittent and chronic gouty arthritis.

DATE: Supplements to approved NDA due on or before March 27, 1979.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 11556, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD-150), Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Submissions of protocols and requests for information on conducting bioavailability tests: Division of Biopharmaceutics (HFD-520), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding the notice Drug Efficacy Study Implementation Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Carol A. Kimbrough, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of July 9, 1966 (31 FR 9426), each holder of a new drug application that became effective prior to October 10, 1962, was requested to submit to

the Food and Drug Administration (FDA) reports containing the best data available in support of the effectiveness of each such product for its claimed indications. That information was necessary to facilitate a determination by FDA, with the assistance of the National Academy of Sciences-National Research Council (NAS-NRC), whether each claim in the labeling is supported by substantial evidence of effectiveness as required by the Drug Amendments of 1962, Ciba-Geigy, the sponsor of the following drug product, did not submit such information and therefore the following drug product was not reviewed by NAS-NRC:

NDA 11-556; Anturane Tablets and Capsules, each containing sulfinpyrazone; Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

Another notice published in the FEDERAL REGISTER of November 19, 1975 (40 FR 53609), re-invited Ciba-Geigy, among other firms, to submit data on or before January 19, 1976. No new submission of data was made. FDA has reviewed, and found sufficient to establish effectiveness, the clinical studies in NDA 11-556 which pertain to the indications: for treatment of chronic gouty arthritis and, for intermittent gouty arthritis. Therefore, Anturane is classified effective for those indications, and may be marketed in accordance with the conditions set forth below.

Such a drug is regarded as a new drug (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such a drug. An approved new drug application is a requirement for marketing such a drug product.

As stated in the FEDERAL REGISTER of August 23, 1977 (42 FR 42311), the provision of 21 CFR 320.22(c) waiving bioavailability data for certain drugs does not necessarily apply to drug products first announced as effective in DESI notices published after January 7, 1977. As this is the first notice announcing that sulfinpyrazone is effective, the product has also been reviewed for actual or potential bioequivalence problems. It has been determined that sulfinpyrazone in tablet or capsule form suitable for oral administration should be added to the list of drugs for which bioavailability data are not waived.

In addition to the product specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to the product named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to

review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. Effectiveness classification. The Food and Drug Administration has reviewed all available evidence and concludes that the drug product containing sulfinpyrazone is effective for the indications set forth in the labeling conditions below.

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Sulfinpyrazone is in tablet or capsule form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For chronic gouty arthritis.

For intermittent gouty arthritis.

3. *Marketing status.* a. Marketing of such a drug product that is the subject of a new drug application approved prior to October 10, 1962, may be continued provided that, on or before (insert date 60 days after date of publication in the FEDERAL REGISTER), the holder of the application has submitted; (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)). Holders of such an application are required to submit in vivo bioavailability data if any of the conditions of 21 CFR 320.21(b) apply.

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)), must be obtained prior to marketing such a product. In addition, any applicant for approval of an abbreviated new drug application for sulfinpyrazone must provide information from (1) an in vitro dissolution test comparing the test product to the reference product, Anturane, and (2) an in vivo study employing a three period cross-

over design comparing Anturane tablets, sulfinpyrazone solution and the test product. It is recommended that prior to the initiation of such studies, a protocol be submitted to the Division of Biopharmaceutics (HFD-520), (address given above). Marketing prior to approval of a new drug application will subject such a product, and those persons who caused the product to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: January 12, 1979.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 79-2563 Filed 1-25-79; 8:45 am]

[4110-08-M]

National Institutes of Health

REPORT ON BIOASSAY OF 5-CHLORO-O-TOLUIDINE FOR POSSIBLE CARCINOGENICITY

Availability

5-Chloro-o-toluidine (CAS 95-79-4) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of 5-chloro-o-toluidine was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as an intermediate in the manufacture of dyes. 5-Chloro-o-toluidine was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, 5-chloro-o-toluidine was carcinogenic to B6C3F1 mice, inducing hemangiosarcomas and hepatocellular carcinomas in both males and females. There was no conclusive evidence of the carcinogenicity of the compound in Fischer 344 rats.

Single copies of the report, Bioassay of 5-Chloro-o-toluidine for Possible Carcinogenicity (T.R. 187), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: December 21, 1978.

THOMAS E. MALONE,
Acting Director,
National Institutes of Health.

[FR Doc. 79-2573 Filed 1-25-79; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF 2,5-DITHIOBIUREA
FOR POSSIBLE CARCINOGENICITY

Availability

2,5-Dithiobiurea (CAS 142-46-1) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of 2,5-dithiobiurea for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as a component of photographic chemicals. 2,5-Dithiobiurea was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species, with the exception of high dose male rats, of which there were only 49.

Under the conditions of this bioassay the evidence suggested, but was insufficient to establish the carcinogenicity of 2,5-dithiobiurea for female B6C3F1 mice. The compound was not carcinogenic to male B6C3F1 mice or to male or female Fischer 344 rats.

Single copies of the report, Bioassay of 2,5-Dithiobiurea for Possible Carcinogenicity (T.R. 132), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dates: December 29, 1978.

LEON M. SCHWARTZ,
Acting Director,
National Institute of Health.

[FR Doc. 79-2571 Filed 1-25-79; 8:45 am]

[4110-08-M]

REPORT ON BIOASSAY OF P-QUINONE
DIOXIME FOR POSSIBLE CARCINOGENICITY

Availability

p-Quinone dioxime (CAS 150-11-3) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for the possible carcinogenicity of p-quinone dioxime was conducted using Fischer 344 rats and B6C3F1 mice. Applications of the chemical include use as a rubber vulcanization accelerator. p-Quinone dioxime was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

Under the conditions of this bioassay, dietary administration of p-quinone dioxime was carcinogenic to female Fischer 344 rats, causing neoplasms of the urinary bladder. The compound was not carcinogenic to male Fischer 344 rats or B6C3F1 mice of either sex.

Single copies of the report, Bioassay of p-Quinone Dioxime for Possible Carcinogenicity (T.R. 179), are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Maryland 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: December 21, 1978.

THOMAS E. MALONE,
Acting Director,
National Institutes of Health.

[FR Doc. 79-2572 Filed 1-25-79; 8:45 am]

[4110-02-M]

Office of Education

FOLLOW THROUGH PROGRAM

Notice of Closing Date for Receipt of
Applications for Fiscal Year 1979

Applications in the following two categories are invited for noncompeting continuation awards under the Follow Through Program: (1) grants for carrying out local Follow Through projects; and (2) grants or assistance contracts for demonstration (Sponsors).

Authority for these categories is contained in sections 551-557 of the Economic Opportunity Act of 1964, as amended by Public Law 95-568. (42 U.S.C. 2929 et. seq.)

The local project grants are generally awarded to local educational agencies and the sponsor awards are generally made to institutions of higher education or regional educational laboratories.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered by March 19, 1979.

If the application is late, the Office of Education may lack sufficient time to review it with other noncompeting

continuation applications and may decline to accept it.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center Attention: 13.433A for Follow Through local projects and 13.433B for Demonstration (Sponsor) awards, Washington, D.C. 20202.

Applicants are encouraged to use registered or at least first class mail.

APPLICATIONS DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Street, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered application between 8:00 a.m. and 4:00 p.m. (Washington, D.C., time) daily except Saturdays, Sundays, and Federal holidays.

PROGRAM INFORMATION: In formulating proposals for local project grants, applicants should give special attention to §158.15 of the *Follow Through Regulations* which provides an explanation of the procedure to be used in evaluating such proposals. In formulating proposals for sponsor awards, applicants should give special attention to §158.52 of the *Follow Through Regulations* which provides an explanation of the procedure to be used in evaluating such proposals.

AVAILABLE FUNDS: It is estimated that FY 1979 funds will support the existing 141 local project grants and the existing 19 sponsors. In FY 1978 the local project grants ranged from approximately \$65,000 to \$1,800,000 and the sponsor awards ranged from approximately \$65,000 to \$700,000.

These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages are expected to be ready for mailing by January 17, 1979. They may be obtained by writing to the Division of Follow Through, U.S. Office of Education (Room 3624, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse procedure under OMB Circular A-95.

An applicant should check with the appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) up to 60 days

for review, consultation, and comments on the application. The applicant must consider comments from the clearinghouse(s) before submitting the application to the Office of Education.

In its application each applicant must provide an assurance of compliance with clearinghouse review requirements. The assurance consists of:

(a) A State application identifier number obtained from the clearinghouse, and

(b) Clearinghouse comments.

However, an applicant may certify that either or both the State and areawide clearinghouses have been provided an opportunity to review the application and that no comments have been received.

APPLICABLE REGULATIONS: The regulations applicable to this program are:

(a) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and

(b) Regulations governing the Follow Through Program (45 CFR 158) published in the FEDERAL REGISTER on June 29, 1977.

FURTHER INFORMATION: For further information contact, Mrs. Rosemary C. Wilson, Director, Division of Follow Through, U.S. Office of Education (Room 3624, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, telephone (202) 245-2500.

(42 U.S.C. 2929 et. seq.)
(Catalog of Federal Domestic Assistance No. 13.433, Follow Through Program)

Dated: January 23, 1979.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 79-2970 Filed 1-25-79; 8:45 am]

FOLLOW THROUGH—TECHNICAL ASSISTANCE

Notice of Closing Date for Receipt of Applications for Fiscal Year 1979

Applications are invited for new technical assistance projects under the Follow Through Program.

Authority for this program is contained in sections 551-557 of the Economic Opportunity Act of 1964, as amended by Public Law 95-568. (42 U.S.C. 2929 et. seq.)

The program makes technical assistance awards generally to State educational agencies (SEAs).

The purpose of the awards is to provide funds to SEAs and other appropriate agencies, organizations, or institutions so that they may provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in the State.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: Applications for awards must be mailed (post-

marked) or hand delivered by April 2, 1979.

APPLICATIONS DELIVERED BY MAIL. An application sent by mail must be addressed to the U.S. Office of Education, Application Control Center Attention: 13.433C, Washington, D.C. 20202.

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service. (NOTE: The U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.) Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered in the current competition.

APPLICATION DELIVERED BY HAND: An application that is hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

PROGRAM INFORMATION: In formulating proposals for technical assistance awards, potential applicants should give special attention to § 158.42 of the Follow Through Regulations which contains specific program funding criteria.

In Fiscal Year 1979 it is anticipated that up to 52 new awards will be made. A current grantee may apply for a new award on the same basis as an applicant not previously funded. Grants are for a one year duration.

AVAILABLE FUNDS: It is estimated that approximately \$700,000 will be made available for technical assistance awards in FY 1979. It is anticipated that the grants will range from approximately \$6,300 to \$50,000. These estimates do not bind the U.S. Office of Education except as may be required by the applicable statute and regulations.

APPLICATION FORMS: Application forms and program information packages are expected to be ready for mailing by January 31, 1979. They may be obtained by writing to the Division of Follow Through, U.S. Office of Education (Room 3624, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages

SPECIAL PROCEDURES: Every applicant is subject to the State and areawide clearinghouse procedure under OMB Circular A-95.

An applicant should check with the appropriate Federal regional office to obtain the name(s) and address(es) of the clearinghouse(s) in its State. OMB Circular A-95 requires the applicant to give the clearinghouse(s) up to 60 days for review, consultation, and comments on the application. The applicant must consider comments from the clearinghouse(s) before submitting the application to the Office of Education.

In its application each applicant must provide an assurance of compliance with clearinghouse review requirements. The assurance consists of:

(a) A State application identifier number obtained from the clearinghouse, and

(b) Clearinghouse comments.

However, an applicant may certify that either or both the State and areawide clearinghouses have been provided an opportunity to review the application and that no comments have been received.

APPLICABLE REGULATIONS: The regulations applicable to this program are:

(a) Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and

(b) Regulations governing the Follow Through Program (45 CFR 158) published in the FEDERAL REGISTER on June 29, 1977.

FOR FURTHER INFORMATION: For further information contact Mrs. Rosemary C. Wilson, Director, Division of Follow Through, U.S. Office of Education (Room 3624, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202, telephone (202) 245-2500.

(42 U.S.C. 2929 et seq.)

(Catalog of Federal Domestic Assistance No. 13.433, Follow Through Program)

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 79-2971 Filed 1-25-79; 8:45 am]

[4110-83-M]

PUBLIC HEALTH SERVICE

Health Resources Administration

PUBLIC HEALTH SPECIAL PROJECTS

Application Announcement for Grants

The Bureau of Health Manpower, Health Resources Administration, announces that applications for fiscal

year 1979 grants for Public Health Special Projects are now being accepted under the authority of section 792 of the Public Health Service Act.

Section 792 authorizes grants to assist accredited schools of public health and other public or nonprofit private institutions to develop new graduate programs or expanded existing ones in biostatistics or epidemiology; health administration, health planning or health policy analysis and planning; environmental or occupational health; or dietetics and nutrition.

In the award of grants for projects in the area of health administration, health planning or health policy analysis and planning, funding preference will be given to:

(a) Programs preparing the graduate for employment in a wide variety of settings, including public and voluntary agencies, extended care facilities, ambulatory care facilities, and health systems or planning agencies;

(b) Programs expanding content in health planning, policy and regulation, health economics, and quantitative methods or financial management;

(c) Programs providing for field training in (a) and (b) above;

(d) Programs providing short courses for employed health services administrators and planners in special areas involving health policy, planning and regulation, health economics, quantitative methods and financial management; or

(e) Programs to meet manpower needs in health services administration and planning by providing educational opportunities for students residing in States which have a documented shortage of health administrators and planners.

Approximately \$425,000 will be available for new, renewal, and supplemental grants in fiscal year 1979.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-04), Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Phone: (301) 436-7360.

To be considered for fiscal year 1979 funding, applications must be received by the Grants Management Officer, Bureau of Health Manpower, Health Resources Administration, at the above address no later than *March 1, 1979*.

Should additional programmatic information be required, please contact: Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, 3700 East-West

Highway, Hyattsville, Maryland 20782, Phone: (301) 436-6800.

Dated: January 18, 1979.

HENRY A. FOLEY,
Administrator.

[FR Doc. 79-2812 Filed 1-25-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sale No. 58A]

OUTER CONTINENTAL SHELF OFFSHORE TEXAS, LOUISIANA, MISSISSIPPI AND ALABAMA

Availability of Draft Environmental Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 115 tracts consisting of 220,828.37 hectares (545,255.24 acres) of submerged lands on the OCS in the Gulf of Mexico.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney, Houston, Texas; Rosenberg Library, 2310 Sealy, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library System, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach, Gulfport, Mississippi; and Mobile Public Library, 701 Government Street, Mobile, Alabama.

In accordance with 43 CFR 3301.4, a public hearing is scheduled to begin at 9 a.m. on March 6, 1979, in the New

Orleans Outer Continental Shelf Office, at the above listed address. The public hearing is held for the purpose of receiving comments and suggestions relating to the proposed sale.

The hearing will provide the Secretary with additional information from both public and private groups to help evaluate fully the potential effects of the proposed offering of 115 tracts. Comments are solicited concerning effects on area marine, aesthetic, recreation, and other resources and on the Gulf of Mexico environment as a whole, as a result of exploration, development, and production phases of the proposed OCS lease sale. The hearing will also provide the Secretary with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the public hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:15 p.m., February 26. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until March 16, 1979. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the Manager, New Orleans Outer Continental Shelf Office, at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, others present will be given an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

ARNOLD E. PETTY,
*Acting Associate Director,
Bureau of Land Management.*

Approved:

LARRY E. MEIEROTTO,
*Deputy Assistant,
Secretary of the Interior.*

[FR Doc. 79-2734 Filed 1-25-79; 8:45 am]

[4310-09-M]

Bureau of Reclamation

AUTHORIZED SALT-GILA AQUEDUCT, CENTRAL ARIZONA PROJECT, ARIZONA-NEW MEXICO

Public Hearings on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement for the Salt-Gila Aqueduct, authorized as a part of the Central Arizona Project by Pub. L. 90-537, 82 Stat. 885, 43 U.S.C. 1501 et seq., on September 30, 1968. This statement INT DES 79-1 dated January 4, 1979, filed with the Environmental Protection Agency, is available to the public, as specified in the Notice of Availability.

The draft environmental statement supplements the general information for the Salt-Gila Aqueduct system as covered in the final environmental statement for the overall Central Arizona Project which was filed with the Council on Environmental Quality on September 26, 1972 (FES 72-35). The purpose of the aqueduct is to convey Colorado River water from the terminus of the Granite Reef Aqueduct in south-central Pinal County, Arizona. Construction of the feature is scheduled to begin in mid-1980, with project completion scheduled for 1985.

Public hearings to receive comments on the draft statement will be in Coolidge, Arizona, at 1 p.m. and 7 p.m. on February 21, 1979, at the Coolidge Cultural Center located at 160 West Central Street. Public hearings will also be held in Apache Junction, Arizona, at 1 p.m. and 7 p.m. in the American Legion Hall located at Apache Boulevard on Saguaro Street on February 22, 1979.

The hearings will commence at 1 p.m. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation, however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comments have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible. Any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted up to 4 p.m. February 20, 1979, and any subsequent requests will be handled on a first-

come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present their statements at the hearing should contact the Office of the Project Manager, Bureau of Reclamation, Suite 2200, Valley Center, 201 North Central Avenue, Phoenix, Arizona 85003, telephone Number 602-261-3106, and announce their intention to participate. Written comments for the hearing record from those unable to attend and from those wishing to supplement their oral presentation should be sent to the Regional Director, Bureau of Reclamation, Lower Colorado Region, P.O. Box 427, Boulder City, Nevada 89005, attention: Code 150 on or before March 5, 1979, so that they can be included in the hearing record.

Dated: January 20, 1979.

R. KEITH HIGGINSON,
Commissioner.

[FR Doc. 79-2700 Filed 1-25-79; 8:45 am]

[4310-02-M]

Heritage Conservation and Recreation Service
NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before January 15, 1979. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20243. Written comments or a request for additional time to prepare comments should be submitted by February 5, 1979.

NEW HAMPSHIRE

SULLIVAN COUNTY

Clermont, *Monadnock Mills*. This nomination includes 15 buildings situated in Clermont on Broad, Walter, Crescent Streets, and Mill Road.

CHARLES A. HERRINGTON,
Acting Keeper
of the National Register.

[FR Doc. 79-2719 Filed 1-25-79; 8:45 am]

[4310-70-M]

National Park Service

GRAND CANYON NATIONAL PARK: DRAFT FERAL BURRO MANAGEMENT AND ECOSYSTEM RESTORATION PLAN AND ENVIRONMENTAL STATEMENT

Public Meetings: Intent

Notice is hereby given that the National Park Service will hold a series of six public meetings on Grand Canyon National Park's draft Feral Burro Management and Ecosystem Restoration Plan and its Environmental Statement in late February and early March 1979, in Arizona, California, Nevada and Utah.

Each meeting will begin at 7:30 p.m., local time, however, Park Service personnel will be available at each of the meeting sites at 6:30 p.m. to answer questions and explain the plan for an hour before the meeting is convened. The schedule of meetings is as follows:

Feb. 27 Flagstaff, Room American B, Little America, 2515 East Butler Ave.

Feb. 28 Phoenix, Auditorium—Lower Level—First Federal Savings Bldg., 3003 North Central Ave.

Mar. 1 Tucson, Auditorium, Safford Jr. High School, 300 South 5th Ave.

Mar. 6 Salt Lake City, City Commission Chambers, City and County Bldg., 451 South State St.

Mar. 7 Las Vegas, Golden Eagle Room—Second Floor, Hughes Aviation Service Bldg., 6005 Las Vegas Blvd., South.

Mar. 8 Los Angeles, Regional Planning Commission Hearing Room, New Hall of Records, 320 West Temple.

These meetings are a part of the public involvement process which has been used throughout the development of the draft documents. Concurrent with the public meetings the National Park Service will consult with various Federal, State and local government agencies, individuals, and organizations on the proposed Feral Burro Management and Ecosystems Restoration Plan and its draft environmental statement for the Park.

Interested individuals, representatives of organizations and public officials are encouraged and invited to express their views at these public meetings. Those unable to appear in person may submit written statements to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Ariz., 86023, until 30 days after the last meeting for inclusion in the public record.

Those who wish to provide oral comments for the record will be requested to register at the door. The number of people and time limitations may make it necessary to limit the length of oral presentations. An oral statement, however, may be supplemented by a more complete written statement which also will be made a part of the record.

NOTICES

After a presentation of the draft plan by the Park Superintendent, the chairperson, insofar as possible, will adhere to the following order in calling for the presentation or oral comments:

1. Governor of the State in which the meeting is being held or his representative.
2. Members of Congress.
3. Members of the State legislature.
4. Official representatives of the counties in which the meeting is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in order of registration.
8. Others, to the extent time is available.

Anyone wishing copies of the draft Feral Burro Management and Ecosystem Restoration Plan and its Environmental Impact Statement, which are available until the supply is exhausted, additional information on the public meetings, or the National Park

Service planning process may write to the Superintendent, Grand Canyon National Park, at the address above.

Dated: January 16, 1979.

EDWIN N. WINGE,
Acting Regional Director, Western Region, National Park Service.

[FR Doc. 79-2867 Filed 1-25-79; 8:45 am]

[4310-05-M]

Office of Surface Mining
[Federal Lease No. W-6266]

BLACK BUTTE-MINE, SWEETWATER COUNTY, WYO., BLACK BUTTE COAL CO.

Availability of Modification to Coal Mining and Reclamation Plan for Public Review

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Availability of Amendment to Coal Mining and Reclamation Plan for Public Review.

SUMMARY: Pursuant to §211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining, Region V, has received sufficient additional information from the applicant in partial response to a stipulation of the Department's approval of the Black Butte mining and reclamation plan to comprise a major modification to the approved Plan and that the information is available for public review. The plan, described below, involves extraction of federally- and privately-owned coal.

Applicant	Mine name	Location of lands to be affected by amendment		
		State	County	Township, range and sections
Black Butte Coal Company...	Black Butte.....	Wyoming.....	Sweetwater.....	T. 19 N, R100W: 22, 27, 28, 29, 32, 33, 34. (Area cited in Plan as "Area D")

Office of Surface Mining Reference Number: WY-0010. The amendment to the mining and reclamation plan provides a narrative of a proposal to dispose of spoil in Area D, post-mining topographic maps, and mine sequence maps showing selected stages of the proposed operations. The material is provided in response to a stipulation imposed at the time the Plan was approved. The stipulation required the operator to obtain the approval of the State of Wyoming and OSM prior to disposal of any spoil "outside the mine pit boundaries". The OSM estimates that 225 acres of land in addition to that shown in the previously-approved Plan would be disturbed by the proposed spoil disposal procedures explained in the amendment.

This particular mine was the subject of a site-specific analysis of environmental impacts, alternatives and mitigating measures in an Environmental Impact Statement titled "Development of Coal Resources in Southwestern Wyoming" which was made available to the Environmental Protection Agency on August 31, 1978.

The proposed amendment submitted by Black Butte for the Black Butte Mine is available for public review in the Library, Office of Surface Mining, Region V, Room 207, Post Office Building, 1823 Stout Street, Denver, Colorado.

This Notice is issued at this time for the convenience of the public. The Office of Surface Mining has not yet

determined whether the plan is technically adequate. Therefore, OSM may request additional information during the technical review. Any information so obtained will also be available for public review.

No action with respect to approval of the plan shall be taken by the Regional Director for a period of 30 days after publication of this Notice of Availability. Prior to making a final decision regarding this proposed amendment, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to §211.5(c)(2) of Title 30, Code of Federal Regulations.

FOR ADDITIONAL INFORMATION:

John Hardaway, Office of Surface Mining, Region V, 1823 Stout Street, Denver, Colorado 80202.

WALTER N. HEINE, P.E.,
Director, Office of Surface Mining, Reclamation and Enforcement.

[FR Doc. 79-2701 Filed 1-25-79; 8:45 am]

[4310-70-M]

Office of the Secretary
[INT FES 79-21]

CUMBERLAND GAP NATIONAL HISTORICAL PARK, KENTUCKY, TENNESSEE, AND VIRGINIA

Availability of Final Environmental Statement on Proposed Master Plan

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of

1969, the Department of the Interior has prepared a Final Environmental Statement of the Proposed Master Plan for Cumberland Gap National Historical Park, Kentucky, Tennessee and Virginia.

The statement considers the future management and development of Cumberland Gap National Historical Park.

Copies of the Environmental Statement and Master Plan will be available for public review at the addresses given below for a period of 30 days following publication of this notice. (February 26, 1979).

Regional Director, Southeast Region, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Superintendent, Mammoth Cave National Park, Mammoth Cave, Kentucky 42259.

Superintendent, Cumberland Gap National Historical Park, P.O. Box 840, Middlesboro, Kentucky 40965.

NOTE.—The U.S. Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: January 19, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 79-2807 Filed 1-25-79; 8:45 am]

[4310-10-M]

Office of the Secretary

WATER DATA FOR PUBLIC USE; EARTHQUAKE STUDIES; AND NATIONAL CAPITAL MEMORIAL

Advisory Committees; Renewal

This notice is published in accordance with the provisions of Section 7(a) of the Office of Management and Budget Circular A-63 (Revised). Pursuant to the authority contained in Section 14(a) of the Federal Advisory Committee Act (Public Law 92-463), I have determined that renewal of the advisory committees listed below is necessary and in the public interest.

Advisory Committee on Water Data for Public Use
Earthquake Studies Advisory Panel
National Capital Memorial Advisory Committee

The Office of Management and Budget has concurred in the renewal of these committees.

Further information regarding these renewals may be obtained from the Department Committee Management Officer, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-8401.

Dated: January 19, 1979.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc. 79-2813 Filed 1-25-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION; WESTERN FIFTH CIRCUIT PANEL

Correction of Meeting Location

Chairman: William Harvin.

The Western Fifth Circuit panel of the United States Circuit Judge Nominating Commission will meet at the Baton Rouge Hilton, 5500 Hilton Avenue, Baton Rouge, Louisiana 70808, February 13, 14, and 15, 1979, at 9:00 a.m. instead of the location given in the FEDERAL REGISTER of January 16, 1979, at Page 44 FR 3327.

JOSEPH A. SANCHES,
*Advisory Committee
Management Officer.*

JANUARY 22, 1979.

[FR Doc. 79-2814 Filed 1-25-79; 8:45 am]

[4410-05-M]

Bureau of Prisons

ADVISORY CORRECTIONS COUNCIL

Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Monday and Tuesday, February 26 and 27 in Fort Worth, Texas. The Council will hold its formal meeting in Fort Worth, Texas, on February 26 and tour the Federal Correctional Institution, Fort Worth, Texas, on February 27.

Agenda items include a discussion of the role of the Federal government in corrections; and identification of major issues and problems related to corrections to be resolved at the Federal level.

Signed at Washington, D.C., this 23rd day of January 1979.

NORMAN A. CARLSON,
Director.

[FR Doc. 79-2706 Filed 1-25-79; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration
ADDITION TO FISCAL YEAR 1979 GUIDE FOR
DISCRETIONARY GRANT PROGRAMS

Request for Public Comment

AGENCY: Law Enforcement Assistance Administration, Department of Justice.

ACTION: Request for public comment.

SUMMARY: The Law Enforcement Assistance Administration (LEAA) published in the FEDERAL REGISTER on November 3, 1978, the Fiscal Year 1979 Guide to Discretionary Grant Programs. This notice is to obtain comments on a proposed addition to that Guide. Publication in the FEDERAL REGISTER is in response to the Department of Justice's draft report on implementation of Executive Order 12044 (43 FR 22922, May 26, 1978). All comments will be considered in the publication of the final announcement.

DATE: Comments are due on or before March 15, 1979.

ADDRESS: Send comments to: Henry S. Dogin, Deputy Administrator for Policy Development, Law Enforcement Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT:

Marlene Beckman, Office of Crimi-

nal Justice Programs, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531, 202-376-3824.

HENRY S. DOGIN,
*Deputy Administrator
for Policy Development.*

JANUARY 19, 1979.

The complete text of the proposed addition to the Fiscal Year 1979 Guide to Discretionary Grant Programs appears as follows:

PROGRAM DESCRIPTION: PRESENCE
INVESTIGATION REPORT PROGRAM

a. *Program Objective:* Increase the effectiveness and efficiency of the presence investigation report as a decision-making tool.

b. *Program Description:* This program concentrates LEAA's past research and training efforts related to presence reporting into a cohesive package that can be utilized by jurisdictions reexamining the utility of presence investigations as a decision-making tool.

(1) PROBLEMS ADDRESSED

(a) During the past 35 years, a variety of organizations have established guidelines for presence report investigations. Most recently, the 1967 President's Commission Reports on Law Enforcement and the Administration of Justice; the 1970 American Bar Association's standards on presence reports; the 1972 National Council on Crime and Delinquency revision of the Model Sentencing Act; the 1973 publications of the National Advisory Commission on Criminal Justice Standards and Goals; and the 1977 American Correctional Association's Standards for Adult Probation all agree on several important standards.

There is consensus among these groups that presence reports must be directly related to decision-making and that the presence report must serve the needs of a diversity of decision-makers within the criminal justice system. These decision-makers include sentencing judges, supervising probation officers, institution classification personnel, the paroling authority, parole officers, and researchers. However, it is also agreed that the primary purpose of the presence report is to provide the court with relevant and accurate data so that the judge may select the most appropriate sentencing alternative.

(b) Although the presence report is often the only source of information about the offender available to the judge at the time of sentencing, a 1976 GAO Report entitled *State and County Probation: Systems in Crisis* which evaluated four counties in the

NOTICES

nation found that in only 54 percent of the cases were presentence reports actually prepared. Further, the inclusion of a recommendation for sentencing by the probation officer seems to be as varied as the requirement for the report despite the results of numerous studies which suggest that in the majority of cases (correlation is often as high as 90 percent) the sentencing judge follows the recommendations contained in the presentence investigation report.

(c) Responding to these issues, in January 1978, the NILECJ published a Prescriptive Package which focused on the presentence investigation and report. The package is based on a comprehensive state-of-the-art survey which included a complete review of the literature and review of the operational procedures and presentence formats used by 735 state and local probation agencies. As a result of their survey, the authors found that during the 100 year history of the presentence report there has been an increasing emphasis on the quantity of data collected and presented to the courts. However, the effectiveness of the information in terms of its relevance to the sentencing decision has seldom been questioned. For the most part there has been a continuity of the "longer" rather than "shorter" presentence report format although there is extensive research evidence to show that judges make their decisions on a limited number of factors (i.e., current offense, prior criminal history, stability indicators).

(d) The principal product of the Prescriptive Package research effort is a series of 64 recommendations designed to assist the courts and probation administrators in developing a more systematic and effective approach to presentence report design and utilization. The recommendations are identical to the standards promulgated by the American Correctional Association's Commission on Accreditation in its Manual of Standards for Adult Probation.

(e) Increasing demands for probation services without the allocation of additional resources have required examination of these traditional approaches and some experimentation with new approaches. The 1978 LEAA survey report entitled State and Local Probation and Parole Systems indicates that approximately one million presentence investigation reports are prepared annually by more than 2500 agencies. More than one-third of these agencies reported that between one-fourth to one-half of probation officers' time was spent preparing presentence investigation reports. This imposes a tremendous cost effectiveness problem for probation departments. This program addresses the need for

increased staff time without reducing the quality of decisions or case handling.

(2) ASSUMPTIONS

(a) The information contained in the presentence report is often the only information that the judge has about the defendant and the crime at the time of sentencing.

(b) The primary purpose of the presentence report is to provide data which meets judicial needs for decision-making.

(c) Other potential uses for decision-making may influence the content and format of the report.

(d) The data requirements for criminal justice decision-making are best determined by the decision-makers themselves.

(e) Presentence report design, both format and content, should be localized to meet the needs of the individual criminal justice system.

(f) The modular construction of reports—starting with a simple format and very basic data to which is appended other data as individual offense and/or offender warrant—represents the best utilization of scarce resources.

(3) RESULTS SOUGHT

(a) Jurisdictions participating in this program will develop and implement a presentence investigation report strategy which demonstrates the recommendations outlined in the *Presentence Report Handbook*.

(b) The presentence report program will increase the efficiency and effectiveness of the probation office and improve the quality of the information presented.

(c) Judges in the participating jurisdictions will make increased use of the presentence investigation report in their decision-making and sentences will be increasingly consistent and fair.

(d) The presentence investigation report will be a useful tool to the other decision-makers in the criminal justice system.

c. *Program Strategy*: This program will provide funding support to jurisdictions over a three phased approach including (1) planning and analysis, (2) development of the PSI Report, and (3) implementation and evaluation of the results of (1) and (2). LEAA will provide technical assistance and coordination through a grant to a National Program Coordinator. The role of the National Program Coordinator and the activities anticipated during the three phases of the program are discussed below:

(1) National PSI Program Coordinator

(a) *The National PSI Program Coordinator will be the grantee for this pro-*

gram. Funding for the jurisdictions selected to participate in this program will be subgrants from the National Program Coordinator. The National Program Coordinator will assist in screening of potential sites; however, participating sites will be selected by LEAA.

(b) The National PSI Program Coordinator will provide assistance in the following ways:

- Assist finalist sites in the development of their programs

- Collect and analyze data elements needed for decision-making at each site (use of computer if needed)

- Help identify training and technical assistance needs within the jurisdiction

- Assist with local problem-solving during the life of the subgrants

- Schedule, coordinate, and provide cluster training and technical assistance for all participating sites.

(c) During the implementation phase of the projects the National Program Coordinator will provide an evaluation of the local sites to assess the results of the program and particularly to provide feedback to those participating sites.

(2) PHASED APPROACH

(a) Phase I—Planning and analysis. During this phase, it is anticipated that the probation office will review the current presentence investigation report practices and assess their utility for decision-making. Meetings among criminal justice decision-makers in the jurisdiction—particularly judges—should take place to sort out needed data elements and allow officials to articulate that information needed for decision-making. This will vary considerably in those jurisdictions where sentencing guidelines and/or mandatory minimum sentences are operating. This phase should take approximately four months.

(b) Phase II—Development of the PSI Report. Based on Phase I, special staff should develop a revised PSI Report for use in the jurisdiction. Pilot efforts could be introduced for certain types of offenders or with individual judges. One option could also include the establishment of a presentence report unit. It is anticipated that this phase will require three months.

(c) Phase III—Implementation and evaluation. During this final phase which should commence around month eight of the grant and continue for the remainder of the grant period, actual demonstration takes place. The new presentence investigation report becomes operational and its use is evaluated. Results will be measured, at a minimum, in terms of (1) time saved, (2) satisfaction of the judges, (3) cost effectiveness; and (4) impact on sentencing decisions.

d. *Selection Process:* (1) Local jurisdictions will be selected by LEAA according to the following criteria:

(a) To the extent there is current use of the presentence investigation report at a minimum by the court and potential expanded uses for pretrial release, diversion, the corrections department, etc.

(b) It is essential that there is evidence of Probation Department, Judicial, and Corrections leadership, sponsorship, and participation. Letters from all appropriate officials should be included as part of the submission.

(c) To the extent this program offers the likelihood of addressing current problems facing the jurisdiction.

(d) The documented willingness to apply local existing staff commitment to this overall effort.

(e) To the extent the jurisdiction has available baseline data for pre-post comparisons and an information capability (manual or automated) to support project management and offender tracking.

(f) It is essential that there is a willingness to experiment with the presentence investigation report outlined in the NILECJ Prescriptive Package or variations including the use of a short form PSI which has, at a minimum, some commentary in the following data areas:

Description of the offense
Prior criminal record
Personal history
Evaluation
Recommendation.

(g) Pending or past legislation, including sentencing guidelines, which facilitates or promotes the use of the short form PSI.

(2) Priority consideration will be given to jurisdictions participating in one or more of the following national LEAA programs if use of the PSI can be shown to significantly contribute to the success of those programs:

(a) Reduction of Jail Overcrowding Program.

(b) Court Delay Reduction Program.

(c) Restitution or Community Service Program.

(d) Treatment Alternatives to Street Crime (TASC).

(e) Sentencing Guidelines Program.

Further, additional consideration will be given to those proposals which allow for the maximum impact of this program; that is, statewide probation systems vs. individual local offices. A mix of large and small probation departments is desired.

(3) DOLLAR RANGE AND NUMBER OF GRANTS

Up to ten separate sub-grants will be awarded with a dollar range from \$50,000-\$75,000. Grant duration will be for 18 months. A cash match of 12 percent is required. Additional year

funding is anticipated only where project will expand program.

(4) ELIGIBILITY

Applicants are likely to be departments of adult probation or court offices which are responsible for the preparation of PSI Reports. Applicants must meet Part E criteria in the program areas as defined in the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Applicants must have the endorsement of state and local planning units. Letters of cooperation from the Chief Probation Officer, Department of Corrections, and the Chief Judge must accompany the application.

(5) APPLICATION PROCEDURES AND DEADLINE

Applicants should submit to the Corrections Division, OCJP, LEAA, a concept paper addressing the following:

(a) Interest in the program.

(b) A copy of the current presentence investigation report format and description of procedures and problems. Include information on any existing statutes which impose requirements on the presentence investigation report.

(c) Proposed alternatives to current system to be investigated under Phase I.

(d) Evidence of familiarity with the requirements of this program and willingness to comply.

(e) Support from key court, county, prosecution, defense, and corrections officials.

(f) Responses to all other items listed in Section d.(1) of this announcement.

These concept papers will be accepted by LEAA through May 1, 1979. Applicants will then be contacted for additional information needed for selection purposes. If necessary, site visits will be arranged by the National Coordinator to assist in preliminary data collection and program development.

e. *Evaluation Requirements:* (1) A national cluster evaluation of this program is planned to be undertaken by the National Program Coordinator selected by the Office of Criminal Justice Programs, LEAA. The evaluator and LEAA will select sites for inclusion in the national level cluster evaluation.

(2) In addition to the self-assessment and monitoring requirements of Appendix 4, Paragraphs 3 and 4, and Appendix 5 of the *Guide for Discretionary Grant Programs* (M 4500.1G), applicants may propose an evaluation plan for their project containing the evaluation plan elements detailed in Appendix 4, Paragraph 6 of the *Guide for Discretionary Grant Programs* (M 4500.1G).

(3) Grant recipients may be required to modify their proposed evaluation plans in order to be integrated into the national level cluster evaluation design to be developed by the national evaluator.

(4) All grantees must indicate in advance their willingness to cooperate fully with the national evaluator, in providing needed data elements.

f. *Special Requirements:* Applicants are advised to be thoroughly familiar with the NILECJ Prescriptive Package entitled Presentence Report Handbook, January 1978 (available from the National Criminal Justice Reference Service or the Government Printing Office, Washington, D.C. 20402).

g. For further information, contact the Corrections Division, Office of Criminal Justice Programs, LEAA, Washington, D.C. 20531, 202/376-3824.

[FR Doc. 79-2816 Filed 1-25-79; 8:45 am]

[4410-18-M]

WASHINGTON STATE JUVENILE JUSTICE LEGISLATION (HB-371) AND RELATED ACTION PROGRAMS

Announcement of Solicitation for Grant Applications To Assess Implementation and

The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, is sponsoring an assessment of the implementation and impact of new comprehensive juvenile justice legislation (HB-371) in Washington State and of related action programs funded by OJJDP to assist the State in implementing this legislation.

Applications will be considered from public or private (non-profit) agencies and organizations or individuals for the first phase (up to 18 months) of a proposed three year assessment. The maximum funding level for the initial phase is \$300,000. The deadline for receipt of applications is March 31, 1979. Potential applicants may obtain a copy of the solicitation by writing to: National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 633 Indiana Avenue, N.W., Room 304, Washington, D.C. 20531, attention: Barbara Allen-Hagen; or by calling area code 202, 376-3952.

JOHN M. RECTOR,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 79-2815 Filed 1-25-79; 8:45 am]

[4510-24-M]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S
COMMITTEE ON MANPOWER AND EMPLOY-
MENT

Meeting

The BRAC Committee on Manpower and Employment will meet on Tuesday, February 20, 1979, at 1:30 P.M. in room 4454 (A & B) of the General Accounting Office Building, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Discussion of the "Summary of Major NECEUS Recommendations."
2. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C. this 19 day of January 1979.

JANET L. NORWOOD,
*Acting Commissioner of
Labor Statistics.*

[FR Doc. 79-2836 Filed 1-25-79; 8:45 am]

[4510-43-M]

Mine Safety and Health Administration

[Docket No. M-78-127-C]

BARNWELL COAL CO.

Petition for Modification of Application of
Mandatory Safety Standard

The Barnwell Coal Company, P.O. Box 11222, Chattanooga, Tennessee, has filed a petition to modify the application of 30 CFR 77.1605(k) (berms) to its No. 1 Mine in Marion County, Tenn. 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 follows:

(1) The petition concerns an elevated roadway 5.5 miles in length and varying in width from 40 to 65 feet.

(2) There are three areas on the roadway totaling in length 4000 feet where the outslope has a drop-off of greater than 3 to 1 in slope. In all cases, the roadway is a minimum of 50 feet wide and signs have been posted outlining the steepness and width of the road, cautioning for slow travel.

(3) The petitioner states that the construction of berms along the outer bank of the roadway would pose the following safety hazards:

(a) Run-off water flowing beside the berm would cut ditches which could cause an accident if a truck tire slides off into one of them.

(b) During heavy rainfall large quantities of water would flow down the road and create a potential hydroplaning hazard for large vehicles.

(c) The berm would reduce the effect of current grading maintenance of the roadway which keeps the roadbed in good condition for safe travel.

(4) As an alternative to the construction of berms, the petitioner has done the following:

(a) A caution sign is posted at the top of the hill before the steep grade;

(b) The road width is far in excess of the required 20 feet;

(c) The roadway was designated and elevated so that trucks should move toward the highwall, not toward the outslope side.

(d) Only experienced and competent drivers are permitted on this haul;

(e) Only trucks equipped with regular brakes, engine brakes and emergency brakes and well maintained vehicles are used in the hauling operation;

(f) The petitioner has instructed drivers to use the outside portion of the roadway, particularly along the cuts.

(g) Drivers are in constant radio communication with each other while on the roadway.

(5) In addition, the petitioner proposes to install posts and a 3/4 inch wire rope guardrail with a cable height of 26 inches above the ground if the above safety precautions are insufficient.

(6) The petitioner states that the measures listed above will achieve no less protection than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before February 26, 1979. 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.

Dated: January 17, 1979.

ROBERT B. LAGATHER,
*Assistant Secretary
for Mine Safety and Health.*

[FR Doc. 79-2640 Filed 1-25-79; 8:45 am]

[4510-43-M]

[Docket No. M-79-1-C]

J.A.S. PARTNERSHIP COAL CO.

Petition for Modification of Application of
Mandatory Safety Standard

J.A.S. Partnership Coal Company, R.D. No. 1, Box 1506, Pottsville, Pa. 17901, has filed a petition to modify the application of 30 CFR 75.301 (ventilation) to its 4 Foot Slope Mine in Columbia County, Pa. 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 follows:

(1) The petitioner requests the following air quantity levels for its mine which are reductions of those in the standard:

(a) A minimum of 1,500 cubic feet per minute (c.f.m.) to each working face;

(b) A minimum of 5,000 c.f.m. to the last open crosscut in any pair or set of developing entries;

(c) A minimum of 5,000 c.f.m. to the intake end of a pillar; and

(d) Whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

(2) The petitioner requests this modification for the following reasons:

(a) The mine's air sample analysis history has not record of harmful quantities of methane or carbon dioxide and other noxious or poisonous gases;

(b) the mine has not had any ignitions, explosions, or fires;

(c) The mine's dust sampling programs have revealed extremely low concentrations of respirable dust;

(d) Extremely high air velocities in restricted airways and manways present a hazard of flying objects to miners;

(e) High air velocities and large air quantities in the wet mine cause extremely uncomfortable and cold working conditions; and

(f) Difficulty in keeping miners on the job and securing additional mine help is due primarily to these conditions.

(3) The petitioner states that the proposed reduction in air quantity will achieve no less protection than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before February 26, 1979. 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.

Dated: January 17, 1979.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 79-2639 Filed 1-25-79; 8:45 am]

[4510-26-M]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON
OCCUPATIONAL SAFETY AND HEALTH

Appointment of Members

This is to announce the appointment of members to the National Advisory Committee on Occupational Safety and Health, established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The membership of the Committee and the categories represented are as follows:

PUBLIC

Dr. Nicholas A. Ashford, Assistant Director, Center for Policy Alternatives, Building E40-250, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139.

Dr. Richard E. Ginnold, Assistant Professor, School for Workers, University of Wisconsin-Extension, Room 825, 432 North Lake Street, Madison, Wisconsin 53706.

Andrea Hricko, Health Coordinator, Labor Occupational Health Programs, Institute of Industrial Relations, 2521 Channing Way, Berkeley, California 94720.

Dr. Hawey A. Wells, Chief of Pathology, Titusville Hospital, 406 W. Oak Street, Titusville, Pennsylvania 16354.

MANAGEMENT

Dr. Ernest M. Dixon, Corporate Medical Director, Celanese Corporation, 1211 Avenue of the Americas, New York, New York 10036.

Dr. Peter J. Nord, Executive Vice President, Schauer Manufacturing Corp., 4500 Alpine Avenue, Cincinnati, Ohio 45242.

LABOR

John J. Sheehan, Legislative Director, United Steelworkers of America, Suite No. 706, 815 Sixteenth Street, NW., Washington, D.C. 20006.

George H. R. Taylor, Director, Department of Occupational Safety and Health, AFL-CIO, 815 Sixteenth Street NW., Washington, D.C. 20006.

SAFETY

Dr. Don B. Chaffin, Professor of Industrial & Operations Engineering, University of Michigan, 2260 G. G. Brown Laboratory Ann Arbor, Michigan 48109.

Dr. Robert J. Firenze, President, R. J. E. Associates, P.O. Box 1428, Bloomington, Indiana 47401.

HEALTH

Dr. Marcus M. Key, Professor of Occupational Medicine, School of Public Health, The University of Texas Health Science Center, Room N-210, P.O. Box 20186, Houston, Texas 77025.

Claudia Miller, Consultant, 1260 Windwood Drive, Lake Forest, Illinois 60045.

Doctors Firenze, Ginnold, Nord, and Wells are new members; Dr. Ashford and Mr. Sheehan have been reappointed. The other six members of the Committee are serving the second year of a two-year term which will expire June 30, 1979.

The members were selected on the basis of their experience and competence in the field of occupational safety and health.

The six newly appointed members will serve two year terms, expiring on June 30, 1980. Dr. Nicholas Ashford will continue to chair the committee.

The purpose of the Committee is to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the Occupational Safety and Health Act.

Signed at Washington, D.C. this 18th day of January 1979.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 79-2641 Filed 1-25-79 8:45 am]

[4510-28-M]

Office of the Secretary

[TA-W-4020]

ALLEGHENY LUDLUM STEEL CORP.,
MINNEAPOLIS, MINN.

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-4020: 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 2, 1978 in response to a worker petition received on July 31, 1978 which was filed on behalf of workers

and former workers of the Minneapolis, Minnesota sales office of the Allegheny Ludlum Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on August 11, 1978 (43 FR 35759-60). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Allegheny Ludlum Steel Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Minneapolis branch sales office was closed on March 31, 1978 due to a reorganization of the company's Sales Division. The functions performed at the Minneapolis office were transferred to another company sales office. The Sales Division was reorganized for reasons involving business efficiency and not as a result of imports. The activities at the sales offices are directly dependent upon company sales levels. Company sales of the products sold by the petitioners, did not change significantly in 1977 compared to 1976 and increased in the first ten months of 1978 compared to the like 1977 period.

CONCLUSION

After careful review, I determine that all workers of the Minneapolis, Minnesota sales office of the Allegheny Ludlum Steel Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of January 1979.

JAMES F. TAYLOR
Director, Office of Management,
Administration, and Planning

[FR Doc. 79-2642 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4359]

ALLIVINE KNITTING MILLS, INC.,
PHILADELPHIA, PENNSYLVANIA

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-4359: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 13, 1978 in response to a worker petition received on November 6, 1978 which was filed by the Knitgoods Union, ILGWU on behalf of workers and former workers producing double knot and sweater fabrics on a contract basis at Allivine Knitting Mills, Incorporated, Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (42 FR 55012). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Allivine Knitting Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof and to the absolute decline in sales or production.

U.S. imports of finished fabric decreased from 464 million square yards in 1976 to 453 million square yards in 1977. Imports increased from 187 million square yards in the first half of 1977 to 255 million square yards in the first half of 1978. However, the ratio of imports to domestic production was less than two percent in 1976 and in 1977.

A Department of Labor survey of customers of Allivine Knitting Mills, Incorporated revealed that in the first ten months of 1978 when compared to the same period in 1977, only one customer, decreased purchases from Allivine and increased its purchases of imported fabric. Further, the kind of fabric that customer imported was chiffon, a fabric Allivine did not produce; that customer substantially increased its purchases of fabric from other domestic sources at the same time.

CONCLUSION

After careful review I determine that all workers of Allivine Knitting Mills, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under

Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of January 1979.

HARRY J. GILMAN,
Supervisory International
Economist, Office of Foreign
Economic Research.

[FR Doc. 79-2643 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4218]

AMF, INC., WHEEL GOODS DIVISION, RECREATIONAL VEHICLE GROUP, LITTLE ROCK, ARK.

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-4218: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 29, 1978 in response to a worker petition received on September 27, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing bicycles at the Little Rock, Arkansas plant of AMF, Incorporated, (Wheel Goods Division of the Recreational Vehicle Group).

The Notice of Investigation was published in the FEDERAL REGISTER on October 17, 1978 (43 FR 44795). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of AMF, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

Evidence developed during the course of the investigation revealed that customers which decreased purchases of bicycles produced at the Little Rock, Arkansas plant of AMF, Inc., and increased purchases of imported bicycles represented and insignificant proportion of the firm's decline in sales.

The Department conducted a survey of customers who purchase bicycles produced at AMF, Inc. Since plant sales and production increased in 1977 compared to 1976 and no layoffs occurred at the plant during the period under investigation until the second quarter of 1978, particular attention was paid to the customers' 1978 purchases on a quarterly basis. Customers surveyed who represented the major portion of AMF's decline in sales in the second and third quarters of 1978 indicated that they did not switch to

imported bicycles. Although some customers surveyed indicated a switch in purchases from the subject firm to foreign sources in, the second and third quarters of 1978, these customers represented an insignificant portion of the subject firm's decline in sales over the same period.

The decline in production and employment following the first quarter of 1978 was due in large part to the completion of a large, one-time promotional order.

CONCLUSION

After careful review, I determine that all workers of the Little Rock, Arkansas plant of AMF, Inc. (Wheel Goods Division, Recreational Vehicle Group) are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of January 1979.

JAMES F. TAYLOR
Director, Office of Management,
Administration, and Planning.

[FR Doc. 79-2644 Filed 1-25-79; 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

as 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 February 5, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investiga-

tions to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution

Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of January 1979.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of)	Location	Date Received	Date of Petition	Petition Number	Articles Produced
Bemis Company, Inc. (company)	Talladega, Alabama	1/15/79	1/12/79	TA-W-4,719	canvas, yarn and industrial thread
Faberge, Inc. (workers)	Ridgefield, New Jersey	1/15/79	1/12/79	TA-W-4,720	cosmetics, perfume, shampoo and toilet articles in general
Kellwood Company, Alamo Division (workers)	Alamo, Tenn	1/15/79	1/10/79	TA-W-4,721	bras and girdles
Levi Strauss and Company (workers)	Blackstone, Virginia	1/15/79	1/8/79	TA-W-4,722	men's slacks and vests
Minneapolis Products Corporation (United Electrical, Radio and Machine Workers of America)	Minneapolis, Minnesota	1/15/79	1/8/79	TA-W-4,723	gas welding equipment headlight testing equipment and art welding equipment
Roller Derby Skate Corp. (Boot and Shoe Workers Union)	Litchfield, Ill	1/15/79	1/12/79	TA-W-4,724	roller skates and ice skates and shoes for same
Pilling Chain Company, Inc. (Textile Workers of America)	Barrington, Rhode Island	1/16/79	1/12/79	TA-W-4,725	zipper components for textile and luggage trade
Seller's Corp., Capehart Plant (workers)	Norwich, Conn	1/15/79	1/4/79	TA-W-4,726	prepares meals, sandwiches, serves morning breaks and lunch hours. Also stocked vending machines

[FR Doc. 79-2645 Filed 1-25-79; 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 Di-

rector, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of January 1979.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of)	Location	Date Received	Date of Petition	Petition Number	Articles Produced
Birwin Trousers (ACTWU)	New York, New York	1/9/79	1/2/79	TA-W-4,695	men's trousers
Burlington Industries, Inc., Klopman Division, Mayflower Plant (workers)	Cramerton, North Carolina	1/8/79	1/3/79	TA-W-4,696	weave light-weight apparel fabrics for men and women's wear
Forrest City Fashions (workers)	Forrest City, Ark	1/3/79	12/28/78	TA-W-4,697	blouses
Grossman Clothing Company (ACTWU)	New York, New York	1/9/79	1/2/79	TA-W-4,698	men's suits and sportcoats
Jonathan Logan, Inc. (workers)	North Bergen, New Jersey	1/9/79	12/27/78	TA-W-4,699	samples of pant suits and dresses
La Salle Fashions Company, Inc. (company)	Hoboken, New Jersey	1/9/79	1/5/79	TA-W-4,700	contractor of ladies' coats
Lukens Steel Corp. (U.S.W.A.)	Coatesville, Pa	1/10/79	12/20/78	TA-W-4,701	carbon steel plate, alloy plate and shapes
McGregor-Doniger, Inc. (workers)	Dover, New Jersey	1/8/79	1/5/79	TA-W-4,702	leather jackets, shirts, knit shirts and slacks and outerwear for men
Monique Brassiere Company (ILGWU)	Brooklyn, New York	1/9/79	1/4/79	TA-W-4,703	brasieres and girdles

APPENDIX—Continued

Petitioner (Union/workers or former workers of:)	Location	Date Received	Date of Petition	Petition Number	Articles Produced
Morehouse Garment Corp. (United Paperworkers International Union).	Bastrop, La	1/9/79	1/5/79	TA-W-4,704	men's and boys' trousers
Riegel Textile Corp., Waré Shoal Division, Fork Shoals Plant (workers).	Fork Shoals, South Carolina.	1/9/79	-1/1/79	TA-W-4,705	cotton yarn
Republic Steel Corp., Buffalo District (U.S.W.A.).	Buffalo, New York.....	1/9/79	1/5/79	TA-W-4,706	carbon steel, carbon steel and alloyed steel bars and bar products
Wilson County Garment Company (workers).	Watertown, Tenn.....	1/8/79	1/4/79	TA-W-4,707	ladies' woven blouses
Zion Knitting Mills, Inc. (workers)	Brooklyn, New York	1/9/79	1/3/79	TA-W-4,708	men's, women's and childrens' knitted sweaters

[FR Doc. 79-2646 Filed 1-25-79; 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 Di-

rector, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 5, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of January 1979.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date Received	Date of Petition	Petition Number	Articles Produced
Blu-Belle Knitting Mills, Inc. (company).	Fall River, Mass.....	1/12/79	1/9/79	TA-W-4,709	men's knitted sweaters
F.A.R. Corp. (workers).....	South Bound Brook, N.J. ...	1/11/79	1/8/79	TA-W-4,710	asbestos siding shingles
Grand Fashions, Inc. (company)	Hoboken, New Jersey.....	1/12/79	1/9/79	TA-W-4,711	ladies' coats
Knitcapers, Inc. (workers).....	Jamaica, New York.....	1/12/79	1/6/79	TA-W-4,712	men's, children's & ladies' sweaters
Nova Sportswear (ILGWU).....	Long Branch, New Jersey..	1/12/79	1/10/79	TA-W-4,713	ladies' sportswear
Peters Sportswear Co., Inc. (company)	Philadelphia, Pa	1/12/79	1/8/79	TA-W-4,714	manufacturing & selling men's classic golf jackets, outerwear, leather jackets, corduroy suits & sportcoats
River St Sportswear Corp. (workers)...	Lowell, Mass	1/12/79	1/10/79	TA-W-4,715	ladies' blouses, pants, jackets & blazers
Roman Ceramics Corp. (International Brotherhood of Pottery & Allied Workers).	Mayfield, Kentucky	1/15/79	1/10/79	TA-W-4,716	custom pottery (ceramic containers)
University Clothing Corp. (workers)....	Somerville, Mass.....	1/15/79	1/9/79	TA-W-4,717	men & women's rain-coats (mostly men's clothes)
Westforth Manufacturing Co., Inc. (company).	Williamsport, Pa.....	1/12/79	1/8/79	TA-W-4,718	manufacturing & selling men's classic golf jackets, outerwear, leather jackets, corduroy suits & sportcoats

[FR Doc. 79-2647 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4367]

DOWEN ZIER KNITS, INC., WEST HEMPSTEAD,
N.Y.

Termination of Investigation; Correction

In FEDERAL REGISTER Doc. 78-34996 appearing on page 58648 in the FEDERAL REGISTER of December 15, 1978, the fourth paragraph should be corrected to read as follows:

"The date of the petition in this case is November 1, 1978. Since workers separated from employment at the West Hempstead, New York plant of Downen Zier Knits, Incorporated prior to November 1, 1977, are not eligible to apply for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974, continuation of this investigation would serve no purpose. Consequently, the investigation has been terminated."

Signed at Washington, D.C. this 16th day of January 1979.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc. 79-2648 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-41461]

GAF CORP., PHOTO AND REPRODUCTION
DIVISION, ATLANTA, GA.Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4146: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 13, 1978 in response to a worker petition received on September 11, 1978 which was filed on behalf of workers and former workers producing photo sensitized color and black and white films, color sensitized photo paper, amateur cameras, other cameras and accessories and medical and industrial X-ray films at the Photo and Reproduction Division of GAF Corporation, Atlanta, Georgia. The investigation revealed that the workers distributed photographic film, photographic paper and processing chemicals for both color and black and white photography produced by the 46 Jarvis Street, Binghamton, New York plant of GAF Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on Sep-

tember 26, 1978 (43 FR 43588). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Photo and Reproduction Division of GAF Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of photographic films and plates and photographic paper increased absolutely and relative to domestic production from 1976 to 1977 and in the first half of 1978 compared to the same period in 1977.

U.S. imports of photographic chemicals increased absolutely and relative to domestic production each year from 1973 to 1976 before decreasing slightly in 1977.

The Photo and Reproduction Division of GAF Corporation, Atlanta, Georgia acts as a distributor for photographic products produced only at one manufacturing facility of GAF Corporation, GAF Photo Products at 46 Jarvis Street, Binghamton, New York. Workers at that plant were certified as eligible to apply for Trade Adjustment Assistance on March 14, 1978 (TA-W-2293).

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with photographic products distributed by the Photo and Reproduction Division of GAF Corporation, Atlanta, Georgia contributed importantly to the decline in sales and to the total or partial separation of workers of that division of the firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Photo and Reproduction Division of GAF Corporation, Atlanta, Georgia who became totally or partially separated from employment on or after September 6, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of January 1979.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 79-2650 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4557]

GAYLOR MANUFACTURING CO., ASHLAND,
VIRGINIACertification 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-4557: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 28, 1978 in response to a worker petition received on December 26, 1978 which was filed on behalf of workers and former workers producing men's and women's shirts at Gaylor Manufacturing Company, Ashland, Virginia. The investigation revealed that the plant primarily produces men's and women's shirts and blouses.

The Notice of Investigation was published in the FEDERAL REGISTER on January 5, 1979 (44 FR 1485). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Gaylor Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boy's woven dress and business shirts increased absolutely and relatively in 1977 compared to 1976 and then increased absolutely in the first nine months of 1978 compared to the same period in 1977.

U.S. imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased absolutely and decreased relatively in 1977 compared to 1976 and then increased absolutely in the first nine months of 1978 compared to the same period of 1977.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely and decreased relatively in 1977 compared to 1976 and then increased absolutely in the first nine months of 1978 compared to the same period of 1977.

Customers surveyed indicated that they had decreased purchases, from Gaylor Manufacturing Company and increased purchases of imported men's and women's shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and women's shirts and blouses produced at Gaylor Manufacturing Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Gaylor Manufacturing Company, Ashland, Virginia engaged in employment related to the production of men's and women's shirts and blouses who became totally or partially separated from employment on or after December 21, 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 18th day of January 1979.

HARRY J. GILMAN,
*Supervisory International
Economist, Office of Foreign
Economic Research.*

[FR Doc. 79-2651 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4394]

INFANTA KNITTING MILLS, INC., ROCKLEDGE,
PA.

[TA-W-4394A]

INFANTA KNITTING MILLS, INC.,
SOUTHAMPTON, PA.

[TA-W-4394B]

INFANTA KNITTING MILLS, INC., NEW YORK,
N.Y.

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-4394, TA-W-4394A, and TA-W-4394B: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 13, 1978 which was filed by the Knitgoods Union, Local 190, International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses and woven sportswear and children's outerwear, sweaters, and pants at Infanta Knitting Mills, Incorporated, Philadelphia,

Pennsylvania. The investigation revealed that the manufacturing plant is located in Rockledge, Pennsylvania. The investigation was expanded to include the warehouse in Southampton, Pennsylvania and sales office in New York, New York. The investigation revealed that the plant primarily produces girls' sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Infanta Knitting Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased from 1975 to 1976. In 1977, imports of women's, misses' and children's sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production 1977 was above the import to domestic production ratio recorded in each year in the 1973 to 1975 time period.

A survey of Infanta's major customers for the years ended June 30, 1977 and June 30, 1978 was conducted by the U.S. Department of Commerce. All of the customers surveyed increased purchases of imports while reducing purchases from Infanta.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girls' sweaters produced at Infanta Knitting Mills, Incorporated, Rockledge, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant, of the Southampton, Pennsylvania warehouse and the New York, New York sales office. In accordance with the provisions of the Act, I make the following certification:

All workers of the Rockledge, Pennsylvania plant, the Southampton, Pennsylvania warehouse and the New York, New York sales office of Infanta Knitting Mills, Incorporated who became totally or partially separated from employment on or after September 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of January 1979.

HARRY J. GILMAN,
*Supervisory International
Economist, Office of Foreign
Economic Research.*

[FR Doc. 79-2652 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4396]

MODE KNITTING MILLS, INC., PHILADELPHIA,
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-4396: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 22 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 14, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and ladies' sweaters and sweater shirts at Mode Knitting Mills, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that Mode also produces some sweater parts, which consist primarily of collars.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Mode Knitting Mills, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production of men's and ladies' sweaters, sweater shirts and collars increased, in both quantity and value, in 1977 compared to 1976 and in the first eleven months of 1978 compared to the same period of 1977. Production is equivalent to sales at Mode Knitting Mills.

CONCLUSION

After careful review, I determine that all workers of Mode Knitting Mills, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of January 1979.

C. MICHAEL AHO,
Director, Office of
Foreign Economic Research.

[FR Doc. 79-2653 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4241]

NIFFTY CREATIONS, INC. LINDENHURST, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4241: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 4, 1978 in response to a worker petition received on October 2, 1978 which was filed on behalf of workers and former workers producing ladies' jackets and blazers at Nifty Creations, Incorporated, Lindenhurst, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on October 20, 1978 (43 FR 49060-61). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Nifty Creations, Inc., its manufacturer, customers of the manufacturer, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with those produced by the firm or appropriate subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales and/or production.

Evidence developed during the Department's investigation revealed that the closure of Nifty Creations was at-

tributable to the loss of its management. Subsequent to its closure Nifty Creations was purchased by another apparel contractor. The new company occupies the same production facilities as Nifty Creations and uses the same machinery to produce ladies' raincoats and blazers. Almost all of the workers of Nifty Creations were hired by the new contractor.

CONCLUSION

After careful review, I determine that all workers of Nifty Creations, Incorporated, Lindenhurst, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of January 1979.

C. MICHAEL AHO,
Director, Office of
Foreign Economic Research.

[FR Doc. 79-2654 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4397]

PROGRESSIVE KNITTING MILLS OF PENNSYLVANIA, INC. PHILADELPHIA, 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-4397: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 14, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and boys' swimwear at Progressive Knitting Mills of Pennsylvania Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant primarily produces men's and boys' swimming trunks and tennis shorts.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Progressive Knitting Mills of Pennsylvania Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility

requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that customers of Progressive did not increase purchases of imported men's and boys' swimming trunks or tennis shorts.

The Department conducted a survey of customers of Progressive Knitting Mills of Pennsylvania, Incorporated. None of the customers surveyed reduced purchases of men's swimming trunks and tennis shorts from Progressive and increased purchases of imported men's swimming trunks and athletic shorts in the relevant time period.

The average number of production employees at Progressive Knitting Mills increased in the fourth quarter of 1977 and in each of the first three quarters of 1978 compared to the same quarters one year earlier. The average number of employees increased in October and November of 1978 compared to the same months of 1977. The layoffs that took place in second and third quarters of 1978 were less severe than those that had taken place in the same period in 1977.

CONCLUSION

After careful review, I determine that all workers of Progressive Knitting Mills of Pennsylvania, Incorporated, Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of January 1979.

HARRY J. GILMAN,
Supervisory International
Economist, Office of Foreign
Economic Research.

[FR Doc. 79-2655 Filed 1-25-79; 8:45 am]

[4510-23-M]

[TA-W-4398; TA-W-4398A; TA-W-4398B]

QUEEN CASUALS, INC., PHILADELPHIA, PA., PUNXSUTAWNEY, PA., ATCO, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4398, 4398A, and 4398B: Investigations regarding certification of eligibility to apply for worker adjust-

ment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 14, 1978 which was filed by the Knitgoods Union, Local 190, International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear including skirts, pants, shorts, pant suits, blouses, shirts and sweaters at the Philadelphia, Pennsylvania plant of Queen Casuals, Incorporated. The investigation was expanded to cover workers producing women's sportswear at the Punxsutawney, Pennsylvania and the Atco, New Jersey plants of Queen Casuals, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Queen Casuals, Incorporated, 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. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's skirts increased in the first three quarters of 1978 compared to the same period in 1977.

U.S. imports of women's, misses' and children's slacks and shorts increased in 1977 compared to 1976 and increased in the first three quarters of 1978 compared to the same period in 1977.

U.S. imports of women's, misses' and children's suits, including pant suits, increased in the first three quarters of 1978 compared to the same period in 1977.

U.S. imports of women's, misses', and children's blouses and skirts increased in 1977 compared to 1976 and increased in the first three quarters of 1978 compared to the same period in 1977.

U.S. imports of women's, misses', and children's sweaters increased both absolutely and relative to domestic production in each successive year from 1973 through 1976 when the ratio of imports to domestic production reached 141.9 percent. In 1977, imports of sweaters were 9.0 percent above the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production in 1977 was above the import to domestic production ratio recorded

in each year in the 1973 through 1975 time period.

A Departmental survey of customers of Queen Casuals, Incorporated indicated that some customers decreased their purchases from Queen Casuals, Incorporated and increased purchases of imported women's sportswear from 1976 to 1977 and in the first three quarters of 1978 compared to the same period in 1977.

CONCLUSION

After careful review, I determine that all workers of the Philadelphia and Punxsutawney, Pennsylvania and Atco, New Jersey facilities of Queen Casuals Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of those plants. In accordance with the provisions of the Act I make the following certification:

All workers of the Philadelphia, Pennsylvania, the Punxsutawney, Pennsylvania and the Atco, New Jersey plants of Queen Casuals, Incorporated who became totally or partially separated from employment on or after November 13, 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 January 1979.

HARRY J. GILMAN,
*Supervisory International
Economist, Office of Foreign
Economic Research.*

[FR Doc. 79-2656 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4521]

STEFFI FASHIONS, INC., NEW YORK, N.Y.,
PATERSON, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4521: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers producing ladies' outerwear at the New York City and Paterson, New Jersey locations of Steffi Fashions, Incorporated. The investigation revealed that the firm primarily produces women's outer coats, jackets and raincoats.

The Notice of Investigation was published in the FEDERAL REGISTER on December 26, 1978 (43 FR 60243). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Steffi Fashions, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. With respect to workers of the New York City sales office without regard to whether any of the other criteria have been met, the following criterion has not been met.

That sales or production, or both of the firm or subdivision have decreased absolutely.

The investigation revealed that sales of women's outer coats, jackets and raincoats at Steffi Fashions increased in the one-year period from December, 1977, through November, 1978 compared with the like period of the previous year. Sales increased in each of the first three quarters of 1978 compared with the like quarters of 1977.

With respect to workers of the Paterson, New Jersey, plant of Steffi Fashions, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both of the firm or subdivision have decreased absolutely.

U.S. imports of women's, misses' and children's coats and jackets increased from 2252 thousand dozen in 1976 to 2723 thousand dozen in 1977. Imports decreased from 2081 thousand dozen in the first three quarters of 1977 to 1906 thousand dozen in the like period of 1978. The ratio of imports to domestic production increased from 48.3 percent in 1976 to 54.9 percent in 1977.

U.S. imports of women's misses' and children's raincoats increased from 191 thousand dozen in 1976 to 261 thousand dozen in 1977. Imports increased from 116 thousand dozen in the first half of 1977 to 210 thousand dozen in the first half of 1978. The ratio of imports to domestic production increased from 36.8 percent in 1976 to 50.4 percent in 1977.

Production increased in December, 1977—the earliest month of possible certification coverage given the petition date of November 30, 1978—compared to the previous month. Production in the first 11 months of 1978 was higher than in the same period of 1977. Similarly, company sales were higher in the first 11 months of 1978 than in the same period of the previous year.

CONCLUSION

After careful review, I determine that all workers at the Paterson, New Jersey, plant of Steffi Fashions, Inc., and the New York City sales office are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of January 1979.

C. MICHAEL AHO,
Director, Office of
Foreign Economic Research.

[FR Doc. 79-2657 Filed 1-25-79 8:45 am]

[4510-28-M]

[TA-W-4482]

TAMI SPORTSWEAR, SAN FRANCISCO, CALIF.

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-4482: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1978 in response to a worker petition received on November 13, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear such as sweaters, skirts, jackets, blouses, pants, shorts and other garments. The investigation revealed that the plant primarily produces skirts, pants, shorts, culottes, blazers and vests and imports sweaters and blouses.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165-6). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Tami Sportswear, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers at Tami Sportswear increased in 1977 compared to 1976 and increased in 1978 compared to 1977. The average weekly hours worked per employee did not change significantly during this period.

The petitioners allege that layoffs at Tami Sportswear occurred in 1974. Although layoffs did occur in September, 1974 when the company reorganized production operations, Section 223 (b) (1) of the Trade Act of 1974 provides that adjustment assistance not be granted to workers separated more than one year before the date of the petition. The petition in this case was dated August 29, 1978.

CONCLUSION

After careful review, I determine that all workers of Tami Sportswear, San Francisco, California 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 18th day of January 1979.

HARRY J. GILMAN,
Supervisory International
Economist, Office of Foreign
Economic Research.

[FR Doc. 79-2658 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4327]

TRW DOT DIVISION, CHESHIRE, CONN.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4327: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 2, 1978 in response to a worker petition received on October 31, 1978 which was filed on behalf of workers and former workers producing button snaps, rivets and burrs at TRW Dot Division, Cheshire, Connecticut.

The Notice of Investigation was published in the FEDERAL REGISTER on November 13, 1978 (43 FR 52564). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of TRW Dot Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility

requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

None of the customers of TRW Dot Division who were surveyed purchased imported buttons and tacks, rivets and burrs, or snaptites and staples.

CONCLUSION

After careful review, I determine that all workers of TRW Dot Division, Cheshire, Connecticut 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 19th day of January 1979.

HARRY J. GILMAN,
Supervisory International
Economist, Office of Foreign
Economic Research.

[FR Doc. 79-2659 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-2849]

UNION RAILROAD CO., EAST PITTSBURGH, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

On May 26, 1978, the Director of the Office of Trade Adjustment Assistance issued a Notice of Termination of Investigation (43 FR 25500) in response to a petition which was filed by the Brotherhood of Locomotive Engineers on behalf of engineers and firemen now or formerly engaged in transporting of raw materials into the U.S. Steel Corporation plants, interplant moves and carrying finished products from the plants to interchange points at Union Railroad Company, East Pittsburgh, Pennsylvania, (TA-W-2849). The investigation was terminated on the grounds that the group of workers covered by the petition were included in the group of workers covered in a separate petition, (TA-W-2605), filed by the United Transportation Union.

On August 9, 1978, the Department issued a Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance (43 FR 36714) in response to the petition which was filed by the United Transportation Union on behalf of workers and former workers engaged in railroad service to the U.S. Steel Corporation and other companies at Union Railroad Company, East Pittsburgh, Pennsylvania, (TA-W-2605). The nega-

tive determination was based on insignificant total or partial separations at the firm. The determination was applicable to all workers (including engineers and firemen) of Union Railroad Company, East Pittsburgh, Pennsylvania.

On the basis of additional information that the pattern of layoffs may have differed as between the engineers and firemen, on the one hand, and the other railroad personnel, on the other, the Director of the Office of Trade Adjustment Assistance, on his own motion, reopened the investigation, TA-W-2849, to determine the eligibility of engineers and firemen for adjustment assistance. The Notice of Investigation was published in the FEDERAL REGISTER on October 31, 1978, (43 FR 50762).

The determination of TA-W-2849 was based upon information obtained principally from officials of Union Railroad Company, its customers 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 separation, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that layoffs of engineers and firemen followed seasonal trends. Furthermore, iron ore and coal worker strikes in 1977 and early 1978 plus shutdowns of certain blast furnaces and rebuilds of coke batteries also contributed to layoffs. Average annual employment of these workers, as measured by train crews, increased in 1977 compared with 1976, and increased during the period January through October 1978 compared with the same period in 1977.

CONCLUSION

After careful review, I determine that the engineers and firemen of Union Railroad Company, East Pittsburgh, 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 19th day of January 1979.

JAMES F. TAYOR,
*Director, Office of Management,
Administration, and Planning.*

[FR Doc. 79-2660 Filed 1-25-79 8:45 am]

[4510-28-M]

[TA-W-4357]

WASHINGTON PORCELAIN CO., WASHINGTON, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4357: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 7, 1978 in response to a worker petition received on November 6, 1978 which was filed on behalf of workers and former workers producing switch plates, castings, pouring cups, light fixtures known as industrial porcelain at Washington Porcelain Company, Washington, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on November 17, 1978 (43 FR 53852-53853). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Washington Porcelain Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of Washington Porcelain's customers. The survey results indicated customers did not purchase switch plates, castings, pouring cups, or light fixtures directly or indirectly from foreign sources during the period 1976 to June 1978.

CONCLUSION

After careful review, I determine that all workers of Washington Porcelain Company, Washington, 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 18th day of January 1979.

HARRY J. GILMAN,
*Supervisory International
Economist, Office of Foreign
Economic Research.*

[FR Doc. 79-2661 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4402]

WEXLER KNITTING MILLS, INC., PHILADELPHIA, 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-4402: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 14, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and boys' and ladies' sweaters at Wexler Knitting Mills, Incorporated in Philadelphia, Pennsylvania. The investigation revealed that the plant primarily produces men's and boys' sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Wexler Knitting Mills, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales of men's and boys' sweaters, in both quantity and value, increased at Wexler Knitting Mills, Incorporated in 1977 compared with 1976 and continued to increase in the first ten months of 1978 compared with the like period of 1977. Sales and production are equivalent at Wexler Knitting Mills.

CONCLUSION

After careful review, I determine that all workers of Wexler Knitting Mills, Incorporated in Philadelphia, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of January 1979.

C. MICHAEL AHO,
Director, Office of
Foreign Economic Research
[FR Doc. 79-2662 Filed 1-25-79; 8:45 am]

[4510-28-M]

[TA-W-4403]

WILSHIRE KNITTING MILLS, INC.,
PHILADELPHIA, 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-4403: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 16, 1978 in response to a worker petition received on November 14, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sweaters at Wilshire Knitting Mills, Incorporated, Philadelphia, Pennsylvania. The investigation revealed that the plant produces men's, ladies' and children's sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Wilshire Knitting Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. Imports increased in the first quarter of 1978 compared to the first quarter of 1977. The ratio of imports of sweaters to domestic production in 1977 was above the import

to domestic production ratio recorded in each year in the 1973 to 1975 time period.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 33.2 million units in the first three quarters of 1978 as compared to 22.6 million units in the first three quarters of 1977.

A Department of Labor survey was conducted of customers of Wilshire Knitting Mills, Incorporated. The survey revealed that major customers increased their purchases of imported sweaters and decreased their purchases from Wilshire Knitting Mills in 1977 as compared to 1976 and from January-September 1978 as compared to January-September 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's, ladies' and children's sweaters produced at Wilshire Knitting Mills, Incorporated, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Wilshire Knitting Mills, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after November 22, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of January 1979.

C. MICHAEL AHO,
Director, Office of
Foreign Economic Research.
[FR Doc. 79-2663 Filed 1-25-79; 8:45 am]

[6820-35-M]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

JANUARY 22, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-2996I, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Connecticut Legal Services in Cromwell, Connecticut to serve Hartford County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, Massachusetts 02101.

THOMAS EHRLICH,
President.

[FR Doc. 79-2722 Filed 1-25-79; 8:45 am]

[3510-12-M]

NATIONAL ADVISORY COMMITTEE
ON OCEANS AND ATMOSPHERE

MEETING

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on Monday and Tuesday, February 12 and 13, 1979. The sessions will be open to the public and will be held in the Penhouse, Page Building 1, 2001 Wisconsin Avenue, N.W. Washington, D.C. The session on Monday will begin at 9:00 a.m.; the Tuesday session at 8:00 a.m.

The Committee, consisting of 17 non-Federal members, appointed by the President from State and local government, industry, science and other appropriate areas, was established by the Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The tentative meeting schedule follows:

Monday, February 12, 1979

9:00-9:30 a.m.—Plenary Session—Opening Remarks, Chairman—Meeting Plans, Chairman

9:30-10:00 a.m.—Update on Federal Reorganization for Marine and Atmospheric Affairs, Mr. M. Dubs, NACOA
 10:00-10:30 a.m.—Discussion of Reactions to NACOA Report on Coastal Zone Management (Comments on Pub. L. 95-273), Ms. S. Stewart, NACOA
 10:30-11:30 a.m.—Briefing on the International Decade of Ocean Exploration, Dr. G. Gross, NSF
 11:30-12:00 Noon—Working Group Sessions—Ocean Use Panel, Dr. E. Murphy, NACOA—Oil Spill Legislation; Timetable for Fisheries Conservation and Management Act; Ocean Dumping; Marine Sanctuaries—Weather and Climate Panel, Dr. W. Baum, NACOA—PROFS; Flash Flood Program; Planning for Work Shop on Future Weather Services—R&D Panel, Dr. J. Knauss, NACOA—Civil Ocean Technology
 12:00-1:00—LUNCH
 1:00 p.m.-5:00 p.m.—Working Group Sessions (continued)

Tuesday, February 13, 1979

8:00-9:00 a.m.—Plenary Session—Panel Reports, Panel Chairmen
 9:00-10:00 a.m.—Proposed New Panel Structure, Chairman
 10:00-11:00 a.m.—Future Work, Chairman
 1:30 p.m.—ADJOURNMENT

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Acting Executive Director, Mr. John W. Connolly, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street NW, (Room 434, Page Building 1), Washington, D.C. 20235. The telephone number is (202) 254-8412.

Dated: January 25, 1979.

SAMUEL H. WALINSKY,
 Executive Officer.

[FR Doc. 79-3023 Filed 1-25-79; 11:09 am]

[4510-30-M]

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

MEETING

The eleventh meeting of the National Commission on Unemployment Compensation is scheduled to be held at the Ramada Inn, Rosslyn, Virginia in the Dogwood AB Room on March 8, 9, 10. The meeting will begin at 9:00 a.m. and conclude at 5:30 p.m. each day.

Requests for presenting testimony must be submitted 30 days prior to the meeting date and must indicate the

topics to be discussed. Individuals and organizations requesting time must limit oral testimony to not more than ten minutes. Forty copies of written testimony must be submitted, but oral testimony should summarize any written testimony. Depending upon the number of persons and organizations requesting the opportunity to testify at a meeting, and the topics to be discussed, individuals and organizations will be notified of time and place allocated for testimony. Whenever feasible, individuals and organizations presenting similar views will be grouped together and will be handled as a panel in order to enable discussion, questioning, and responses to be developed with a view to assisting the Commission to deal with the mandate established by the Congress.

Telephone inquiries and communications concerning this meeting should be directed to: JAMES M. ROSBROW, Executive Director, National Commission on Unemployment Compensation, 1815 Lynn Street, Room 440, Rosslyn, Virginia 22209 (703) 235-2782.

Signed at Washington, D.C., this 19th day of January, 1979.

JAMES M. ROSBROW,
 Executive Director, National
 Commission on Unemployment
 Compensation.

[FR Doc. 79-2432 Filed 1-25-79; 8:45 am]

[4510-30-M]

MEETING

The twelfth meeting of the National Commission on Unemployment Compensation is scheduled to be held at the Southfield Sheraton, Southfield, Michigan, in the Southfield AB Room on March 29, 30, 31. The meeting will begin at 9:00 a.m. and conclude at 5:30 p.m. each day.

Requests for presenting testimony must be submitted 30 days prior to the meeting date and must indicate the topics to be discussed. Individuals and organizations requesting time must limit oral testimony to not more than ten minutes. Forty copies of written testimony must be submitted, but oral testimony should summarize any written testimony. Depending upon the number of persons and organizations requesting the opportunity to testify at a meeting, and the topics to be discussed, individuals and organizations will be notified of time and place allocated for testimony. Whenever feasible, individuals and organizations presenting similar views will be grouped together and will be handled as a panel in order to enable discussion, questioning, and responses to be developed with a view to assisting the Commission to deal with the mandate established by the Congress.

Telephone inquiries and communications concerning this meeting should be directed to: JAMES M. ROSBROW, Executive Director, National Commission on Unemployment Compensation, 1815 Lynn Street, Room 440, Rosslyn, Virginia 22209 (703) 235-2782.

Signed at Washington, D.C., this 19th day of January, 1979.

JAMES M. ROSBROW,
 Executive Director, National
 Commission on Unemployment
 Compensation.

[FR Doc. 79-2433 Filed 1-25-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

NSF ADVISORY COUNCIL: TASK GROUP NO. 8

Amendment to Notice of Meeting

The notice of the February 2, 1979 meeting of the NSF Advisory Council, Task Group should be changed—

FROM—

TIME: 9:00 a.m. to 5:00 p.m.

TO—

TIME: 4:00 p.m. to 7:00 p.m.

This notice appeared in FEDERAL REGISTER, Volume 44, No. 9 on Friday, January 12, 1979.

M. REBECCA WINKLER,
 Committee Management
 Coordinator.

JANUARY 23, 1979.

[FR Doc. 79-2785 Filed 1-25-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE FOR SOCIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee for Sociology of the Advisory Committee for Social Sciences.

DATE AND TIME: February 15-16, 1979—9:00 am to 4:00 pm.

PLACE: Room 321, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

TYPE OF MEETING: Closed; 9:00 am-4:00 pm.

CONTACT PERSON: Ronald J. Liebert, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: 202 632-4204.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendation concerning support for research in the Sociology Program.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management
Coordinator.

JANUARY 23, 1979.

[FR Doc. 79-2786 Filed 1-25-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON METALLURGY AND MATERIALS OF THE ADVISORY COMMITTEE FOR MATERIALS RESEARCH

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

NAME: Subcommittee for Metallurgy and Materials of the Advisory Committee for Materials Research.

DATE AND TIME: February 15 and 16, 1979—9:00 a.m.—5:00 p.m. each day.

PLACE: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

TYPE OF MEETING: Closed both days, 9:00 a.m.—5:00 p.m.

CONTACT PERSON: Dr. Herbert S. Bennett, Director, Division of Materials Research, Room 408, National Science Foundation, Washington, D.C., Telephone: (202)-632-7412.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in Ceramics.

AGENDA:

THURSDAY, February 15, 1979—9:00 a.m. to 5:00 p.m.—CLOSED.

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Ceramics Program, including review of peer review materials and other privileged material.

FRIDAY, February 16, 1979—9:00 a.m. to 5:00 p.m.—CLOSED.

9:00 a.m.—Further discussions of declined proposals and awards.

12 noon—Lunch.

1 p.m.—Preparation of report on Subcommittee findings and recommendations.

REASON FOR CLOSING: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Director, NSF, pursuant to provisions of Section 10(d) of P.L. 92-463.

M. REBECCA WINKLER,
Committee Management
Coordinator.

JANUARY 23, 1979.

[FR Doc. 79-2787 Filed 1-25-79; 8:45 am]

[7555-01-M]

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE, 1979 FACILITIES SUBCOMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Facilities Subcommittee of the Nuclear Science Advisory Committee.

Date and Time: February 12, 1979, 9:00 am-10:00 pm, February 13, 1979, 9:00 am-6:00 pm, February 14, 1979, 9:00 am-5:00 pm.

Place: February 12 and 13, Conference Room 540; February 14, Conference Room 338, National Science Foundation, Washington, D.C. Telephone 202/632-4318.

Type of Meeting: February 12, 1979, 9:00 am-10:00 am, Closed; 10:00 am-10:00 pm, Open. February 13, 1979, 9:00 am-6:00 pm, Open. February 14, 1979, 9:00 am-5:00 pm, Closed.

Contact Person: Dr. Howel Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. Telephone 202/632-4318.

Summary Minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, D.C. 20550.

Purpose of Committee: to provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.

Agenda: February 12, 1979, Closed Session (9:00 am-10:00 am); Discussion of projects under consideration for funding. **Open Session (10:00 am-10:00 pm);** Presentations by research groups of proposed projects, and discussion thereof. **February 13, 1979, Open Session (9:00 am-6:00 pm);** Continuation of previous day's activities.

February 14, 1979, Closed Session (9:00 a.m.—5:00 p.m.); Discussion of projects under consideration for funding.

Reason for Closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management
Coordinator.

JANUARY 23, 1979.

[FR Doc. 79-2788 Filed 1-25-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON ANTHROPOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Subcommittee on Anthropology (Social Anthropology) of the Advisory Committee for Behavioral and Neural Sciences.

Date and Time: February 12 and 13, 1979: 9:00 a.m. to 5 p.m. each day.

Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550 Room 338.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director, Anthropology Program, Room 320, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632-4208.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in social anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determina-

tions by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management
Coordinator.*

JANUARY 23, 1979.

[FR Doc. 79-2789 Filed 1-25-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and Time: February 12 & 13, 1979, 9:00 a.m. to 5:00 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G. Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Brian J. Johnson, Program Director, Biochemistry Program, Room 330, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4260.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management
Coordinator.*

JANUARY 23, 1979.

[FR Doc. 79-2790 Filed 1-25-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON PUBLIC UNDERSTANDING OF SCIENCE OF THE ADVISORY COMMITTEE ON SCIENCE AND SOCIETY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Public Understanding of Science of the Advisory Committee for Science and Society.

Date: February 15 and 16, 1979. 9-5 each day.

Place: Room 651, 5225 Wisconsin Avenue, N.W., Washington, D.C.

Contact Person: Dr. Jean Intermaggio, Program Manager, Public Understanding of Science program, Office of Science and Society, Room W-668, National Science Foundation, Washington, D.C. 20550, 202-282-7770.

Type of Meeting: Closed.

Purpose of Subcommittee: To provide advice and recommendations concerning direction and priorities for Public Understanding of Science program. To provide advice and recommendations concerning support for projects in Public Understanding of Science.

Agenda: To review proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management
Coordinator.*

JANUARY 23, 1979.

[FR Doc. 79-2791 Filed 1-25-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON GENETIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular & Molecular Biology.

Date and Time: February 15-17, 1979, 9:00 AM.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Philip D. Harriman, Program Director, Genetic Biology Program, Room 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5985.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including

technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Committee Management
Coordinator.*

JANUARY 23, 1979.

[FR Doc. 79-2792 Filed 1-2-79; 8:45 am]

[7710-12-M]

POSTAL SERVICE

PRIVACY OF INFORMATION

Systems of Records Modifications

AGENCY: U.S. Postal Service.

ACTION: Final Notice of Modifications to Systems of Records.

SUMMARY: This document makes final a previously published notice of the addition of three longstanding but heretofore unpublished routine uses to systems of records. This document also provides final notice of the addition of several locations to a Postal Service system of records.

EFFECTIVE DATE: February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Philip Skelly, (202) 245-5540.

SUPPLEMENTARY INFORMATION: A complete statement of the existence and character of each of the systems of records appeared in the FEDERAL REGISTER of September 8, 1978 (43 FR 40122). On July 27, 1978, the Postal Service published for comment in the FEDERAL REGISTER (43 FR 32479) a proposal to make changes to USPS 120.050, Personnel Records—Employee Suggestion Control, USPS 120.100, Personnel Records—Performance Awards System Records, USPS 120.070, Personnel Records—General Personnel Folders (Official Personnel Folders and Records Related Thereto) and USPS 120.010, Personnel Records—Architect Engineers Selection Records. No comments were received on the proposed modifications. Accordingly, after a review of the proposed text, the Postal Service has determined to give final notice of the following modifications:

USPS 120.050—Personnel Records—Employee Suggestion Control

Add routine use as follows:

"6. Disclosure may be made to the news media from the record of an individual regarding that individual's receipt of an employee award when the information is of news interest and consistent with the public right to know."

USPS 120.100—Personnel Records—Performance Awards System Records

Add routine use as follows:

"7. Disclosure may be made to the news media from the record of an individual regarding that individual's receipt of an employee award when the information is of news interest and consistent with the public right to know."

USPS 120.070—Personnel Records, General Personnel Folder (Official Personnel Folder and Records Related Thereto)

Add routine use as follows:

"16. Information pertaining to an employee who is a retired military officer will be furnished the appropriate service finance center as required under the provisions of the Dual Compensation Act."

USPS 120.010—Personnel Records—Architect Engineers Selection Records

Add routine use as follows:

"3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto."

ADDITIONAL LOCATIONS FOR USPS 080.030, INSPECTION REQUIREMENTS—VEHICULAR VIOLATIONS RECORD SYSTEM

The Postal Service has determined that it is necessary to revise the description of the system location for USPS 080.030, Inspection Requirements—Vehicular Violations Record System. This revision does not change the general character or purpose of the system as described nor does it expand the population of individuals to whom the system applies. The modifications merely provide a more accurate description of the affected system of records. The following constitutes final notice of the necessary changes:

USPS 080.030, Inspection Requirements—Vehicular Violations Record System

System location: **ADD THE FOLLOWING:**

Miami, Florida, 33102(GMF).
Jacksonville, Florida, 32099 (BMC).
Atlanta, Georgia, 30318(BMC).
Greensboro, North Carolina, 27420(BMC).
Dallas, Texas, 75221(GMF), 75222(BMC).

Houston, Texas, 77001(GMF).
San Antonio, Texas, 78296(GMF).
Memphis, Tennessee, 38101(GMF),
38136(BMC).
Biloxi, Mississippi, 39533(GMF).
New Orleans, Louisiana, 70151(GMF).
Tulsa, Oklahoma, 74101(GMF).

W. ALLEN SANDERS,
Acting Deputy General Counsel.
[FR Doc. 79-2842 Filed 1-25-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON OIL AND GAS ACCOUNTING

Membership and Meeting

ACTION: Announcement of Membership of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting.

SUMMARY: The Commission announced today the membership of its Advisory Committee on Oil and Gas Accounting. The initial meeting of this Committee will be held at 9:30 a.m. on Tuesday, January 30, 1979.

FOR FURTHER INFORMATION CONTACT:

James L. Russell, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-755-0222).

SUPPLEMENTARY INFORMATION: The Advisory Committee on Oil and Gas Accounting was established to advise the Chief Accountant of the Commission on issues relating to the development of reserve recognition accounting for oil and gas producers. Formation of the committee was announced on January 4, 1979 (Securities Act Release No. 6011, 44 FR 3112). The members of the Advisory Committee are listed below.

Richard C. Adkerson, Partner, Arthur Andersen & Co., Houston, TX.
Dean M. Boyd, Group Vice President, Tesoro Petroleum Corp., San Antonio, TX.
Horace Brock, Professor, North Texas State Univ., Denton, TX.
John C. Burton, Professor, Columbia University, New York, NY.
Burnell H. DeVos, Jr., Chairman, Price Waterhouse & Co., New York, NY.
Kenneth B. Ford, President, Miller & Lents, Ltd., Houston, TX.
P. H. Gutmacht, Vice President, Total Petroleum (North America) Ltd., Alma, MI.
Donald C. Haley, Controller, the Standard Oil Co. (Ohio), Cleveland, OH.
B. P. Huddleston, President, B. P. Huddleston & Co., Inc., Houston, TX.
John C. Jacobsen, Controller, Shell Oil Company, Houston, TX.
Kenneth L. Johnson, Vice Chairman, Coopers & Lybrand, New York, NY.
H. P. Keplinger, President, Keplinger & Associates, Inc., Houston, TX.

Charles J. Lee, Vice President, Natomas Company, San Francisco, CA.
U. J. LeGrange, Controller, Exxon Corporation, New York NY.
C. H. Moore, Partner, Peat, Marwick, Mitchell & Co., Dallas, TX.
David Norr, Lieber & Co., Harrison, NY.
Thomas A. Petrie, The First Boston Corporation, New York, NY.
Stanley P. Porter, Vice Chairman, Arthur Young & Co., Dallas, TX.
Lee J. Seldler, Professor, New York University, New York, NY.
Gerald E. Sherrod, Vice President, Citibank N.A., New York, NY.
Mr. Thomas G. Stevens, Senior Vice President, First City National Bank of Houston, Houston, TX.

As previously announced, the first meeting of the Advisory Committee on Oil and Gas Accounting will be held at 9:30 a.m. January 30, 1979, at the Commission's headquarters, 500 North Capitol Street, Washington, D.C. The meeting will be open to the public.

Dated: January 24, 1979.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-2904 Filed 1-25-79; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

IFRA General Docket H-78-21

BI-MODAL CORPORATION WAIVER PETITION

As required by 45 U.S.C. 431(c) and in accordance with 49 CFR 211.41 and 211.9, notice is hereby given that Bi-Modal Corporation (Bi-Modal) has submitted a waiver petition to the Federal Railroad Administration (FRA) requesting a waiver of compliance with several safety regulations. These regulations include 49 CFR Part 215 (Freight Car Safety Standards), 49 CFR Part 231 (Safety Appliance Standards) and 49 CFR Part 232 (Power Brake Rules).

Bi-Modal seeks the waiver of compliance with these regulations in order to permit the operation of a combined railroad-highway vehicle which Bi-Modal designates as a "RoadRailer". The "RoadRailer" vehicle, as currently proposed by Bi-Modal, is almost identical to the standard semi-trailer presently used to haul cargo over the highway. The vehicle proposed by Bi-Modal deviates from the standard highway semi-trailer principally by virtue of the existence of railway running wheels. These two railway wheels are mounted on a single axle behind the normal highway tandem wheels of the semi-trailer. The separate highway and railway running gear are selectively operable. Each running gear is mounted on the body of the vehicle with an air suspension system so that

while one unit is in a running position the other unit is in a stored position.

The vehicle proposed by Bi-Modal has been described in several publications of general circulation. These publications have generally included either photographs or drawings depicting the design of this vehicle. Among the publications that may be consulted for additional descriptive information are the following: *Railway Age* (December 11, 1978 issue); *Progressive Railroading* (September 19, 1978 issue); *Modern Railroads* (August 1978 issue); and *Traffic World* (June 19, 1978 issue). Detailed information concerning the vehicle is also on file with the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration. This material is available for examination by the public during regular business hours in Room 4406, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

Bi-Modal states that this vehicle, when being operated on a railroad, is intended for use only in trains consisting exclusively of similar vehicles. The vehicle, according to Bi-Modal would not be used with conventional freight cars. Consequently, the vehicle is not intended for interchange service, traditional switching or classification use as presently designed by Bi-Modal. Given this intended utilization, Bi-Modal states that, in its judgment, the FRA safety regulations for traditional railroad cars are not appropriate for this vehicle even though it will be operated on interstate railroads. Additionally Bi-Modal indicates that it is not possible, given the highway operation of the vehicle, to bring the vehicle into compliance with many of the FRA safety standard. Consequently, Bi-Modal seeks a waiver of compliance with all of these standards.

The waiver sought by Bi-Modal would permit non-compliance with all of the provisions of the Freight Car Safety Standards (49 CFR Part 215). These standards include provisions which relate to the inspection of freight cars and prescribe various conditions that constitute defective components requiring prompt remedial action. Additionally, the waiver sought by Bi-Modal would permit non-compliance with all of the provisions of the Safety Appliance Standards (49 CFR Part 231). These standards include provisions that prescribe the number, location and dimensional specifications for the handholds, ladders and sill steps that each freight car must be equipped with. Finally, the waiver sought by Bi-Modal would permit non-compliance with the Power Brake Rules (49 CFR Part 232). These standards include provisions that prescribe the height of drawbars and specifications for the air brake system that each freight car must be equipped

with as well as the methods for conducting inspection and operational testing of train brake systems.

The scope of the requested waiver is well illustrated by some of the design features of two prototype vehicles that have already been built by Bi-Modal. These vehicles use a two pipe airbrake system rather than the single pipe system found on conventional railroad equipment. The vehicles also use a drawbar arrangement that is approximately fifteen inches higher than that found on conventional railroad equipment. Finally, these vehicles are equipped with none of the handhold, sill steps or ladders found on conventional railroad equipment.

The waiver sought by Bi-Modal is for a temporary period not to exceed five years. During this period Bi-Modal anticipates conducting operational testing of the vehicles and, as the vehicles are proven in train service, Bi-Modal expects to construct approximately ten thousand units during this period. Bi-Modal states that once operational experience has been obtained, it would then be appropriate to create specific safety standards applicable to such vehicles.

The Railroad Safety Board (Board) of the FRA, which has been delegated responsibility for determining whether to grant waivers of compliance, has decided to hold a public hearing in this proceeding prior to rendering a decision on this request. Accordingly, a public hearing will be held a 10:00 a.m. on February 28, 1979. The hearing will be held in Room 3201 of the Trans Point Building located at 2100 Second Street SW., Washington, D.C. 20590.

The hearing will be an informal one and will be conducted by a representative designated by the Board. The hearing will be conducted in accordance with the provisions of § 211.25 of the FRA Rules of Practice (49 CFR 211.25) and will not be an adversary proceeding. The Board's representative will make an opening statement outlining the scope of the hearing and will announce any additional procedures, if necessary, at the start of the hearing.

All interested persons are invited to participate in this hearing. Additionally, interested persons are invited to participate in this proceeding by submitting written data, views or comments.

All communications concerning this proceeding must identify the appropriate docket (FRA General Docket H-78-2) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 2100 Second Street SW., Washington, D.C. 20590. Communications received before March 9, 1979 will be considered by the Board before final action is taken. Comments

received after that date will be considered to the extent practicable.

(Sec. 202, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431); Sec. 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C. on January 22, 1979.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 79-2781 Filed 1-25-79; 8:45 am]

[4810-25-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 5 U.S.C. App. I, Supp. III), the Secretary of the Treasury has approved continuation of the following industry committees as advisory committees:

Titles: (1) Government Borrowing Committee of the American Bankers Association.

(2) U.S. Government and Federal Agencies Securities Committee of the Public Securities Association.

Purpose: The committees are utilized by the Secretary of the Treasury and his staff for advice in carrying out Federal financing and public debt management. They consider commercial operations, advise the Secretary of the Treasury and his staff and make reports and recommendations.

Statement of Public Interest: The membership of these committees represents a cross section of the financial community. The members are intimately acquainted with commercial and financial information and day-to-day market factors relevant to Treasury debt management operations. It is in the public interest to insure that the Secretary of the Treasury and his staff have this supplemental information in order to manage the public debt.

Authority for these committees will expire two years from the date new charters are signed by the designated Treasury official and filed with the appropriate Committee of the Senate and the House of Representatives.

Dated: January 23, 1979.

WALTER J. McDONALD,
Acting Assistant Secretary,
Administration.

[FR Doc. 79-2784 Filed 1-25-79; 8:45 am]

[3510-13-M]

UNITED STATES METRIC BOARD

PUBLIC FORUM

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, February 15, 1979, from 2 p.m. to 5 p.m. The forum will be held in conjunction with the Board's regular February meeting which is also open to the public. The forum will be held at the Dallas Hilton Hotel, Embassy Garden Room, 1914 Commerce Street, Dallas, Texas.

The purpose of the forum will be to allow the Board to receive comments about voluntary metric conversion from representatives of groups or organizations and from individuals. Those who wish to participate are invited to submit statements or questions in advance to Ms. Suzanne Lowery, Office of Public Information, United States Metric Board, The Magazine Building, 1815 N. Lynn St., Suite 301, Arlington, Virginia 22209. For further information call 703/235-1933.

LOUIS F. POLK,
Chairman,

United States Metric Board.

[FR Doc. 79-2824 Filed 1-25-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE
COMMISSION

AGRICULTURAL COOPERATIVES

Notice to the Commission of Intent To Perform Interstate Transportation for Certain Non-members

JANUARY 19, 1979.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform non-member, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have hearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the

Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations—Agriland Trucking Cooperative Association, Inc. Principal Mailing Address (Street No., City, State, and Zip Code)—2700 Esquire Drive, Boise, Idaho 83704.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code)—2700 Esquire Drive, Boise, Idaho 83704.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)—R. J. Redmon, 2700 Esquire Drive, Boise, Idaho 83704.

(2) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations—T. C. E. Company.

Principal Mailing Address (Street No., city, State, and Zip Code)—Room 106, 512-514 State Fair Boulevard, Syracuse, New York 13204.)

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code)—512-514 State Fair Boulevard, Syracuse, New York 13204.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address)—John R. Spinella, 512-514 State Fair Boulevard, Syracuse, New York 13204.

(3) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations—Wilco Farmers.

Principal Mailing Address (Street No., City, State, and Zip Code)—P.O. Box 258, Mount Angel, Oregon 97362.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code)—210 Monroe Street, Mount Angel, Oregon 97362.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)—John Kuenzi, 210 Monroe Street, Mount Angel, Oregon 97362.

(4) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations—Dawson Mills.

Principal Mailing Address (Street No., City, State, and Zip Code)—Diagonal & 8th Street, Dawson, Minnesota 56232.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)—Keith R. Springer, Transportation Mgr., P.O. Box 1, Dawson, Minnesota 56232.

(5) Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations—Farm Bureau Services, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code)—7373 W. Saginaw Hwy., Lansing, Michigan 48917.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code)—7373 W. Saginaw Hwy., Lansing, Michigan 48917.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address)—Otto Jury, 7373 W. Saginaw Hwy., Lansing, Michigan 48917.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2835 Filed 1-25-79; 8:45 am]

[7035-01-M]

[Notice No. 15]

ASSIGNMENT OF HEARINGS

JANUARY 23, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC-139584 (Sub-No. 15F), John Busch, now assigned January 25, 1979, at New York, New York is cancelled transferred to Modified Procedure.

No. MC-87689 (Sub-No. 13), Inter-City Truck Lines Limited, now assigned February 12, 1979, at Great Falls Montana is cancelled transferred to Modified Procedure.

No. MC-114457 (Sub-No. 399F), Dart Transit Co., A Corporation, now assigned February 12, 1979, at New Orleans is cancelled transferred to Modified Procedure.

No. MC-F 13623, H. H. Omp, Inc.—Purchase—(B) Emmett, Abbot, And Arthur Knight A Partnership, DBA Fry Trucking Co. And (BB), Kenneth William Ompps, And Individual, DBA K.W.O. Trucking, now assigned for hearing on March 14, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

No. MC 76065 (Sub-No. 34F), Ehrlich Newmark Trucking Co., Inc., now assigned March 12, 1979 at Philadelphia, Pa., (2 days) in a hearing room to be later designated.

No. MC 95540 (Sub-No. 1025F), Watkins Motor Lines, Inc., & No. MC 111812 (Sub-No. 581F), Midwest Coast Transport, Inc., & No. MC 115841 (Sub-No. 637F), Colonial Refrigerated Transportation, Inc., & No. MC 124988 (Sub-No. 5F), Truck Service Company, & No. MC 140024 (Sub-No. 117F), J. B.

Montgomery, Inc., & MC 138875 (Sub-No. 91F), Showmaker Trucking Company & No. MC 140829 (Sub-No. 117F), Cargo Contract Carrier Corp., & No. MC 143215 (Sub-No. 4F), Cycles Limited, & No. MC 143775 (Sub-No. 9F), Paul Yates, Inc., & No. MC 145059 (Sub-No. 3F), Spinelli Bros. Trucking, Inc., now assigned March 14, 1979 (3 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 96881 Sub 19F, Fine Truck Line, Inc., now assigned February 6, 1979, at Texarkana, Texas, is cancelled and reassigned February 6, 1979, at the Offices of the Interstate Commerce Commission Washington, D.C.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2832 Filed 1-25-79; 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 23, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 12, 1979.

FSA No. 43656, Hanjin Container Lines, Ltd. No. 100, intermodal rates on general commodities, in containers, between rail carriers' terminals on the U.S. Atlantic and Gulf Coasts, on the one hand, and ports in Japan and Korea, on the other, by way of U.S. Pacific Coast ports, to be published in Trans-Pacific Freight Conference of Japan/Korea, Agent, Tariff No. 1, I.C.C. No. 1, and Pacific Westbound Conference Tariff No. 8-A, I.C.C. No. 4. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2829 Filed 1-25-79; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

JANUARY 17, 1979.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination

of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 7, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 88368 (Sub-E5) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER, issue of June 28, 1974, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephrain, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. *Household Goods*, from points in CT to points in OR, (Gateway eliminated: Philadelphia, PA, points in Jefferson County, OH, Bloomington, IL and points within 25 miles thereof, Newton, KS and points within 15 miles thereof, points in CO, and points in WA east of the Cascade mountains. The purpose of this republication is to add the above territorial point previously omitted. The remainder of this letter-notice remains as previously published.

MC 88368 (Sub-E47) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER, issue of August 25, 1974, and partially republished, as corrected, this issue. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, MO 64030. Representative: Charles Ephrain, Ephrain and Clark, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. (8) *Household Goods*, from points in RI to points in WA, (Gateways eliminated: S. Attleboror, MA; Philadelphia, PA; Steubenville, OH; Clinton, IL; Newton, KS and Sterling, CO. The purpose of this partial republication is to include part (8) above, previously omitted. The remainder of this letter-notice remains as previously published.

MC 107012 (Sub-E233), filed October 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture*, crated, (1) from Waldron, AK to points in AR, NV and UT (Mexico, TX; Albuquerque, NM)* (2) from Houston, TX to points in AK, (points in Sedgewich County, KS)* (3) from Mexico, TX to points in AK (points in

Sedgewich County, KS)* (4) from Albuquerque, NM to points in AK, (points in Sedgewich County, KS)* (5) from Clovis, NM to points in AK, (points in Sedgewich County, KS)* (6) from Benton, AR to points in Cochise, Gila, Graham and Greenlee, AZ, (Mexico, TC)* (7) from Waldron, AR to points in Butte, Lassen, Modoc, NV, Plumas, Shasta, Sierra, Siskiyou, Yuba, Ingo, Fresno, Kings, Tulane, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Imperial, Riverside, San Diego, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, NAPA, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo counties, CA; and those points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Blingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power counties, ID. (Mexico, TX or Albuquerque, NM)* Gateways eliminated denoted by asterisks above.

MC 107012 (Sub-E234), filed October 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Law Dept., Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *Voting Machines*, uncrated. (1) from the facilities of AVM Corporation near Marion, SC to points in AK, (2) from the facilities of AVM Corporation near Marion, SC to points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgewick, Smith, Stafford, Sumner, Washington, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, and Stevens Counties, KS, and those points in Barry, Barton, Camden, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Texas, Vernon, and Webster Counties, MO, (Gateway eliminated: Tulsa, OK).

MC 107012 (Sub-E236), filed October 22, 1976. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David A. Bishop (same as above). *New pianos*, uncrated, (1) from points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity counties, CA (Grand Haven, MI*); (2) from points in Salt Lake County, UT, to points in AR, LA and MS (Vinita, Oklahoma City, or points in Bechham County, OK)*; (3) from points in Salt Lake County, UT, to points in Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN, and points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Herr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Mendard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas,

Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwell, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (Vinita, Oklahoma City, or Becham County, OK). (Gateway eliminated indicated by asterisk)

MC 107012 (Sub-E-389), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture*, Crated, (1)(a) from points in AL to points in AZ, (Camden, AR)* (b) from points in AL to points in CA, (Camden, AR)* (c) from points in AL to points in CO, (Little Rock, AR)* (d) from points in AL to points in ID, (Little Rock, AR)* (e) from points in AL to points in IA, (Burlington, IA)* (f) from points in AL to points in KS, (Little Rock, AR)* (g) from points in AL to points in MN, (Burlington, IA)* (h) from points in AL to points in MT, (points in Greene County, AR)* (i) from points in AL to points in NV, (Little Rock, AR)* (j) from points in AL to points in NM, (Camden, AR)* (k) from points in AL to points in ND, (points in Greene County, AR)* (l) from points in AL to points in OK, (Little Rock, AR)* (m) from points in AL to points in OR, (Camden, AR)* (n) from points in AL to points in SD, (Points in Greene County, AR)* (o) from points in AL to points in UT, (Little Rock, AR)* (p) from points in AL to points in WA, (Little Rock, AR)* (q) from points in AL to points in WY, (Fort Smith, AR)*. (2) from points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega and Tallapoosa, AL, to points in Blenville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (Camden, AR) points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, Washington and Suffolk Counties, NY (Newton Falls, OH)* points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, PA (*Newton Falls, OH), points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Arkansas, Atascosa, Ban-

Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, PA (Newton Falls, OH)* points in TX (*Camden, AR), (3) from points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL, to points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR) points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne, Yates, Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY (*Newton Falls, OH), points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, PA (*Newton Falls, OH), points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Arkansas, Atascosa, Ban-

dera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (Camden, AR)*, (4) from points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, and Winston, Counties, AL, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (Camden, AR)*, points in NY (Newton Falls, OH)*, points in PA (Newton Falls, OH)*, points in TX (Camden, AR)*, (5) from points in De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL, to points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (Camden, AR)*, points in NY (*Newton Falls, OH), points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland Counties, PA (*Newton Falls, OH) points in TX (*Camden, AR), (6) from points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington

and Wilcox Counties, AL, to points in Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in NY (*Newton Falls, OH), points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango, Warren, Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Tioga, Union, Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, Wyoming, Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH) points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX (Camden, AR)*. (Eliminate gateways indicated by asterisks above).

MC 107515 (Sub-E312), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road, NE, Atlanta, GA

30326. *Frozen Foods*, (except in bulk), from the facilities of Standard Foods, Inc., at Louisville, KY to points in MA, RI, and CT, and those points in NY on and east of I-Hwy 81. (Gateway eliminated: Mendon, MI.)

MC 107515 (Sub-E458), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road, NE, Atlanta, GA 30326. *Frozen Meats*, frozen edible meat products, and frozen edible meat by-products, as described in Section A of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *Frozen Edible Articles distributed by meat packinghouses*, as described in Section C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, supra, when in mixed shipments with meats, edible meat products and edible meat by-products, from Kansas City and St. Joseph, MO, to points in VA on and east of a line beginning at the VA-NC State line and extending along I-Hwy 85 to junction I-Hwy 95, then along I-Hwy 95 to junction U.S. Hwy 301, then along U.S. Hwy 301 to the Potomac River, those points in MD on and south of U.S. Hwy 50. (Gateway eliminated: Ayden, NC).

MC 107515 (Sub-E547), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P. O. Box 308, Forest Park, GA 33050. Representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Road, NE, Atlanta, GA 30326. (1) *Fresh Fruit and Vegetables*, in vehicles equipped with mechanical refrigeration, when moving in the same vehicle and at the same time as commodities the transportation of which is subject to economic regulation under Part II of the Interstate Commerce Act, (a) from points in CA on, south or west of a line beginning at the Pacific Ocean at Moss Landing, CA, and extending along CA Hwy 1 to junction CA Hwy 152, then along CA Hwy 152 to junction CA Hwy 99, then along CA Hwy 99 to junction CA Hwy 180, along CA Hwy 180 to junction U.S. Hwy 395 to junction CA Hwy 58, then along CA Hwy 58 to junction US Hwy 66, then along CA Hwy 66 to junction CA Hwy 18, along CA Hwy 18 to junction CA Hwy 62, then along CA Hwy 62 to junction I Hwy 10, to I Hwy 10 to the AZ-CA state line to points in PA, NY, NJ, MD, DE, DC, MA, CT, RI and those points in OH on, south or east of I Hwy 71; Columbus, OH; Cleveland and Cincinnati, OH. (b) from those points in CA on, south or west of a line beginning at the AZ-CA state line and extending along I Hwy 40 to junction CA Hwy 58, then over along CA Hwy 58 to junction CA Hwy

99, then along CA Hwy 99 to CA Hwy 4, then along CA Hwy 4 to junction I Hwy 80, then along I Hwy 80 to the Pacific Ocean to points in MD on and east of U.S. Hwy 15 to those points in PA on and east of a line beginning at the MD-PA state line and extending along U.S. Hwy 15 to junction I Hwy 81, then along I Hwy 81 to the NY-PA state line; those points in NY on, south and east of I Hwy 84; those points in CT along I Hwy 84 to junction I Hwy 86, then along I Hwy 86 to the CT-MA state line; points in RI; those points in MA on, south and east of a line beginning at the MA-CT state line and extending along MA Hwy 15 to junction I Hwy 90, then along I Hwy 90 to junction I Hwy 290, along I Hwy 290 to junction I Hwy 495, then along I Hwy 495 to I Hwy 93, then along I Hwy 93 to MA-NH state line, and points in DE and NJ, (2) *Canned Lemon Juice*, in vehicles equipped with mechanical refrigeration, from Covina, Los Angeles and Fresno, CA to the points of destination in 1(a) above; (3) *Citrus Products*, frozen and non-frozen in vehicles equipped with mechanical refrigeration; from Ontario and Corona, CA to the destination points in 1(a) above, (4) *Canned vegetables*, in vehicles equipped with mechanical refrigeration, from Oxnard and Saticoy, CA to the destination points in 1(a) above, (5) *Canned Fish*, and *Meats, Meat Products* and *Meat By-Products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, other than frozen in vehicles equipped with mechanical refrigeration, from Los Angeles, CA to the destination points in 1(a) above, (6) *Meats, Meat Products, Meat By-Products*, other than frozen, in vehicles equipped with mechanical refrigeration, from San Francisco and San Jose, CA to the destination points in 1(b) above, (7) *Cream*, sterilized in hermetically sealed containers, and *cream*, aerated, in gas charged containers, in vehicles equipped with mechanical refrigeration, from Gustine, CA to destination points in 1(b) above. (Gateway eliminated: Atlanta, GA.)

MC 115826 (Sub-E58), filed December 15, 1977. Applicant: W. J. DIGBY, INC., P. O. Box 5088 Termina, Denver, CO 80217. Representative: William N. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036. *Malt beverages*, from points in CO on and east and on the south of a line beginning at the CO-NM state line, and extending along U.S. Hwy 285 to junction western boundary of Jefferson County, then along the western and northern boundaries of Jefferson County, to junction CO Hwy 93, then along CO Hwy 93 to Boulder, then along CO Hwy 119 to Longmont, then

along U.S. Hwy 287 to Fort Collins, then along CO Hwy 14 to Sterling, CO; then along I-Hwy 76 to the CO-NE Boundary Line, including service from all points in the commercial zones in cities located on the above-described line, to points in ID on and west and on and north of a line beginning at the MT-ID State Line, and extending along U.S. Hwy 20 to ID Falls, then along U.S. Hwy 26 to Pocatello, then along U.S. Hwy 30 to junction U.S. Hwy 30(s), then along U.S. Hwy 30 to junction U.S. Hwy 93, then along U.S. Hwy 93 to the ID-NV State Line, including service to points in the commercial zones of cities located on the above-described line, (Eliminate Gateway of Golden, CO).

MC 124174 (Sub-E67) filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, tannery products, tannery byproducts, and supplies* (except commodities in bulk, in tank vehicles) from points in OK, to points in NE on and east of a line beginning at the junction U.S. Hwy 34 and U.S. Hwy 281 extending along NE Hwy 2 to junction U.S. Hwy 183, then along U.S. Hwy 183 to the NE-SD State line; points in SD on and east of a line beginning at the SD-NE State line extending along U.S. Hwy 183 to junction U.S. Hwy 16, then along U.S. Hwy 16 to junction U.S. Hwy 83, then along U.S. Hwy 83 to junction U.S. Hwy 14, then along U.S. Hwy 14 to junction SD Hwy 63, then along SD Hwy 63 to junction U.S. Hwy 212, then along U.S. Hwy 212 to junction SD Hwy 65, then along SD Hwy 65 to the SD-ND State line; points in IL on and east of a line beginning at St. Louis extending along IL Hwy 3 to junction IL Hwy 149, then along IL Hwy 149 to junction IL Hwy 13, then along IL Hwy 13 to the IL-KY State line; points in KY on and east of a line beginning at the KY-IL State line extending along KY Hwy 56 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction KY Hwy 86, then along KY Hwy 86 to junction U.S. Hwy 62, then along U.S. Hwy 62 to junction KY Hwy 61, then along KY Hwy 61 to junction KY Hwy 84, then along KY Hwy 84 to junction KY Hwy 49, then along KY Hwy 49 to junction U.S. Hwy 127, then along U.S. Hwy 127 to junction KY Hwy 910, then along KY Hwy 910 to junction KY Hwy 80, then along KY Hwy 80 to junction U.S. Hwy 25, then along U.S. Hwy 25 to junction U.S. Hwy 25E, then along U.S. Hwy 25E to the KY-TN State line; and points in VA, WV, MD, PA, NJ, MA, VT, NH, ME, NY, OH, IN, MI, WI, IA, and MN. (Gateway eliminated: Hastings, NE, and St. Louis, MO).

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2830 Filed 1-25-79; 8:45 am]

[7035-01-M]

Office of Proceedings

[Notice No. 8]

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

JANUARY 16, 1979.

IMPORTANT NOTICE:

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 531 (Sub-368 TA), filed December 14, 1978. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, TX 77021. Representative: Wray E. Hughes, 4904 Griggs Road,

Houston, TX 77021. *Fish oil and solubles*, (in bulk, in tank vehicles), from San Diego, CA to Clinton and Davenport, IA; Shreveport, LA; Oklahoma City, OK; Fort Worth and Lubbock, TX., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ralston Purina Co., Checkerboard Square, St. Louis, MO. 63188. SEND PROTESTS TO: John F. Mensing DS, 8610 Federal Bldg., 515 Rusk Avenue, Houston, TX 77002.

MC 730 (Sub-424TA), filed December 20, 1978. Applicant: PACIFIC IN-TERMOUNTAIN EXPRESS, CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: R. N. Cooledge, 25 North Via Monte, P.O. Box 8004, Walnut Creek, CA 94596. *Polypropylene Glycol (Resins)*, (in bulk, in tank vehicles), from Azusa, CA., to Monticello, AR., for 180 days. SUPPORTING SHIPPER(S): Chemetics Systems, Inc., 2006 Gladwick Street, Compton, CA 90220. SEND PROTESTS TO: A. J. Rodriguez DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC-5227 (Sub 47TA), filed December 22, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: Gailyn L. Larsen, Peterson, Bowman, Larsen & Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Cooling towers, cooling tower components and parts and accessories*, from the facilities of Marley Cooling Tower Company, at or near Muscatine, IA, to the Pleasant Prairie Power Plant, at or near Kenosha, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Marley Cooling Tower Company, Fred Swickard, Precast Manager, P.O. Box 2388, Gulfport, MI 39501. Send protests to: Max Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building & U.S. Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 19945 (Sub-69TA), filed December 20, 1978. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. *Salt* (in bulk), from the facilities of Morton Salt Company, at St. Louis, MO, to points in IL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Paul M. Mandra, Supervisor, Morton Salt Co., Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, IL 60606. SEND PROTESTS TO: Charles D. Little, DS, ICC, 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL 62701.

MC 59457 (Sub-40TA), filed December 4, 1978. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, CT 06525. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. *Dairy products* (except commodities in bulk), in shipper-owned trailers, from the facilities of the Borden Company in Stratford, CT, to points in New York, New Jersey, Pennsylvania, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Delaware, and MD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Borden Corporation, 355 Benton Street, Stratford, CT 06497. SEND PROTESTS TO: J. D. Perry, Jr., DS, ICC, 135 High Street, Room 324, Hartford, CT 06103.

MC 64932 (Sub-591TA), filed December 22, 1978. Applicant: ROGERS CARTAGE COMPANY, 10735 S. Cicero, Oak Lawn, IL 60453. Representative: William F. Farrell (same address as applicant). *Dry magnesium oxide* (in bulk, in pneumatic tank vehicles), from the facilities of Martin Marietta Company at Manistee, MI to Southern California Edison Co., at Daggett, CA, for 180 days. SUPPORTING SHIPPER(S): Calgon Corporation, Philip H. Ott, Traffic Supervisor, P.O. Box 1346, Pittsburgh, PA 15230. SEND PROTESTS TO: Lois M. Stahl, Transp. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 69281 (Sub-48TA), filed December 13, 1978. Applicant: THE DAVIDSON TRANSFER & STORAGE CO., 698 Fairmount Avenue, Towson, MD 21204. Representative: Henry J. Bouchat, P.O. Box 58, Baltimore, MD 21203. 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)*, serving Dunkirk, MD as an off-route point in connection with carrier's presently authorized regular route operations, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Gerald Skalka Vice President, Victor Stanley, Inc., Brick House Road, Dunkirk, MD 20754. SEND PROTESTS TO: William L. Hughes DS, ICC, 1025 Federal Building, Baltimore, MD 21201.

MC 70477 (Sub-3TA), filed December 22, 1978. Applicant: M. J. SEIWERT CARTAGE CO., 2029 W. Hubbard Street, Chicago, IL 60612. Representative: Themis Anastos, 120 W. Madison Street, Chicago, IL 60602. *Freight all kinds*, from Chicago, IL., Commercial Zone to Detroit, MI and

Detroit Commercial Zone, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): William B. Marsells, General Manager, Allied Shippers & Receivers, 2029 W. Hubbard Street, Chicago, IL 60612. SEND PROTESTS TO: Lois M. Stahl Transp. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 82841 (Sub-242TA), filed December 21, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen, 10770 "I" Street, Omaha, NE 68127. *Thermal storage materials and supplies*, from Killeen, TX., to AZ, CA, CO, GA, ID, IA, KS, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI, and WY., for 180 days. SUPPORTING SHIPPER(S): Philip G. Williams Corporate Traffic Manager, Valmont Industries, Inc., d/b/a Valmont Energy Systems, Highway 190 West, P.O. Box 1416, Killeen, TX 76541. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 89369 (Sub-21TA), filed December 13, 1978. Applicant: JOART TRUCKING CO., P.O. Box 332, New Brunswick, NJ 08903. Representative: Edward F. Bowes, 167 Fairfield Road Fairfield, NJ 07006. *Dry plastic material*, (in bulk, in vacuum pneumatic tank vehicles), between points in Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Rhode Island, Delaware, Virginia, & NJ, on the one hand, and, on the other, points in NJ, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately (7) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 100666 (Sub-415TA), filed December 13, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 N.W., Expressway, Oklahoma City, OK 73112. *Zinc, zinc alloy and zinc products*, from the facilities of Jersey Miniere Zinc Company in Montgomery County, TN, to points in and east of Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and TX., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Jersey Miniere Zinc Company, 2200 First American Center, Nashville, TN 37238. SEND PROTESTS TO: Connie A. Guillory, DS, ICC, T-9038 U.S. Postal

Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 100666 (Sub-416TA), filed December 13, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W., 58th Street, Oklahoma City, OK 73112. *Lumber*, from Cove City, NC., to points in Indiana, Illinois, Ohio, Michigan and WI., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): World Wook Corporation, P.O. Box 98, Cove City, NC 28523. SEND PROTESTS TO: Connie A. Guillory DS, ICC, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 103798 (Sub-25TA), filed December 13, 1978. Applicant: HARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A & C 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 utilized by John Morrell & Co., at Esterville and Sioux City, IA and St. Paul and Worthington, MN to points in CA., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 103993 (Sub-945TA), filed December 22, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, IN 46515. Motor vehicles, (except trucks), in secondary movements, in driveway service, from the facilities of Holiday Rambler Corporation in Elkhart County, IN., to points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Holiday Rambler Corporation, 65528 State Road 29, Wakarusa, IN 46573. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 107012 (Sub-326TA), filed December 21, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gary M. Crist, P.O. Box 988, Fort Wayne, IN 46801. *Kitchen cabinets*, in

cartons, from the facilities of Boise Cascade Corporation at or within 25-mile radius of Berryville, and Winchester, VA., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Louisiana and MS., for 180 days. An underlying ETA seeks up to 90 days authority.

SUPPORTING SHIPPER(S): Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83707. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 112617 (Sub-417TA), filed December 22, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Representative: Mr. Charles R. Dunford (same address as applicant). *Inedible tallow*, (in bulk, in tank vehicles), from Henderson, KY, to Russellville, KY and Hurricane, WV, to Cincinnati, OH, for 180 days. SUPPORTING SHIPPER(S): Mike Gilbert, Asst. Traffic Manager, Griffin Industries, 4221 Alexandria Pike, Cold Spring, KY 41076. SEND PROTESTS TO: Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 114211 (Sub-390TA), filed December 20, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant). *Lumber, lumber mill products, and forest and wood products*, from Rosebud County, MT, to points in Illinois, Iowa, Minnesota, and WI., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Andersonia Forest Products, Inc., P.O. Box 4240, Arcata, CA 95521. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 115311 (Sub-323TA), filed December 22, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Mark C. Ellison, P.O. Box 872, Atlanta, GA 30301. *Hardboards, insulation boards, plywoods and/or particleboard, parts, materials and accessory items used for the installation thereof*, from the facilities of Abitibi Corporation in Wilkes County, NC to points in Arkansas, Illinois, Kentucky, Ohio, Indiana and DC, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Abitibi Corporation, 3250 West Big Beaver Road, Troy, MI 48084. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 115311 (Sub-324TA), filed December 22, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box

872, Atlanta, GA 30301. *Dry animal feed*, (except in bulk, from Tupelo, MS and Red Bay, AL to points in VA, for 180 days. SUPPORTING SHIPPER(S): Sunshine Mills, Inc., P.O. Drawer S, Red Bay, AL 35582. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 115331 (Sub-478TA), filed December 21, 1978. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. *Sweeteners*, (in bulk), from the plantsite and storage facilities of Industrial Sugars, Inc., at or near St. Louis, MO to all points in the states of Kentucky, Tennessee, Arkansas, Iowa, Ohio, Indiana, Kansas, Illinois and MO., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Industrial Sugars, Inc., Subsidiary Borden, Inc., 180 E. Broad Street, Columbus, OH 43215. SEND PROTESTS TO: Peter E. Binder DS, ICC, 210 N. 12th Street, Room 1465, St. Louis, MO 63101.

MC 115821 (Sub-38TA), filed December 21, 1978. Applicant: FRANK BEELMAN, d.b.a., BEELMAN TRUCK CO., St. Libory, IL 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. *Salt*, (in bulk), from the facilities of Morton Salt Company at St. Louis, MO., to points in IL, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Paul M. Mandra, Supervisor, Morton Salt Co., Division of Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606. SEND PROTESTS TO: Charles D. Little DS, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield IL 62701.

MC 116446 (Sub-7TA), filed December 20, 1978. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour and flour products*, (except commodities in bulk), from New Prague, New Ulm, and Wabasha, MN to points in IA, under a continuing contract or contracts, with International Multi-foods Corporation, for 180 days. An underlying ETA seeks up to 90 days authority.

SUPPORTING SHIPPER(S): International Multi-foods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402. SEND PROTESTS TO: Delores A. Poe Transp. Asst., ICC, 414 Federal Build-

ing & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 116947 (Sub-65TA), filed December 13, 1978. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, S.W., Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Roswell Road, N.W., Atlanta, GA 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, pallets, paper shrouds, chipboard, decorated tin plate in sheets, bottle caps, and material and supplies*, (except commodities in bulk), used in the manufacture and distribution of metal containers, (1) between the facilities of Crown Cork & Seal Company, in the states of Georgia, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, Ohio, Pennsylvania, South Carolina, Texas and VA; and (2) between the facilities named in (1) above, and points in the states of Minnesota, Iowa, Kansas, Oklahoma, and TX, and states east thereof, under a continuing contract or contracts, with Crown Cork & Seal Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, PA. 19136. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA. 30309.

MC 117786 (Sub-46TA), filed December 13, 1978. Applicant: RILEY WHITTE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Road, Springfield, VA 22150. *Charcoal, charcoal briquettes, fireplace logs, charcoal lighter fluid*, in cans in cartons, *hickory chips, (not charred) for flavoring purposes, Vermiculite*, from Springfield, OR., to points in Arizona, California, Nevada, and UT., for 180 days. SUPPORTING SHIPPER(S): The Kingsford Company, P.O. Box 1033, 1700 Commonwealth Building, Louisville, KY 40201. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 117786 (Sub-229TA), filed December 13, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (Same address as applicant). (1) *Toilet preparations*, and (2) *materials, and supplies used in the sale of toilet preparations*, from the facilities of LaMaur, Inc., at Minneapolis, MN, to points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Eugene F. Schwarz Traffic Manager, LaMaur, Inc., 5601

East River Road, Minneapolis, MN 55432. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 118959 (Sub-189TA), filed December 21, 1978. Applicant: JERRY LIPPS, INC., 139 South Frederick, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. *Paper and paper products* from the warehouse facilities of Nicolet Paper Company at or near DePere, WI to MS, GA, TN, TX, and GA for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Nicolet Paper Company, Main Avenue, DePere, WI 54115. SEND PROTESTS TO: Peter E. Binder DS, ICC, 210 N. 12th Street, Room 1465, St. Louis, MO 63101.

MC 124920 (Sub-16TA), filed December 13, 1978. Applicant: LABAR'S, INC., 771 Scott Street, Wilkes-Barre, PA 18705. Representative: L. Agnew Myers, Jr., 407 Walker Building, 734 15th Street, N.W., Washington, DC 20005. *Wool, mineral, and insulating materials*, from the facilities of CertainTeed Products Corporation, CSG Group, Mountaintop, PA, to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island and VT., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. SEND PROTESTS TO: Paul J. Kenworthy DS, ICC, 314 U.S. Post Office Building, Scranton, PA 18503.

MC 125777 (Sub-237TA), filed December 8, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Coke*, (in bulk), in dump vehicles, from Ashland, KY., to points in Illinois, Indiana, Michigan, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and WV., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Semet Solvay Division of Allied Chemical Corporation, P.O. Box 1013R, Morristown, NJ 07960. SEND PROTESTS TO: Lois M. Stahl Trans. Asst., ICC, Room 1386, Chicago, IL 60604.

MC 125708 (Sub-156TA), filed December 22, 1978. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. *Salt covered magenesium granules*, (in containers), from Freeport, TX to the boundary of the United States and Canada at the Port of Entry at Sault

Ste. Marie, MI and return of empty containers, from Sault Ste. Marie, MI to Freeport, TX., for 180 days. SUPPORTING SHIPPER(S): The Algoma Steel Corporation, Ltd., B. Dean, Traffic Analyst, Inbound Materials, Sault Ste. Marie, Ontario, Canada. SEND PROTESTS TO: Lois M. Stahl Transp. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128951 (Sub-22TA), filed December 6, 1978. Applicant: ROBERT H. DITTRICH, d/b/a/ BOB DITTRICH TRUCKING, 1000 North Front Street, New Ulm, MN 56073. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Feed and feed ingredients, grain, soybean and seed products and by-products*, (except commodities in bulk, in tank vehicles), from the facilities of Archer Daniels Midland Company located at or near Red Wing, MN, to points in Colorado, Kansas, Nebraska, Missouri, South Dakota, North Dakota, Iowa, Wisconsin and IL., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Archer Daniels Midland Company, P.O. Box 1470, Decatur, IL 62525. SEND PROTESTS TO: Dolores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 134477 (Sub-302TA), filed December 21, 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. *Foam rubber seat pads*, from Whitmore Lake, MI to St. Paul, MN, for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Ford Motor Company, One Parklane Boulevard, Parklane Towers East, Suite 200, Dearborn, MI 48126. SEND PROTESTS TO: Dolores A. Poe Transp. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 134978 (Sub-17TA), filed December 20, 1978. Applicant: C. P. BELUE, d/b/a BELUE'S TRUCKING, Route 6, Spartanburg, SC 29303. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. *Concrete products and prestressed concrete products*, from points in Spartanburg and Greenville Counties, SC to points in North Carolina, Georgia, and TN., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Metromont Materials, P.O. Box 1292 Spartanburg, SC 29304. SEND PROTESTS TO: E. E. Strothaid DS, ICC, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 135797 (Sub-169TA), filed December 22, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. *Furniture, furniture parts, furniture hardware and furniture supplies*, from Fortuna, Healdsburg and Watsonville, CA to Cecero, IN; Tranquility, NJ; Candor, NC; Jefferson, TX and Columbus, WI., for 180 days. SUPPORTING SHIPPER(S): Harris Pine Co., P.O. Drawer 1168, Pendleton, OR 97801. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 136220 (Sub-65TA), filed December 20, 1978. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. *Fishmeal 9* (in bulk, in dump vehicles), from Empire, Dulac, Homewood and Cameron, LA; Port Arthur, TX; and Gulf Port, MS, to points in AR and OK., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Wilbur-Ellis Company, 1000 Plaza West Building, Little Rock, AR 72207. SEND PROTESTS TO: Connie Stanley Transp. Asst., Room 240 Old Post Office & Court House Building, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 136553 (Sub-66TA), filed December 21, 1978. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Empty cans and can ends*, from the facilities of American Can Co., at Milwaukee, WI., to Dubuque, IA; for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Coca-Cola Bottling Company, 2435 Kerper Boulevard, Dubuque, IA 52001. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 138991 (Sub-26TA), filed December 14, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry beverage preparations*, from Franklin Park and St. Charles, IL to Florence and Hightstown, NJ and Geneva, OH, and from Northfield, IL to Florence, NJ and Geneva, OH, and (2) *Empty cans and can lids*, from Florence and Hightstown, NJ to Franklin Park, St. Charles and Northfield, IL., under a continuing contract or contracts, with The Coca-Cola Com-

pany Foods Division, for 180 days. An underlying ETA seeks up to 90 days authority.

SUPPORTING SHIPPER(S): The Coca-Cola Company Foods Division, Patrick M. Persicano Reg. Distr. Manager, 480 Mercer Street, Hightstown, NJ. 08520. SEND PROTESTS TO: ICC, U.S. Courthouse & Federal Bldg., 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

MC 140452 (Sub-12TA), filed December 21, 1978. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 U.S. Business Highway 41 N, Suite 204, Evansville, IN 47711. Representative: David Konnersman, 5101 Madison Avenue, Indianapolis, IN 46227. *Baking powder*, from the facilities of Hulman & Co., in Terre Haute, IN., to Tyler, Lubbock, and El Paso, TX, and Jacksonville, Tampa and Miami, FL., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Hulman & Co., 900 Wabash Avenue, Terre Haute, IN 47807. SEND PROTESTS TO: Beverly J. Williams Transp. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 140768 (Sub-27TA), filed December 13, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. *Pet foods*, from the facilities of Sunshine Mill, Inc., at or near Red Bay, AL to points in MD, NJ, NC, PA, VA and WV., for 180 days. SUPPORTING SHIPPER(S): Sunshine Mills, Inc., P.O. Box S, Red Bay, AL 35582. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 140869 (Sub-10TA), filed December 13, 1978. Applicant: KERRI TRUCKING, INC., 130 Route 17 South, Mahwah, NJ 07430. Representative: Mr. David Olsen, 116 Williams Avenue, Tappan, NY 10983. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Northvale, NJ and Champlain, NY, to Dallas, TX; Atlanta, GA; Minneapolis, MN; Pennsauken and Linden, NJ; Columbus, OH; Chicago, IL; Boston, MA; Des Moines, IA; Nashville, TN; Miami and Jacksonville, FL; Charlotte, NC; Memphis, TN; Indianapolis, IN; Los Angeles, CA; Denver, CO; St. Louis, MO; New Orleans, LA; Philadelphia, PA; Baltimore, MD; Cincinnati, OH; Buffalo and Rochester, NY; under a continuing contract or contracts, with Dalt International, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Dalt International, Inc. 360 Sylvan Avenue, Englewood Cliffs,

NJ. SEND PROTESTS TO: Joel Morrows DS, ICC, 9 Clinton Street, Newark, NJ. 07102.

MC 141232 (Sub-7TA), filed December 21, 1978. Applicant: STATEWIDE TRUCKING CO., 1801 West Oxford, Englewood, CO 80110. Representative: A. B. Ballah, Jr. (Same address as applicant). *Building materials, fence materials and supplies*, between points in WY, on the one hand, and, on the other, points in Meade, Pennington, Lawrence, Custer and Fall River Counties, SD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Denver Reserve Supply Company, 555 West 48th Avenue, Denver, CO. SEND PROTESTS TO: Roger L. Buchanan DS, ICC, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 141568 (Sub-1TA), filed December 20, 1978. Applicant: S & S TRANSPORT, INC., R. R. 3, Box 74A, Elkhart, IN 46514. Representative: Robert A. Kricsunas, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in dump vehicle, from the facilities of Aggregate Materials Corporation, near Edwardsburg, MI., to Harvey, IL., restricted to a contract or continuing contracts, with Harvey Cement Products, Inc., Harvey, IL., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Harvey Cement Products, Inc., 16030 S. Park Avenue, Harvey, IL 60426. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 141958 (Sub-7TA), filed December 20, 1978. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 422, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reich Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Peanut butter*, for the account of Procter & Gamble Distributing Company, from Lexington, KY., to Chicago, IL., under a continuing contract or contracts, with The Procter & Gamble Distributing Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. (Dennis C. Chipman, Traffic Analyst) SEND PROTESTS TO: Charles D. Little DS, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 142508 (Sub-43TA), filed December 20, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street,

NOTICES

Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Powered lawn mower, powered snow throwers, and powered turf equipment*, from the facilities of Trade Winds Company, Inc., at Manawa, WI and the facilities of Outboard Marine Corporation at Galesburg, IL to points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): J. A. Illes, Vice President, Director of Transportation, Outboard Marine Corporation, 100 Seahorse Drive, Waukegan, IL 60085. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 143373 (Sub-2TA), filed December 20, 1978. Applicant: WEILAND TRUCKING CO., INC., Route 2, P.O. Box 268, Wautoma, WI 54982. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, MN, to points in WI. RESTRICTION: Traffic proposed to be moved hereunder limited to a transportation service, to be performed under a continuing contract or contracts, with G. Heileman Brewing Company, Inc., La Crosse, WI., for 180 days. SUPPORTING SHIPPER(S): G. Heileman Brewing Company, Inc., 925 South Third Street, La Crosse, WI 54601. SEND PROTESTS TO: Gail Daugherty, Transp. Asst., ICC, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 143963 (Sub-3TA), filed December 13, 1978. Applicant: P. J. LOMBARDI TRUCKING, INC., 1308, 71st Street, Brooklyn, NY 11228. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Batteries, foil, valves, fittings, hoses, couplings, automotive parts, electric motors, electrical products and equipment, and materials, supplies and equipment* used in the manufacture and distribution of the aforementioned commodities, (a) between points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, Kansas, and TX; and (b) between points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, Kansas and TX, on the one hand, and, on the other, Los Angeles, CA, and Portland, OR, under a continuing contract or contracts, with Gould, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORT-

ING SHIPPER(S): Gould, Inc., 10 Gould Center, Rolling Meadows, IL 60008. SEND PROTESTS TO: Maria B. Keiss, Trans. Asst., ICC, 26 Federal Plaza, New York, NY 10007.

MC 144630 (Sub-47TA), filed December 20, 1978. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46012. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 14065, Indianapolis, IN 46204. *Alcoholic beverages* (except in bulk), from the facilities of National Distillers Products Co. at Cincinnati, OH, and Frankfort, KY., to points in Florida, Georgia and SC, for 180 days. SUPPORTING SHIPPER(S): There are approximately (5) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 144956 (Sub-2TA), filed December 20, 1978. Applicant: TRANSMUTUAL TRUCK LINES, LTD., 7034-30th Southeast, Calgary, Alberta, Canada. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Bentonite, drilling mud and additives*, from Billings, MT and Big Horn County, WY to the United States-Canada International Boundary line located at the Port of Entry at Sweetgrass, MT., restricted to traffic in foreign commerce, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Wyo-Ben, Inc., 1242 North 28th Street, Billings, MT 59101. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602-1st Ave., North, Billings, MT 59101.

MC 145384 (Sub-16TA), filed November 29, 1978. Applicant: ROSEWAY, INC., 1914 E. Euclid, Des Moines, IA 50309. Representative: James Hodge, 1980 Financial Center, Des Moines, IA 50309. *Molding and millwork*, from the facilities of Diamond International Corporation at or near Chico, CA., to points in Iowa, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and WI., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Diamond International Corporation, 733 Third Avenue, New York, NY 10017. SEND PROTESTS TO: Herbert H. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 145707 (Sub-1TA), filed December 20, 1978. Applicant: DERBY FARM EQUIPMENT, LTD., Box 725, Grenfell, Saskatchewan, Canada. Representative: James B. Hovland, 414 Gate City Building, Box 1680, Fargo, ND 58107. *Crushed vehicles and scrap*

metal, from points in MN on and north of Interstate Highway 94, (except Minneapolis and St. Paul, MN), and points in ND to ports of entry on the United States-Canada Boundary line at or near Pembina, Portal and Westhope, ND, and Noyues, MN. RESTRICTION: Restricted to the transportation of traffic destined to Winnipeg, Manitoba, Canada, and Regina, Saskatchewan, Canada, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Kar-Basher, Inc., Box 1725, Fargo, ND 58102. SEND PROTESTS TO: Ronald R. Mau DS, ICC, Room 268 Federal Building & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 145852 (Sub-1TA), filed December 13, 1978. Applicant: B & S TRUCKING, INC., Route 13, Box 460, Statesville, NC 28677. Representative: Richard A. Peniston, 2007 Commonwealth Avenue, Charlotte, NC 28205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products and the materials and supplies used in the production, manufacturing, display and sales thereof*, from points in NC and SC, where suppliers of shipper are located to shipper's mill in Ontario, CA., under continuing contract or contracts with Western Textile Mills, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Western Textile Mills, Inc., 1930 South Vineyard Avenue, Ontario, CA. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145869 TA, filed December 13, 1978. Applicant: WILLS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New furniture, mirrors, pictures, and picture frames*, from the facilities of Basset Mirror Company, Inc., at Bassett and Philpott, VA., to points in CA and TX., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Baassett Mirror Company, Inc., P.O. Box 627, Bassett, VA 24045. SEND PROTESTS TO: Paul D. Collins DS, ICC, Room 10-502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2634 Filed 1-25-79; 8:45 am]

[7035-01-M]

[Notice No. 9]

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

JANUARY 16, 1979.

IMPORTANT NOTICE

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 21455 (Sub-48TA), filed December 18, 1978. Applicant: GENE MITCHELL CO., West Liberty, IA 52776. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. *Soy flour and soy flour products*, from Mankato, MN to Springfield, Melrose Park, and Dundee, IL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Honeymead Products Company, 720 Minneopa Road, Mankato, MN 56001. SEND PROTESTS TO: Herbert W. Allen, I.C.C. 518 Federal Bldg., Des Moines, IA 50309.

MC 26396 (Sub-218TA), filed December 22, 1978. Applicant: POPELKA TRUCKING CO., d.b.a., THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Materials, equipment and supplies used in the manufacture, sales distribution of doors and door systems; from points in the states of Michigan, Ohio and Alabama, to our plantsite at Colorado Springs, Co., for 180 days.* SUPPORTING SHIPPER(S): Therma-Tru, Inc., 6275 Lakeshore Court, Colorado Springs, CO 80915. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602-1st Avenue North, Billings, MT 59101.

MC 26396 (Sub-219TA), filed December 22, 1978. Applicant: POPELKA TRUCKING CO., d/b/a THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Concrete mausoleum crypts, from Denver, CO; (1) to points in the states of Arizona, Nebraska, New Mexico, Montana, Kansas, Utah, South Dakota, North Dakota, Oklahoma, Texas, Wyoming, Nevada, Oregon, Washington, California and ID; and (2) to ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, Montana, and ND, for 180 days.* An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): DUWE Mausoleum Sales Corp., P.O. Box 2068, Oshkosh, WI 54903. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602-1st Avenue, North, Billings, MT 59101.

MC 38481 (Sub-10TA), filed December 11, 1978. Applicant: FARRUGIO'S BRISTOL & PHILADELPHIA AUTO EXPRESS, INC., 1419 Radcliff St., Bristol, PA 19007. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Slag, slag products, sand and gravel*, from facilities of the Warner Co., in Falls Township, Bucks County, PA to points in NJ and NY, for 180 days. SUPPORTING SHIPPER(S): Warner Co., 1721 Arch St., Philadelphia, PA 19103. SEND PROTESTS TO: T. M. Esposto, Trans. Asst., 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 52858 (Sub-123TA), filed December 21, 1978. Applicant: CONVOY COMPANY, 3900 N.W. Yeon Ave., P.O. Box 10185, Portland, OR 97210. Representative: Peter Gearin, Convoy Company, 3900 N.W. Yeon Ave., P.O. Box 10185, Portland, OR 97210. *Motor vehicles in initial and secondary movements, in truckaway service, from the facilities of Ford Motor Company at St. Paul, MN to points in SD, ND, MT, CO, and NE., for 180 days.* An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ford Motor

Company, P.O. Box 1529-B, NAAO Bldg., Dearborn, MI 48121. SEND PROTESTS TO: R. V. Dubay DS, ICC, 114 Pioneer Courthouse, Portland, OR. 97204.

MC 58549 (Sub-28TA), filed December 18, 1978. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby Street N.W., Roanoke, VA 24034. Representative: Jerry Beard, P.O. Box 13727, Roanoke, VA 24034. *Pulpboard NOI, not corrugated or indented, and Activale Carbon (except in bulk), from Covington, VA to points in NC, for 180 days.* An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Mr. Robert L. St. Clair, Westvaco Corp., Covington, VA. SEND PROTESTS TO: Paul D. Collins, I.C.C., Rm. 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC-70832 (Sub-27TA), filed December 29, 1978. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. *General commodities, except Class A and B explosives, household goods as specified by the Commission, commodities in bulk, and those requiring special equipment. Restricted to traffic moving on bills of lading of the General Motors Corporation and/or consolidators and freight forwarders for the General Motors Corporation, from Harrisburg, PA to Dayton, OH, for 180 days.* SUPPORTING SHIPPER(S): General Motor Corporation, Dayton, OH 45442. SEND PROTESTS TO: Charles F. Myers, I.C.C., P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC-85934 (Sub-90 TA), filed December 21, 1978. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming, Dearborn, MI 48120. Representative: Edwin M. Snyder, Law Offices of Sullivan, Leavitt & Bileti, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, 313-349-3980. *Sand, in bulk, from LaSalle County, IL, and Berrien County, MI, to AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI., for 180 days.* SUPPORTING SHIPPER(S): Manley Bros., P.O. Box 538, Chesterton, IN 46304. (J. J. Stefanec) SEND PROTESTS TO: Tim Quinn DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 87689 (Sub-17TA), filed December 21, 1978. Applicant: INTER-CITY TRUCK LINES LTD., 3033 Universal Drive, Mississauga, Ontario, Canada. Representative: John R. Davidson, 805 Midland Bank Building, Billings, MT

59101. 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, and those requiring the use of special equipment), between the Port of Entry located at or near Sweetgrass, MT., and Great Falls, MT: From the Port of Entry at or near Sweetgrass over Interstate 15 and U.S. Highway 91 to Great Falls, and return over the same route, serving no intermediate points, for 180 days. SUPPORTING SHIPPER(S): There are approximately (6) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: ICC, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC-103051 (Sub-468TA), filed December 29, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. *Petroleum products, vehicle body sealer, sound deadening compounds, and acoustical control items, in bulk, in tank vehicles*, from Warren County, MS to points in the United States (except AK & HI). RESTRICTED to shipments originating at the facilities of Quaker State Oil Refining Corp. located in Warren County, MS, for 180 days. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Joe J. Tate, I.C.C., Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 103051 (Sub-469TA), filed December 29, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. *Vegetable oils, in bulk, in tank vehicles*, from Maxton, NC, Darlington, SC, Dawson, Gainesville & Augusta, GA, Birmingham, Dothan and Enterprise, AL, and Graceville, FL to St. Rose, LA, for 180 days. SUPPORTING SHIPPER(S): Alimenta (USA), Inc., P.O. Box 88987, Atlanta, GA 30338. SEND PROTESTS TO: Joe J. Tate, I.C.C., Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 106074 (Sub-79TA), filed December 29, 1978. Applicant: B & P MOTOR LINES, INC., P.O. Box 741, Forest City, NC 28043. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products*, from the facilities of Spencer Foods, Inc. at or near Schuyler, NE to points in FL and

GA, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority and has been granted a 30-day ETA partially duplicating the authority sought herein. Supporting Shipper: Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68661. Send Protests to: Mr. Terrell Price, I.C.C., 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 107403 (Sub-1150TA), filed December 11, 1978. Applicant: MATA-LACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., same as above. *Methanol, in bulk, in tank vehicles*, from New Haven, CT to Waltham, Natick, Hopkinton, MA, Central Falls, Cranston and Lincoln, RI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Monson Chemicals, Inc., 84 South St., Hopkinton, MA 01748. SEND PROTESTS TO: T. M. Esposito, Trans. Asst., 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 107515 (Sub-1193TA), filed December 21, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby & Richard M. Tettelbaum, Serby & Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Lighting fixtures and/or parts thereof*, from the facilities of Lithonia Lighting, Div., of National Service Industries, Inc., at or near Cochran and Conyers, GA, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota and WI., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Lithonia Lighting Division of National Service Industries, Inc., P.O. Box H, 1400 Lester Road, Conyers, GA. 30207. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 110563 (Sub-256TA), filed December 15, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Shortening, Cooking and Salad Oils and Oleomargarine*, from the facilities of PVO International, Inc., at St. Louis, MO, to points in AL, FL, GA, NC and TN, in mechanically refrigerated vehicles, for 180 days. Supporting Shipper: PVO International, Inc., 3400 N. Wharf, St. Louis, MO 63147. Send protests to: I.C.C., 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 111729 (Sub-750TA), filed December 20, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY

11040. Representative: Elizabeth L. Henoch (same address as applicant). (1) *Business papers, records, and audit and accounting media of all kinds*; (2) *Parts, new and rebuilt replacement truck parts*, restricted against the transportation of packages or articles, weighing more than 100 pounds in the aggregate from one consignor to one consignee on any one day, Between Coeburn, VA, on the one hand, and, on the other, Middlesboro and Prestonsburg, KY, for 180 days. Supporting Shipper(s): Eastern Kentucky Mack Truck, Inc., Division of World Wide Equipment Company, Inc., State Route 1428 East, Prestonsburg, KY. Send protests to: Maria B. Kejss Transp. Asst., ICC, 26 Federal Plaza, New York, NY 10007.

MC 114552 (Sub-190TA), filed December 21, 1978. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3526 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Iron and steel articles*, from the facilities of United States Steel Corporation at or near (a) Clairton, Duquesne, Fairless, Homestead, Dravosburg, Johnstown, McKeesport, McKees Rocks and Vandergrit, PA, and (b) Cleveland, Lorain, and Youngstown, OH, to points in AL, FL, GA, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, Room 568, 600 Grant Street, Pittsburgh, PA 15230. Send protests to: E. E. Strotheid DS, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 115651 (Sub-51TA), filed December 22, 1978. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: Robert D. Higgins, 7222 Cunningham Road Rockford, IL 61102. *Liquefied Petroleum gas* (in bulk, in tank trucks), from (1) the facilities of the Cochin Pipeline at or near New Hampton, IA, to points in IA, IL, MN, SD, WI, and (2) the facilities of Cochin Pipeline, at or near Milford, IN, to points in IL, KY, MI and OH, for 180 days. Supporting shipper(s): Northern Propane Gas Company, W. J. (Bill) Roth, Director of Traffic, 2223 Dodge Street, Omaha, NE 68102. Send protests to: Lois M. Stahl Transp. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 117034 (Sub-4TA), filed December 18, 1978. Applicant: ARTHUR E. OLSEN, D/B/A DAWN TRAIL AWAY, 1468 Greenbrae, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Mobile homes and camper-type trailers, in Tow-Away operations*,

between points in CA, ID, and UT, on the one hand, and points in NV, on the other hand, for 180 days. There are approximately (17) statements of support attached to this application which may be examined at the ICC, in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: W. J. Huetig, ICC, 203 Federal Bldg., 705 N. Plaza St., Carson City, NV 89701.

MC 117686 (Sub-230TA), filed December 21, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Representative: Robert A. Wichser (same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, 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 Swift and Company located at or near Des Moines and Marshalltown, IA, to points in TX., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): John H. Groth, Manager, Claims & Services, Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. SEND PROTESTS TO: Carroll Russell DS, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 117686 (Sub-231TA), filed December 21, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, 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 (1) the facilities of Hygrade Packing Co., at or near Storm Lake and Cherokee, IA and (2) the facilities of Wilson Foods Corporation located at or near Des Moines, and Cedar Rapids, IA to points in TX., for 180 days. SUPPORTING SHIPPER(S): (1) Douglas E. Henry, Manager, Warehousing Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. (2) A. N. Brent, Manager, Transportation Division, Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. (SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE. 68102.

MC 118457 (Sub-19TA), filed December 22, 1978. Applicant: ROBBINS DISTRIBUTING CO., INC., 2430 Algoma Boulevard, Oshkosh, WI 54901. Representative: Jack Meyer, 111 E. Wisconsin Avenue, Milwaukee,

WI 53202. *Frozen foods*, (except in bulk), from the facilities of Pet, Inc., Frozen Foods Division at Frankfort, MI to Louisville, KY., and points in Illinois, Indiana and WI., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Pet, Inc., 400 S. 4th Street, P.O. Box 392, St. Louis, MO, 63166. SEND PROTESTS TO: Gall Daugherty Transp. Asst., ICC, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 121751 (Sub-2TA), filed December 29, 1978. Applicant: ABLE TRANSPORT, INC., P.O. Box 488, Wilmington, CA 90748. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. *Doors, door sections, parts and accessories*, from the plantsites of Overhead Door Company, in Dallas and Fort Worth, TX to AZ, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ralph Wilkins Co., Inc., 2836 W. Weldon Avenue, Phoenix, AZ 85017. SEND PROTESTS TO: Irene Carlos, Trans. Asst., I.C.C., Rm 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 123255 (Sub-193TA), filed December 29, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. (1) *such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses*, and (2) *materials, ingredients and supplies* used in the manufacture, distribution and sale of the products in (1), between the facilities of the Ralston Purina Company at or near Clinton and Davenport, IA on the one hand, and points in IL, IN, MI, and OH, on the other, for 180 days. SUPPORTING SHIPPER(S): Ralston Purina Company, Checker Square, St. Louis, MO 63188. SEND PROTESTS TO: Frank L. Calvary, I.C.C., 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

MC 125335 (Sub-44TA), filed December 15, 1978. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, PA 17405. Representative: Gallyn L. Larsen, PETERSON, BOWMAN, LARSEN & SWANSON 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. *Cheese and cheese products* from the facilities of Borden Foods, Division of Borden, Inc., at or near Plymouth, WI, to points in AL, GA, FL, TN, NC, SC, NY, NJ, PA, VA, DE, MD, CT, and MA, for 180 days. An underlying ETA seeking up to 90 days operating authority. Supporting shipper: Borden Foods, Division of Borden, Inc., R. J. Metzger, Supervisor-Transportation

Service & Pricing, 180 E. Broad Street, Columbus, OH. SEND PROTESTS TO: Charles Myers, I.C.C., P.O. Box 869 Federal Square Station, 228 Walnut St., Harrisburg, PA 17108.

MC 126118 (Sub-18TA), filed December 21, 1978. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. *Such commodities* as are dealt in or used by manufacturers and distributors of printed matter between Lincoln, NE on the one hand, and, on the other, points in the United States (except AK and HI). Hearing site: Lincoln, NE., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Larry Gilsdorf Traffic Manager, Mid-America Webpress, Inc., 3700 NW, 12th Street, Lincoln, NE 68521. SEND PROTESTS TO: Max H. Johnston DS, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

NOTE.—Common control may be involved.

MC 128633 (Sub-21TA), filed December 21, 1978. Applicant: LAUREL HILL TRUCKING CO., 614 New County Road, Secaucus, NJ 07094. Representative: William J. Augello, 120 Main Street P.O. Box Z, Huntington, NY 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Infant food formula, drugs, medicines and related products*, from the facilities of Wyeth Laboratories at Lake Odessa and Mason, MI; Philadelphia, PA; and Chicago, IL, to all points in the United States, (2) *Infant food formula, drugs, medicines and related products*, between Lake Odessa and Mason, MI; Philadelphia, PA; and Chicago, IL. (3) *Materials, supplies and equipment* used in the manufacture and sale of infant food formula, drugs, medicines and related products, from all points in the United States, to the facilities of Wyeth Laboratories at Lake Odessa and Mason, MI; Philadelphia, PA; and Chicago, IL, limited to a transportation service to be performed under a continuing contract or contracts, with Wyeth Laboratories, Division of American Home Products Corp., and Wyeth Laboratories, Inc., a wholly-owned subsidiary of American Home Products Corp., of Paoli, PA., for 180 days. No duplications intended. Any duplications in certificates or pending applications will be tendered for revocation. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Wyeth Laboratories, P.O. Box 861, Paoli, PA 19301. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 133775 (Sub-17TA), filed December 22, 1978. Applicant: Reefer Transit

Line, Inc., 55 E. Washington (Room 2015) Chicago, IL 60602. Representative: Elaine M. Conway, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Chicago, IL 60603. *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), From Huron, SD to points in AL, FL, GA, MS, NC, TN, SC, and LA., for 180 days. SUPPORTING SHIPPER(S): D.A. Chute Manager, Transportation & Distribution, Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ. 85077. SEND PROTESTS TO: Lois M. Stahl Transp. Asst., ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135007 (Sub-70TA), filed December 22, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, 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 Iowa Beef Processors, Inc., at or near Dakota City, NE and Sioux City, IA, to points in CA, under a continuing contract or contracts, with Iowa Beef Processors, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Iowa Beef Processors, Inc., Glen C. Echelbarger, Rate Analyst, Dakota City, NE 68731. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135009 (Sub-4TA), filed December 21, 1978. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway Street, Wallington, NJ 07057. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and printed matter* Between Salem, and Effingham, IL, and Dresden and Nashville, TN, on the one hand, and on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Nebraska, Oklahoma, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Rhode Island, South Carolina, Tennessee, Vermont,

Virginia, West Virginia, and WI, under a continuing contract or contracts with CBS Publications, a division of C.B.S., Inc., for 180 days. SUPPORTING SHIPPER(S): C.B.S. Publications, a division of C.B.S. Inc., 1515 Broadway, New York, NY. SEND PROTESTS TO: Joel Morrrows DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 136086 (Sub-14TA), filed December 18, 1978. Applicant: GUILLEY TRUCKING, INC., 8615 Pecan Avenue, Fontana, CA 92335. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *talc or soapstone* (except in bulk), from the facilities of Pioneer Talc Co., located at or near Allamore, TX, a railhead in Hudspeth County, TX, situated approximately 10 miles west of Van Horn, TX, to Sacramento and San Jose, CA, Phoenix, AZ, and points in the counties of Los Angeles, Orange, Riverside and San Bernadino, CA, under a continuing contract(s) with Seaway Shipping & Trading, Ltd., located at San Francisco, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seaway Shipping & Trading, Ltd., 16 California Street, San Francisco, CA 94111. Send protests to: Walter W. Strakosch, ICC, Rm. 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 138741 (Sub-64TA), filed December 22, 1978. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Representative: Pete Wilson, Walnut Products, Inc., 3211 Walnut Drive, St. Joseph, MO 64503. *Lumber and lumber products*, between St. Joseph, MO., on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MI, MN, MS, NE, OH, OK, TN, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Walnut Products, Inc., Pete Wilson, Asst., Sales Manager, 3211 Walnut Drive, St. Joseph, MO 64503. Send protests to: Lois M. Stahl Transp. Asst., ICC, 219 South Dearborn street, Room 1386, Chicago, IL 60604.

MC 138991 (Sub-28TA), filed December 29, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Frozen concentrate and beverage preparations (nonrefrigerated)*, from Auburndale and Forest City, FL and storage facilities utilized by

Coca-Cola located in FL to Hightstown, NJ and Geneva, OH; and (2) *Empty cans and lids*, from Hightstown, NJ to Auburndale, FL, under a continuing contract or contracts, with the Coca-Cola Company Foods Div, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Coca-Cola Company Foods Division, 480 Mercer Street, Hightstown, NJ 08520. Send protests to: ICC, U.S. Courthouse & Federal Building, 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

MC 139906 (Sub-22TA), filed December 1, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Dry goods, sewing trims, notions, ribbons and bows*, (except commodities in bulk or those commodities which because of size or weight require special handling or equipment), from Ludlow and West Warren, MA; to Montgomery, AL; Buena Park, La Mirada, Los Angeles, and San Francisco, CA; Denver, CO; Orlando, FL; Stone Mountain and Atlanta, GA; Chicago, Urbana, and Des Plaines, IL; Indianapolis, IN; Shreveport, LA; Detroit and Pontiac, MI; St. Paul and Fridley, MN; Olive Branch, MS; St. Louis, and Kansas City, Mo; Omaha, NE; Charlotte, NC; Columbus and Cleveland, OH; Edmond, OK; Portland, OR; Pittsburgh, PA; Memphis, TN; Dallas, Lubbock, Lufkin, and Houston, TX; Salt Lake City, UT; and Seattle, WA, and points in the respective commercial zones thereof, for 180 days. SUPPORTING SHIPPERS(S): William E. Wright Co., South Street, West Warren, MA 01092. (Donald J. Baptiste, Manager-Traffic.) Send protests to: L. D. Helfer DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 140452 (Sub-13TA), filed December 21, 1978. Applicant: ROSE BROTHERS TRUCKING, INC., 2425 U.S. Business Highway 41 N, Suite 204, Evansville, IN 47711. Representative: David Konnersman, 5101 Madison Avenue, Indianapolis, IN 46227. *Corn and corn products*, (except liquid corn products, in bulk and tank vehicles), From Paris, IL., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, Kentucky, and TN., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Illinois Cereal Mills, Inc., Box 220, Paris, IL 61944. SEND PROTESTS TO: Beverly J. Williams Transp. Asst., ICC, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 141402 (Sub-23TA), filed December 15, 1978. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 332,

Lapel, IN- 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from the facilities of Aim Packaging, Inc., near Port Clinton, Ohio, to points in Iowa. RESTRICTED to a contract or continuing contracts with Aim Packaging, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Aim Packaging, Inc., P.O. Box 278, Port Clinton, OH 43452. SEND PROTESTS TO: J. H. Gray, I.C.C., 343 West Wayne St., Suite 113, Fort Wayne, IN 46802.

MC 141718 (Sub-2TA), filed December 14, 1978. Applicant: E. W. MERRITT, Rte. 2, Box 224, Canal Road (P.O. Box 1274), Brunswick, GA 31520. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. *Agricultural insecticides, dry*, from Brunswick, GA to the facilities of Union Carbide Corp., at or near Woodbine (Camden County), GA, restricted to the transportation of shipments having an immediately prior movement by rail, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Union Carbide Corporation, P.O. Box 428, Woodbine, GA 31569. SEND PROTESTS TO: G. H. Fauss, Jr., I.C.C., Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 142668 (Sub-16TA), filed December 22, 1978. Applicant: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Boulevard, Atlanta, GA 30336. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree St., NE, Atlanta, GA 30303. *Such merchandise* as is marketed by home products distributors for the account of Shaklee Corporation, (1) Fulton County, GA., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and W. VA., and (2) from Chicago, IL., to points in Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota and SD., for 180 days. SUPPORTING SHIPPER(S): Shaklee Corporation, P.O. Box 3625, 2035 National Avenue, Hayward, CA 94540. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 143209 (Sub-6TA), filed December 21, 1978. Applicant: HOUSTON FREIGHTWAYS, INC., P.O. Box 607, Galena Park, TX 77547. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Rust preventive pipe line coating*, (in bulk, in tank vehicles), from Lone Star and Houston, TX., to Fort Collins, CO., and Bir-

mingham, AL., for 180 days. SUPPORTING SHIPPER(S): Koppers Co., Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. (2) Reilly Tar & Chemical Corp., P.O. Box 247, Lone Star, TX 75668. SEND PROTESTS TO: John F. Mensing DS, 8610 Federal Bldg., 515 Rusk Avenue, Houston, TX 77002.

MC 143570 (Sub-6TA), filed December 14, 1978. Applicant: D & G TRUCKING, INC., 4420 E. Overland Road, Meridian, Idaho 83642. Representative: David E. Wishney, P.O. Box 837, Boise, Idaho 83701. *MOULDING* from the facilities of Woodgrain/Dame Lumber and Moulding, Co., at or near Fruitland, ID., to points in the State of KS for 180 days. An underlying ETA seeking up to 90 days authority. Supporting shipper: Woodgrain/Dame Lumber and Moulding, Co., P.O. Box 369, Fruitland, ID, 83619. Send protests to Barney L. Hardin, I.C.C., Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 143691 (Sub-16TA), filed December 13, 1978. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, GA 30302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, audit and accounting media, data processing and computer media, business records, microfilm, microfiche, microforms and related items* as are used in the business of banks and banking institutions, (a) between Denver, CO and points in Denver, Jefferson, Adams, Arapahoe, Boulder and Douglas Counties, CO; between Santa and Albuquerque, NM and points in Bernalillo, Torrance, Mora, San Miguel, Santa Fe, Los Alamos, Rio Arriba, Sandoval, Taos, Valencia and Guadalupe Counties, MN; restricted to shipments having an immediately prior or subsequent movement by air, under a continuing contract or contracts, with Rio Grande Valley Bank, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately (6) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 West Peachtree St., N.W., Room 300, Atlanta, GA, 30309.

MC 144122 (Sub-36TA), filed December 22, 1978. Applicant: CARRETTA TRUCKING, INC., S. 160 Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta, S. 160 Route 17 North, Paramus, NJ 07652.

Plastic materials, (except in bulk), from the facilities of Kalex Chemical Products, Inc., Elm Coated Fabrics Division at Brooklyn, NY to Chicago, IL, Muskegon and Saginaw, MI, Salisbury, MD, and points in Missouri and Nevada, for 180 days. SUPPORTING SHIPPER(S): Kalex Chemical Products, Inc., 220 Stewart Avenue, Brooklyn, NY 11237. SEND PROTESTS TO: Joel Morrums DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 145341 (Sub-2TA), filed December 22, 1978. Applicant: NORTH CENTRAL DISTRIBUTING CO., 2001 North University Drive, Fargo, ND 58102. Representative: James B. Howland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58107. *Crushed vehicles and scrap metal*, from points in MN., on and north of Interstate Highway 94, (except Minneapolis and St. Paul, MN) and points in ND to ports of entry on the United States-Canada Boundary Line at or near Pembina and Westhope, ND, and Noyes, MN. RESTRICTION: Restricted to the transportation of traffic destined to Winnipeg, Manitoba, Canada, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Kar-Basher, Inc., Box 1725, Fargo, ND 58107. SEND PROTESTS TO: Ronald R. Mau DS, ICC, Room 268 Federal Building & U.S. Post Office, 657 2nd Avenue, North, Fargo, ND 58102.

MC 145653TA, filed December 22, 1978. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1790 West Carroll Avenue, Chicago, IL 60612. Representative: Abraham A. Diamond, Abraham A. Diamond, Ltd., 29 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by the wholesale and retail grocery industry, rejected, refused and out-of-date shipments returned to origin, from the facilities of Procter & Gamble Company within Chicago, IL., and its commercial zone, to Detroit, Warren, Livonia, Grosse Pointe, Selfridge Air Force Base, and Plymouth, MI. RESTRICTION: Against the transportation of commodities in bulk, under a continuing contract or contracts, with The Procter & Gamble Distributing Company of Cincinnati, OH., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Dennis C. Chipman, Traffic Analyst-Motor Transportation Section, The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. SEND PROTESTS TO: Lois M. Stahl Transp. Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145709 (Sub-1TA), filed December 18, 1978. Applicant: RICKY L. CHRISTY, 809 F Avenue, Vinton, IA 52349. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Rough cut lumber*, from the facilities of Big Timber, Inc., at or near Vinton, IA to points in KS, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Big Timber, Inc., R. R. No. 2, P.O. Box 169-1, Vinton, IA 52349. SEND PROTESTS TO: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145891TA, filed December 14, 1978. Applicant: THOMAS L. MARLOW, D/B/A T. L. MARLOW TRUCKING, R.R. No. 3, Sullivan, IL 61951. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry fertilizer and fertilizer ingredients*, for the account of Kaiser Agricultural Chemicals, Div. of Kaiser Aluminum & Chemical Sales, Inc., between points in IL, IN, IA, KY, MO, OH, MI, TN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): David Cowart, Mgr. Trans., Kaiser Agricultural Chemicals, Div. of Kaiser Aluminum & Chemical Sales, Inc., P.O. Box 1158, Savannah, GA 31402. SEND PROTESTS TO: Charles D. Little, ICC, 414 Leland Office Bldg., 527 East Capitol Ave., Springfield, IL 62701.

MC 145892TA, filed December 15, 1978. Applicant: PETER KARAGINES D/B/A FAST WAY FOOD COMPANY, 1720 West La Palma, Suite M, Anaheim, CA 92801. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Johnson City, NY to Phoenix, AZ and to points in and south of San Luis Obispo, Kern and San Bernardino Counties, CA, for 180 days. SUPPORTING SHIPPER(S): Douglas Food Service Co., P.O. Box 71, Johnson City, NY 13790. SEND PROTESTS TO: Irene Carlos, Trans. Asst., I.C.C., 300 North Los Angeles Street, Rm. 1321 Federal Bldg., Los Angeles, CA 90012.

MC 145913TA, filed December 21, 1978. Applicant: BART LANG TRUCKING, INC., Route 2, Box 221A1, Lexington, NE 68850. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in

tank vehicles), from the facilities of Dugdale Packing Company at or near Darr, NE, to points in AR, CO, CT, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV, WI, and WY, for 180 days. An underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Dugdale Packing Company, Box 166, Cozad, NE 69130. Send protests to: Max Johnston, I.C.C., 285 Federal Bldg. & Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

MC 145917TA, filed December 22, 1978. Applicant: CHARLES J. STALLMAN, d/b/a STALLMAN TRUCKING, 4457 West Montana, Chicago, IL 60639. Representative: Robert J. Gill, 29 S. LaSalle St., CHICAGO, IL 60603. Temporary authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *scrap paper*, between the facilities of Ajax Recycling, Inc. at or near Chicago, IL, on the one hand, and, on the other, points in Wisconsin and Indiana, under a continuing contract or contracts with Ajax Recycling, Inc., 850 West Division Street, Chicago, Illinois, for 180 days. SUPPORTING SHIPPER(S): Ajax Recycling, Inc., 850 W. Division St., Chicago, IL 60622. (Jerry Kaplan, President). SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., 219 South Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 145948 (Sub-1TA), filed December 22, 1978. Applicant: ROY W. AND JOANNE GRAHAM, d/b/a ROY GRAHAM TRUCKING, P.O. Box 936, Lovelock, NV 89419. Representative: Mike Soubeniotis, 402 N. Division Street, Box 646, Carson City, NV 89701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallet shooK, random length dimensional lumber for pallet construction*, from Stanislaus, San Joaquin, Shasta, Modoc, Mendocino and Sacramento Counties, CA and Josephine, Jackson, Marion, Klamath, Lane, and Douglas Counties, OR to Lovelock, NV and from Lovelock, NV., to Sacramento, CA., restricted to traffic originating at or terminating at facilities of RO-MARK PALLET, INC., at Lovelock, NV., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): RO-MARK PALLET, INC., P.O. Box 146, Lovelock, NV 89419. SEND PROTESTS TO: W. J. Huetig DS, ICC, 203 Federal Building, 705 N. Plaza Street, Carson City, NV 89701.

By the Commission.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-2633 Filed 1-25-79; 8:45 am]

[Finance Docket No. 28937 F]

SOUTH CENTRAL TENNESSEE RAILROAD CO., INC.

Operation Over a Line of Railroad in Dickson, Hickman, and Lewis Counties, TN; Notice

South Central Tennessee Railroad Company, Inc. (SCTR), 1660 L Street, N.W., Suite 1000, Washington, DC 20036, represented by Fritz R. Kahn, Esquire, Verner, Lipfert, Bernhard, and McPherson, 1660 L Street, N.W., Suite 1000, Washington, DC 20036, hereby give notice that on the 15th day of January, 1979, it filed with the Interstate Commerce Commission at Washington, DC, an application under Section 10901 of the Interstate Commerce Act (formerly Section 1(18)) for a decision approving and authorizing the operation of a line of railroad situated in Dickson, Hickman, and Lewis Counties, TN.

SCTR proposes to operate a line of railroad between Colesburg, TN, and Hohenwald, TN, formerly known as the Centerville Branch of the Louisville and Nashville Railroad Company (L&N). On October 1, 1973, L&N filed for abandonment of the line in docket No. AB-2 (Sub-No. 5). Pursuant to authorization by the Commission in docket No. AB-2 (Sub-No. 5), operation of this line by L&N ceased at the close of business on June 30, 1978. The line was duly purchased from L&N by South Central Tennessee Railroad Authority (the "Authority").

The line of railroad proposed to be operated begins at former L&N milepost 2 at Colesburg, Dickson County, TN, and extends in a southwesterly direction through Hickman County to just south of milepost 52 near Hohenwald, Lewis County, TN, a distance of approximately 49.61 miles.

In the opinion of the Applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such appli-

cation are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2831 Filed 1-25-79; 8:45 am]

[7035-01-M]

[Finance Docket No. 28799 (Sub-No. 1F)]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY PURCHASE (PORTION)—WILLIAM M. GIBBONS, TRUSTEE OF THE PROPERTY OF CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO., DEBTOR

St. Louis Southwestern Railway Company (Cotton Belt), Southern Pacific Building, One Market Plaza, San Francisco, CA 94105, represented by W. Harney Wilson, General Attorney, Southern Pacific Transportation Company, and William M. Gibbons, Trustee of the Property of Chicago, Rock Island and Pacific Railroad Company (Rock Island), 332 South Michigan Avenue, Chicago, IL 60604, represented by Martin L. Cassell, Senior General Counsel, hereby give notice that on December 29, 1978, they filed with the Interstate Commerce Commission at Washington, DC, a joint application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for a decision approving the purchase by Cotton Belt of (1) Rock Island's line between Santa Rosa, NM and Herington, KS; (2) one-half interest in Rock Island's line between Herington, KS and Topeka, KS; (3) the right to operate between Topeka, KS, and Kansas City, MO, under terms and conditions of Rock Island's contract with Union Pacific Railroad Company; (4) Rock Island's line be-

tween Kansas City, KS and St. Louis, MO; and (5) all of the Rock Island's stock in Terminal Railroad Association of St. Louis and Kansas City Terminal Railway Company. Under the terms of the agreement, Cotton Belt will pay Rock Island 57 million dollars. The application also seeks authority for (1) Southern Pacific Transportation Company (SPT), Cotton Belt's parent, to operate that portion of the line to be acquired between Santa Rosa, NM, and Tucumcari, NM, and (2) for Rock Island and Cotton Belt to jointly operate between Herington, KS and Topeka, KS. This application has been accepted and assigned Finance Docket 28799 (Sub-No. 1F). Cotton Belt filed a related application under 49 U.S.C. 11301 (formerly section 20a of the Act) to assume the obligation of Rock Island for certain securities of the Kansas City Railway Company. The latter application has been docketed Finance Docket No. 28799 (Sub-No. 2F).

Three related applications docketed Finance Docket No. 28799 (Sub-Nos. 3F, 4F, and 5F) have been filed pursuant to 49 U.S.C. 11103 (formerly section 3(5) of the Act) by Cotton Belt and Rock Island seeking orders requiring the grant of bridge trackage rights in certain terminal areas.

In Finance Docket No. 28799 (Sub No. 3F) Cotton Belt seeks a decision of the Commission requiring the grant of bridge trackage rights in St. Louis, Mo-East St. Louis, IL, terminal area over track of the Norfolk and Western Railway Company, Terminal Railroad Association of St. Louis, St. Louis-San Francisco Railway Company, and the Alton & Southern Railway company. The purpose of this application is to permit Cotton Belt to gain access to its Valley Junction Yard in East St. Louis from the railroad line of the Chicago, Rock Island and Pacific Railroad Company it seeks to acquire from Santa Rosa, NM to St. Louis, MO.

In Finance Docket No. 28799 (Sub No. 4F) Cotton Belt seeks a decision of the Commission requiring the grant of bridge traffic rights in the Kansas City, MO, terminal area, over the track of St. Louis-San Francisco Railway Company, Missouri Pacific Railroad Company and Burlington Northern, Inc. The purpose of this application is to permit the Cotton Belt to interchange with other railroads serving this terminal area and to operate through Kansas City.

In Finance Docket No. 28799 (Sub No. 5F) Rock Island seeks a decision of the Commission requiring the grant of bridge traffic rights in the Kansas City, KS-Kansas City, MO, terminal area over track of Kansas City Terminal Railway Company, Burlington Northern, Inc., St. Louis-San Francisco Railway Company, and Atchinson,

Topeka and Santa Fe Railway Company. The purpose of this application is to permit Rock Island to continue operations presently performed in the Kansas City, KS-Kansas City, MO terminal area.

In Finance Docket No. 28799 (Sub-No. 6F), Cotton Belt and Rock Island have jointly filed an application pursuant to 49 U.S.C. 11342 (formerly section 5(1) of the Act) seeking approval of pooling of traffic between Topeka, KS and Kansas City, KS. The purpose of this agreement is to permit Rock Island to move traffic between Kansas City and the Gulf of Mexico, and between Denver, CO, and Kansas City by utilizing the Topeka to Kansas City route.

The applications, and exhibits are available for inspection in the Public Docket Room at the offices of the Interstate Commerce Commission in Washington, D.C.

Cotton Belt and its subsidiaries operate a railroad system serving the following six states: AR, IL, LA, MO, TN and TX. Cotton Belt's route extends to St. Louis, MO. SPT, which controls Cotton Belt through stock ownership, and its other subsidiaries, operate a railroad system serving the following eight states: AZ, CA, LA, NV, NM, OR, TX and VT. SPT presently interchanges traffic with the Rock Island at Santa Rosa, NM.

If the applications are approved, Cotton Belt and SPT propose to provide a single system service between southern California and Kansas City, MO and St. Louis, MO. Rock Island will retain the balance of its system and continue to provide service over it.

Pursuant to 49 U.S.C. 11345(d), (formerly section 5(1)(g) of the Act) the Commission must conclude all evidentiary proceedings on the 240th day after the notice of the application is published in the FEDERAL REGISTER (September 21, 1979). Dates for the filing of various documents in this proceeding will be strictly adhered to.

Any person interested in filing an inconsistent application or petition for inclusion should file a notice of intent to do so no later than March 12, 1979, (45 days after the date notice of the application is published in the Federal Register). Original and five copies shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. Any traffic studies and data submitted shall relate to the calendar year January 1, 1977 through December 30, 1977. A person filing traffic studies as part of an inconsistent application should study not only its own traffic, but also that of the applicants, Rock Island, Cotton Belt, and SPT, where it can be reasonably expected that this traffic would be diverted, if the inconsistent application was granted. Inconsistent applica-

¹This proceeding embraces Finance Docket No. 28799 (Sub-No. 2F), St. Louis Southwestern Railway Company, Securities; Finance Docket No. 28799 (Sub-No. 3F), St. Louis Southwestern Railway Company, Use of Terminal Facilities at St. Louis, MO—East St. Louis, IL; Finance Docket No. 28799 (Sub-No. 4F), St. Louis Southwestern Railway Company, Use of Terminal Facilities at Kansas City, MO; Finance Docket No. 28799 (Sub-No. 5F), William M. Gibbons, Trustee of the Property of Chicago, Rock Island, and Pacific Railroad Company, Debtor, Use of Terminal Facilities at Kansas City, KS—Kansas City, MO; and Finance Docket No. 28799 (Sub-No. 6F), St. Louis Southwestern Railway Company and William M. Gibbons, Trustee of the Property of Chicago, Rock Island, and Pacific Railroad Company, Debtor Pooling Agreement.

tions and petitions for inclusion must be filed with the Commission by April 26, 1979.

Persons interested in filing an inconsistent application or petition for inclusion are further advised that they should prepare a list of the information not otherwise available to them that will be necessary to complete the inconsistent application or petition for inclusion in accordance with 49 CFR sections 1111.4(b)(4) or 1111.4(b)(5), and other discoverable matter which may be desired. This list should be submitted to Cotton Belt, SPT, and Rock Island by February 26, 1979. Cotton Belt, SPT, and Rock Island are directed to respond to those persons by March 8, 1979, specifically stating what information will be voluntarily supplied and what information will not be supplied, with reasons. Fifteen copies of the lists of requested information and the responses should be filed with the Commission. Waivers granted to applicants in *Southern Pac. Transps. Co.-Pur-Chicago, R.I. & P.*, 354 I.C.C. 760 (1978), are also granted to parties filing inconsistent applications.

Any protestants who propose to file traffic studies as evidence in opposition to this application, should file such traffic studies by May 1, 1979. The traffic studies shall relate to the calendar year January 1, 1977 through December 30, 1977.

Any persons seeking protective traffic conditions, including trackage rights, shall be required to file with the Commission, and to serve upon applicants, and all other parties on or before April 15, 1979, an initial list of specific protective conditions including trackage rights applications. A final list of protective conditions shall be filed on or before May 1, 1979. Any trackage rights application shall be filed by May 15, 1979, to be considered in these proceedings. We will presume any such application is a major market extension. Any petitions to

rebut this presumption must be filed by April 15, 1979.

On April 3, 1979, an initial pre-hearing conference will be held, at the offices of the Interstate Commerce Commission in Washington, D.C., commencing at 9:30 a.m. Presiding at the conference will be Administrative Law Judge Peter A. Fitzpatrick, who has been designated to conduct the proceedings. Prior to that date, a Notice to the Parties will be issued setting forth an agenda for the pre-hearing conference. Parties should include in their comments any issues they wish discussed at the pre-hearing conference. Discovery, and related matters should be concluded prior to the pre-hearing conference to permit rulings at that time by the Administrative Law Judge on any discovery matters in dispute.

Any interlocutory appeals from rulings by the Administrative Law Judge will be considered by Division 1 of the Commission. Such appeals must be filed within 5 days after the date upon which the ruling appealed from is made, and are to be served upon the Administrative Law Judge.

Hearings will commence on May 1, 1979 at the office of the Interstate Commerce Commission in Washington, D.C., at 9:30 a.m. for presentation by applicants of their evidence-in-chief. All witnesses who will appear to testify at the hearings must prepare and serve on all parties written statements containing the substance of their testimony. Applicants will be required to serve such statements in support of the applications on all parties by April 3, 1979.

This proceeding is a class of action which may have environmental issues present, but normally does not require preparation of an environmental impact statement (EIS). 49 C.F.R. 1108.9. Although we believe that some form of environmental analysis is necessary for this proceeding, we are not contemplating, at this time, prepara-

tion of an EIS. Views to the contrary are invited.

The environmental analysis will focus on potential impacts associated with the addition of 8 to 10 trains daily over the Southern Pacific line between El Paso, TX, and Santa Rosa, NM, and the Rock Island line between Santa Rosa, NM, and St. Louis, MO. The following impacts along these lines will be considered: (1) changes in noise levels; (2) changes in air quality; (3) safety hazards; (4) changes in energy consumption; and (5) changes in employment. Comments are invited on these and other areas of potential concern which may be addressed.

Interested persons may participate formally in the proceedings by submitting written comments regarding the applications. Such submissions shall indicate the proceeding's designation (F.D. No. 28799 (Sub-No. 1F)), and the original and 15 copies shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than March 12, 1979 (45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER). Such comments shall include the following: the person's position, e.g. party protestant or party in support regarding the proposed transaction; specific reasons why approval would or would not be in the public interest. Additionally, interested persons who do not intend to participate formally, but who desire to comment, may file a statement and information, as they may desire, subject to the same filing and service requirements. Persons submitting written comments to the Commission shall, at the same time, serve copies of the written comments upon the applicants, the Secretary of Transportation, and the Attorney General.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2852 Filed 1-25-79; 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)

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[6351-01-M]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:30 a.m., January 26, 1979.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Disposition of formal agency adjudications.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-178-79 Filed 1-24-79; 3:15 pm]

[6351-01-M]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., resume 2 p.m., January 30, 1979.

PLACE: 2033 K Street NW., Washington, D.C., Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Publication of futures prices by the Exchange (Part 16).

Proposed rules requiring FCM's to carry and report omnibus accounts on a gross basis.

CFTC Foreign trader policy discussion, Title III.

Petition of Dowdex Corp. to waive a requirement of rule 32.12 in order to allow Dowdex to grant options on copper.

Petition of Monex International, Ltd., Monex Trading Corp., and Newport Trading Co. to waive a requirement of rule 32.12 so as to allow Monex and its affiliates to grant and sell options.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-169-79 Filed 1-24-79; 10:33 am]

[6351-01-M]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 2, 1979.

PLACE: 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-171-79 Filed 1-24-79; 10:33 am]

[6570-06-M]

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 30, 1979.

PLACE: Commission conference room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Freedom of Information Act Appeal No. 78-7-FOIA-171, concerning a request for information included in a national charge investigative file.

2. Proposed Contract for Key-Punch Services.

3. Procedure for Early Litigation Identification.

4. Instructions to Field Offices concerning the Amendment to Title VII regarding Pregnancy Disability.

5. Proposed Procedures regarding Commission Decisions made at Headquarters.

6. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation authorization; General Counsel recommendations; Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE:—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This Notice issued January 23, 1979.
[S-172-79 Filed 1-24-79; 10:33 am]

[6715-01-M]

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, January 31, 1979, at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audits and audit policy, Compliance; Personnel; Labor/Management relations; Litigation.

DATE AND TIME: Thursday, February 1, 1979, at 10 a.m.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED: Portions open to the public:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinion 1978-86.
Legislative recommendations for the 1978 annual report.
Policy on Release of information in computer tape format.
Master plan for 1980 elections.

Draft regulations for Presidential primary matching fund, title 11, Code of Federal Regulations, subchapter C.

First Quarter fiscal year 1979 management report.

Appropriations and budget.

Pending legislation.

Pending litigation.

Liaison with other Federal agencies.

Classification actions.

Routine administrative matters.

Portions of the meeting closed to the public: Any matters not concluded on January 31, 1979.

PERSONS TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-182-79 Filed 1-24-79; 3:42 pm]

[6740-02-M]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published January 19, 1979, 44 F.R. 4092.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 24, 1979.

CHANGE IN THE MEETING: The following items have been added:

ITEM NUMBER, DOCKET NUMBER, AND COMPANY

CAP-3. ER78-414, Delmarva Power & Light Co.

CAP-4. ER78-526 and ER77-331, Central Power & Light Co.

CAG-19. OR79- , Lakehead Pipe Line Co.

RP-6. RP71-107 (phase II) and RP72-127,

Northern Natural Gas Co.

GI-2. RI76-123, J. M. Zachary.

KENNETH F. PLUMB,
Secretary.

[S-183-79 Filed 1-24-79; 3:56 pm]

[6720-01-M]

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Volume. 44, No. 14, page 4093, Friday, January 19, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., January 24, 1979.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6677.

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting—Consideration of proposed regulations implementing the Depository Institution Management Interlocks Act.

No. 213, January 23, 1979.

[S-188-79 Filed 1-24-79; 10:33 am]

[6730-01-M]

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 2:30 p.m., January 24, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: Sea-Land Service, Inc., proposed increases on rice in its United States Pacific coast/Puerto Rico intermodal service.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-175-79 Filed 1-24-79; 1:36 pm]

[6735-01-M]

9

JANUARY 24, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., January 31, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hold oral argument on the following:

Secretary of Labor v. Republic Steel Corp., Docket Nos. IBMA 76-28, Morg 76-21.

Secretary of Labor v. Republic Steel Corp., Docket Nos. IBMA 77-39, Morg 76X95-P.

Secretary of Labor v. Kaiser Steel Corp., Docket No. 77-13-P.

These cases raise a substantial issue concerning the interpretation of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969: Whether a mine owner may be held liable for violative acts committed by its independent contractor?

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-180-79 Filed 1-24-79; 3:42 pm]

[6735-01-M]

10

JANUARY 24, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 1, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hold oral argument on the following:

Eastern Associated Coal Corp. v. Secretary of Labor, Mine Safety and Health Administration, Docket Nos. IBMA 77-28, Pitt 76X203.

Florence Mining Co., Helen Mining Co., Oneida Mining Co., North American Coal Corp. v. Secretary of Labor, Mine Safety and Health Administration, Docket Nos. IBMA 77-32, Pitt 77-15, 16, 17, 18, 19, 23.

Alabama By-Products Corp. v. Secretary of Labor, Mine Safety and Health Administration and United Mine Workers of America, Docket Nos. IBMA 76-114, Barb 76-153.

These cases raise substantial issues concerning the interpretation of the Federal Coal Mine Health and Safety Act of 1969 and the applicability of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *UMWA v. Andrus (Carbon Fuel Co.)* 581 F. 2d 888 (D.C. Cir.) cert denied, — U.S. — (1978).

CONTACT PERSON FOR INFORMATION:

Joanne Kelley, 202-653-5632.

[S-181-79 Filed 1-24-79; 3:42 pm]

[6325-01-M]

11

MERIT SYSTEMS PROTECTION BOARD.

In accordance with 5 U.S.C. § 552b, announcement is made of the following meeting:

NAME: Merit Systems Protection Board.

DATE AND TIME: Friday, February 2, 1979 at 10 a.m.

PLACE: Offices of the Merit Systems Protection Board, room 762, 1717 H Street NW., Washington, D.C.

SUBJECT: Organizational meeting of merit systems protection board.

The meeting will be open to the public. Estella Michura (653-7101) will

respond to requests for information about the meeting.

RUTH T. PROKOP,
Chair, Merit Systems
Protection Board.

[S-170-79 Filed 1-24-79; 10:33 am]

[3510-13-M]

12

UNITED STATES METRIC BOARD.

TIME AND DATE: 8:30 a.m., Friday, February 16, 1979.

PLACE: Dallas Hilton, Court Room, 1914 Commerce Street, Dallas, Tex. 75201.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Review/approval of December 15, 1978 meeting minutes.

Reports.

Discussion of proposed consumer participation policy.

Discussion of proposed procedures for approval and acceptance of speaking engagements.

Discussion of proposed procedures for implementation of Freedom of Information Act requirements.

Discussion of comments received during public forum of February 15, 1979.

Introduction of agenda items for April 1979 meeting.

SUPPLEMENTARY INFORMATION:

Notice of a public forum to be held by the U.S. Metric Board on February 15, 1979, which will provide individuals and groups the opportunity to comment on metric conversion, appears elsewhere in this issue.

CONTACT PERSON FOR MORE INFORMATION:

Joan Phillips, 703/235-1933.

LOUIS F. POLK,
Chairman,
United States Metric Board.

[S-167-79 Filed 1-23-79; 3:39 pm]

[7545-01-M]

13

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Thursday, February 1, 1979.

PLACE: Board conference room, sixth floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED:

Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, 202-254-9430.

Dated, Washington, D.C., January 24, 1979.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary,
National Labor Relations Board.

[S-179-79 Filed 1-24-79; 3:42 pm]

[7590-01-M]

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: January 25 and 29, 1979.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.,

STATUS: Open.

MATTERS TO BE CONSIDERED:

Thursday, January 25 (1:30 p.m.) (postponement)

1. Discussion of decision in S-3 rulemaking (public meeting) is Postponed to January 29, 1979 (will be replaced by a continuation of the morning discussion on authorization hearing testimony, (public meeting).

Monday, January 29 (2 p.m.)

1. Discussion of Tarapur (approximate 1 hour, open/closed status to be determined—tentative).

2. Discussion of decision in S-3 rulemaking (approximate 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

[S-173-79 Filed 1-24-79; 10:42 am]

[8010-01-M]

15

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 4096, January 19, 1979.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: January 16, 1979.

CHANGES IN MEETING: (Additional items). The following additional items will be considered at a closed meeting scheduled for Wednesday, January 24,

1979, immediately following the open meeting at 10 a.m.:

Formal order of investigation.
Regulatory matter regarding financial institutions.

Chairman Williams and Commissioners Loomis, Evans and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

JANUARY 23, 1979.

[S-176-79 Filed 1-24-79; 1:45 pm]

[8010-01-M]

16

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 29, 1979, in room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, January 30, 1979 at 10 a.m., Wednesday, January 31, 1979 at 9 a.m., and on Thursday, February 1, 1979 at 9 a.m. Open meetings will be held on Tuesday, January 30, 1979 at 4 p.m., Wednesday, January 31, 1979 at 10 a.m., and on Thursday, February 1, 1979 at 10 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 Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 30, 1979, will be:

Access to investigative files by Federal, State or self-regulatory authorities.

Formal orders of investigation.

Chapter XI proceeding (affirming action of duty officer).

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Institution of administrative proceeding of an enforcement nature; settlement of administrative proceeding of an enforcement nature; amendment of formal order of investigation.

Order compelling testimony.

Litigation matter.

Institution of injunctive actions.
Freedom of Information Act appeals.

The subject matter of the closed meeting scheduled for Wednesday, January 31, 1979, will be:

Consideration of amicus participation.

The subject matter of the closed meeting scheduled for Thursday, February 1, 1979, will be:

Regulatory matter bearing enforcement implications.

The subject matter of the open meeting scheduled for Tuesday, January 30, 1979 at 4 p.m., will be:

Meeting with American Society of Corporate Secretaries.

The subject matter of the open meeting scheduled for Wednesday, January 31, 1979, will be:

1. Consideration of whether to withdraw the proposed tender offer rules published for comment in Securities Exchange Act Release No. 34-12676 (Aug. 2, 1976) and to publish for comment new and revised proposals. If adopted, these proposals would implement the present statutory requirements by providing specific filing, delivery and disclosure requirements, nonexclusive dissemination provisions and additional substantive regulatory protections with respect to certain tender offers as well as particular anti-fraud provisions which would apply to any tender offer. For further information, please contact John Huber at 202-755-1280.

2. Consideration of proposed regulation 13B-2. This proposed regulation would consist, among other things, of proposed rules that would: (a) prohibit the falsification of corporate books, records and accounts, and (b) prohibit the making of materially false, misleading or incomplete statements to an accountant in connection with an audit of the financial statements of an issuer or the filing of required reports. The proposed rules were published for comment in Securities Exchange Act Release No. 13185, January 19, 1977. For further information, please contact Frederick B. Wade at 202-755-1229.

The subject matter of the open meeting scheduled for Thursday, February 1, 1979, will be:

1. Consideration of amendments to form S-16 under the Securities Act of 1933 that would make the form available for primary offerings by certain subsidiary issuers in the absence of a parent company guarantee of their securities. For further information, please contact Steven J. Paggioli at 202-376-8090.

2. Consideration of a request for a waiver of certain provisions of the Commission's Conduct Regulations (relating to outside practice and securities transactions) in connection with the temporary employment of Robert A. Howes, Esq. For further information, please contact Irving H. Picard at 202-755-1238.

3. Consideration of an application of Robert D. Nielsen to appear and practice before the Commission pursuant to 17 CFR 201.2(e)(4) and in accordance with the Commission's Findings and Order Imposing Sanction and Accepting Resignation From Practice, In re Robert D. Nielsen, Admin. Proc. File No. 3-5310. For further information, please contact Alan Rosenblat at (202) 755-1198.

4. Consideration of whether to adopt amendments to the Uniform System of Accounts for Mutual and Subsidiary Service companies ("Uniform System of Accounts") and Rule 93 (17 CFR 250.93) promulgated pursuant to the Public Utility Holding Company Act of 1935. The amendment of the Uniform System of Accounts is designed to provide revenue and expense information needed for regulatory purposes and to provide accounts analyzing service company income, including allowable rate of return for use of capital. It would follow, with appropriate modifications, selected accounts of the Federal Energy Regulatory Commission's Uniform System of Accounts. The amendment to Rule 93 (17 CFR 250.93) would require service companies to keep their accounts and records in accordance with the proposed amended Uniform System of Accounts. For further information, please contact Robert P. Wason at 202-523-5159.

**FOR FURTHER INFORMATION,
CONTACT:**

Beverly C. Rubman, 202-755-1103.

JANUARY 23, 1979.

[S-177-79 Filed 1-24-79; 1:45 pm]

[8240-01-M]

17

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., February 1, 1979.

PLACE: Board room, room 2-500, fifth floor, 955 L'Enfant Plaza North SW., Washington, D.C. 20595.

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: By the board of directors:

Portions closed to the public (9:00 a.m.)

1. Consideration of internal personnel matters.
2. Review of ConRail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware and Hudson Railway Co. proprietary and financial information for monitoring and investment purposes.
4. Litigation report.

Portions open to the public (11:00 a.m.)

5. Approval of minutes of the January 4, 1979 Board of Directors meeting and the December 15, 1978, meeting of the Executive Committee of the Board of Directors.
6. Status of Joint USRA/NERCOM study.
7. Status of ConRail alternatives social/economic impact studies.
8. Status of capital additions and improvements study.
9. Report on ConRail monitoring.
10. Consideration of ConRail waiver to financing agreement.
11. Consideration of ConRail drawdown request for February 1979.
12. Status report on 211(h) loan program.
13. Contract actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4250.

[S-174-79 Filed 1-24-79; 1:11 pm]

[4510-23-M]

DEPARTMENT OF LABOR

Office of the Secretary

IMPROVING GOVERNMENT REGULATIONS

Response to Executive Order 12044; Final Guidelines

AGENCY: Department of Labor.

ACTION: Final Guidelines.

SUMMARY: These Guidelines implement Executive Order 12044—Improving Government Regulations by prescribing procedures to be followed in the development of Department of Labor regulations. It is the purpose of these Guidelines to encourage increased public participation in Department of Labor rulemaking and reform existing regulatory practices and procedures.

EFFECTIVE DATE: Effective January 26, 1979.

ADDRESS: Seth D. Zinman Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8201.

FOR FURTHER INFORMATION CONTACT:

Sofia Petters, Counsel for Administrative Legal Services, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8065.

Mark Solomons, Counsel for Special Legislative Projects, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8088.

SUPPLEMENTARY INFORMATION: On May 26, 1978 the Department of Labor published proposed Guidelines in the *FEDERAL REGISTER* for the implementation of Executive Order 12044 (43 FR 22915-22921), and invited public comment on the proposal. The proposal contained a summary of past regulatory practices followed by agencies and offices within the Department, proposed new procedures for the development of regulations, a listing of regulations selected by the Department for review in the coming year, and details relating to the comment procedure. The proposal was designed to give full force and effect to the requirements of Executive Order 12044, and in so doing, to significantly improve the process by which Department of Labor regulations would be written in the future.

The public was given until July 28, 1978 to comment on the proposal. Thirteen written comments were received from both individuals and on behalf of organizations, and a few other comments were submitted by

telephone. Many of the comments received were largely favorable to the proposal, and virtually all of the comments were pertinent and well developed. A number of comments were critical of some of the provisions of the proposal and many of those criticisms also contain suggestions on how the particular provision could be improved. The Department has found the vast majority of the comments helpful in gaining insight into the way the public views rulemaking in the Department of Labor, and has adopted a number of the suggestions made by public commentators in these final Guidelines.

DISCUSSION OF MAJOR COMMENTS AND CHANGES

Most of the comments received relate to specific sections of the proposal, or suggest additions to specific sections. In order to fully respond to all significant comments, the Department will group the comments according to related sections of the proposal, and discuss each section in light of the comments, indicating where changes have been made.

The most frequent comments relate to (1) The policies to be followed by the Department in implementing the Executive Order, (2) The structure and functions of the Regulatory Review Panel; (3) The criteria for determining when a regulation is significant; (4) The criteria for determining when a regulation is "major"; (5) The nature and extent of public participation mandated by the proposal; and, (6) The procedures to be followed in the approval of significant and major regulations.

A few general comments express concern that the Guidelines will be routinely ignored or avoided by the Department or that compliance with the Guidelines will be treated as a matter of convenience. The Department wishes to assure those commentators and the public in general that all agencies and offices within the Department have been and will be instructed concerning the importance of complying with the Executive Order and these Guidelines. Moreover, the Department believes that the objectives of the Executive Order must be realized in order to assure that all programs administered by the Department are both responsive and effective.

What follows is a section-by-section discussion of the comments received.

1. *Policies.* A few of the comments received express the view that the Department's regulatory reform policies do not adequately reflect an intention to make regulatory decisions on the basis of cost-effectiveness or cost-benefit studies which the commentators urge the Department to conduct.

The Department agrees that in some instances an analysis of the benefits likely to flow from certain regulatory actions as well as the costs of such action is an important part of regulatory decisionmaking. In other instances, especially where congressional direction is unequivocal, or where cost or benefits parameters are not quantifiable, cost analyses must play a lesser role. Under the policy Guidelines set forth, sufficient flexibility is provided to allow an appropriate determination to be made of the weight which would be assigned to cost information in the decisionmaking process. Moreover, each agency is instructed as a part of this process to, in every case, carefully consider (1) the responsiveness of a regulatory initiative; (2) the need for the initiative; (3) alternatives to regulation; and (4) the relationship of the initiative to legal requirements in light of cost information among other things, before going forward with a regulation. It is our belief that these safeguards will help to ensure effective regulatory decisionmaking in the future.

It is confidently expected that this approach will minimize or eliminate those unnecessary, ineffective and unjustifiably burdensome regulations which deeply concern some commentators.

A few commentators are dissatisfied with the restatement of the provisions of the Executive Order itself which exempt certain types of regulations, including emergency regulations, from these procedures, and which indicate that agency compliance with the Executive Order and implementing Department procedures will not be subject to judicial review.

In drafting the Executive Order, it was recognized that in certain instances, such as those which require the issuance of emergency regulations, the reform procedures would be either inapplicable or inappropriate. While the Department recognizes the need for certain exemptions the Guidelines clearly indicate that even in the case of an exempt regulation agencies should strive to follow the Guidelines if practicable and consistent with policy and legal requirements.

In connection with judicial review of agency action under the Executive Order, the provision of the Guidelines is intended to inform the public of an important item contained in the Executive Order. It in no way detracts from this Department's commitment to improve the quality of our regulatory efforts.

2. *Regulatory Review Panel.* A number of comments received urge the expansion of the responsibilities of the Regulatory Review Panel to include among other things, a provision authorizing the Panel to monitor com-

pliance with the Executive Order, and authority to receive and solicit public comment on existing rules thought by some to be in need of review. One comment recommends the publication of the names and addresses of the Panel's members.

The Department calls the attention of the public to the right to petition agencies involved in the regulatory process directly concerning new or proposed regulations. This is the most direct approach for seeking regulatory action. The Guidelines are being revised in reference to the public right of petition. However, the Department also agrees that the Regulatory Review Panel should be authorized to receive public recommendations on regulations thought to be in need of review. A corresponding change in the Guidelines is made. The Chairperson of the Panel, in consultation with appropriate agency heads may then include these public recommendations in its comments on the semiannual agenda submitted for approval to the Secretary. In keeping with this change the Department also agrees that the name and address of the Chairperson should be published when designated.

The Department does not, however, consider it appropriate for the Panel to review agency compliance with the Executive Order. The Panel will be composed of high level officials who will assist in the Department's efforts to select appropriate regulations for publication in the semiannual agenda and for subsequent review. It will assure that the agencies are informed of the requirements of the Order and implementing Guidelines. Moreover, it should be noted that the Offices of the Secretary and Under Secretary will exercise continuing supervision over agency compliance with the Executive Order. The Guidelines require that each regulatory development plan be submitted to those officials and further require approval by the Secretary before an agency may go forward with a major regulation.

It will remain the principal responsibility of each agency to comply with the Guidelines as they apply to matters within its jurisdiction. Agencies now have this responsibility with regard to a wide variety of other authorities governing the conduct of programs for which they are responsible. In proposing the establishment of the Panel, it was not the Department's purpose to create an additional layer of bureaucracy requiring extensive additional staff and resources. Such an approach could simply delay improvements in the quality of our regulatory efforts. It is essential that all Department officials commit themselves fully to this task.

3. Procedures for Developing New Regulations. One comment recom-

mends that the Guidelines incorporate and implement 5 U.S.C. 553(e), which authorizes public petitions for rule-making. As noted above the Department agrees.

4. Criteria for Determining Significance of Regulations. A large number of comments were received in connection with the criteria for determining when a regulation is to be considered significant. The most frequent comments object to the partial exclusion of regulations which describe requirements compelled by law, and minor technical or clarifying regulations from the grouping of significant regulations. Similarly, there was opposition in the comments to the exclusion of internal documents not otherwise required by law to be made available to the public.

Contrary to the views expressed by some commentators, the Department does not view these exclusions as easy loopholes which might be employed to avoid the requirements of the Executive Order for the following reasons: (1) The exemption for regulations which describe requirements compelled by law would in no way avoid the requirements of the Executive Order or Departmental Guidelines, but is stated in recognition of the fact that there are some regulations which do nothing more than describe provisions of law from which the Department has no authority to vary. (2) The exemption for minor technical or clarifying changes would in no way undermine the Department's compliance with the Executive Order. If a technical or clarifying change is intended to have a new and significant impact it is not exempt from the Executive order or Departmental Guidelines, and Department officials are not permitted to hide significant regulations under the guise of minor changes. (3) Internal documents not set forth in Departmental rules, which describe or discuss enforcement strategies or procedures are either available to the public or protected in accordance with the Freedom of Information Act. While some internal documents may, under the Guidelines, be subject to the requirement of the Executive Order, in certain other circumstances the application of the procedures would be contrary to the efficient conduct of government business. The decision to proceed under the Guidelines in the development of internal documents must therefore be made on a case-by-case basis. This approach will however, be followed by the Department with a view toward achieving full and appropriate application of these Guidelines.

The second major area of concern in this context relates to the specific criteria for determining when a regulation is significant. One comment urges that the indirect effect of a regulation

should be considered in determining significance, and another suggests that all regulations should be presumed to be significant unless detailed analyses demonstrate otherwise.

The Department agrees that if on the basis of existing information substantial indirect effects of regulatory initiatives are reasonably ascertainable, that should form a basis for determining that a regulation is significant. It is not, however, agreed upon that determination of significance should be automatic unless detailed studies demonstrate otherwise. The Executive Order is not intended to delay necessary decisionmaking and the publication of needed regulations or create unnecessary paperwork. It is intended to ensure that truly important regulations are fully and properly considered. In view of these factors we do not believe that a blanket presumption would be useful or efficient.

One comment urges that a substantial expansion of the criteria for significance is necessary to properly consider the impact of a regulatory initiative on State and local governments. The Department agrees that regulations which have a substantial effect on State and local governments would be considered significant and believes that the existing criteria are broad enough to achieve this result.

A few comments request clarification of the criterion which mandates a finding of significance if the regulation affects equal employment opportunities for protected groups. The Department agrees that a change in this section is necessary. The term "protected groups," which may cause some confusion, is eliminated. The criterion is intended to direct appropriate attention to equal employment opportunity concerns, and is intended to be broadly construed.

5. Identifying Major Regulations. The majority of comments directed at the criteria for identifying major regulations recommend that the threshold criteria be lowered to require an analysis in more instances. It must be recognized in this connection that the criteria for major are flexible guidelines only. When a regulatory initiative falls short of the criteria agencies are encouraged to treat the regulation as "major" if it is likely to cause widespread public interest or controversy. The Department must reject the proposition that more stringent but less flexible criteria would better serve the intent of the Executive Order. It should not be necessary to conduct an extensive study to determine in the first instance whether a regulation is "major". We trust the flexible guidelines developed will adequately ensure that all truly important regulations will not be the subject of unnecessary delay or paperwork requirements.

A few comments express concern that the exemption from the regulatory analysis requirements should not be permitted solely on the basis of the preparation of an Economic Impact Statement under Executive Orders 11821 or 11949 or on the basis of a decision that no such statement was required. Because the criteria applicable to a determination that an economic impact statement was or was not necessary are similar to the criteria for identifying major regulations, any prior decision to prepare an economic impact statement or that one was not needed should be sufficient to meet the requirements of the Executive Order. However, in view of the fact that conditions might have changed since the time of the earlier decision, the Guidelines now authorized the preparation of a new regulatory analysis if there have been substantially changed conditions or if otherwise appropriate.

6. Public Participation. Virtually all comments received on public participation urge the early and effective involvement of the public in rulemaking. Among the many suggestions made to achieve this end are: (1) That there should be more than one cycle of comments; (2) That the Department should disseminate issue papers on proposals; (3) That public panels, or advisory groups should be established; (4) That training in public participation procedures should be done; (5) That a commitment should be made to involve particular groups; and, (6) That notification lists should be kept.

The Department agrees that each of these recommendations as well as others not mentioned are good approaches which may be particularly useful in many instances. The Department believes that each of these suggestions is both permitted and encouraged by the general language of the Guidelines, but does not think it proper to require that any one or more of these approaches be required in every case. Depending upon the situation involved, an individual public participation plan should be designed to meet the special needs of the regulatory initiative. This must be done with a view toward securing full, active, and early public participation in all significant regulatory initiatives.

One comment expresses concern that the Guidelines may require less public input for new regulations than for the amendment of existing regulations. This is not intended.

7. Regulatory Analyses. The comments received in connection with the form and content of regulatory analyses generally recommend the inclusion of additional and more specific criteria in each regulatory analysis. For example, a few comments suggest that particular attention be paid to the effects

of a regulation on employment, supplies of materials, health, competition, production and so forth. The Department agrees that each of these concerns as well as others would, in particular situations, be appropriate subjects to be addressed by a regulatory analysis. The Guidelines, however, are designed to facilitate the development of regulatory analysis in all cases and are very broadly phrased for this purpose. Flexibility in any agency's approach toward the preparation of a regulatory analysis is essential for the efficient implementation of the Executive Order.

One comment recommends that each regulatory analysis should set forth the assumptions relied upon in conducting the analysis, the methodology employed, and should identify source material utilized. The Department agrees that these matters should be a part of each analysis to the extent necessary and feasible.

8. Approval of Significant Regulations. One comment received in connection with this section suggests that the official signing any significant regulation should certify compliance with the Guidelines in writing and that this certification should be included in the public record. The proposed guidelines set forth requirements for written statements by the signing official or appropriate agency heads that the requirements for approval of significant regulations have been met. The Department agrees that these statements should be made available for public inspection.

Another comment suggests that the development plan prepared in connection with significant regulations should also be a part of the public record. The Department does not agree that the publications of preliminary ideas concerning new or revised regulations would be useful. It should be noted that the procedures now require public participation at all stages, and include public participation in the development of final regulatory analyses and significant rules and regulations. Early public participation in the development of proposed rules is also provided. We believe this is the most useful way to ensure fully adequate public involvement without unnecessary delay.

A few comments were received relating to the procedures applicable to the development and approval of regulatory analyses. These comments generally request clarification of the availability of regulatory analyses and one urges that regulatory analyses be subject to a public comment and participation procedure before the development of a proposed rule.

The Guidelines provide that each notice of proposed rulemaking involving a major regulation will contain a

summary of the initial regulatory analysis prepared and a statement telling how the public may obtain a copy of the full initial analysis. During the comment period the public may address comments or submit information concerning the regulatory analysis and, the analysis will be revised if necessary along with the proposed regulation. The final regulation will also contain a statement informing the public how to obtain the final analysis. This procedure is fully in keeping with the Executive Order. The Department believes that any earlier circulation of regulatory analyses occurring before review and approval by Department experts and decisionmakers would unduly delay the regulatory process and is unnecessary in consideration of the comment and discussion period provided after publication of the proposed rule.

9. Review of Existing Regulations. Some comments suggest that public participation in selecting regulations for review should be part of the Department's procedures. Revisions in the Guidelines reflect this view.

10. Other Comments. A few comments urge that particular regulations now in force or under consideration be designated either significant or major and be subjected to the procedures in the Guidelines, accordingly. Some other comments objected to the way in which particular rules were considered in the past.

The purpose of the Guidelines is to improve the quality of the regulatory process. The Department is committed to this objective. In keeping with this commitment each of the comments regarding a specific rule has been forwarded to the appropriate agency officials for consideration.

11. Initial List of Regulations Selected for Review. In response to a few comments the description of regulations selected for initial review has been expanded to more clearly indicate the subject matter of the regulations selected. Many additional regulations have also been added to the list, and the list may be found in its entirety in the Department's Semiannual Agenda of Regulations Selected For Review and Development.

Accordingly, the Department of Labor Guidelines for the implementation of Executive Order 12044 are revised as follows:

I. BACKGROUND

1. On March 23, 1978 President Carter signed Executive Order (E.O.) 12044 (43 FR 12661) which is designed to improve and reform the way in which the Executive Agencies of the United States Government develop, issue, and review the rules and regulations which are necessary for the efficient and effective administration of

Government programs. To achieve these goals E.O. 12044 directs each Executive Agency to: (a) Establish procedures for the development of significant regulations which provide the maximum opportunity for early and meaningful public participation; (b) Conduct a detailed regulatory analysis of those significant regulations which may have major economic consequences for the National economy or for a particular segment of the economy; (c) Periodically review existing regulations to determine their continuing usefulness, and; (d) Eliminate, improve, or update those existing regulations which no longer adequately serve the purpose for which they were originally issued. In connection with each of these objectives, E.O. 12044 directs each Executive Agency to prepare a draft report describing the procedures followed in the development of regulations and the changes which are proposed to bring those procedures into compliance with the E.O., proposed criteria for identifying significant regulations and regulations with major economic impact and, proposed criteria for the selection of existing regulations which are in need of review and possible revision or elimination. The report is also to contain a list of regulations which have been selected for review in the near future, and is to be published in the FEDERAL REGISTER for comments by May 23, 1978.

The Department of Labor's new procedures are intended to implement both the letter and spirit of E.O. 12044 in connection with the regulations within the jurisdiction of the United States Department of Labor.

SUMMARY OF PAST REGULATORY PROCEDURES

The Department of Labor is now mandated to implement many statutes and executive orders which relate to a wide range of subjects.

For example, under the Occupational Safety and Health Act the Department is charged with assuring working men and women with safe and healthful working conditions. Under the Comprehensive Employment and Training Act the Department administers a program of Federal assistance for unemployed and economically disadvantaged individuals. Under Executive Order 11246, the Department administers an enforcement program which requires equal employment opportunity on the basis of race, color, religion, sex and national origin by government contractors and federally assisted construction contractors. The wide range of programs administered by this Department have resulted in variations in the procedures followed in issuing regulations implementing these programs. Each agency within

the Department is responsible for developing its own regulations. The issuance of regulations is triggered in various ways. A statute or executive order may provide for the issuance of regulations; there may be a change in policy in administering a program; judicial decisions may necessitate an amendment to existing regulations; complaints of affected individuals or organizations or reports from the Department's investigators may alert agency officials to problem areas in existing regulations. The following illustrate some of the practices now in use for issuing regulations by Department of Labor agencies.

The Occupational Safety and Health Act authorizes the Secretary to promulgate safety and health standards in a specified manner. When the Secretary determines, upon the basis of information submitted in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education and Welfare (HEW), the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available that a rule should be developed in order to serve the objectives of the Act, the Secretary may direct that such rule be drafted or request the recommendations of an advisory committee.

Prior to the preparation of its proposed regulation, in most rulemaking proceedings, OSHA receives informal comments from interested parties. Though not specifically set forth in its pertinent regulations, OSHA has, in drafting many of its standards, published Advance Notices of Proposed Rulemaking in the FEDERAL REGISTER. Occasionally, OSHA has held public factfinding hearings to aid in the development of proposals.

The proposals and regulations are written by OSHA's technical staff with assistance from the Solicitor's Office, which also reviews the drafts for legal sufficiency. Drafts of proposed regulations or revisions are reviewed by the OSHA Director of Health Standards or Director of Safety Standards, appropriate technical personnel, and the Assistant Secretary for OSHA. Informal hearings are usually held in which interested parties are afforded the opportunity to comment orally and in writing. Published regulations are signed by the Assistant Secretary.

Somewhat different procedures are used in the development of safety and health standards under the Federal Mine Safety and Health Act. When the Assistant Secretary for MSHA determines that substantive regulations

should be issued, the Assistant Secretary decides on the basic objectives of the regulation and indicates overall specifications. A program head, e.g., the Administrator for Coal Mine Safety and Health organizes a drafting committee for the proposed regulation. The drafting committee is staffed by technical experts from within the agency and may include attorneys from the Office of the Solicitor. This committee participates in the preproposal consultations, attends sessions of any advisory committee created to advise on the particular regulation and writes the proposed draft regulation. The Solicitor's Office reviews the proposed regulation for legal sufficiency. Prior to publication for proposed rulemaking, the draft regulations are reviewed by the program head responsible for the subject matter being regulated, the Office of Standards, Regulations and Variances, and the Assistant Secretary for Mine Safety and Health. The Assistant Secretary signs both proposed and final regulations.

The Office of Labor-Management Standards Enforcement develops and administers the regulations in Chapter IV of Title 29 of the Code of Federal Regulations which implement those sections of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), which are administered by the Department of Labor. This Office also administers regulations which have been issued to implement section 18 (Standards of Conduct) of Executive Order 11491. Those sections of LMRDA which are administered by DOL have only been amended once, in 1965, so that most of the amendments and additions to the regulations have been for purposes such as clarification of language and reflection of court decisions rather than because of amendments to the Act.

In the case of one interpretative regulation drafted in response to a Supreme Court ruling, a decision was made to go forward after discussion between the program office and the Office of the Solicitor. The final draft was sent to the Solicitor for review and then to the Assistant Secretary for Labor-Management Relations for signature. When amendments to the regulations implementing the Labor-Management Reporting and Disclosure Act involve policy changes and are not interpretations, preproposal consultations are held with outside groups.

Under Title I of the Employee Retirement Income Security Act of 1974 (ERISA), many sections of the statute provide that the Secretary (or his delegate—the Assistant Secretary for IMSA) will issue regulations to implement specific statutory requirements. In addition, general authority is granted by the statute to prescribe regula-

tions that are necessary or appropriate to carry out the purposes of the Title. In some cases there is authority to issue regulations which ease or waive statutory requirements.

The Administrator of Pension and Welfare Benefit Programs after consulting with certain officials within the Department, and interested members of the public, determines the priorities and time schedule for the issuance of regulations. The time schedule includes internal due dates for the various stages in the regulatory process and a projected date for publication.

Generally, the Administrator then directs the Office of Regulatory Standards and Exceptions within the Pension and Welfare Benefit Programs to draft specifications for proposed regulations. Advice and recommendations from the Office of Policy and Planning and Research within the Administration as well as from the ERISA Advisory Council are considered in the development of specifications. The Advisory Council was created by statute to advise the Secretary of Labor with respect to carrying out ERISA functions. The Council consists of representatives of unions, employers, the general public and persons knowledgeable in the areas of insurance, corporate trust activity, actuarial counseling, investment counseling, investment management and accounting.

After the specifications are drafted they are referred to the Solicitor's Office which has the responsibility for drafting regulations based on these specifications. The draft regulations are then submitted to the Administrator for Pension and Welfare Benefit Programs, the Assistant Secretary for Labor-Management Services Administration, the Solicitor, the Under Secretary, and Secretary for approval. Comments are sought from the Internal Revenue Service and the Pension Benefit Guaranty Corporation when appropriate.

The Employment Standards Administration is responsible for a greater variety of programs than any other agency within the Department of Labor. The Administration includes the Office of Federal Contract Compliance Programs (OFCCP), the Office of Workers' Compensation Programs (OWCP), and the Wage and Hour Division (WH). OFCCP enforces nondiscrimination/affirmative action employment requirements applicable to government contractors and subcontractors and Federally-assisted construction contractors under Executive Order 11246, and government contractors and subcontractors under Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Act. OWCP administers workers' compensation

benefit programs for Federal employees, longshore and harbor workers, and coal miners who have contracted black lung disease. The Wage and Hour Administration enforces statutes which establish standards in the workplace, such as the Fair Labor Standards Act (minimum wage, overtime, child labor, and equal pay), Age Discrimination in Employment, wage rates and overtime requirements in Government contracts (Davis-Bacon, Walsh-Healey, Service Contracts Act, and the Work Hours Act), and the Farm Labor Contractors Registration Act. Several factors common to all of these programs can give rise to the issuance of new regulations or the amendment of existing ones. Such factors include the enactment of legislation, changes in policy or procedures, comments or complaints from the public, staff recognition of ambiguities in existing regulations, and the perception of areas not covered by current regulations. However, the differences in the types of programs being administered and the segments of the public affected are such that different approaches to the development of regulations are needed.

The threshold decision to modify an existing regulation or to develop a new one is most often made in the ESA division directly involved in the interpretation and enforcement of a particular statute. This decision comes about in several ways, depending upon the statute involved. In the wage and Hour Division, the Administrator may determine that there is a need for regulatory activity because of a court decision, complaints or comments from the public, or recommendations from his or her staff arrived at through their experience with and knowledge of a program. During the formative stage of a significant regulation, there is coordination with the Assistant Secretary for Employment Standards Administration and other top Departmental policymakers.

The OFCCP develops regulatory changes for numerous reasons. These include prior experience and problems encountered in enforcing existing regulations and requirements; a desire to strengthen requirements in response to problem areas encountered in investigations; new or newly perceived areas of employment discrimination; amendments to the law itself; and developing case law.

Changes in regulations in the Office of Workers Compensation Programs are generally initiated by the Director as a result of changes in medical technology or insurance practices, comments or complaints from the public and statutory amendments. In some instances in the past, when the regulatory change was extensive, task groups

were organized to draft regulations to implement new statutory provisions.

As a rule, in all ESA divisions, the original specifications and drafting of a regulation or revision is done in the office most directly involved with the administration and enforcement of the particular statute or Executive Order implemented by the regulation. The division of the Solicitor's Office most directly involved in the subject matter being regulated will assist the program officials in drafting and will then review for legal sufficiency. During this drafting process, which can extend over a long period of time, constant attention is given to questions, observations, opinions, experiences and remarks of interested persons and organizations. After that, the draft is sent for approval to the program head and the Administrator or Director of the Division in which the program is located. The final draft is submitted to the Solicitor for review and approval. Depending upon the nature and complexity of the regulation, it is signed by the Administrator or Director of the program, the Assistant Secretary for ESA, or the Secretary of Labor.

The Employment and Training Administration has major responsibility for administering over 15 principal statutes and operates an even greater number of programs under those and other statutes. In some ETA statutes such as CETA, broad authority is given the Department of Labor to develop program practices and procedures.

Issuing regulations or revisions to regulations implementing the various statutes administered by the Employment and Training Administration is done by each program division with the advice and assistance of the Solicitor's Office. While the decisions to go forward with the issuance of a new regulation or a revision is made by the program head, the actual drafting of the proposal is usually a joint effort by the staff of the program division within ETA which is charged with administering the Act for which implementing regulations are being written or amended and the Solicitor's Office. In many cases, the Assistant Secretary for ETA directs that a project go forward. The Assistant Secretary and program officials will seek and receive comments from State Government officials, other Federal agencies, representatives of public interest groups, labor unions, employer organizations, interested parties as well as those subject to the regulations being proposed. Suggestions and comments on regulatory material also come from a national advisory committee which the Secretary of Labor has appointed to assist in carrying out the Department's responsibilities for safeguarding the welfare of apprentices. This Committee

includes representatives of employers, labor, education, and officers of other executive departments.

An example of an ETA regulation that also involved the Bureau of Apprenticeship and Training concerned affirmative action in apprenticeship for women. This concept had been seriously considered by top officials in ETA and the Women's Bureau for many years. However, this particular rulemaking was initiated by the filing of a formal petition for rulemaking on this subject matter by an outside public interest organization.

In drafting the proposal for these regulations, program heads in the Bureau of Apprenticeship and Training worked with Women's Bureau and were assisted by staff from the Solicitor's Office who had considerable experience with other equal employment opportunity matters in its work with the Office of Federal Contract Compliance Programs. The Solicitor's staff drafted and prepared the proposed amendment to the regulations for Equal Employment Opportunity in Apprenticeship and Training. The proposal was then submitted to the Solicitor for approval, then to the Assistant Secretary for ETA and to the Secretary before publication in the FEDERAL REGISTER. The public was given 60 days to comment on the proposal.

As can be seen, the procedures used by the agencies within the Department of Labor vary in accordance with the needs of the programs being administered. However, all significant regulations or proposed regulations must be approved by the Secretary and the Under Secretary before publication in the FEDERAL REGISTER. In addition, the Solicitor of Labor reviews all regulations and proposed regulations for legal sufficiency.

Prior to publication of a proposed regulation, the type and extent of consultations with interested persons, agencies or organizations from outside of the Department varies with each regulatory action. However, on the whole there has generally been more involvement with outside groups during drafting of amendments to regulations already issued than during the drafting of new regulations pursuant to newly enacted legislation. With new regulations, great reliance is placed on the legislative history of the statute. This is not to say that persons or groups affected by the legislation are not afforded an opportunity to comment and make suggestions before a regulation is submitted to the FEDERAL REGISTER. But as a general rule, regulations already in operation generate more comments from the regulated public.

Finally, as a minimum the provisions of the Administrative Procedure Act have been followed where applicable.

Informal rulemaking predominates in the Department of Labor's regulatory procedures. However, in some instances, including a number of rulemaking procedures under the Occupational Safety and Health Act, a record of the hearing has been kept and cross examination of witnesses allowed under the direction of an administrative law judge.

The foregoing is illustrative of the regulatory practices followed by the various agencies within the Department. Changes are being made in accordance with the directions of Executive Order 12044, and those changes are reflected in the following portions of this document.

DEPARTMENT OF LABOR POLICIES AND PROCEDURES FOR IMPROVING REGULATIONS

POLICIES

Following the issuance of the Executive Order, the Department of Labor has developed a series of procedures to achieve its objectives within the Department. All officials of the Department with responsibilities in the rulemaking process must make maximum efforts to carry out the policies of the Executive Order and implement Department of Labor procedures.

It is the policy of the Department of Labor to ensure that all regulations issued or revised by the various offices and agencies within the Department conform to the following standards:

(1) Regulations should be responsive to public needs, concerns and legislative goals.

(2) No regulation should be issued unless the need for it is clearly established.

(3) Appropriate efforts must be made to obtain public participation in the development and revision of significant regulations at as early a time as is practical.

(4) At an early stage, appropriate consideration should be given to meaningful alternative approaches, including approaches which achieve the desired result without the issuance of a regulation.

(5) Regulations should be designed to achieve statutory objectives and to avoid imposing unnecessary compliance, paperwork, costs, and other burdens on the economy, on individuals, on public or private organizations or on State or local governments.

(6) All regulations should be written in clear and concise language which can be understood by those who are required to comply with them.

The Executive Order contains certain exemptions, including exemptions for emergency regulations. Even where such exemptions apply, it is the policy of the Department that the procedures in these Guidelines be fol-

lowed to the extent they are practicable and useful in the particular situation, without compromising applicable policy and legal requirements.

It is the policy of the Executive Order and the new Department procedures to improve the rulemaking process in accordance with law and avoid the issuance of unneeded regulations. Their purpose is to make necessary internal changes in procedures and they are not intended to detract from, add to or alter statutory requirements. Failure to meet the requirements of the Executive Order or of the Department's new procedures shall not provide a basis for judicial review of the regulation or other court action.

RESPONSIBILITIES OF DEPARTMENT OF LABOR OFFICIALS

Each agency head within the Department of Labor, including all Assistant Secretaries, the Solicitor, and all other chief agency officials shall become familiar with these Guidelines and shall be primarily and personally responsible for ensuring that the Guidelines are followed in connection with any regulations issued or revised by their respective agencies. In this connection, each agency head shall participate at an early stage in determining the need for the issuance or revision of regulations in their program areas, and shall exercise continuing supervision over the process by which public comment and participation is obtained, and by which final positions and regulatory provisions are developed.

REGULATORY REVIEW PANEL

In order to assist Department of Labor agencies and offices to comply with the requirements of E.O. 12044 and to facilitate the better management of regulations within the Department of Labor, a Regulatory Review Panel (The Panel) will be established. The Panel will consist of representatives appointed by the heads of agencies. The Secretary of Labor will appoint a Chairperson for the Panel. The Regulatory Review Panel will be responsible for receiving from agencies, their proposals for regulations to be included in the Department of Labor's semiannual agenda or any additional supplementary agenda of regulations. These agenda will be designed to give the public adequate advance notice of significant regulations which the Department intends to develop or review in the near future. The panel will compile and transmit the agenda to the Secretary for approval will any recommendations it may deem appropriate.

In keeping with President Carter's directive that each agency establish procedures for the continuing review of existing regulations, the Regulatory

Review Panel will assure that each agency within the Department is informed of the criteria to be applied in selecting any existing regulation or series of regulations for periodic review. The Panel may also make recommendations concerning the review of overlapping and common subject matter regulations in force in different agencies within the Department. Particular attention in this regard should be paid to regulations affecting disclosure, privacy, administrative procedures and other types of regulations which cut across agency lines of jurisdiction.

Petitions by the public for regulatory action should be directed to the responsible agency within the Department, as discussed below. However, the Panel is also authorized to receive recommendations from the public on regulations thought to be in need of review. Public recommendations may be sent to the Chairperson and should contain an explanation why the regulation in question is considered unsatisfactory or unnecessary. The Panel should consider recommendations in connection with any comments it may make to the Secretary on the proposed agenda.

PROCEDURES FOR DEVELOPING NEW REGULATIONS

Whenever an official responsible for the development of regulations believes that the development of any regulation may be necessary, the official should make an informal assessment of the need for the regulation and possible alternative approaches. If it is decided to recommend development and issuance of a regulation, the official should determine whether or not the regulation is significant.

In deciding whether to begin the development of new regulations, responsible officials should seriously consider any public petition for rulemaking submitted in accordance with 5 U.S.C. 553(e).

CRITERIA FOR DETERMINING SIGNIFICANCE OF REGULATIONS

A regulation should be considered significant if it meets the criteria for major as specified in this Report or if it directly or indirectly (if indirect effects are reasonably ascertainable on the basis of existing information) and substantially—

- (1) Affects the health or safety of employees;
- (2) Affects standards for determining the amount of or conditions under which benefits are payable to individuals or the eligibility of individuals to participate in various programs;
- (3) Affects the operations or responsibilities of a particular industry or business or group of industries or businesses, or public or private organiza-

tions, or of State or local governments, except that wage determinations issued by the Employment Standards Administration in accordance with prescribed requirements shall not be considered significant;

(4) Increases existing reporting or compliance requirements or establishes substantial new reporting or compliance requirements for any public or private group;

(5) Affects competition within a particular industry or business;

(6) Affects any program of a State or local government or of any other Federal agency; or

(7) Affects equal employment opportunities.

Rules or regulations which simply describe requirements compelled by law will not be considered significant. However, where these rules or regulations substantially provide standards or requirements authorized but not compelled by the law, they should be considered significant if they meet the various criteria described above. Regulations or amendments to regulations involving minor technical or clarifying changes shall not usually be considered significant. These procedures will not require the Department to regard as significant internal documents not otherwise required to be made available to the public where such documents related to Department procedures in enforcing laws for which the Department has responsibility.

Even if a regulation does not meet the standards described above, it may still be appropriate to subject it to the requirements which apply to significant regulations. This would be particularly true if the regulation is likely to arouse considerable public interest or controversy.

IDENTIFYING MAJOR REGULATIONS

Once the initiating official decides whether he or she believes that any regulation should be treated as "significant," an informal assessment should be made, based on available information, as to whether the effect of the regulation would be so major as to require the preparation of a regulatory analysis. A regulatory analysis should, generally speaking, be performed if the regulation is likely to cause or result in:

(1) An increased cost of \$100 million or more in any one year for the national economy;

(2) A \$50 million or larger increase in costs or total revenues in any one year for a specific segment of the economy such as a specific industry, geographic region or State or local government;

(3) A direct dislocation of 10,000 jobs or more;

(4) A substantial limitation on competition, marketing, market informa-

tion or an increase in concentration in a market doing \$100 million of business a year or more.

These criteria should be regarded as guidelines rather than precise standards. Their purpose is to provide a rough order of magnitude. Accordingly, the Department's procedures will not ordinarily require a complex analysis to see whether a proposed regulation does or does not meet the criteria.

In addition, even where a regulation does not meet the criteria, agency heads may require that a regulatory analysis be conducted. They are encouraged to do so when a regulation is likely to cause widespread public interest or controversy.

No analysis is needed if on or before March 23, 1978 an Economic Impact Statement has already been prepared in connection with the regulation, in accordance with Executive Orders 11821 and 11949, or where a decision has been made that none was needed, unless substantially changed conditions or other factors now indicated that a regulatory analysis is appropriate.

PUBLIC PARTICIPATION

The initiator of a regulation shall devise a plan to obtain early and effective public participation in the development of significant regulations. Early and effective public participation in the rulemaking process is essential to the development of responsive and useful regulations. There is no single approach toward public participation which is clearly most effective in every case. The approach selected should be suited to the project under consideration and be consistent with the requirements of the law. Among the approaches which should be considered are the following:

(1) The publication in the FEDERAL REGISTER of a notice or advance notice of proposed rulemaking inviting public comment at the earliest possible date;

(2) Public hearings;

(3) Conferences or meetings with interested groups and individuals;

(4) The direct notification of interested parties;

(5) The distribution of appropriate notices, press releases, or statements to trade journals or other publications including newspapers likely to be read by interested parties;

(6) Submission of the regulation or matter to be addressed in the regulation to advisory committees where appropriate; and

(7) Communication with appropriate Federal, State, or local agencies, including contacts through the Office of Legislation and Intergovernmental Relations which maintains continuing contacts with State and local officials and their representatives.

Agency personnel should be alert to those statutory provisions which govern communications with persons outside the Department under certain circumstances.

APPROVAL OF PLAN TO DEVELOP REGULATIONS

Before an agency proceeds to develop a significant regulation, the initiating official will prepare and submit to the official who will sign the regulation or appropriate agency head a proposed development plan which will include a summary of the issues to be considered and a judgment as to whether the regulation is significant. Significant regulations are signed by the appropriate Assistant Secretary, the Commissioner of the Bureau of Labor Statistics, the Under Secretary, or the Secretary except as each may otherwise provide under special circumstances. The plan will also include a summary of the alternative approaches to be explored, a judgment as to whether a regulatory analysis will be required, and a tentative plan for obtaining early public participation. Target dates should also be included.

If the individual responsible for signing the regulation as described above, or appropriate agency head approves going forward with the development of the regulation, he or she shall approve a development plan and designate a project manager or managers to assure that the regulation is considered in a proper and timely manner. The approving official shall also send a copy of the development plan to the Secretary and Under Secretary.

The project manager shall proceed to consider the issues involved and develop a regulatory analysis where required.

REGULATORY ANALYSES

The purpose of the regulatory analyses is to provide a useful tool in the decisionmaking process. They should not serve or be regarded as an additional paperwork burden which needlessly delays a governmental response to a problem. Project managers should strive to make the best possible use of information available to the agency within an acceptable time-frame. Regulatory analyses should be succinct and written in plain, simple language and should cover the following items in such detail as is practicable:

(1) A statement of the problem and regulatory objectives (e.g., statement of condition or situation requiring regulatory action; evidence of the problem; scope of the problem including an indication of the frequency and severity of effects; and an estimate of the effectiveness of a regulatory action in solving the problem).

(2) A brief description of the parties (e.g., individuals, groups, industries, State and local Governments) most likely to be affected by the regulatory action.

(3) A description of the major acceptable alternative regulatory actions under consideration by the agency and a discussion of the effectiveness of each major acceptable alternative in achieving the regulatory objectives.

(4) An estimate of the economic consequences of the major acceptable alternative actions, presented in as simple a form as possible, which indicates the limitations of accuracy attached to such estimates.

(5) An explanation of why a given alternative was selected for proposed regulatory action.

(6) A brief description of assumptions, methods and important source material relied upon in performing the analysis to an extent which is considered appropriate.

A copy of each regulatory analysis will be transmitted to the Secretary. The transmittal will include any recommendation made by the appropriate agency head as to whether special consideration by the Secretary is needed.

APPROVAL OF SIGNIFICANT REGULATIONS

No significant regulation will be approved unless the official signing the regulation (as previously described) is satisfied that:

(1) The regulation is needed and is consistent with the law and with the legislative goal it seeks to carry out;

(2) The direct and indirect effects of the regulation have been considered and that the least burdensome of the major acceptable effective alternative approaches has been selected;

(3) Public comments have been considered, and, in the case of final regulations an adequate response has been prepared.

(4) The regulation is written in plain language which will be understood by those who must comply with the regulation, and that overly technical language, incorporation by reference, and complex procedures are kept to a minimum, consistent with statutory objectives;

(5) Any new reporting or recordkeeping burdens are justified and kept to a minimum, consistent with statutory objectives;

(6) The name, address and telephone number of an agency official who may be contacted by members of the public has been included;

(7) A plan for monitoring and evaluating the regulation after issuance has been developed; and

(8) A regulatory analysis has been prepared, if required, and that a brief summary is included in the notice of proposed rulemaking. A statement of

how the public may obtain a copy of the initial regulatory analysis will also be included. A final regulatory analysis will be made available when the final regulations are published. The analysis may be incorporated in the preamble to the final regulations.

Prior to publication of significant regulations, a draft of the proposed regulations should be sent to the Secretary and Under Secretary together with a written statement by the signing official (as described above) providing personal assurance that the above criteria have been met. Approval by the Secretary will be required, prior to publication, before going forward with all regulations for which a regulatory analysis is required. The Secretary may also deem it appropriate to require Secretarial approval before going forward with other regulations. Where regulations are deemed significant, a written statement to that effect should be submitted to the Secretary along with the draft regulations and should be included in the published regulations. Where regulations are to be signed by the Secretary or Under Secretary, the written statements should be submitted by the appropriate agency heads. Each of the written statements described will be made available for public inspection upon request.

Each notice of proposed rulemaking published in connection with a significant regulation by a Department of Labor agency should, if possible, provide at least 60 days for public comment and participation. If a shorter period is necessitated, the published notice shall explain why a full 60 day comment period is impractical. Where statutory or judicial deadlines in whole or in part preclude the Department from following the requirements of these Guidelines, the name of the policy official who made the determination that it was necessary to forego the requirements will be published with the regulations.

REVIEW OF EXISTING REGULATIONS

Each agency shall periodically select for review significant regulations within its areas of responsibility. Agencies shall submit to the Regulatory Review Panel at such times as the panel deems appropriate a list of significant regulations proposed for review and inclusion in the semiannual agenda. The panel will transmit the proposed lists to the Secretary for approval, together with any comments it may wish to make.

Each agency shall provide the name and address, and telephone number of the regulation project managers which shall also be included in the published agenda.

Agencies shall also provide to the Panel information on regulations pre-

viously selected for review. A report on the status of these regulations will be published together with the semiannual agenda.

The following criteria shall be considered in selecting regulations for review:

- (1) Whether the regulation continues to be necessary to achieve statutory or policy goals;
- (2) Whether the regulation has been the subject of significant public controversy, complaints, or suggestions;
- (3) Whether the regulation is particularly burdensome for some segment of the public;
- (4) Whether the regulation is confusing, difficult to interpret, or unnecessarily complex;
- (5) Whether the regulation is duplicative or inconsistent with other Department of Labor or other agency regulations treating the same or similar subjects;
- (6) Whether the regulation is consistent with the most recent technological advances;
- (7) Whether a revision of the regulation needs to be considered in light of changed economic or other conditions affecting its appropriateness;
- (8) Whether the regulation has been or probably will be subject to change as a result of legislative action;
- (9) Whether court decisions have altered the meaning or effectiveness of the regulation;
- (10) Whether agency operating personnel consider the regulation inefficient, burdensome, or a proper subject for revision;

(11) The length of time since the regulation has been evaluated; and
 (12) Whether the regulation is discriminatory in effect or formulation.

Although this review process is directed principally at significant regulations, agencies should attempt to identify those groups of minor regulations which may be outdated or which may no longer serve useful purposes. These regulations should also be included on the Department's semiannual agenda.

Once a regulation has been selected for review, project managers and appropriate agency heads will be responsible for reviewing these regulations as promptly and carefully as practicable. Changes will be made in accordance with the procedures required for the development of new regulations.

Signed this 18th day of January, 1979 at Washington, D.C.

RAY MARSHALL,
 Secretary of Labor.

IFr Doc. 79-2417 Filed 1-25-79; 8:45 am.

[4510-23-M]

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda of Regulations Selected for Development and Review

AGENCY: Department of Labor.

ACTION: Semiannual Agenda.

SUMMARY: Executive Order 12044 directs each agency of the United States Government to publish in the FEDERAL REGISTER a semiannual agenda of significant regulations which will be considered for review or development during the coming 6 month period. This document contains the Department of Labor's semiannual agenda. It is intended to give the public adequate notice of the existing regulations which will be reviewed by the Department, as well as new regulations which may be developed, in the near future.

DATES: Effective January 26, 1979.

ADDRESS: For further information contact Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-8201.

SUPPLEMENTARY INFORMATION: Included in this document are regulations selected by Department of Labor agencies for review, other regulations the Department is required to review and new regulations the Department intends to develop during the coming 6 month period. On October 31, 1978 the President requested that all executive agencies supplement earlier lists. This document includes major regulations selected for review which were not included in the Department's preliminary agenda. The Department of Labor agencies which have selected regulations for review or development are, the Employment Standards Administration (ESA), the Employment and Training Administration (ETA), the Labor-Management Standards Administration (LMSA), the Mine Safety and Health Administration (MSHA), the Office of the Assistant Secretary for Administration and Management (OASAM) and the Occupational Safety and Health Administration (OSHA). The regulations selected for review or development are organized by agency jurisdiction. Each regulation selected is identified by title and subject matter and is followed by a brief statement of the need for and legal basis for the action contemplated. Each description of a regulation selected also contains the name, address and telephone number of a knowledgeable official who may be contacted in connection with the regulation, a brief statement indicating whether a regulatory analysis may be undertaken and

what action is anticipated during the coming 6 month period. Whether or not a regulatory analysis is indicated, the Department will encourage early and effective public participation in the rulemaking process.

The Department had hoped to publish its first semiannual agenda on October 31, 1978. The Department was unable to meet this deadline in an effort to review and supplement its agenda document and make it more useful. The Department regrets any inconvenience this later publication has caused any member of the interested public.

In an earlier statement published in the FEDERAL REGISTER, the Department indicated that its first semiannual agenda would be published on October 31, 1978 and that the next agenda would be published 6 months thereafter. Under the new schedule the Department's next agenda will be published on August 30, 1979 and subsequently at 6 month intervals thereafter.

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EMPLOYMENT AND TRAINING ADMINISTRATION

Regulations Selected For Review:

1. Labor Certification Process for Employment of Aliens.
2. Rehabilitation Certificates for Ex-Servicemen.
3. Nondiscrimination in Department of Labor Assisted Programs.
4. U.S. Employment Service.
5. U.S. Employment Service.
6. U.S. Employment Service.
7. Unemployment Compensation.
8. Trade Adjustment Assistance.

Regulations For Which Review is Required:

1. Unemployment Compensation for Federal Civilian Employees.
2. Unemployment Compensation for Ex-Servicemen.
3. Comprehensive Employment and Training.
4. Nondiscrimination on the Basis of Handicap.
5. Senior Community Servicer Employment.
6. Job Corps.
7. Employment Security Administration.

New Regulations:

None.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Regulations Selected For Review:

1. Fire Protection.
2. Electrical.
3. Walking-Working Surfaces.
4. Marine Terminals.
- 5(a). Materials Handling.
- 5(b). Materials Handling.
6. Flat Roofs.
7. Tunneling.
8. Ladders and Scaffolding.
9. Floor and Wall Openings.
10. Laboratory Accreditation.

Regulations For Which Review is Required:

None.

New Regulations:

1. Cancer Policy.
2. Pesticides.
3. Access to Medical Records.
4. Chromates.
5. Beryllium.
6. Chemical Hazard Identification.

Revision Modification of Existing Standards:

1. Abrasive Blasting.
2. MOCA.
3. Safety and Health Provisions for Federal Employees.

Tentative Regulatory Action Pending Staff Analysis:

1. Asbestos—Revision of Existing Standard.
2. Standards Completion Project.
3. Noise—Revision of Existing Regulation.
4. Nickel and Cadmium.

OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION AND MANAGEMENT*Regulations Selected for Review:*

1. Debarred, Suspended and Ineligible Bidders.
2. Unsolicited Proposals.
3. Grants and Agreements.

Regulations For Which Review is Required:

None.

New Regulations:

None.

EMPLOYMENT STANDARDS ADMINISTRATION

Regulations Selected For Review:

1. Fair Labor Standards: Agricultural Exemptions.
2. Farm Labor Contractor Registration.
3. Sheltered Workshops.
4. Fair Labor Standards: Hospital Workers.
5. Federal Service Contracts.
6. Labor Standards: Davis-Bacon and Related Acts.
7. Slaughtering and Meat Packing.
8. Employment of Minors.
9. Equal Pay.
10. Contract Compliance.
11. Contract Compliance.
12. Contract Compliance.
13. Contract Compliance.
14. Contract Compliance.
15. Contract Compliance.
16. Contract Compliance.
17. Contract Compliance.
18. Contract Compliance.
19. Contract Compliance.

Regulations For Which Review is Required:

1. Black Lung State Plans.
2. Black Lung Insurance.
3. Black Lung Disability Standards.
4. Fair Labor Standards: Wage Payments.
5. Fair Labor Standards: Records.
6. Fair Labor Standards: Overtime.
7. Age Discrimination.
8. Age Discrimination.
9. Labor Standards—National Endowment for the Arts projects.

New Regulations:

None.

LABOR MANAGEMENT SERVICES ADMINISTRATION

Regulations Selected For Review:

1. Labor Management Reporting and Disclosure.

2. Elimination of Form EBS-1.
3. Employee Retirement Security: Suspensions.
4. Employee Retirement Security: Reporting.
5. Employee Retirement Security: Supplemental Pay.
6. Employee Retirement Security: Exemptions.
7. Dispute Resolution Guidelines.

Regulations For Which Review is Required:

None.

New Regulations:

1. Redwood National Park Expansion.

MINE SAFETY AND HEALTH ADMINISTRATION

Regulations Selected For Review:

1. Mine Safety: Consolidation of Parts.
2. Respirable Dust Standard.
3. Underground Coal Mines.
4. Underground Coal Mines.
5. Surface Coal Mines.
6. Transfer of Miners.
7. Temporary Roof Supports.
8. Fee Schedules.
9. State Grants.

Regulations For Which Review is Required:

1. Metal/Nonmetal Advisory Standards.

New Regulations:

1. Rescue Teams.
2. Independent Contractors.
3. Construction Work.
4. Radon Daughters and Other Amendments.
5. Explosives.
6. Explosives.
7. Training for Construction Workers.
8. Miscellaneous.
9. Self Rescuers.
10. Impoundments and Tailings Piles.
11. Raise Drilling.

OTHER

New Regulations:

1. Airline Deregulation.

DEPARTMENT OF LABOR

SEMIANNUAL AGENDA

EMPLOYMENT AND TRAINING
ADMINISTRATION*Regulations Selected for Review:*

1. *Description:* 20 CFR Part 656—Labor Certification Process for Permanent Employment of Aliens in the United States.

Regulations for the process an employer must use to recruit U.S. workers for the job as a test of the availability of U.S. workers to perform the work.

Basis for Action: Technical changes are necessary in order to update and clarify these regulations.

Contact: Nandor Kertal, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 8416, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6982.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

2. *Description:* 29 CFR Part 26—Exemplary Rehabilitation Certificates for Ex-servicemen.

Procedures for granting Exemplary Rehabilitation Certificates to any person who received any other than an honorable discharge, upon being able to establish self-rehabilitation.

Basis for Action: These regulations are being reviewed to determine whether changes would improve the success of the program.

Contact: Robert Granakis, Assistant Director for Field Operations, Veterans Employment Service, Office of the Deputy Assistant Secretary for Veterans Employment, Room 8400, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20203 (202) 376-6550.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: A comprehensive review of the regulation is underway to determine the effectiveness of existing provisions and the need for revisions.

3. *Description:* 29 CFR Part 31—Nondiscrimination in Federally-assisted programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.

Implementation of provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Labor.

Basis for Action: To review and update existing provisions.

Contact: Frederick A. Drayton, Chief, Division of Equal Employment Opportunity, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 10324, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6743.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

4. *Description:* 20 CFR 651.7—General Provisions Governing the Employment Service System Definitions; 20 CFR Part 653—Services of the Employment Service System, Subpart A—Basic Services of the Employment Service, Subpart E—Services in Support of Basic Services; and, 20 CFR 658.601—Administrative Provisions Governing the Employment Service, Subpart G—Review and Assessment of State Agency Compliance with Employment Service Regulations.

Basis for Action: The need for review of existing regulations and the

development of new regulations was determined in discussions involving both Federal and State agencies.

The Employment Service Manual is a complex assortment of directives and advisory material. It has evolved over a 30 year period and much of it is now out of date and incomplete. Recent court rulings have highlighted the need for USES to differentiate between laws, regulations, policies, procedures and technical assistance.

Contact: Charles I. Carter, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 8018, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6700.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

5. **Description:** 20 CFR Parts 601, 602, 603, 604, 651, 653, 658—United States Employment Service.

Basis for Action: These are clarifying and technical amendments resulting from changes in terminology or wording due to the evolution of Employment and Training Administration organization over the last several years and in response to questions raised during training sessions held in the Spring, 1977.

Contact: Charles I. Carter, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 8018, 601 D Street, NW., Washington, D.C. 20203 (202) 376-6700.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of final regulations is anticipated.

6. **Description:** 20 CFR Part 640—Standard for Benefit Payment Promptness—Unemployment Compensation. A regulation which provides the Secretary of Labor's Standard for Benefit Payment Promptness and sets forth criteria States must attain to meet the Standard and corrective action to be taken when a State's performance falls below the criteria.

Basis for Action: To clarify existing provisions.

Contact: Edwin Kerley, Employment and Training Administration, United States Department of Labor, Patrick Henry Building, Room 7102, 601 D Street, NW., Washington, D.C. (202) 376-7105.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

7. **Description:** 20 CFR Part 616—Interstate arrangement for combined Employment and Wages-Unemployment Compensation. A regulation approving an arrangement establishing a

system whereby an unemployed worker with covered employment or wages in more than one State may combine all such employment and wages in one State, in order to receive more benefits.

Basis for Action: Review is necessitated to update and improve existing provisions.

Contact: Edwin Kerley, Employment and Training Administration, United States Department of Labor, Patrick Henry Building, Room 7102, 601 D Street, NW., Washington D.C. 20213 (202) 376-7105.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

8. **Description:** 29 CFR Part 91.

Adjustment assistance for workers after certification. Regulations for payment and delivery of trade adjustment assistance to workers certified under the Trade Act of 1974 by the State employment security agencies.

Basis for Action: To review, update, and clarify existing provisions.

Contact: Robert Gillham, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 7221, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6352.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

Regulations For Which Review is Required:

1. **Description:** 20 CFR Part 609.

Unemployment Compensation for Federal Civilian Employees. Regulations for Payment of Unemployment Compensation to Former Federal Civilian Employees through State Unemployment Insurance Agencies.

Basis for Action: Review is necessitated by statutory changes (Pub. L. 94-566 and Public Law 95-19) and to standardize regulations.

Contact: Charles Reynolds, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 7014, 601 D Street, NW., Washington, D.C. 20213, (202) 376-6222.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

2. **Description:** 20 CFR Part 614—Unemployment Compensation for Ex-Servicemen. Regulations for payment of Unemployment Compensation to Ex-Servicemen.

Basis for Action: Review is necessitated by statutory changes (Public Law 94-566 and to standardize regulations).

Contact: Charles Reynolds, Employment and Training Administration, U.S. Department of Labor, Patrick

Henry Building, Room 7014, 601 D Street, NW., Washington, D.C. 20213, (202) 376-6222.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

3. **Description:** 29 CFR Parts 94-99—Comprehensive Employment and Training.

Regulations which implement the Comprehensive Employment and Training Act as amended.

Basis for Action: A review of existing regulations from 29 CFR Part 94 to 29 CFR Part 99 is necessary in order to operate existing programs under the Comprehensive Employment and Training Act of 1973, as amended in 1978, to provide for a smooth transition from existing to new legislation, and to prepare new regulations under the reauthorized CETA legislation.

Contact: Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 6000, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6254.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

4. **Description:** 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance from the Department of Labor.

Implementation of provisions of Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

Basis for Action: The development of this Regulation is required by Section 504 of the Rehabilitation Act of 1973, Executive Order 11914, and the DHEW coordination regulations which implement Executive Order 11914.

Contact: Frederick A. Drayton, Chief, Division of Equal Employment Opportunity, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 10324, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6743.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The publication of a proposed regulation is anticipated.

5. **Description:** 29 CFR Part 80—Senior Community Service Employment Program.

These regulations govern the administration and operation of the SCSEP which is authorized under the Older Americans Act. The SCSEP provides part-time, subsidized job opportunities

to low-income persons aged 55 and over.

Basis for Action: The need to revise the regulations arises from the fact that the authorizing legislation has been renewed with numerous amendments.

Contact: Lamond Godwin, Administrator, Office of National Programs, Employment and Training Administration, U.S. Department of Labor, Room 6402, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213 (202) 376-6093.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of a final regulation is anticipated.

6. **Description:** 29 CFR Part 97a: Job Corps Program.

Basis for Action: The reauthorized CETA legislation will require some modifications of the Job Corps regulations, including the section on pay and allowances. Additional changes will be made simultaneously for purposes of clarification and responsiveness to new concerns which have arisen as a result of Jobs Corps expansion.

Contact: Robert Taggart, Administrator, Office of Youth Programs, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 3402, 601 D Street, NW., Washington, D.C. 20213 (202) 376-7449.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

7. **Description:** 20 CFR Part 660—Cost Principles for Employment Security Administration—Consists of General Principles for Costs Chargeable to Grants to States for ES and UI Administration;

20 CFR Part 661—Standards for Selected Items of Employment Security Administration Costs—Consists of Descriptions of Particular Types of Costs which are Allowable, Allowable with Prior DOL Approval, and Unallowable as Charges to Grants to States for ES and UI Administration;

20 CFR Part 662—Transfers to State Accounts in the Unemployment Trust Fund under Section 903 of the Social Security Act (Reed Act)—Consists of Requirements Applicable to the Use of Reed Act Funds for Unemployment Benefits and Employment Security Administration.

Basis for Action: These regulations are needed to implement Federal Management Circular 74-4 and OMB Circular A-102 and to provide complete guidance to State agencies in the use of Reed Act funds. Legislative authority appears in the rulemaking provisions of the Wagner-Peyser Act (29 U.S.C. 49c-3) and the Department's general rulemaking authority under the Social Security Act (42 U.S.C. 501)

and the Federal Unemployment Tax Act (26 U.S.C. 3301).

Contact: Edward Rowland, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, 601 D Street, N.W., Room 4208, Washington, D.C. 20213 (202) 376-6414.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

New Regulations: None.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Regulations Selected For Review:

1. **Description:** 29 CFR Part 1910, Subpart L—Fire Protection.

This subpart contains regulations related to fire suppression equipment and fire protection systems.

Basis for Action: Subpart L is being revised to simplify existing regulations related to fire suppression equipment and fire protection systems and to require training for persons who are members of certain fire brigades.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, NW, Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

2. **Description:** 29 CFR Part 1910, Subpart S—Electrical.

This subpart contains provisions related to the design and installation of electrical systems in public and private facilities.

Basis for Action: Subpart S is being revised to provide a significant simplification of the current regulations and to bring the existing regulations up-to-date with the current consensus standards and technology.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

3. **Description:** 29 CFR Part 1910, Subpart D—Walking-Working Surfaces.

Subpart D contains safety requirements concerning falling and tripping hazards related to holes in floors, walls, platforms and ladders at the workplace.

Basis for Action: This subpart is being revised to simplify language, bring requirements up-to-date with

current technology and cover new types of work platforms.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: The need for a regulatory analysis is under study.

Action Planned: The publication of a proposed regulation is anticipated.

4. **Description:** 29 CFR Part 1918—This Part Prescribes Occupational Safety and Health Regulations Governing the Operation of Maritime Terminals.

Basis for Action: This new standard is being developed specifically for maritime terminals following a request by the industry, in order to facilitate voluntary compliance and more efficient OSHA enforcement in a high hazard industry.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

5(a). **Description:** 29 CFR Part 1910, Subpart N—Materials Handling.

The proposed regulation will be a new addition to Subpart N covering the handling of multi-piece wheel rims.

Basis for Action: The proposed regulations is needed to protect against a very serious hazard when multi-piece wheel rims and tires "explode" while being assembled or disassembled.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

5(b). **Description:** 29 CFR Part 1910, Subpart N—Materials Handling.

Basis for Action: This proposed regulation will cover the health and safety hazards of workers around conveyors. Principal hazards include limbs being caught in conveyor parts, falling while going over conveyors, and objects falling from conveyors onto workers.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510,

200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of a proposed regulation is anticipated.

6. **Description:** 29 CFR Part 1926, Subpart M—Perimeter Protection for Employees Working on Flat Roofs.

Basis for Action: This proposed new regulation will provide for perimeter guarding for employees who are exposed to the hazard of falling and injuring themselves while performing work on flat roofs.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of a proposed regulation is anticipated.

7. **Description:** 29 CFR Part 1926, Subpart S—Tunneling.

This subpart contains regulations for workers constructing tunnels and shafts.

Basis for Action: The revised standard will bring coverage up-to-date with current technology and provide for improved monitoring of hazardous conditions during the construction of tunnels and shafts.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The development of a proposal will be undertaken.

8. **Description:** 29 CFR Part 1926, Subpart L—Ladders and Scaffolding.

Basis for Action: This subpart is being revised to coincide with the revision of 29 CFR Part 1910-Subpart D since similar material is treated. It is being revised to simplify language, bring requirements up-to-date with current technology and cover new types of work platforms.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The development of a proposal will be undertaken.

9. **Description:** 29 CFR Part 1926, Subpart M—Floor and Wall Openings, and Stairways.

Basis for Action: This subpart is being revised to coincide with the revision of 29 CFR Part 1910—Subpart D since similar material is treated. It is being revised to simplify language, bring requirements up-to-date with current technology and cover new types of work platforms.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of a proposed regulation is anticipated.

10. **Description:** 29 CFR Part 1907—Laboratory Accreditation.

Basis for Action: To improve the procedures for the accreditation of testing laboratories which certify that equipment meet requirements established in OSHA standards.

Contact: Dr. Jerry L. Purswell, Director, Directorate of Safety Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3510, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7198.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The development of a proposal will be undertaken.

Regulations For Which Review is Required: None.

New Regulations:

1. **Description:** Cancer Policy.

OSHA has proposed a statement of policy and procedure for the regulation of potential carcinogens found in the occupational environment.

Basis for Action: The Agency is responding to a need to find a more expedient means of evaluating data on potentially carcinogenic materials and for developing regulations to provide adequate employee protection from exposure to these substances.

Contact: Grover C. Wrenn, Director of Health Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7075.

Regulatory Analysis: A regulatory analysis has been prepared.

Action Planned: The publication of a final standard is anticipated.

2. **Description:** Pesticides.

The OSHA is developing a generic standard for pesticides which may contain provisions for work practices, engineering controls, medical surveillance of employees in these operations or other provisions which would reduce the risk of serious occupational illness among workers employed in pesticide manufacture and formulation.

Basis for Action: Occupational exposure to pesticides in manufacturing and formulation operations presents serious health risks to employees in these work areas.

Contact: Flo H. Ryer, Director, Office of Special Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3663, Washington, D.C. 20210 (202) 523-7175.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The publication of a proposed standard is anticipated.

3. **Description:** Access to Medical Records.

Basis for Action: This proposed rule on access to employee exposure records and medical records would implement OSHA's policy under the OSH Act that employees have the basic right to know information obtained by employers on the employees exposure to workplace hazards and any consequent health effects on the employee. The proposal includes specifications for the length of time these records would be retained and notes to whom these records would be available.

Contact: Flo H. Ryer, Director, Office of Special Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3663, Washington, D.C. 20210 (202) 523-7175.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

4. **Description:** Occupational Exposure Standards for Chromates.

Basis for Action: OSHA is developing standards for chromates following the Section 6(b) rulemaking procedures of the Act. Chromates have been found to present risks to the employees exposed to them in their place of employment.

Contact: Fayez Hanna, Director, Office of Carcinogen Standards, U.S. Standards, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7148.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The development of a proposal will be undertaken.

5. **Description:** Occupational Exposure for Beryllium.

Basis for Action: OSHA is developing standards for beryllium following the Section 6(b) rulemaking procedures of the Act. Beryllium has been found to present serious health risks to the employees exposed to it in their place of employment.

Contact: Fayez Hanna, Director, Office of Carcinogen Standards, U.S. Standards, U.S. Department of Labor, Occupational Safety and Health Ad-

ministration, Room N3718, Washington, D.C. 20210 (202) 523-7148.

Regulatory Analysis: An economic impact statement has been prepared.

Action Planned: The publication of a final standard is anticipated.

6. **Description:** Chemical Hazard Identification.

The proposal being developed by OSHA is expected to contain requirements for the employer to inform employees of toxic chemicals in the workplace, of their potential hazards; and of means of reducing exposure.

Basis for Action: Employee awareness of the chemical hazards to which he or she is exposed in the workplace provides knowledge necessary for that individual to actively participate in the reduction or elimination of exposure to these harmful agents.

Contact: Flo H. Ryer, Director, Office of Special Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3663, Washington, D.C. 20210 (202) 523-7175.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: There will be continued staff analysis and evaluation of alternative approaches.

Revision/Modification of Existing Standards. 1. Description: Occupational Exposure Standards for Abrasive Blasting.

Basis for Action: OSHA is reviewing and considering modifications to the current standards for abrasive blasting following the Section 6(b) rulemaking procedures of the Act. Abrasive blasting has been found to present risks to the employees engaged in it at their place of employment.

Contact: John Froines, Director, Office of Toxic Substance Standards, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7105.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The review of a draft proposal by the OSHA Construction Safety and Health Advisory Committee and possible publication of proposed revisions to existing standards is anticipated.

2. **Description:** Occupational Exposure Standards for MOCA.

Basis for Action: MOCA has been found to present risks of serious illness including cancer to the employees exposed to it in their place of employment. Standards previously developed must now be reconsidered in light of a recent court decision.

Contact: Faye Hanna, Director, Office of Carcinogens Standards, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7148.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The publication of a proposed standard is anticipated.

3. **Description:** 29 CFR Part 1960—Safety and Health Provisions for Federal Employees.

The regulations and guidelines of this part are applicable only to Federal employees and constitute a framework for the occupational safety and health program of the various Federal agencies.

Basis for Action: To ensure workplace safety and health for Federal employees.

Modifications under development for inclusion in 29 CFR Part 1960 include:

a. Uniform Program Evaluation Guide—to set forth Department of Labor policies and procedures for conducting agency safety and health program evaluation; and

b. Criteria for Occupational Safety and Health Program Awards—to establish uniform guidelines for various safety and health program awards.

These additions to 29 CFR Part 1960 will further define responsibilities of the Secretary of Labor under Section 19 of the Occupational Safety and Health Act of 1970 and Executive Order 11807. Item b. will also provide additional guidance to Federal agencies regarding various awards programs.

Contact: Mrs. Annie W. Asensio, Office of Federal Agency Safety and Health Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 2100 M Street, NW., Room 156, Washington, D.C. 20210 (202) 654-5500.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed revision to the current regulation is anticipated.

Tentative Regulatory Action Pending Staff Analysis: 1. **Description:** Occupational Exposure Standards for Asbestos.

Basis for Action: OSHA is reviewing the existing standard for asbestos to determine the need for revision or modification. Asbestos has been found to present serious health risks to employees exposed to it in their place of employment.

Contact: John Froines, Director, Office of Toxic Substance Standards, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7105.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: Staff analysis and evaluation of alternative approaches will be undertaken.

2. **Description:** Standards Completion Project.

The Occupational Safety and Health Act of 1970 describes provisions which are essential to a comprehensive and effective program of industrial hygiene. These provisions include periodic monitoring of workers exposure to toxic chemicals, medical surveillance of the employees exposed to the chemicals, employee training requirements, and recordkeeping, among others.

Basis for Action: This project would propose to apply such provisions to the current list of chemicals for which OSHA only has permissible exposure limits. The discussion of the provisions are found at Section 6(b)(7) and 8(c)(3) of the OSH Act. The OSHA permissible exposure limits are codified at 29 CFR 1910.1000.

Contact: Flo H. Ryer, Director, Office of Special Standards Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3663, Washington, D.C. 20210 (202) 523-7175.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The staff analysis of several alternatives will be undertaken.

3. **Description:** Occupational Exposure Standards for Noise.

Basis for Action: OSHA is considering modifications to the current standard for noise exposure based on the record made in extensive public hearings.

Contact: John P. O'Neill, Director, Office of Physical Agent Standards, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7193.

Regulatory Analysis: an economic impact statement has been prepared.

Action Planned: Staff analysis of the public record and an evaluation of alternatives will be undertaken.

4. **Description:** Occupational Exposure Standards for Nickel and Cadmium.

Basis for Action: OSHA is developing standards for nickel and cadmium following the Section 6(b) rulemaking procedures of the Act. Nickel and cadmium have been found to present serious health risks to exposed employees.

Contact: Faye Hanna, Director, Office of Carcinogen Standards, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3718, Washington, D.C. 20210 (202) 523-7148.

Regulatory Analysis: A regulatory analysis will be prepared for each substance.

Action Planned: The staff analysis and evaluation of alternatives will be undertaken.

OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION AND MANAGEMENT

Regulations Selected For Review: 1. **Description:** 41 CFR 29-1.6.—Debarred, Suspended and Ineligible Bidders.

Basis for Action: This is a revision of an existing Department of Labor (DOL) procurement regulation covering exclusion from eligibility of concerns or individuals to receive Labor Department contracts or grants on account of violations of applicable Federal laws and regulations. It supplements the requirements of the Federal Procurement Regulation (41 CFR 1-1.6).

Contact: Walter C. Terry, Director, Office of Grants, Procurements and ADP Policy, Office of the Assistant Secretary for Administration and Management, Room S1325, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-9148.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

2. **Description:** 41 CFR 29-4.9—Unsolicited Proposals.

This regulation implements for the Department requirements of a new section of the Federal Procurement Regulations (41 CFR 1-4.9).

Basis for Action: To revise procedures for handling unique or original proposals (for work to be done by contract) which are received in the Department without having been solicited by the Department.

Contact: Walter C. Terry, Director, Office of Grants, Procurement and ADP Policy, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington 20210 (202) 523-9148.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

3. **Description:** 41 CFR Part 29-70—Administrative Requirements Governing all Grants and Agreements by Which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, Public and Private Institutions of Higher Education and Hospitals, and Other Quasi-Public and Private Nonprofit Organizations.

Basis for Action: Except for specific requirements of authorizing legislation, these regulations provide the Federal administrative requirements for all grants and agreements awarded by the Department of Labor. They implement for the Department the Federal administrative standards imposed on recipients of Federal grants and agreements by OMB Circulars Nos. A-102 (for recipients which are State and

local governments) and A-110 (for recipients which are nonprofit organizations). The Circulars require that each Federal agency with grant or agreement programs issue regulations appropriate to its programs.

Contact: Walter C. Terry, Director, Office of Grants, Procurements, and ADP Policy, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, Room S1325, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-9148.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of final regulation is anticipated.

Regulations For Which Review is Required: None.

New Regulations: None.

EMPLOYMENT STANDARDS
ADMINISTRATION

Regulations Selected For Review:

1. **Description:** 29 CFR Part 780—Exemptions Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects under the Fair Labor Standards Act.

Exemptions under various sections of the FLSA for certain persons engaged in agriculture or processing of agricultural commodities.

Basis for Action: Interpretative Bulletin must be updated to reflect changes (additions and deletions) in coverage and exemptions brought about by the 1974 and 1977 amendments to the Act.

Contact: Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3508, Washington, D.C. 20210, (202) 523-7043.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The development of a proposal will be undertaken.

2. **Description:** 29 CFR Part 41—Interpretations of the Farm Labor Contractor Registration Act.

Interpretations of the Farm Labor Contractor Registration Act, which requires farm labor contractors, their full-time or regular employees and users of migrant agricultural workers to observe certain rules regarding the recruiting, transporting, or housing of migrant workers.

Basis for Action: The Farm Labor Contractor Registration Act was significantly changed as a result of the 1974 Amendments. Revisions in this Interpretative Bulletin are required to reflect changes made in the statute, changes in policy, and to provide clear and responsive interpretations to affected parties.

Contact: Solomon Sugarman, Chief, Branch of Farm Labor Law Enforce-

ment, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3504, Washington, D.C. 20210 (202) 523-7531.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The development of a proposal will be undertaken.

3. **Description:** 29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops.

Conditions under which special certificates can be issued providing for employment of handicapped persons at special minimum wage rates in sheltered workshops, under the Fair Labor Standards Act.

Basis for Action: These regulations were last comprehensively revised in 1967. Revisions are needed to resolve problems which have arisen, and simplification of certain procedures is needed to improve the administration of the program.

Contact: Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C4316, Washington, D.C. 20210, (202) 523-8727.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

4. **Description:** 29 CFR Part 529—Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages.

Conditions under which certificates can be issued authorizing special minimum wage rates for patients performing work for the hospitals or institutions in which they reside, under Section 14 of the Fair Labor Standards Act.

Basis for Action: These regulations, first issued in 1975, contain a section which provides for a review based on our initial administrative experience with the regulations.

Contact: Arthur H. Korn, Director of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3146, Washington, D.C. 20210, (202) 523-8727.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

5. **Description:** 29 CFR Part 4—Labor Standards for Federal Service Contracts.

Regulations and Interpretations providing for administration of the Service Contract Act.

Basis for Action: Revisions are needed to reflect current Departmental policy and clarify existing regulations by using simpler language.

Contact: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, U.S. Department of Labor, 200

Constitution Avenue, NW., Room S3205, Washington, D.C. 20210 (202) 523-8333.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The development of a proposal will be undertaken.

6. **Description:** 29 CFR Parts 3 and 5—Labor Standards Provisions, Davis-Bacon and Related Acts/Contract Work Hours and Safety Standards Act.

Regulations and interpretations providing for the administration and enforcement of labor standards provisions required to be included in federally-funded or assisted construction contracts under the Davis-Bacon Act and the Contract Work Hours and Safety Standards Act.

Basis for Action: Revisions are needed to reflect current Departmental policy and to clarify existing regulations by using simpler language.

Contact: Dorothy P. Come, Assistant Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3205, Washington, D.C. 20210 (202) 523-8333.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The publication of a proposed regulation is anticipated.

7. **Description:** 29 CFR Part 570.61—Occupations Involving Slaughtering, Meat Packing or Processing, or Rendering (Order No. 10).

Hazardous Occupations Order No. 10 prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering.

Basis for Action: Order No. 10 is issued under Section 3(1) of the Fair Labor Standards Act. A review of the Order is needed to update it in light of various technological changes which have occurred in the industry since its adoption.

Contact: Lucille C. Pinkett, Chief, Branch of Child Labor, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3022, Washington, D.C. 20210 (202) 523-8412.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

8. **Description:** 29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3).

Child Labor Regulation 3 sets forth the periods and conditions for the employment of minors 14 and 15 years of age.

Basis for Action: Child Labor Regulation 3 is issued under Section 3(1) of the Fair Labor Standards Act. A review of the Regulation is needed to provide uniformity, to clarify the

standards, and to provide consistency in the application of the provisions.

Contact: Lucille C. Pinkett, Chief, Branch of Child Labor, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3022, Washington, D.C. 20210 (202) 523-8412.

Regulatory Analysis: The need for regulatory analysis is under study.

Action Planned: The publication of a proposed regulation is anticipated.

9. **Description:** 29 CFR Part 800—Equal Pay for Equal Work under the Fair Labor Standards Act.

Interpretations regarding the meaning and application of Equal Pay Act provisions prohibiting discrimination on the basis of sex in the payment of wages for work which is substantially equal.

Basis for Action: With respect to insurance and other employee benefit plans, the current interpretations provide that the Act is not violated where either the plan provides equal benefits to both men and women or the employer makes equal contributions to the plan. On the basis of decisions of the U.S. Supreme Court and other courts and a thorough review of the legislative history and purposes of the Equal Pay Act, the Department has determined that the "either-or-rule" is an incorrect interpretation. Thus, proposed modifications in §§ 800.110 and 80.116(d) of the Equal Pay Interpretations, as proposed on August 25, 1978 in the FEDERAL REGISTER, would make clear that employee benefits are "wages" within the meaning of the Equal Pay Act, that any differential in such benefits based on sex-based actuarial distinctions violates the Act, and that any sex-based differential in required employee contributions toward equal benefits violates the Act.

Contact: Richard A. McMullen, Chief, Branch of Equal Pay, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3028, Washington, D.C. 20210 (202) 523-7605.

Regulatory Analysis: A regulatory analysis will be prepared for the proposed modification to 29 CFR Sections 800.110 and 800.116.

Action Planned: The publication of a final regulation is anticipated.

10. **Description:** 40 CFR Part 60-1—Obligations of Contractors and Subcontractors under E.O. 11246, as amended.

Regulations to achieve the aims of Parts II, III, and IV of Executive Order 11246, as amended, for promoting and ensuring equal opportunity without regard to race, color, religion, sex, or national origin, for all persons employed or seeking employment with Government contractors or with contractors performing work under federally-assisted construction contracts.

Basis for Action: This regulation needs reorganization, simplification and clarification to correct inconsistencies, reflect consolidation of the program into the Department of Labor and improve the effectiveness of the program.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

11. **Description:** 41 CFR Part 60-2—Affirmative Action Programs under E.O. 11246, as amended.

Requirements of affirmative action programs of nonconstruction contractors and subcontractors with 50 or more employees and (1) a contract of \$50,000 or more; or (2) government bills of lading which in any 12-month period total or can reasonably be expected to total \$50,000 or more; or (3) who serves as a depository of Government funds in any amount; or (4) who is a financial institution which is an issuing and paying agency for U.S. saving bonds and savings notes in any amount.

Basis for Action: This regulation needs reorganization, simplification and clarification to correct inconsistencies, reflect consolidation of the program into the Department of Labor and improve the effectiveness of the program.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

12. **Description:** 41 CFR Part 60-4—Construction Contractor's Affirmative Action Requirements under E.O. 11246, as amended.

Affirmative action requirements of contractors and subcontractors which hold any federal or federally-assisted construction contract in excess of \$10,000 and procedures which all federal contracting officers and all applicants shall follow in soliciting for and awarding federal or federally-assisted construction contracts.

Basis for Action: New policies and procedures are being developed.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy,

Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

13. **Description:** 41 CFR Part 60-20—Sex Discrimination Guidelines.

Interpretations and guidelines of the Office of Federal Contract Compliance Programs regarding the implementation of E.O. 11246, as amended by E.O. 11375, for the promotion and ensuring of equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors or with contractors performing under federally-assisted construction contracts, without regard to sex.

Basis for Action: There is a need for simplification and clarification in Part 60-20. Also, new policies are being proposed regarding several issues concerning discriminatory employment practices affecting women. In the area of employee benefits, a proposed amendment to Part 60-20 is now pending, having been published in the FEDERAL REGISTER on August 25, 1978 in conjunction with publication of a proposed new interpretation concerning employee benefits under the Equal Pay Act (see item 9, above).

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The publication of a proposed regulation is anticipated.

14. **Description:** 41 CFR Part 60-30—Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity under Executive Order 11246.

Basis for Action: Modifications could expedite hearing procedures by enabling the agency to elect simpler procedures when appropriate.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

15. **Description:** 41 CFR Part 60-40—Examination and Copying of OFCCP Documents under E.O. 11245, as amended.

General rules of the OFCCP for public access to information from records of the E.O. 11246 program.

Basis for Action: Complete revision is required in order to facilitate consistency with other disclosure rules.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

16. **Description:** 41 CFR Part 60-50—Guidelines on Discrimination Because of Religion or National Origin.

Interpretations and guidelines of the OFCCP regarding the implementation of E.O. 11246, as amended, for promoting and ensuring equal employment opportunity for all persons employed by or seeking employment with government contractors, without regard to religion or national origin.

Basis for Action: This part is under review to consider the sufficiency of existing provisions and new proposals to strengthen its effectiveness.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, OFCCP, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

17. **Description:** 41 CFR Part 60-60—Contractor Evaluation Procedures for Contractors for Supplies under E.O. 11246, as amended (Revised Order No. 14).

Standardized contractor evaluation procedures for compliance reviews of contractors and subcontractors for supplies and services required to develop written affirmative action programs under the equal employment opportunity requirements of 41 CFR 60-1.40 and 41 CFR Part 60-2.

Basis for Action: With a view toward simplification and clarification, material now contained in Part 60-60 may be incorporated into 60-2 and an OFCCP compliance manual, with the result that the need for 60-60 could be eliminated.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

18. **Description:** 41 CFR Part 60-250—Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era.

Affirmative action obligations for Government contractors and subcontractors with contracts of \$10,000 or more relating to the employment of qualified disabled veterans and veterans of the Vietnam Era.

Basis for Action: Changes are necessary to achieve compatibility with E.O. 11246 and its implementing regulations.

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

19. **Description:** 41 CFR Part 60-741—Affirmative Action Obligations of Contractors and Subcontractors for Handicapped Workers.

Affirmative action obligations for Government contractors or subcontractors with contracts in excess of \$2,500 relating to the employment of qualified handicapped individuals.

Basis for Action: The need to modify this part is the same as that for item 25, above, (41 CFR Part 60-250).

Contact: Dolores C. Symons, Chief, Branch of Regulations and Procedures, Division of Program Policy, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3324, Washington, D.C. 20210 (202) 523-9426.

Regulatory Analysis: The need for a regulatory analysis is under study.

Action Planned: The publication of a proposed regulation is anticipated.

Regulations for Which Review is Required:

1. **Description:** 20 CFR Part 722—Criteria for Determining Whether State Workers' Compensation Laws Provide Adequate Coverage for Pneumoconiosis and Listing of Approved Laws.

Regulations establishing procedures and standards to be applied by the Secretary of Labor in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis.

Basis for Action: Review and revision of Part 722 is necessary because

of amendments to Section 421 of the Black Lung Benefits Reform Act of 1977.

Contact: Neil Montone, Assistant Associate Director for Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3320, Washington, D.C. 20210 (202) 523-6692.

Regulatory Analysis: It is not anticipated that a regulatory analysis will be required.

Action Planned: The publication of a final regulation is anticipated.

2. Description: 20 CFR Part 726—Black Lung Benefits: Requirements for Coal Mine Operators' Insurance.

Rules governing the manner by which a coal mine operator shall fulfill his insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company.

Basis for Action: Review and revision of Part 726 is necessary as a result of enactment of the Black Lung Benefits Reform Act of 1977 and the Black Lung Benefits Revenue Act of 1977.

Contact: Edward Daniels, Chief, Branch of Finances, Division of Coal Mine Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3316, Washington, D.C. 20210 (202) 523-9483.

Regulatory Analysis: The need for a regulatory analysis is under study.

Action Planned: The publication of a final regulation is anticipated.

3. Description: 20 CFR Part 718—Standards for Determining Coal Miners' Total Disability or Death Due to Pneumoconiosis.

OWCP has proposed regulations establishing standards to be applied in determining whether a coal miner is or was totally disabled due to pneumoconiosis or died from pneumoconiosis and specifying procedures and requirements to be followed in conducting medical examinations and in administering various tests.

Basis for Action: Review and revision of Part 718 is required by the amendments made to the Black Lung Benefits Act by the Black Lung Benefits Reform Act of 1977.

Contact: Robert B. Dorsey, Chief, Branch of Claims Determination, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, Room C3526, NDOL Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-6726.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

4. Description: 29 CFR Part 531—Wage Payments under the Fair Labor Standards Act.

Definition of the term "wage" under the FLSA, and determinations as to the "reasonable cost" and "fair value" of board, lodging and other facilities customarily furnished by an employer to employees.

Basis for Action: Regulations must be updated to reflect the 1974 and 1977 amendments to the FLSA and also to incorporate resultant interpretive rulings.

Contact: Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3508, Washington, D.C. 20210, 202-523-7043.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

5. Description: 29 CFR Part 516—Records to be Kept by Employers.

Recordkeeping and posting requirements applicable to all employers who have employees covered by the FLSA.

Basis for Action: This regulation needs to be updated to reflect the 1977 amendments to the Act.

Contact: Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3508, Washington, D.C. 20210, 202-523-7043.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

6. Description: 29 CFR Part 778—Overtime Compensation.

Explanation and interpretation of the overtime and maximum hours provisions of Section 7 of the Fair Labor Standards Act.

Basis for Action: Technical and editorial changes must be made in the Bulletin to reflect the 1977 Amendments to the FLSA.

Contact: Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3508, Washington, D.C. 20210, (202) 523-7043.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

7. Description: 29 CFR Part 850—Age Discrimination in Employment—Records to be Made or Kept Relating to Age, Notices to be Posted, Administrative Exemptions.

Recordkeeping and posting requirements for employers, employment agencies and labor organizations subject to the Age Discrimination in Employment Act, and administrative ex-

emptions pursuant to Section 9 of the Act.

Basis for Action: The Age Discrimination in Employment Act Amendments of 1978 include a limited exemption allowing compulsory retirement of certain bona fide executive or policymaking employees at ages 65 through 69. Regulations are required on how to calculate the level of retirement benefits in a form other than a straight life annuity to determine whether the \$27,000 criterion for application of the exemption is met. A proposed new § 850.17 to implement this requirement was published in the FEDERAL REGISTER on December 12, 1978.

Contact: Francis V. LaRuffa, Chief, Branch of Age Discrimination, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3502, Washington, D.C. 20210 (202) 523-7640.

Regulatory analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

8. Description: 29 CFR Part 860—Age Discrimination in Employment—Interpretations.

Interpretations which guide the Department in the enforcement and administration of the Age Discrimination in Employment Act of 1967.

Basis for Action: The interpretations must be revised to implement the Age Discrimination in Employment Act Amendments of 1978. Proposed interpretations relating to employee benefit plans (§ 860.120) were published in the FEDERAL REGISTER on September 22, 1978. Proposed interpretations concerning limited exemptions affecting certain bona fide executive or high policymaking employees and tenured employees at institutions of higher education were published in the FEDERAL REGISTER on December 12, 1978. Proposed interpretations concerning the prohibition of mandatory retirement up until age 70 may be expected in the near future. Also, to conform with changes in ADEA coverage under the Fair Labor Standards Act Amendments of 1974 and the 1978 ADEA amendments, minor proposed revisions may be expected (early next year) in sections of these interpretations concerning the definitions of "employer" and discrimination within the age range covered under the Act.

Contact: Francis V. LaRuffa, Chief, Branch of Age Discrimination, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3502, Washington, D.C. 20210 (202) 523-7640.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

9. Description: 29 CFR Part 505—Labor Standards on Projects or Productions Assisted by Grants from National Endowment for the Arts.

Basis For Action: The regulation must be updated to reflect the imposition of labor standards requirements with respect to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part under grants made by the National Endowment for the Humanities brought about by the 1976 Amendments to the National Foundation on the Arts and the Humanities Act of 1965. Such regulatory changes are authorized by Section 7(g) of the amended statute.

Contact: Paul G. Campbell, Director, Division of Minimum Wage and Hour Standards, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S3508, Washington, D.C. 20210 (202) 523-7043.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

New Regulations: None.

LABOR MANAGEMENT SERVICES ADMINISTRATION

Regulations Selected For Review:

1. Description: 29 CFR Part 452, Subpart J—Special Enforcement Provisions of the Election Provisions of the Labor-Management Reporting and Disclosure Act of 1959.

Requirements which must be met before a union member files an election complaint with the Secretary of Labor, for investigation of a complaint by the Department upon receipt of a valid complaint and, requirements for filing a civil suit seeking to set the election aside.

Basis for Action: These provisions have not been revised since December, 1959. Judicial decisions and administrative determinations made since that date should be made known to the public.

Contact: Herbert Raskin, Labor-Management Services Administration, U.S. Department of Labor, Room N5119, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-7373.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

2. Description: 29 CFR Part 2520—Elimination of Form EBS-1.

A revision of certain reporting requirements will be proposed to eliminate the need for employee benefit plans to file a Plan Description Form EBS-1 with the Department.

Basis for Action: The revision is intended to eliminate duplicative report-

ing and reduce the paperwork burden imposed by ERISA.

Contact: Peter Straub, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4472, Washington, D.C. 20210 (202) 523-8377.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

3. Description: 29 CFR Part 2530—Suspension of Benefits.

This proposed regulation will describe the circumstances under which an employee benefit plan will be permitted to suspend the payment of benefits to a retiree under Section 203(a)(3)(B) of ERISA.

Basis for Action: To clarify and implement the requirements of Section 203(a)(3)(B) of ERISA.

Contact: Judith Kahn, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4461, Washington, D.C. 20210 (202) 523-8430.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

4. Description: 29 CFR Parts 2520 and 2530—Individual Benefit Reporting and Recordkeeping.

These proposed provisions will govern (1) reports that must be furnished to participants and beneficiaries of pension plans regarding the benefits to which they are entitled, or may become entitled at retirement and (2) records that must be maintained to provide the information necessary to prepare these reports.

Basis for Action: To implement certain reporting and recordkeeping requirements of ERISA.

Contact: Peter Straub, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4700, Washington, D.C. 20210 (202) 523-8377.

Regulatory Analysis: The need for regulatory analysis is under study.

Action Planned: The publication of a proposed regulation is anticipated.

5. Description: 29 CFR Part 2510—Supplemental Pay.

This proposal to amend and finalize the existing temporary regulation will clarify the circumstances under which an arrangement to make supplemental payments to employees will not be deemed an employee benefit plan under Section 3 of ERISA.

Basis for Action: To clarify the circumstances under which supplemental payment arrangements are covered by ERISA.

Contact: Edith Fierst, Pension and Welfare Benefit Program, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4700, Washington, D.C. 20210 (202) 523-8664.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

6. Description: 29 CFR Part 2520—Certain Exemptions for Plans Under Which Membership in a Health Maintenance Organization is Offered as a Benefit.

The proposed regulations would provide exemptions from certain reporting and disclosure requirements, where application of those requirements might be unnecessary in view of the Health Maintenance Organization Act of 1977.

Basis for Action: The revision is intended to eliminate duplicative reporting currently required by separate provisions of the HMO Act and ERISA, thereby harmonizing the requirements of the two Acts and reducing unnecessary paperwork.

Contact: Robert Doyle, Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4700, Washington, D.C. 20210, (202) 523-8673.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of proposed regulations is anticipated.

7. Description: 29 CFR Part 212—GUIDELINES—Department of Labor Procedures for the Resolution of Disputes as to the Interpretation, Application or Enforcement of Employee Protection Arrangements when Employees are not Represented by a Signatory Labor Organization.

Basis for Action: These guidelines will be issued to provide information about the Department of Labor's procedures for making final and binding determinations in the resolution of disputes arising under the employee protective arrangements of the Urban Mass Transportation Act of 1964, as amended, and under Appendices C-1 and C-2 of the Rail-Passenger Service Act of 1970, as amended, when the employees are not represented by a labor organization which is signatory to the protective arrangement.

Contact: Lary Yud, Division of Employee Protections, Labor-Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N5641, Washington, D.C. 20212 (202) 523-6495.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of proposed guidelines is anticipated.

Regulations For Which Review is Required: None.

New Regulations:

1. Description: 29 CFR 92.1-92.9—Labor Management Services Administration Regulations to be Issued Governing Employee Benefit Payments

under the Redwood National Park Expansion Act (Pub. L. 95-250).

These provisions will define the eligibility criteria which employees must meet in order to receive benefits under the Act.

Basis for Action: These regulations are necessary to implement Section 102(b) and Sections 103(d)-103(i) of title I and all of title II of Pub. L. 95-250.

Contact: Ron Glass, Division of Employee Protections, Labor-Management Services Administration, U.S. Department of Labor, Room N5641, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202) 523-6495.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned:

5. The publication of final regulations is anticipated.

MINE SAFETY AND HEALTH ADMINISTRATION

Regulations Selected For Review: 000

1. **Description:** 30 CFR Parts 55, 56, and 57—Consolidation of Parts.

Basis for Action: Section 508 of the Federal Mine Safety and Health Act of 1977 (FMSHA).

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The development of a proposal will be undertaken.

2. **Description:** 30 CFR Part 71—Respirable Dust Standard for Surface Coal Mines.

Health standards to limit miners' exposure to respirable dust in surface coal mines.

Basis for Action: To implement improved health standards under Section 101 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of proposed regulations is anticipated.

3. **Description:** 30 CFR Part 75—Underground Coal Mine Safety Standards (nonstatutory).

Mandatory safety standards to protect miners in underground coal mines.

Basis for Action: To implement improved safety standards under Section 101 of FMSHA.

Contact: Herschel H. Potter, Chief, Division of Coal Safety, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1284.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The development of a proposal will be studied.

4. **Description:** 30 CFR Part 70—Respirable Dust Standards for Underground Coal Mines.

Health standards to limit miners' exposure to respirable dust in underground coal mines.

Basis for Action: To implement improved health standards under Section 101 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

5. **Description:** 30 CFR Part 77—Surface Coal Mine Safety Standards.

Mandatory safety standards for surface coal mines and surface areas of underground coal mines.

Basis for Action: To implement improved safety standards under Section 101 of FMSHA.

Contact: Herschel H. Potter, Chief, Division of Coal Mine Safety, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1284.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: January, 1977 proposal will be reviewed for further action.

6. **Description:** 30 CFR Part 90—Transfer of Miners.

Procedures for the transfer of surface and underground coal miners with evidence of pneumoconiosis to less dusty work areas in order to prevent further development of the disease.

Basis for Action: To implement improved health standards under Section 101 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of a proposed regulation is anticipated.

7. **Description:** 30 CFR 75—Automated Temporary Roof Support Standards to Protect Miners from Roof Falls in Underground Coal Mines.

Basis for Action: To implement improved safety standards under Section 101 of FMSHA.

Contact: Herschel H. Potter, Chief, Division of Coal Safety, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boule-

vard, Arlington, Virginia 22203 (703) 235-1284.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The development of a proposal will be undertaken.

8. **Description:** 30 CFR Parts 11-36—Fee Schedules for Approval Tests Conducted by MSHA.

Basis for Action: To update fee schedules for the reimbursement of MSHA costs under Section 508 of the FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703)-235-1910.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The development of a proposal will be undertaken.

9. **Description:** 30 CFR Part 46—State Grants Regulations.

Basis for Action: To improve regulations implementing Sections 503 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703)-235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a final regulation is anticipated.

Regulations for Which Review is Required:

1. **Description:** 30 CFR Parts 55, 56, and 57—Metal/Nonmetal Health and Safety Advisory Standards.

Health and safety standards to protect life, promote health and safety, and prevent accidents in open pit metal and nonmetallic mines, sand, gravel and crushed stone operations, and metal and nonmetallic underground mines.

Basis for Action: To implement Section 301 of the Federal Mine Safety and Health Amendments Act of 1977 (Amendments Act).

Contact: Frank A. White, Office of Standards, Regulation and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703)-235-1910.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The publication of final regulations is anticipated.

New Regulations:

1. **Description:** 30 CFR Part 49—Mine Rescue Teams for all Underground Mines.

Basis for Action: To implement the requirements of Section 115 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulation and Variances, Mine Safety and Health Administra-

tion, 4015 Wilson boulevard, Arlington, Virginia 22203 (703)-235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: Public hearings will be conducted.

2. *Description:* 30 CFR Part 45—Regulations to Identify Independent Contractors as Mine Operators.

Basis for Action: To implement an enforcement policy consistent with the revised statutory definition of the term "operator" contained in Section 3(d) of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703)-235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

3. *Description:* 30 CFR Part 110—Safety and Health Standards for Construction Work at all Mines.

Basis for Action: To implement improved standards under Section 101 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: The need for a regulatory analysis is under study.

Action Planned: The publication of a proposed regulation is anticipated.

4. *Description:* 30 CFR Parts 55, 56, and 57—Miscellaneous Amendments Including Standards for Exposure to Radon Daughters (Part 57 only).

Basis for Action: To implement improved safety and health standards under Section 301 of the Amendments Act.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of final regulations is anticipated.

5. *Description:* 30 CFR Parts 55, 56 and 57—Miscellaneous Amendments to Explosives Standards.

Basis for Action: To implement improved safety standards under Section 301 of the Amendments Act.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of final regulations is anticipated.

6. *Description:* 30 CFR Parts 55, 56 and 57—Explosives Standards that Prohibit Loading through a Kelly Bar or Drill System.

Basis for Action: To implement improved safety standards under Section 301 of the Amendments Act.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of proposed regulations is anticipated.

7. *Description:* 30 CFR Part 48—Subpart C—Training Regulations for Construction Workers.

Basis for Action: To implement the requirements of Section 115 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The development of a proposal will be undertaken.

8. *Description:* 30 CFR Part 18—Miscellaneous Amendments.

Basis for Action: To update Part 18 under Section 508 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: A regulatory analysis is not required.

Action Planned: The publication of a proposed regulation is anticipated.

9. *Description:* 30 CFR Part 57—Requirements to Provide Self-contained (Oxygen Generating) Self-rescuers to Underground Metal/Nonmetal Miners.

Basis for Action: To implement improved safety standards under Section 101 of FMSHA.

Contact: Frank A. White, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1910.

Regulatory Analysis: The need for a regulatory analysis is under study.

Action Planned: The publication of a proposed regulation is anticipated.

10. *Description:* 30 CFR Parts 55, 56, and 57—Requirements for Construction and Maintenance of Impoundments and Tailings Piles at Metal and Nonmetal mines.

Basis for Action: To implement im-

proved safety standards under Section 101 of FMSHA.

Contact: Roy L. Bernard, Chief, Division of Metal/Nonmetal Mine Safety, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-8646.

Regulatory Analysis: A regulatory analysis will be prepared.

Action Planned: The development of a proposal will be undertaken.

11. *Description:* 30 CFR Parts 75 and 77—Requirements for Raise-Drilling Projects at Underground Coal Mines.

Basis for Action: To implement improved safety standards under Section 101 of FMSHA.

Contact: Herschel H. Potter, Chief, Division of Coal Mine Safety, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703) 235-1284.

Regulatory Analysis: A regulatory analysis is not anticipated.

Action Planned: The development of a proposal will be undertaken.

OTHER

New Regulations:

Description: (CFR Part to be assigned.)

Airline Deregulation Act of 1978, Regulations (a) For establishing benefit amounts, determining eligibility for benefits, and extent of reemployment assistance to be provided to protected employees; and, (b) To govern administration of protected employees' priority hire rights, air carriers duty to hire and related negotiations between air carriers and representatives of protected employees.

Basis for Action: Section 43(f) of the Airline Deregulation Act (Public Law 95-504) authorizes the Secretary to issue, amend, and repeal such rules and regulations as may be necessary to carry out Section 43, the Employee Protection Program.

Contact: (a) Robert Kenyon, Employment and Training Administration, U.S. Department of Labor, Patrick Henry Building, Room 7004, 601 D Street NW., Washington, D.C. 20213 (202) 376-7545; (b) Lary Yud, Labor Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 (202) 523-6495.

Regulatory Analysis: The need for regulatory analysis is under study.

Action Planned: The publication of proposed regulations is anticipated.

Signed this 18th day of January, 1979 at Washington, D.C.

RAY MARSHALL,
Secretary.

[FR Doc. 79-2418 Filed 1-25-79; 8:45 am]

[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration, Wage
and Hour DivisionMINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision to-

gether with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Govern-

ment Contract Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original general wage determination decision.

MODIFICATIONS TO GENERAL WAGE
DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Florida:	
FL78-1055.....	Mar. 24, 1978
Nevada:	
NV78-5124.....	Sept. 15, 1978
NV78-5129.....	Oct. 27, 1978
New Mexico:	
NM78-4046.....	May 5, 1978
NM79-4021.....	Jan. 5, 1979
North Carolina:	
NC78-1019.....	Jan. 30, 1978
NC78-1024.....	Feb. 13, 1978
NC78-1042.....	Mar. 19, 1978
NC78-1046.....	Apr. 9, 1978
NC78-1088.....	May 28, 1978
NC78-1073.....	July 9, 1978
NC78-1094.....	Sept. 3, 1978
NC78-1109.....	Sept. 24, 1978
NC77-1012.....	Mar. 4, 1977
NC77-1014.....	Feb. 4, 1977
NC77-1018.....	Feb. 11, 1977
NC77-1046.....	Apr. 8, 1977
NC77-1078.....	June 10, 1977
NC77-1145.....	Nov. 18, 1977
NC78-1027.....	Mar. 24, 1978
NC78-1035; NC78-1036; NC78-1037.....	Apr. 14, 1978
Oklahoma:	
OK79-4017.....	Jan. 5, 1979
Utah:	
UT78-5128.....	Oct. 6, 1978
Wisconsin:	
WI78-2108; WI78-2110; WI78-2121.....	Oct. 20, 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.

Alabama:	
AL78-1003(AL79-1001); AL78-1004(AL79-1004).....	Feb. 3, 1978
Florida:	
FL78-1043(FI79-1017).....	Apr. 14, 1978
Indiana:	
IN78-2025 & IN78-2033 (IN79-2003).....	Mar. 10, 1978
IN78-2029 & IN78-2051 (IN79-2002);.....	
IN78-2051 & IN78-2052 (IN79-2003);.....	
IN78-2051 (IN79-2004).....	Mar. 24, 1978
IN78-2065(IN79-2004).....	July 21, 1978
Pennsylvania:	
PA78-8005(PA79-3000).....	Feb. 24, 1978
Tennessee:	
TN78-1049(TN79-1063).....	May 10, 1978

CANCELLATION OF GENERAL WAGE
DETERMINATION DECISIONS

NONE

Signed at Washington, D.C., this
19th day of January 1979.

DOROTHY P. COME,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

DECISION NO., FL78-1055 - MOD. #5 (43 FR 12534 - March 24, 1978) Orange County, Florida	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Change: Carpenters; Soft Floor Layerni	\$9.05	.50	.50		.05
DECISION NO. NV78-5124 - Mod 1/85 (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: LABORERS; Remaining Counties; Building Construction; Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada also Washoe Valley between Reno, Nevada and Carson City, Nevada, but not including any area further than the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake;	\$ 8.40 8.50 8.65 8.90 9.20 9.20 8.90 8.55	95 95 95 95 95 95 95 95	\$ 1.20 1.20 1.20 1.20 1.20 1.20 1.20 1.20		10 10 10 10 10 10 10 10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities;					
Group 1	9.00	95	1.20		10
Group 2	9.10	95	1.20		10
Group 3	9.25	95	1.20		10
Group 4	9.50	95	1.20		10
Group 5	9.80	95	1.20		10
Group 6-A	9.80	95	1.20		10
Group 6-B	9.50	95	1.20		10
Group 6-C	9.15	95	1.20		10

MODIFICATIONS P. 2

DECISION NO. NV78-5124 (Cont'd):

Change (Cont'd): LABORERS; Remaining Counties (Cont'd) Building Construction (Cont'd) Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1; <th rowspan="2">Basic Hourly Rates <th rowspan="2">H & W <th colspan="3">Fringe Benefits Payments</th> <th rowspan="2">Education and/or Appr Tr</th> </th></th>	Basic Hourly Rates <th rowspan="2">H & W <th colspan="3">Fringe Benefits Payments</th> <th rowspan="2">Education and/or Appr Tr</th> </th>	H & W <th colspan="3">Fringe Benefits Payments</th> <th rowspan="2">Education and/or Appr Tr</th>	Fringe Benefits Payments			Education and/or Appr Tr
			Pensions	Vacation		
Group 1	9.20	95	1.20		.10	
Group 2	9.30	95	1.20		10	
Group 3	9.45	95	1.20		10	
Group 4	9.70	95	1.20		10	
Group 5	10.00	95	1.20		10	
Group 6-A	10.00	95	1.20		10	
Group 6-B	9.70	95	1.20		10	
Group 6-C	9.35	95	1.20		10	
Zone 4: Area over 40 road miles from the communities named in Zone 1;						
Group 1	9.90	95	1.20		10	
Group 2	10.00	95	1.20		10	
Group 3	10.15	95	1.20		10	
Group 4	10.40	95	1.20		10	
Group 5	10.70	95	1.20		10	
Group 6-A	10.70	95	1.20		10	
Group 6-B	10.40	95	1.20		10	
Group 6-C	10.05	95	1.20		10	
Area 1: Heavy and Highway Construction;						
Group 1	8.40	95	1.20		10	
Group 2	8.50	95	1.20		10	
Group 3	8.65	95	1.20		10	
Group 4	8.90	95	1.20		10	
Group 5	9.20	95	1.20		10	
Group 6-A	9.20	95	1.20		10	
Group 6-B	8.90	95	1.20		10	
Group 6-C	8.55	95	1.20		10	
Area 2:						
Group 1	9.55	95	1.20		10	
Group 2	9.65	95	1.20		10	
Group 3	9.80	95	1.20		10	
Group 4	10.05	95	1.20		10	
Group 5	10.35	95	1.20		10	
Group 6-A	10.35	95	1.20		10	
Group 6-B	10.05	95	1.20		10	
Group 6-C	9.70	95	1.20		10	
LABORERS - Area Definition - See Area Definition - following					TRUCK DRIVERS	

MODIFICATIONS P 4

MODIFICATIONS P 3

DECISION #NV78-5124 (Cont'd):

Change (Cont'd):
 Plumbers; Steamfitters;
 Remaining Counties and Nye
 County (north half)
 Plumbers (Utility);
 Statewide except Clark, Es-
 meralda, Lincoln, Nye
 County (south half)
 Roofers;
 Clark Esmeralda, Lincoln,
 Nye County (south half)

DECISION #NV78-5129 - Mod. #3
 (43 FR 50344 - October 27 1978)
 Washoe County, Nevada

Change:
 Boilermakers
 Carpenters
 Laborers;
 Zone 1: In Washoe County the
 area within 5 road miles of
 the following communities -
 Carson City Lovelock; also
 areas within 10 road miles of
 Reno, Nevada; also Washoe
 Valley between Reno, Nevada,
 and Carson City, Nevada, but
 not including any area fur-
 ther than the foot of the
 mountains to the east or
 west side of Washoe Valley;
 also the area of Stead Air
 Force Base:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6 A
 Group 6 b
 Group 6-C

Zone 2: Area outside of Zone
 1 and not more than 20 road
 miles from the communities
 named in Zone 1:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6-A
 Group 6-B
 Group 6-C

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12 74	\$1 13	\$1 00	\$1 95	20
12 74	1 13	1 00	1 95	10
14.75	.80			
\$14 36 8 96	\$1 075 85	\$1 00 1 41	\$1 00 1 00	03 10
8 40 8 50 8 65 8 90 9 20 8 90 8 55	95 95 95 95 95 95 95	1 20 1 20 1 20 1:20 1 20 1:20 1 20		10 10 10 10 10 10 10
9 00 9.10 9.25 9 50 9 80 9 80 9 50 9 15	95 95 95 95 95 95 95	1 20 1 20 1 20 1 20 1 20 1 20 1 20		10 10 10 10 10 10 10

DECISION #NV78-5129 (Cont'd):

Change (Cont'd):
 Laborers (Cont'd):
 Zone 3: Area over 20 and not
 more than 40 road miles from
 the communities named in
 Zone 1:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6 A
 Group 6-B
 Group 6-C

Zone 4: Area over 40 road miles
 from the communities named
 in Zone 1:
 Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6 A
 Group 6-B
 Group 6 C
 Plumbers; Steamfitters

DECISION NO. NV78 4046 Mod. #2
 (43 FR 19559 - May 5, 1978)
 Statewide, New Mexico

CHANGE 'DECISION NUMBER' for
 modification number one published
 in Federal Register dated
 January 19 1979 to read
 "NV78-4046."

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$9 20 9 30 9 45 9 70 10 00 10 00 9 70 9 35	95 95 95 95 95 95 95 95	\$1 20 1 20 1 20 1 20 1 20 1 20 1 20 1 20		10 10 10 10 10 10 10 10
9 90 10 00 10 15 10 40 10 70 10 70 10 40 10 05 12 74	95 95 95 95 95 95 95 95 1 13	1 20 1 20 1:20 1 20 1 20 1 20 1 20 1 20 1 00		10 10 10 10 10 10 10 10 20

DECISION NO. NM79-4021 - Mod. #2
(44 FR 1652 - January 5, 1979)
Statewide, New Mexico

OMIT:
TRUCK DRIVERS (HEAVY CONSTRUCTION)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.26	67	55		
8.38	67	55		
8.46	67	55		
8.58	67	55		
8.63	67	55		
8.73	67	55		
8.83	67	55		
8.97	67	55		
9.12	67	55		

ADD:
TRUCK DRIVERS ZONE AND BASING POINTS DEFINITIONS FOR HEAVY CONSTRUCTION:

- ZONE I 0 - 15 miles
- ZONE II 15 - 35 miles
- ZONE III 35 miles and over

TRUCK DRIVERS BASING POINTS:

- Albuquerque
- Atteola
- Bayard
- Carlsbad
- Santa Rosa
- Alamogordo
- Ciordia
- Deming
- Espanola
- Eubice
- Farmington
- Gallup
- Silver City
- Grants
- Hobbs
- Las Cruces
- Las Vegas
- Los Alamos
- Lordsburg
- Scorro - Taos - Tucuman
- Levigton
- Portales
- Raton
- Parwell
- Ruidoso
- Santa Fe

DECISION NM79-4021 - Mod. #2

HEAVY CONSTRUCTION:

TRUCK DRIVERS - ZONE I

Group 1	67	55		
Group 2	67	55		
Group 3	67	55		
Group 4	67	55		
Group 5	67	55		
Group 6	67	55		
Group 7	67	55		
Group 8	67	55		
Group 9	67	55		

TRUCK DRIVERS - ZONE II

Group 1	67	55		
Group 2	67	55		
Group 3	67	55		
Group 4	67	55		
Group 5	67	55		
Group 6	67	55		
Group 7	67	55		
Group 8	67	55		
Group 9	67	55		

TRUCK DRIVERS - ZONE III

Group 1	67	55		
Group 2	67	55		
Group 3	67	55		
Group 4	67	55		
Group 5	67	55		
Group 6	67	55		
Group 7	67	55		
Group 8	67	55		
Group 9	67	55		

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.41	67	55		
7.53	67	55		
7.61	67	55		
7.58	67	55		
7.78	67	55		
7.88	67	55		
7.98	67	55		
8.12	67	55		
8.27	67	55		
8.16	67	55		
8.28	67	55		
8.36	67	55		
8.48	67	55		
8.53	67	55		
8.63	67	55		
8.73	67	55		
8.87	67	55		
9.02	67	55		
8.76	67	55		
8.38	67	55		
8.46	67	55		
8.58	67	55		
8.63	67	55		
8.73	67	55		
8.83	67	55		
8.97	67	55		
9.12	67	55		

MODIFICATIONS P 8

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr
	H & W	Pensions	Vacation		
2 90 2 90 8.25				1.05	.08
Decision # NC76-1068 - Mod. # 4 (41 FR-22011 - May 28 1976) Wilkes County, North Carolina Change: Laborers: Mason tenders Sprinkler fitters					
2 90					
Decision # NC76-1073 - Mod. # 1 (41 FR-28469 - July 9, 1976) Craven Carteret, Duplin Green Johnson Jones Lanier Onslow, Pamlico and Wayne Counties North Carolina Change: Laborers: Laborers					
2 90 2 90					
Decision # NC76-1094 - Mod. # 1 (41 FR-37506 - September 3 1976) Chatham Cumberland Harnett Hoke Lee Moore, and Sampson Counties, North Carolina Change: Laborers: Laborers Truck drivers					
2.80					
Omit: Power Equipment Operators: Tractors					
2 90 8 25				1 05	08
Decision # NC76-1109 - Mod. # 1 (41 FR-42128 - September 24 1976) Beaufort Bertie, Chowan, Dare Edgecombe Franklin Halifax, Hertford Martin Nash Northampton Pitt Vance, Warren and Wilson Counties North Carolina Change: Laborers: Laborers					

MODIFICATIONS P 7

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr
	H & W	Pensions	Vacation		
2 90 2 90 8 25	75	1 05			08
Decision # NC76-1019 - Mod. # 4 (41 FR-4796 - January 30 1976) Carteret Craven, Jones Lanier Onslow, and Pamlico Counties, North Carolina Change: Laborers: Laborers Truck drivers Sprinkler fitters (Carteret County)					
8 25	75	1 05			08
Decision # NC76-1024 - Mod. # 3 (41 FR-6945 - February 13 1976) Cumberland County, North Carolina Change: Sprinkler fitters					
2 90 2 90					
Decision # NC76-1042 - Mod. # 2 (41 FR-11721 - March 19 1976) Camden, Currituck, Dare, Pasquotank, Perquimans and Tyrrell Counties, North Carolina Change: Laborers: Laborers Truck drivers					
2 90 8 25					
Decision # NC76-1046 - Mod. # 3 (41 FR-15231 - April 9, 1976) Edgecombe Greene, Johnston, Nash, and Wilson Counties, North Carolina Change: Laborers: Laborers Sprinkler fitters (Wilson County)					
2 75					
Omit: Laborers: Plasterers' tenders					

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
2.90					
2.90					
2.90 2.90					
2.82 2.73 2.65					
8.25	75	1.05			08

MODIFICATIONS P. 10

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
2.90					
2.90 2.90					
2.75 2.68 2.65					
8.25	75	1.05			08
2.90 8.25	75	1.05			08

DECISION #UT78-5128 - Mod. #4
(43 FR 46460 - October 6, 1978)
Statewide Utah

Changes:
Boilermakers
Electricians
South section of Utah (Re-
maining Counties):
Zone 1: Davis County (south
of 41st Parallel); Salt
Lake County; Tooele
County (northeast cor-
ner beginning at a point
where the township line
between Township 3 south
and Township 4 south,
Salt Lake Base Meridian,
intersects the east
boundary line of Tooele
County and thence west
along said township line
to the southwest corner
of Section 32 Township
3 south, Range 4 west
Salt Lake Base Meridian,
thence north to the
northwest corner of Section
17 of Township 3 south,
Range 4 west, thence west
to longitude 112 5,
thence north along the
line of longitude 112 5
to the north line of
Tooele County; Utah
County (north of 40th
Parallel);
Area A: Ten miles
either direction
(east or west) from
Interstate Hwy #15,
bounded on the north
by the 41st Parallel
and on the south by
the 40th Parallel;
Electricians;
Technicians
Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12.56	\$1.075	\$1.00	\$1.00	03
\$12.00	70	3% + 75		8/10%
12.50	70	3% + 75		8/10%

Decision # NC78-1036 - Mod. # 1
(43 FR-16095 - April 14 1978)
Gulford County, North Carolina

Change:
Sprinkler fitters

Decision # NC78-1037 - Mod. # 1
(43 FR-16096 - April 14 1978)
New Hanover County, North Carolina

Change:
Laborers
Laborers
Sprinkler fitters

DECISION NO. OK79-6017 - Mod. #1
(46 FR 1664 - January 5, 1979)
Comanche County, Oklahoma

CHANGE:
PAINTERS, brush

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
8.25	.75	1.05		.08
2.90 8.25	75	1.05		08
\$6.00	25	70		05

DECISION #1178-2108 - MOD #1
(43 FR 49215 - October 20, 1978)
Statewide Wisconsin

CHANGE:
AREA I - KENOSHA, MILWAUKEE
OSHAUKEE, RACINE, WASHINGTON
& WAUKESHA COUNTIES

POWER EQUIPMENT OPERATORS:
HEAVY, TUNNEL & SEWER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group I	\$11.42		1.00		10
Group II	11.17	.85	1.00		10
Group III	10.87	.85	1.00		10
Group IV	10.77	.85	1.00		10
Group V	10.41	.85	1.00		10
Group VI	10.12	.85	1.00		10

GROUP I - Cranes; Shovelers; Backhoes; Grapplehoists; Barricade; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 275); Concrete Spreader and Distributor

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Rotary Drill and Blaster; Trencher (Wheel Type or Chain Type having Over 8-Inch Bucket); Elevator

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (1/45 or Over); Screw Type and Cylindrical Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Pile Driver (Pile Drivers and Barricade)

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Lift); Boats (Tug, Safety, Work Barge and Launch)

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Vibrator (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under)

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compactors (Under 300 CFM); Molding Machines; Motors (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Windmills (Small Electric); Oil and Grease; Rotary Drill Helper, Conveyor

DECISION #1178-5128 (Cont'd) 1

Change (Cont'd):
Electricians (Cont'd);
South section of Utah (Remaining Counties) (Cont'd);
Zone 1 (Cont'd);
Area B: The balance of Zone 1 that lies in Davis, Salt Lake, Utah Counties;
Electricians; Technicians;
Cable Splicers

Area C: That portion of the remainder of Zone 1 that lies in Tooele County;
Electricians; Technicians;
Cable Splicers

Zone 2: Remainder of Counties and all portions of Counties not included in Zone 1 of south section of Utah;
Electricians; Technicians;
Cable Splicers

Marble Sectors
Terrazzo Workers and Tile Layers

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	\$12.75	70	3% + 75		8/10%
	13.25	70	3% + 75		8/10%
	13.50	70	3% + 75		8/10%
	14.00	.70	3% + 75		8/10%
	15.50	70	3% + 75		8/10%
	16.00	70	3% + 75		8/10%
	16.92	70	3% + 75		8/10%
	10.92	.37	30		

DECISION #M178-2108 - MOD #1 (Cont'd)

CHANGE:
AREA II - REMAINDER OF COUNTIES

POWER EQUIPMENT OPERATORS
HEAVY, TUNNEL & SEWER
CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Group I	\$11 37	85	80		10
Group II	11 12	85	80		10
Group III	10 82	85	80		10
Group IV	10 72	85	80		10
Group V	10 41	85	80		10
Group VI	10 12	85	80		10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under); Manhoist; Tractor Bulldozer; Endloader (Over 40 H P); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Rotary Drill and Blaster; Trencher (Wheel Type or Chain Type Having Over 8-Inch Bucket); Elevator

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H P); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Firemen (Pile Drivers and Derricks)

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch)

GROUP V - Shouldering Machine Operator; Sced Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air Electric Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under)

GROUP VI - Generators Over 150 KW; Pumps Over 3'; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper Conveyor

DECISION #M178-2110 - MOD #1
(43 FR 49222 - October 20 1978)
Ashland, Bayfield and Douglas
Counties Wisconsin

CHANGE:
POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Group I	\$11 37	85	80		10
Group II	11 12	85	80		10
Group III	10 82	85	80		10
Group IV	10 72	85	80		10
Group V	10 41	85	80		10
Group VI	10 12	85	80		10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under); Manhoist; Tractor Bulldozer Endloader (Over 40 H P); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Rotary Drill and Blaster; Trencher (Wheel Type or Chain Type Having Over 8-Inch Bucket); Elevator

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H P); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Firemen (Pile Drivers and Derricks)

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug Safety Work Barges and Launch)

GROUP V - Shouldering Machine Operator; Sced Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air Electric Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under)

GROUP VI - Generators Over 150 KW; Pumps Over 3'; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper Conveyor

SUPERSEDED DECISION

COUNTY: Statewide

DATE: Date of Publication
 DECISION NUMBER: AL79-1001 dated February 3 1978 in 43 FR-4805
 SUPERSEDES Decision No: AL78-1003 dated February 3 1978 in 43 FR-4805
 DESCRIPTION OF WORK: Highway construction (does not include bridges over navigable waters; tunnels; building structures in road area projects and railroad construction)

STATE: Alabama

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$11.07				
11.37	85	80		10
11.12	85	80		10
10.87	85	80		10
10.72	85	80		10
10.41	85	80		10
10.12	85	80		10

MODIFICATIONS P 17

DECISION #ME78-2121 - MOD #1
 (43 FR 49230 - October 20, 1978)
 Columbia, Dane Iowa & Sauk Counties, Wisconsin

ADD:
 ROOFERS

CHANGE:
 POWER EQUIPMENT OPERATORS:

GROUP	Basic Hourly Rates	Fringe Benefits Payments	Education and/or Appr Tr
GROUP I	11.37	85	80
GROUP II	11.12	85	80
GROUP III	10.87	85	80
GROUP IV	10.72	85	80
GROUP V	10.41	85	80
GROUP VI	10.12	85	80

GROUP I - Cranes; Shovelers; Draglines; Buckhoes; Grapplehoes; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoes; Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under); Manholes; Trencher; Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sidebooms; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 Tons); Rotary Drill and Blaster; Trencher (Wheel Type or Chain Type Having Over 8-Inch Bucket); Elevator

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor System; Concrete Mixer (145 or Over); Screw Type and Gyropa Pump; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 Tons) and Fireman (Pile Drivers and Derricks)

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tamper Compactors (Riding Type); Assistant Engineer; A-Frames and Winch Trucks; Concrete Auto Breaker; Hydraulic Cranes (Scall); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch)

GROUP V - Shouldering Machine Operator; Sced Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Pileman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Pressmen Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under)

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Seal Equipment Operator; Compressors (Under 300 CFM); Molding Machines; Hoppers (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor

	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Bricklayers	3 65	3 65	3 25	3 00
Carpenters	4 50*	4 25	4 50	4 25
Concrete finishers	4 00	3 60	3 60	3 60
Concrete mfr	2 90	2 90	2 90	2 90
Electricians	10 65a	7 90	10 65a	5 80
Ironworkers	5 80	5 80	5 80	5 80
Structural Reinforcing Laborers	4 50	5 70	4 50	4 50
Mfr tool operators	2 90	2 90	2 90	2 90
Asphalt rakers	3 25	3 30	3 50	3 10
Concrete laborers	3 45	3 00	3 00	2 90
Pipelayers	3 50	3 25	3 25	2 90
Powderman and blasters	3 50	3 50	3 50	3 50
Saw	3 50	3 50	2 90	2 90
Side roll or form setters	3 50	3 50	3 05	3 05
Unskilled	2 90	2 90	2 90	2 90
Wagon drill	3 00	3 00	3 00	3 00
Painters	5 75	5 75	5 50	5 50
Piledriver	5 00	5 00	4 80	4 80
Truck drivers	2 90	2 90	2 90	2 90
Under 1/2 ton	2 90	2 90	2 90	2 90
Single rear axle	3 00	3 25	2 90	2 90
Multi-rear axle or heavy duty, off road, single axle	3 70	3 25	3 25	3 25
Winch truck and A-Fram				
Welders - Receive rate for craft				
POWER EQUIPMENT OPERATORS:				
Aggregate spreader operator	3 45	3 45	3 45	3 45
Air compressor	3 25	3 15	2 90	2 90
Asphalt distributor and asphalt spreader	3 90	3 90	3 90	3 90
Asphalt mixers and pug mills & batch plants	3 30	3 44	3 30	3 30

COUNTIES:

ZONE 1 - Jefferson

ZONE 2 - Mobile

ZONE 3 - Calhoun, Escowah St Clair, Shelby, Talladega, Tuscaloosa and Walker

ZONE 4 - Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Coffee, Colbert, Conecuh, Coosa, Covington Crenshaw, Cullman, Cleburne Dale Dallas DeKalb Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston Jackson, Lamar, Lauderdale Lawrence, Lee, Limestone Lowndes, Macon, Madison, Marengo, Marion, Marshall Monroe, Montgomery, Morgan Perry, Pickens Pike Randolph, Russell, Sumter, Tallapoosa Washington, Wilcox, and Winston Counties, Alabama

FOOTNOTES:

a Plus fringe benefits of 3 1/2% Health and Welfare, 3% + 40 Pension and 5% Apprentices Training,

POWER EQUIPMENT OPERATORS CONT'D:

	ZONE 1	ZONE 2	ZONE 3	ZONE 4
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Asphalt paving machine	3 85	3 85	3 85	3 85
Asphalt plant driers	3 30	3 44	3 30	3 30
Bulldozers	4 95	4 30	4 50	3 85
Bull floats	3 15	3 44	3 15	3 15
Concrete mixers (3-bags and under)	2 90	3 44	2 90	2 90
Concrete mixers (over 3-bags)	3 75	3 60	3 30	3 30
Concrete paving machine	3 30	3 60	3 30	3 30
Concrete paving finishing machine	3 30	3 60	3 30	3 30
Concrete paving spreaders	3 30	3 60	3 30	3 30
Cranes clamshells backhoes	4 95	4 95	4 95	4 75
derrick draglines or shovels	2 90	3 13	2 90	2 90
Conveyors	3 30	3 44	3 30	3 30
Crusher and screening plants	4 00	4 00	4 00	4 00
Drilling machines				
Elevating graders gradalls or trenching	4 95	4 00	4 75	3 60
Firemen	2 90	3 15	2 90	2 90
Form graders	2 90	2 90	2 90	2 90
Hoist (2-drums or 2-cages or more)	3 30	3 60	3 30	3 30
Hoist (1 drum)	3 25	3 44	3 15	3 15
Mechanics	5 00	5 15	5 00	4 00
Motor patrols	5 00	5 00	5 00	5 00
Oilers and greasemen	3 90	3 85	4 00	3 60
Paving subgraders	3 15	3 15	3 15	3 15
Piledrivers	4 55	4 85	3 66	4 85
Pumps	3 15	3 15	3 15	3 15
Pumptrucks	3 55	3 50	3 30	3 50
Rollers self-propelled				
Rollers, self-propelled (on asphalt bases and pavements)	4 00	4 00	4 00	3 60
Scale operators	2 90	2 90	2 90	2 90
Scalemen	2 90	2 90	2 90	2 90
Scrapers	4 75	3 70	3 70	3 70
Seeding and mulching machines	2 90	3 35	2 90	2 90
Striping machines (paint)	3 40	3 40	3 30	3 30
Tractors and loaders (farm rubber-tired)	3 10	3 35	3 00	2 90
Tractor & loaders (80 H P or less) (draw-bar capacity)	3 10	3 40	3 00	3 00
Tractors and loaders (over 80 H.P.)	4 00	4 00	4 00	4 00

STATE: Alabama
 COUNTY: Colbert & Lauderdale
 DECISION NUMBER: AL 79-1004
 SUPERSEDES DECISION No: AL78-1004 dated February 3 1978 in 43 FR-4807
 DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

COUNTIES: *See below

DATE: Date of Publication

Welders - receive rate prescribed for craft performing operation t which welding is incidental

*Counties: Colbert & Lauderdale

	Basic Hourly Rates	Fringe Benefits Payments				Education Fund/yr. Appr. %
		H & W	Pensions	Vacation		
Amberlton workers	10 51	45	40		05	
Boilermakers	10 005	95	1 00		02	
Bricklayers	10 885					
Bricklayers blocklayers	11 105					
stonemasons						
Saw operator						
Carpenters:						
Carpenters, soft floor layers	10 30		25		10	
Carpenters, roof floor layers	10 45		25		10	
Millwrights	10 55		25		10	
Cement masons:						
Cement masons	9 01	25				
Power tool operators	9 26	25				
Electricians:						
Electricians	10 60	50	32+ 45		17	
Cable splicers	10 85	50	32+ 45		17	
Elevator constructors	9 14	495	.32	47+atb	02	
Ironworkers	9 805	70	70		08	
Laborers:						
Laborers	6 30	35	50			
Air tool operator (jackhammer, vibrator)	6 50	35	50			
Plasterers, tenders	6 30	35	50			
Mason tenders	6 30	35	50			
Mortar mixers	6 30	35	50			
Pipelayers	6 50	35	50			
Painters:						
Commercial	8 25	40	25		05	
Industrial	9 00	40	25		05	
Plasterers	8 66	75				
Plumbers, steamfitters	10 70	50	60		08	
Roofers	8 35	20	20		10	
Sheet metal workers	11 05	69	82		09	
Sprinkler fitters	10 35	65	95		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 6 paid holidays: A through F
- b Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years
 Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

STATE: Florida
 COUNTY: Duval
 DECISION NUMBER: FL79-1017
 DATE: Date of Publication
 Supercedes Decision No.: FL78-1043 dated April 14, 1978 in 43 FR 16043
 DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less)

AL79-1004 - (Cont'd)

POWER EQUIPMENT OPERATORS:

GROUP A
 GROUP B
 GROUP C

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
10 58	45	45		
9 24	45	45		
8 52	45	45		

GROUP A - Backhoe bulldozer crane concrete pump derrick, dragline dredge drill elevating grader finishing machine (concrete) forklift, front end loader gradall grout pump helicopter pilot hoist, locomotive engineer mechanic motor patrol mucking machine, piledriver, post hole digger scraper (pull type & self prop) shovel, sweeper, tractor (spec equip), trenching machine, wall point & winch truck operators

GROUP B - Bituminous dist central air' comp, concrete mixer (port) fireman floating equip, front end loader, rubber tire, 4 cy & under locomotive brakeman locomotive flagman locomotive switchman oiler-driver (35 ton crane & over) outboard motor boat (when used for towing) paving machine portable hoist "Buck hoist type" post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port) conveyor fireman stationary equip oiler, outboard motor boat & pump operators
 Oiler driver - additional \$ 10 per hour

All cranes derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators (in tandem) additional \$ 25 per hour

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$11 29	45	55		08
11,00	.75	1 10		02
9 27	45	50		06
9 17	62	50		05
7 96	.45	40		01
10 00	.50	3% + 81	81	07
10 35	.50	3% + 81	81	07
9 785	.745	56	4% + a+b	025
6 85	745	.56	4% + a+b	025
4 89				
8 00		20		
9 20	.65	85		02
5,64	20	20		
5 57	20	20		
7,85	25	10		025
9 45	66	3% + 88	45	.10
9 65	66	3% + 88	45	10
9 20	66	3% + 88	45	10
7 32	66	3% + 88	45	10
5 10	35	3% + 47	45	10
4 68	33	3% + 47	45	10
9,58	62	50		05
8 70	40	60		
9 17	52	50		05
7 33	40	.30		.05
10 95	.55	.55		08

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS & Stonemasons
 CARPENTERS Acoustical ceiling, & Drywall Installers
 CEMENT MASONS
 ELECTRICIANS:
 Wiremen
 Cable Splicers
 ELEVATOR CONSTRUCTORS:
 Mechanics
 Helpers
 Probationary Helpers
 GLAZIERS
 IRONWORKERS
 LABORERS:
 Gunite workers, Mechanical Tool Operators, Power Buggy Operators & Pipelayers
 Unskilled
 LATHERS
 LINEMEN:
 Linemen
 Cable Splicers
 Heavy Equipment Operators
 Winch Truck Operators
 Groundmen - 1st Class
 Groundmen - 2nd Class
 MILLRIGHTS
 PAINTERS
 FILEDRIVERS
 PLASTERERS
 PLUMBERS, Pipefitters, & Steamfitters

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
ROOPERS:					
Roofers	\$9.16	.50	25		.025
Kettlemen	6.04	50	25		.025
SHEET METAL WORKERS	9.00	3% + .85	.66		.12
SOFT FLOOR LAYERS	9.17	62	50		.05
SPRINKLER FITTERS	10.61	75	1.05		1.0
TILE & TERRAZZO WORKERS	7.29	.40	.50		.02
WELDERS Rate for craft to which welding is incidental					

PAID HOLIDAYS: (Where Specified)

- A New Year's Day, B Memorial Day, C-Independence Day, D Labor Day,
- E-Thanksgiving Day, F Christmas Day

FOOTNOTES:

- a Six paid holidays: A through F
- b Employer contributes 4% of regular hourly rate to vacation pay credit for employees who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employees who has worked in business less than 5 years

POWER EQUIPMENT OPERATORS:

- GROUP I
- GROUP II
- GROUP III

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
GROUP I	9.68	55	40		05
GROUP II	8.50	55	40		05
GROUP III	6.41	55	40		05

GROUP I

Crane or derrick operator, clam shell operator, dragline operator, piledriver operator including Auger & Boring Machine operator for drilling in filling, backhoe operator, hydrate crane operator, grapple operator, shovel operator, patrol operator, cable ways operator, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R G Laybourne Model L-60-2 or 3 twenty cubic yard scrapers), side boom cat operator, multi-drum hoist operator for rigging work, mechanic (heavy equipment), tower crane operator (stationary, climbing and traveling), gantry crane operator, locomotive crane operator, bridge crane operator (over 20 ton capacity), concrete pump with boom (mobile) operator, high lift or fork lift operator (10' or higher), locomotive engineer (for job use that does not infringe upon the rights of Railroad unions)

GROUP II

Bulldozer operator, bridge crane operator (20 tons & under), highlift or Forklift operator (less than 10'), straddle buggy operator, hoist operator (other than rigging work) including winch truck operator where winch truck is not mobile and used as a hoist, trenching machine operator (ladder & wheel type) over 6' cut and over 24" in width, concrete paver operator, scraper operator, front end loader operator, fireman-floating equipment, mobile winch truck operator, self propelled sub-grader operator, asphalt paving machine operator, lubricating engineer (mobile plant), pavement breaker operator

GROUP III

Tractor operated sweeper operator, trenching machine operator (ladder and wheel type) maximum cut 6' and maximum width 24', fireman, self propelled roller operators, wellpoint pump operator & supervise installation (one operator for 3 pumps, not including standby units, within 300 ft radius), asphalt distributor operator, water truck drive, motor boat operator, oiler, pumpman (other than wellpoint) up to and including pumps within 300 ft radius, conveyors operator (motor operated), welding machine operator (3 or more combustion type), pulverizer operator, cementor operator (area 1 up to and including 3 combustion) within 300 ft. radius, self propelled sweeper operator, combination pump, compressor & combustion type welding machine operator (any group of 3 units) with 300 ft radius, concrete mixer operator, concrete pump operator, tractor operator, street sweeping machine operator

NOTICES

SUPERSEDES DECISION

STATE: INDIANA
 COURTES: \$SEE BELOW
 DATES: Date of Publication
 DECISION NUMBER: IN79-2002 dated March 24, 1978 in 43 FR 12581 and
 Supercedes Decision Nos. IN78-2051 dated March 24, 1978 in 43 FR 12589
 DESCRIPTION OF WORK: Building Construction (Does not include single family
 homes and garden type apartments up to and including 4 stories)

*Adams; Allen Bartholomew, Benton, Blackford, Boone, Carroll; Cass, Clinton,
 DeKalb, Delaware Fountain, Fulton, Grant, Hamilton, Hancock Hendricks,
 Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery,
 Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells,
 White, & Whitley

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
ASBESTOS WORKERS:					
Adams, Allen, Blackford, Clinton	\$12.60	55	1.25		
DeKalb, Grant, Huntington, Jay,	12.13	65	.90		
Miami, Noble, Steuben, Wabash,	12.15	50	1.20	01	
& Wells Cos	12.55	80	1.00	03	
Cass, Fulton, & White Cos					
Remaining Cos					
BOILERMAKERS					
Pointers; & Stonemasons:					
Adams, Allen, DeKalb, Huntington	11.34	45	30	01	
Noble, Steuben, Wells, &	11:05	50	30	02	
Whitley Cos.					
Bartholomew & Monroe Cos					
Benton, Carroll, Clinton; Foun	11.24	48	60	02	
tain, Tippecanoe, Warren, &					
White Cos	10.80	50	75	01	
Blackford, Delaware, Hamilton,					
Jay, Madison, & Tipton Cos.	11.74	50	55	08	
Doone, Hancock, Hendricks, John-	9.20	1.00	20		
son, Marion, Montgomery, &	10.48	85	50		
Morgan Cos	9.60	75	80	04	
Cass & Fulton Cos					
Grant & Wabash Cos	10.00				
Howard & Miami Cos					
Shelby Co					
CARPENTERS; Millwrights;					
Piledrivers; & Soft floor layers:					
Adams, Cass, Fulton, Grant,	10.23	80	60	05	
Howard, Huntington, Miami,	10.73	.80	60	.05	
Tipton, Wabash, & Wells Cos :	10.43	80	60	05	
Carpenters; Soft floor layers					
Millwrights					
Piledrivers					
Allen, DeKalb, Noble, Steuben, &	10.89	67a		08	
Whitley Cos :	11.22	67a		08	
Carpenters; Soft floor layers					
Millwrights; Piledrivers					

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Bartholomew (Camp Attorney),	\$12.40	70	75		08
Boone, Fountain, Hamilton, Han-					
cock, Hendricks, Johnson (excl.					
Edinburgh), Marion, Montgomery,					
Morgan (Excl Twp of Washing-					
ton & Baker), Shelby (Camp					
Attorney Area, Moral, & Van					
Buren Twp), & Warren Cos :					
Carpenters; Millwrights					
Bartholomew (Rem of Co),					
Johnson (Edinburgh), & Shelby					
(Rem of Co) Cos :					
Carpenters; Soft floor layers	10.49	55	.65		03
Millwrights	10.99	55	65		03
Piledrivers; Burners; &					
Welders	10.74	55	65		03
Benton, Carroll, Clinton,					
Tippecanoe; & White Cos :					
Carpenters; Soft floor layers	10.71	60	75		02
Millwrights; Piledrivers	11:06	60	75		02
Blackford, Delaware, Jay, &					
Madison Cos :					
Carpenters; Soft floor layers	10.70	60	45		08
Millwrights	11.00	60	45		08
Piledrivers	10.90	60	45		08
Monroe, Morgan (Twp of					
Washington & Baker) Cos :					
Carpenters; Soft floor layers	11.10	66	55		01
Piledrivers	11.35	66	55		01
Millwrights	11.85	71	59		01
CEMENT MASONS:					
Adams, Allen, DeKalb, Noble,	10.50	75			01
Steuben, & Whitley Cos.					
Benton, Carroll, Cass, Clinton,					
Fountain, Howard, Miami, Mont-					
gomery, Tippecanoe, Warren, &					
White Cos	10.00	60	75		
Blackford, Delaware, Grant,					
Huntington, Jay; Wabash, &					
Wells Cos	9.95	60	80		

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Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr Tr
	H & W	Pensions	Vacation	
10 36	70	.75		04
12 35	50	34-40		06
12 80	45	7%		2%
12 40	50	3%		2%
11 95	50	34-30		2%
11 85	50	34-40		2%
11 42	50	34-50		2%
12 10	50	34-50		01
10 91	745	56	b10	035
70%JR	745	56	b10	035
50%JR				
10 83	745	56	b10	035
70%JR	745	56	b10	035
50%JR				
11 285	745	56	b10	035
70%JR	745	56	b10	035
50%JR				

Boone, Hamilton (S 1/2 of Co., N to new Rte Indiana Hwy #32 incl. Noblesville), Hancock (Southern & western part of N, to but not incl town of Wilkinson, & E, to, but not incl. town of Fortville), Hendricks, Johnson, Marion, Morgan (N 1/2), & Shelby (ending at Pleasant View) Cos.

ELECTRICIANS:
 Adams, Allen, DeKalb, Huntington
 Noble, Steuben, Wells, & Whit-
 ley Cos
 Bartholomew, Boone, Hamilton,
 Hancock, Hendricks, Johnson,
 Madison, Marion, Montgomery,
 Morgan, & Shelby Cos
 Benton, Carroll, Gann, Fulton,
 Tippecanoe, & White Cos
 Blackford, Delaware, & Jay Cos
 Clinton, Grant, Howard, Miami,
 Tipton, & Wabash Cos
 Fountain & Warren Cos
 Monroe Co

ELEVATOR CONSTRUCTORS:
 Adams, Allen, Blackford, DeKalb,
 Grant, Huntington, Jay, Noble,
 Steuben, Wabash, Wells, &
 Whitley Cos
 Elevator constructors
 Helpers
 Helpers (Prob)
 Gann & Fulton Cos
 Elevator constructors
 Helpers
 Helpers (Prob)
 Remaining Cos
 Elevator constructors
 Helpers
 Helpers (Prob)

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Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr Tr
	H & W	Pensions	Vacation	
\$16 79		25	40-d	04
13.29				
11.80	90	1 45		02
11.55	90	1 70		05
11 54	90	1 25		02
10 55	90	1 33		03
11 40	90	1 70		05
10 94		50		01
11 04	61	45		04
10 54	55	35		01
9.05		35		01
10.84	45	.30		01

GLAZIERS:
 Adams, Allen, Blackford, Gann,
 DeKalb, Grant, Huntington, Jay,
 Miami, Noble, Steuben, Wabash,
 Wells, & Whitley Cos
 Remaining Cos.

IRONWORKERS:
 Adams, Allen, Blackford, DeKalb,
 Delaware (Northwestern 1/3 of
 Co.), Grant (Excluding
 Southern portion), Hunting-
 ton, Jay, Noble, Steuben,
 Wabash, Wells, & Whitley Cos.
 Bartholomew, Boone (excl N 1/2),
 Clinton (S 1/2), Delaware (S 2/3
 of Co.), Grant (SW portion),
 Hamilton, Hancock, Hendricks,
 Howard, Johnson, Madison, Monroe,
 Morgan, Shelby, & Tipton (excl
 N 1/2) Cos
 Benton, Boone (N 1/2), Carroll,
 Gann, Clinton (Res of Co),
 Fountain, Miami, Montgomery,
 Tippecanoe, Tipton (N 1/2),
 Warren, & White Cos
 Fulton Co
 Marion Co

LATHERS:
 Adams, Allen, DeKalb, Huntington
 Noble, Steuben, Wabash, Wells,
 & Whitley Cos
 Bartholomew, Boone (S 1/2), Ham-
 iltion, Hendricks, Johnson,
 Madison, Marion, Monroe, Morgan
 & Shelby Cos
 Benton, Carroll, Gann, Clinton,
 Howard, Montgomery, Tippecanoe,
 Warren, & White Cos.
 Blackford, Delaware, Grant, Han-
 cock, & Jay Cos.
 Fountain Co

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
11 34	45	30		01
10 80	50	30		02
11 24	40	60		02
10 55	50	75		01
11 71	50	55		04
11 45	50	55		03
9 65	1 00	50	0	01
10 48	85	50		
10 33	75	1 00		05

MARBLE SETTERS; Terrazzo workers & Tile setters:
 Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, & Whiteley Cos.;
 Marble setters
 Terrazzo workers & Tile setters
 Bartholomew & Monroe Cos
 Bonten, Carroll, Clinton, Fountain, Tippecanoe, Warren, & White Cos.
 Blackford, Delaware, Hamilton, Jay, Madison, & Tipton Cos.
 Tile setters
 Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, & Morgan Cos.;
 Marble setters; Tile setters
 Terrazzo workers
 Coas & Fulton Cos
 Grant & Wabash Cos.
 Howard & Miami Cos.
 MARBLE SETTERS' FINISHERS;
 Terrazzo Workers' Finishers & Tile Setters' Finishers:
 Adams, Bartholomew, Blackford, Boone, Clinton, Delaware, Fountain, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Tippecanoe, Tipton, Wabash, & Wells Cos.;
 Marble setters; Finishers & Tile setters; finishers

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
9 25	50	65		12
10 25	50	65		12
9 45		50		
10 45		50		
10 75				
11 00				
11 75				
11 02				
9 10		60		
9 85		60		
10 43	78	34		
11 43	78	34		
9 60	64	50		05
10 35	64	50		05
10 65	64	50		05
9 85	64	50		05

PAINTERS:
 Adams, Allen, DeKalb, Grant, Huntington, Noble, Steuben, Wabash, Wells (H & to & incl Bluffton), & Whiteley Cos.;
 Brush; Drywall taping & finishing; & Rollers
 Sandblasting; Spray; Swing stage
 Bonten, Clinton, Fountain Montgomey, Tippecanoe & Warren Cos.;
 Brush; Roller
 Structural steel
 Sandblasting
 Spray
 Blackford, Cass, Delaware, Fulton, Howard Jay, Madison, Miami Tipton, & Wells (to the So city limits of Bluffton) Cos.;
 Brush; Taping
 Pressure cleaning equipment;
 Sandblasters; Spray
 Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (H &), & Shelby Cos.;
 Brush; Roller; Drywall tapers & finishers
 Sandblasters; Spray
 Garroll & White Cos.;
 Brush
 Sandblasting; Spray
 Drywall taping
 Vinyl Paperhanging

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
88.90			30	
9.65			30	
9.90			30	
10.90			30	
10.88	60			02
11.05	50	30		
10.60	70			02
10.40	75			01
11.21	80			01
12.65	55	85		07
12.80	50	30		.05
12.40	.50	80		04

Monroe, Morgan (to the northern limits of Martinsville) Cos; Bruch; Drywall; Vinyl; Paper-hanging; & Roller Structural steel; Stago & Hazardous work; Scaffold Scaffolding; Spray & Epoxy brush Spray epoxy

PLASTERERS:
 Adams, Allen, DeKalb, Noble, Stauben, & Whitley Cos
 Bartholomew & Monroe Cos
 Benton (Eastern 2/3 west to & incl. Bonwall, Earl Park, & Raub), Carroll, Cass, Clinton, Fountain (4 to & incl. Attian, in the north & west to, but not incl. Voodersburg in the south)
 Howard, Miami, Montgomery, Tiptecanoe, Warren (E 1/2 west to but not incl. Judyville, so to & incl. Kraser), & White Cos
 Blackford, Delaware, Grant, Huntington, Jay, Wabash, & Wells Cos
 Boone, Hamilton (So. 1/2 no to new Indiana Rte #32), Hancock (So. & western part no to state rd. #23), & Co Rd #300 - v), Hendricks, Johnson, Marion, Morgan (N 1/2), & Shelby Cos.

PAINTERS; Steamfitters:
 Adams, Allen, DeKalb, Huntington Noble, Stauben, Wells, & Whitley Cos.
 Bartholomew (oxolu Camp Attorney) Co
 Bartholomew (Camp Attorbury), Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion, Miami (So of Rte #218), Morgan, Shelby, & Tipton Cos

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12.95	50	1.00		10
12.50	50	80		15
11.25	48	95		10
11.90	50	.75	F	15
12.70	50	1.00		15
10.90		10		
11.60	65	30		
11.85	65	50		
11.45	60	38		
11.70	60	38		
9.25	55	30		5
9.75	55	30		
9.25	55	30		
10.15	50	40		03
10.65	50	40		03
12.09	50+5	.60		12
12.27	65+5	70		10

Benton, Carroll, Clinton, Fountain, Montgomery, Tiptecanoe, Warren, & White Cos
 Blackford, Grant, & Wabash Cos
 Cass, Fulton, Miami (No of Hwy #218), Cos
 Delaware, Jay, & Madison Cos
 Monroe Co

ROOFERS:
 Adams, Allen, DeKalb, Noble, Stauben, Wells, & Whitley Cos
 Bartholomew, Boone, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Cos
 Slate, Tile, Asbestos & Precast slab
 Benton, Carroll, Cass, Clinton, Fountain, Montgomery, Tiptecanoe, Warren, & White Cos.
 Composition, Damp & waterproof
 Slate, Tile, & Asbestos
 Blackford, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Miami, Tipton, & Wabash Cos.
 Slate, Tile, & Asbestos
 Coal tar pitch
 Composition damp & waterproof
 Fulton Co.
 Composition, Damp & waterproof
 Slate, Tile, & Asbestos

SHEET METAL WORKERS:
 Adams, Allen, Blackford, Cass, DeKalb, Grant, Howard, Huntington, Jay, Miami, Noble, Stauben, Wabash, Wells & Whitley Cos
 Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Cos

NOTICES

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PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; & F Christmas Day

FOOTNOTES:

- a. 6% includes pension
- b. 7 paid holidays: A through F, & Day after Thanksgiving Day
- c. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employees who has worked in business less than 5 years
- d. 6 paid holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer.
- e. 6 paid holidays: A through F
- f. 2 paid holidays: C & D
- g. 3% of gross earnings to SASMI
- h. per week per employee
- i. One week's paid vacation after one year's employment; two weeks' paid vacation after three years' employment; three weeks' paid vacation after ten years' employment.
- j. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.
- k. One week's paid vacation after three years' employment; two weeks' paid vacation after ten years' employment; & three weeks' paid vacation after fifteen years' employment

Basic Hourly Rates	Etfise Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$11 69	60	44		07
10,98	65	515		08
12 10	75	1 05		
7 64	19 00h	31 00h	i	
7 74	19,00h	31,00h	i	
7 79	19 00h	31 00h	i	
8 09	19 00h	31 00h	i	
7 89	19 00h	31 00h	i	
7 94	19 00h	31 00h	i	
8 09	19 00h	31 00h	i	
7 865	20 00h	22 00h	j	
8 015	20 00h	22 00h	j	
7 94	20 00h	22 00h	j	
6 94	13 50h	22 00h	k	
7 15	13 50h	22 00h	k	
7 26	13 50h	22 00h	k	
7 31	13 50h	22 00h	k	
7 36	13 50h	22 00h	k	

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Banton, Carroll, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Cos
 Fulton Co.
 SPRINKLER FITTERS
 TRUCK DRIVERS:
 Banton, Carroll, Cass, Clinton, Fountain, Howard, Miami, Mont-
 gomery, Tippecanoe, Tipton,
 Wabash, Warren, & White Cos ;
 Pickups when hauling equipment
 etc.
 Helpers; Greaser; Tireman
 Single axle-straight trucks;
 Warehousemen
 Mechanics
 Tandem axle & Dogleg straight
 trucks
 Bituminous distributors
 Tri-axles; Samis
 Buone, Hendricks, Johnson, Mor-
 gan, & Shelby Cos ;
 Up to & incl 3 tons & helpers
 Over 3 tons; Semi-trailers;
 Tandem (double bottom); Winch
 trucks when used with winch
 Truck mechanics
 Fulton Co ;
 Pickups
 Single axles
 Tandem or fuel
 Tri-axles
 Semi-trailers ;

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	Basic Hourly Rates	Flight Benefits Payments			Education and/or Appr. Yr
		H & W	Pensions	Vacation	
LABORERS: Adams, Allen, Benton, Boone, Carroll, Cess, Clinton, DeKalb, Fountain, Howard, Huntington, Miami, Montgomery, Noble, Steuben, Tippecanoe, Tipton, Wabash, Wells, White, & Whitely Cos.:					
GROUP I	7 70	70	50	09	09
GROUP II	7 90	70	50	09	09
GROUP III	8 00	70	50	09	09
GROUP IV	8 70	70	50	09	09
Bartholomew, Fountain, Mandricks Johnson, Monroe, Morgan, & Warren Cos.:					
GROUP I	7 85	70	50	09	09
GROUP II	8 05	70	50	09	09
GROUP III	8 15	70	50	09	09
GROUP IV	8 85	70	50	09	09
Blackford, Delaware, Grant, Hamilton, Hancock, Jay, & Madison Cos.:					
GROUP I	7 45	70	50	09	09
GROUP II	7 65	70	50	09	09
GROUP III	7 75	70	50	09	09
GROUP IV	8 45	70	50	09	09
Marion & Shelby Cos.:					
GROUP I	7 95	70	50	09	09
GROUP II	8 15	70	50	09	09
GROUP III	8 25	70	50	09	09
GROUP IV	8 95	70	50	09	09

LABORERS

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chaimen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer & helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitely; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & lubment; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unifrate pump; Chain saw operators; Tilla layers (sewer or field) & sewer pipe layers (metallic or non metallic); Motor driven wheelbarrows & concrete buggies; Myster operators; Pump creta assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitely; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitely)

GROUP IV: Dynamite men

POWER EQUIPMENT OPERATORS

Adams, Allen, Benton Blackford
Carrill, Cass, Clinton, Dekalb
Delaware, Grant, Hamilton, Hancock
Howard, Huntington, Jay, Johnson,
Madison, Marion, Miami, Shelby,
Steuben, Tippecanoe Tipton,
Wabash, Wells, White, & Whitley Cos.

GROUP	Basic Hourly Rates	Fringe Benefits Paym nts			Education end/or Apr Tr
		H & W	Pensions	Vacation	
GROUP 1	\$11.90	55	65		09
GROUP 2	11.00	55	65		09
GROUP 3	9.10	55	65		09
GROUP 4	8.10	55	65		09

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backhoe, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (mechanical), Formless Paver, Generator (power for welders or compressors), Grapple, Helicopter, Hydraulic Winch Operator, Highlift Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Welder, Push Cat, Scoop and Tractor, Sinker rubber-tired, Spreader, tractor mounted, Straddle Carrier Regs type, Sub base Finish, Machine (C H I or similar tower crane), Tractor w/backhoe (over 1/2 yd. Walder.

GROUP 2: A-Framo Truck, Hatcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bulfloat, Compactor of Tamper-self-propelled, Concrete Mixer (21 cu ft or over), Concrete spreader-power driven, Dinky Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bulfloat Finishing Machine, Fireman, Pile-driving and Dollers, Forklift Masonry and Material, Gunite Machine, Head Greaser, Mechanic in Shop, Mesh Depressor mesh plater, P C C.-Concrete Belt Placer, Roller Asphalt Stone and Sub-base, Shoopstonq Roller self-propelled Shop Mule, Spreader or Base Paver self-propelled Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (1/2 yard and under), Tractor-high lift-Farm type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu ft and over); Bituminous Distributor, Chair Lift, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Equipment, Form Grader, Hydrohammer, Jacks-hydraulic power driven Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth Throttle Valve Track Jack power driven Tractor-farm type Truck Crane Paver

GROUP 4: Air Compressor (less than 210 cu ft) Concrete Mixer (under 21 cu ft), Conveyor, Generator, Mechanical Hoater, Oiler, Power Broom Pump, Welding Machine, Helpers

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POWER EQUIPMENT OPERATORS
Boone, Fountain, Hendricks, &
Monroe, Montgomery, Morgan, &
Warron Cos

1 of 2

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Apr Tr
		H & W	Pensions	Vacation	
GROUP I	\$12.40	55	75		08
GROUP II	12.30	55	75		08
GROUP III	12.10	55	75		08
GROUP IV	8.00	55	75		08

CLASSIFICATIONS

GROUP I: Hapter Mechanics

GROUP II: Utility Operator

GROUP III: Pover Granes; Dragnline; Derricks; Electric Overhead Granes; Shevela; Grapple; Mechanics; Repair and Maintenance of all Equipment; Tractor Highlift; Fork Lifts; Tournadozer; Mixer over 145 Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Tournapull; Tractor operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel; Macadam and Brick Surface; Regs Carrier or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressor; Hatcher-Instan Paver; Operator; Pave Tractor with half yard bucket and/or Back Hoe Attachments; Finish Machine; Finish over 24"; Dredging Equipment; Central Mix Plant Engineer; Crt of similar type Machine; Concrete Sprayer; Cherry Picker; Standard or Dinky Locomotive; Scoopmobile; Euclid Loader; Soil Compaction Machine; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machine; Paint Machine; Pipe Cleaning Machine; Pipe Wrapping Machine; Pipe Bending Machine; Apsco Paver; Boring Machine; Tractor without Winch; Load Equipment Greasers; Barber Green Leaders; Formless Paver; Well Point System Hydra Ax; Resco Concrete Saw; Naring Scoops; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Raker Tub Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydric Seeder; Straw Blower; Concrete Mixers with Skip; all one Drum Hoists with Tower or Boom; Dredge Hoist; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Post Truck; Plan; Pallet Operator; Concrete Plant Engineer; Loader; Hydra Crane Caisson; Shaft or any similar type Drilling Machine; Concrete Pump Machine - Self Propelled; Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS

GROUP IV Mixers 145 capacity or less; Trench Machine cutting 24" and under; Farm Tractor with less than half yard bucket and other Attachments except Buck Hoe; Truck Crane Oiler; Power Subgrader; Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Gumite Machine; Air Tuggers; Truck Crane Drivers; House Elevators when used for hoisting material; Two to Four Generators or Welding Machine; Mechanized Heaters irrespective of Motor Power when used for temporary heat; Small Rollers on Earth; Engine Tenders; Fireman; Wagon Drill; Fireplane; Conveyor; Two to Four Water Pumps; Siphon and Pulsometer; Switchman on Paint Pote; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Striping Machine (Motor Driven); Form Tapper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Operator to do Winter Repair Work in Shop between November 1st and March 1st; Concrete Buggies; motor driven; Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers without Skip, Curing Machine; Concrete & Blacktop Curb Machine; Deck lands

Cranes with booms from 149 ft to 199 ft including jib receive additional \$ 75 per hour
 Cranes with boom over 199 ft including job receive additional \$1 25 per hour

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POWER EQUIPMENT OPERATORS

Fulton & Nobla Cos

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr
		H & W	Pensions	Vacation	
GROUP I	\$ 10 52	65	85	40	05
GROUP II	9 16	65	85	40	05
GROUP III	8 38	65	85	40	05
GROUP IV	7 70	65	85	40	05

CLASSIFICATIONS

GROUP I: All power cranes; Truck cranes; Locomotive cranes; LeTourneau Tournapulle; Shovels; Draglines; Derricks; Pile drivers; Highlifts; Tractors w/side boom or "A" Frames; Forklifts 18' 6" in height or over; Motor patrolers; Combination backhoe & loader; Mechanics; Conveyor systems; Hoist (3 drum) & over

GROUP II: All bulldozers; Scoops; Push cats; Concrete mixers of more than 21 cu. ft capacity; Locomotives; Rollers; Stone crushers; Fork lifts under 18' 6"; Air compressors - 600 cu ft & over; Combination of Gasoline or Diesel driven welding machine & compressor; Engineers operating throttle valve with boiler and compressor for pile driving; Concrete pumps; Trench machines excluding ditch witches; Cablesaws; Hoist (2 drum)

GROUP III: Truck winches w/A Frame & Power winches; Tractors-farm type; Drills & conveyors; Small rubber tire end loaders 1/2 cu yd & under; Bobcat

GROUP IV: Gin poles; Saagen derricks & similar hoists; Firemen; Oilers; One drum hoist; Single drum tugger hoist; Automatic hoist; Elevators; Compressor over 210 cu ft & under 600 cu ft; Wall points

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$9 05	29 50a	\$20 00a	b & c	
9 10	29 50a	20 00a	b & c	
9 15	29 50a	20 00a	b & c	
9 20	29 50a	20 00a	b & c	
9 25	29 50a	20 00a	b & c	
9 30	29 50a	20 00a	b & c	
9 40	29 50a	20 00a	b & c	
9:45	29 50a	20 00a	b & c	
9:50	29 50a	20 00a	b & c	
9:55	29 50a	20 00a	b & c	
9 70	29 50a	20 00a	b & c	

GROUP 1: Drivers on single axle, lobby helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Creasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Less), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Manch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

- FOOTNOTES:**
- a per week per employee
 - b 1 week's paid vacation after 1 year's service; 2 weeks' paid vacation after 3 years' service; & 3 weeks' paid vacation after 10 years' service
 - c 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; & Christmas Day

STATE: INDIANA
 COUNTY: *SEE BELOW
 DECISION NUMBER: IN79-2003
 DATE: Date of Publication
 SUPERSEDES DECISION Nos IN78-2025 dated March 10, 1978 in 43 FR 10167;
 IN78-2033 dated March 10, 1978 in 43 FR 10188; IN78-2051 dated March 24, 1978 in 43 FR 12589 and IN78-2052 dated March 24, 1978 in 43 FR 12598
 DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories)

*BROWN CLARK, CRAWFORD, DEARBORN, DECATUR, FAYETTE, FLOYD, FRANKLIN, HARRISON HENRY JACKSON, JEFFERSON JENNINGS, LAWRENCE, OHIO, ORANGE, RANDOLPH RIPLEY, RUSH, SCOTT, SWITZERLAND, UNION, WASHINGTON, & WAYNE COS.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12 15	.50	1 20		01
13 16	75	1 00		02
11 97	50	75		01
12 85	60	1.00		4
12 55	80	1 00		03
10 70	1 05	1 10	1 50	02
11.05	50	30		02
11 03	50	40		01
10 90	1 00	50		30
11.05	80			
10 80	50	75		01
9 75				
11.79				
10 49	55	65		03
10 99	.55	65		03
10 74	55	65		03
11.10	66	55		01
11.85	71	59		01
11.35	66	55		01

ABBESTOS WORKERS:
 Brown Decatur Henry & Rush Cos
 Dearborn, Fayette Franklin, Ohio
 Ripley Switzerland & Union Cos
 Randolph & Wayne Cos
 Remaining Cos

BOTLEMAKERS:
 Brown Crawford Decatur Fayette Franklin, Henry, Jackson, Jennings, Lawrence, Ohio, Orange, Randolph, Ripley, Rush, Union, Washington, & Wayne Cos.
 Remaining Cos
 BRICKLAYERS; Caulkers; Cleaners; Painters; & Stonemasons:
 Brown, Jackson & Jennings
 Clark Floyd & Harrison Cos
 Crawford Co
 Dearborn Decatur & Ripley Cos
 Fayette Franklin Rush Union & Wayne Cos
 Henry & Randolph Cos
 Jefferson Ohio Scott & Switzerland Cos
 Lawrence, Orange & Washington Cos.

CARPENTERS; Millwrights; Pile-drivers; & Soft Floor Layers:
 Brown (Twp of Hamblin) Jackson Jefferson, Jennings, Rush (except Carthage Twp) & Scott Cos
 Carpenters; Soft Floor Layers
 Millwrights
 Piledriverman; Welders; Burners
 Brown (excl Hamblin Twp.) Co :
 Carpenters; Soft Floor Layers
 Millwrights
 Piledrivermen

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
Dearborn, Fayette, Franklin, Ohio, Ripley, Switzerland, Union, & Wayne Cos ; Elevator Constructors Helpers Helpers (Prob) Randolph Co ; Elevator Constructors Helpers Helpers (Prob)				
\$11.78 70%JR 50%JR				
10.91 70%JR 50%JR				
GLAZIERS: Brown, Decatur (NW of a line from the NE Co corner thru Mechanicsburg to the S. Co line); Fayette (N of 44 to 121 and W of 121), Franklin (N of a line from Buena Vista to Cornersville), Henry, Jackson (N of a line from a point on the E Co line 8 mi S of the N Co line to Brownstown and from there N of 50), Jennings (NW of a line from a point on the N. Co line 4 mi E of the E Co. line to N Vernon and from N Vernon N of 50 to the W Co. line), Lawrence (N of 50 to Bedford and N of Bedford to Springville to the W. Co line), Randolph (W of a straight line drawn from N to S thru Harrisville), Rush, Union (N of 44 and W of Kitchell) & Wayne (W of a straight line N to S thru Chester) Cos Crawford (Rem. of Co), & Orange (SW corner) Cos	745 745 745 745	56 56 56 56	abb abb abb abb	035 035 035 035
GLAZIERS (CONT'D) Dearborn, Decatur (Rem of Co.), Fayette (Rem. of Co), Franklin (Rem. of Co), Jefferson (E), Jennings (Rem of Co) Ohio Randolph (Rem of Co), Ripley Switzerland, Union (Rem of Co) & Wayne (Rem of Co) Cos IRONWORKERS: Brown, Decatur (W), Fayette (W), Franklin (NW Tip), Henry Jackson (N part inclu Freetown), Jennings (NW Corner), Lawrence (N part exclu Oolitic), Randolph (SW Tip), & Rush Cos Clark, Crawford, Floyd Harrison, Jackson (Rem. of Co), Jefferson (W/3), Jennings (S2/3), Lawrence (S2/3) Orange Scott, Switzerland (SW Tip), & Washington Cos Dearborn Decatur (Rem of Co) Fayette (SE 2/3), Franklin (Rem of Co), Jefferson (NE TIP) Jennings (NE 1/3), Ohio, Ripley Switzerland (Rem of Co), & Union (S 1/3) Cos ; Ornamental; Structural Reinforcing Fayette (Rem of Co), Randolph (S part including Union City but exclu Winchester), Union (N 2/3), & Wayne Cos ; Within 15 mi radius of Dayton, Ohio Beyond 15 mi radius of Dayton, Ohio Randolph (N part of Co exclu-ing Union City but includ-ing Winchester) Co	90 90 90 90	1.70 1.15 1.20 2.00		01 05 06 03 02 04 04 02

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
Dearborn, Fayette, Franklin, Ohio, Ripley, Switzerland, Union, & Wayne Cos ; Elevator Constructors Helpers Helpers (Prob) Randolph Co ; Elevator Constructors Helpers Helpers (Prob)				
\$11.78 70%JR 50%JR				
10.91 70%JR 50%JR				
GLAZIERS: Brown, Decatur (NW of a line from the NE Co corner thru Mechanicsburg to the S. Co line); Fayette (N of 44 to 121 and W of 121), Franklin (N of a line from Buena Vista to Cornersville), Henry, Jackson (N of a line from a point on the E Co line 8 mi S of the N Co line to Brownstown and from there N of 50), Jennings (NW of a line from a point on the N. Co line 4 mi E of the E Co. line to N Vernon and from N Vernon N of 50 to the W Co. line), Lawrence (N of 50 to Bedford and N of Bedford to Springville to the W. Co line), Randolph (W of a straight line drawn from N to S thru Harrisville), Rush, Union (N of 44 and W of Kitchell) & Wayne (W of a straight line N to S thru Chester) Cos Crawford (Rem. of Co), & Orange (SW corner) Cos	745 745 745 745	56 56 56 56	abb abb abb abb	035 035 035 035

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$ 8 90			30	
9 65			30	
9 90			30	
9 02	35	20		03
9 37	35	20		03
9 47	35	20		03
9 37	35	20		03
9 72	35	20		03
9 82	35	20		03
10 50				
11 00				
9 45			50	
10 45			50	
8 85				
9 85				
9 10				
8 50				
9 50				

PAYMERS:

Brown Co ;
 Brush; Paperhanger; Drywall;
 Rollar; & Vinyl
 Structural Steel
 Sandblasting & Spray
 Clark, Crawford, Floyd, Harrison,
 Jefferson Scott & Washington Cos ;
 Within 35 mi radius of Jefferson
 Co, Kentucky Court House:
 Brush; Drywall Tapers
 Special
 Spray
 Beyond 35 mi radius of Jeffe-
 son Co, Kentucky Court House:
 Brush; Drywall Tapers
 Special
 Spray
 Dearborn, Ohio, Ripley & Switzer-
 Land Cos ;
 Brush; Roller; Wallwashing;
 Drywall Taping & Finishing;
 Wallpaper & Vinyl Hanging;
 Floor Sanding; Semicon
 Flooring & Finishing; Sand-
 blasting; Hopper Tending; &
 Steamcleaning
 Spray; Epoxy
 Decatur, Jackson & Jennings Cos ;
 Brush; Drywall Taping & Finish-
 ing; & Roller
 Sandblast & Spray
 Fayette, Franklin, Henry,
 Randolph, Rush, Union & Wayne
 Cos ;
 Brush
 Sandblasting & Spray
 Scaffold over 30 ft, Structural
 Steel; Staps & Spray Helper
 Lawrence & Orange Cos ;
 Brush; Drywall; Roller; & Structural
 Steel
 Sandblasting; Spray

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$11 04	.61	45		04
10 79		20		01
9 85		35		01
11 05	50	30		02
10 60	50	40		
11 03	1 00	50		
11 05	80			
10 55	50	75		01
10 15				
8 60				

LATHIERS:

Brown, Dearborn (N), Decatur,
 Fayette (S 2/3), Franklin Jackson
 (N part including Freetown),
 Jennings (N part exclu N. Vernon
 & Vernon), Lawrence (N 2/3)
 Ripley (N), Rush, Union (except
 NW Tip) Cos
 \$11 04
 Clark, Crawford, Dearborn (S),
 Floyd, Hagriapp, Henry (SM
 portion), Jackson (S part exclu
 Freetown), Jefferson, Jennings
 (S part inclu. N. Vernon & Vernon),
 Lawrence (S 1/3), Ohio, Orange
 Ripley (S), Scott, Switzerland
 Washington Cos
 Fayette (N 1/3) Henry (RM of
 Co), Randolph, Union (NW Tip),
 & Wayne Cos
 MARBLE SETTERS; TERRAZZO WORKERS;
 & Tile Setters:
 Brown, Jackson, Jennings Cos
 Clark, Floyd, & Harrison
 Crawford Co ;
 Tile Setters
 Fayette, Franklin, Rush, Union,
 & Wayne Cos
 Henry & Randolph Cos ;
 Tile Setters
 MARBLE SETTERS; FINISHERS; TERRAZZO
 Workers; Finishers; & Tile Setters;
 Finishers:
 Brown, Fayette, Franklin, Henry,
 Jackson, Jennings, Randolph,
 Rush, Union, & Wayne Cos ;
 Marble Setters Finishers & Tile
 Setters Finishers
 Clark, Crawford, Floyd, & Harrison
 Cos

NOTICES

DECISION NO. INT9-2003

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$11.65	70%	1.05			.14
12.90	70%	1.05			14
11.935	1.00	.81			04
11.70	80%	1.05			.16
12.27	.65%	1.70			10
12.10	.75	1.05			08

SHEET METAL WORKERS:
 Clark Floyd, & Harrison Cos
 Crawford, Jefferson, Ohio, Scott
 & Switzerland Cos
 Dearborn Co.
 Randolph & Wayne Cos,
 Remarking Cos,
SPRINKLER FITTERS:
 Dearborn, Ohio & Ripley Cos:

PAID HOLIDAYS:
 A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a Seven paid holidays: A thru F and Day after Thanksgiving
- b Employer contributes 8% of regular hourly rate to vacation pay credit for employees who has worked in business more than 5 yrs.; Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 yrs.
- c One paid holiday: Christmas Eve Day
- d Two paid holidays: Christmas Day
- e 3% of gross earnings to SAGA

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$7.45	70	50			09
7.65	70	50			09
7.75	70	50			09
8.45	70	50			09
7.85	70	50			09
8.05	70	50			09
8.15	70	50			09
8.85	70	50			09

LABORERS:
 Fayette, Henry, Randolph, Rush, Union & Wayne Cos:
 GROUP I
 GROUP II
 GROUP III
 GROUP IV
 Remaining Cos:
 GROUP I
 GROUP II
 GROUP III
 GROUP IV

DECISION NO. INT9-2003

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$12.70	50	1.00			15
12.40	50	.80			04
13.05	50	1.10	F		05
12.82	1.05	1.20			05
13.00	1.00	1.325			08
12.80	50	1.30			05
11.90	50	75	D		15

PLUMBERS & STEAMFITTERS:
 Brown (except Camp Atterbury)
 Jackson Lawrence Orange & Washington Cos
 Brown (Camp Atterbury) Co
 Clark Crawford, Floyd Harrison & Jefferson Scott & Switzerland Cos,
 Dearborn, Ohio & Ripley Cos:
 Plumbers; Gas Fitters
 Steamfitters; Pipefitters
 Decatur & Jennings Cos
 Fayette, Franklin, Henry, Randolph, Rush Union & Wayne Cos
ROOFERS:
 Brown, Decatur, Fayette Franklin, Jackson, Jennings, Lawrence, Rush, Union & Wayne Cos:
 Composition & Waterproof Slabs, Tile, Asbestos & Asphalt Slab
 Clark, Floyd, Harrison, Jefferson, Scott, Switzerland & Washington Cos,
 Roofers
 Slabs, Tile, & Precast Concrete Slabs
 Crawford & Orange Cos:
 Composition & Waterproofers
 Gypsum Plank Slabs; Tile & Concrete Slab
 Dearborn, Ohio & Ripley Cos:
 Roofers
 Henry & Randolph Cos:
 Composition; Damp & Waterproof Slabs, Tile and Asbestos
 Coal Tar Pitch

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LABORERS

GROUP 1 - Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworkers helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodman & Chaimen; Window washers & cleaners; Waterboys & Toobhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers all of other crafts not listed; Mason tenders for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP 2 - Waterproofing; Handling of crocote lumber of like treated material (excluding railroad material); Asphalt takers & lutemen; Kettleman; Air tool operators, vibrators, chipping hammer operator and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; File layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pumpcrete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP 3 - Plasterers' tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP 4 - Dynamite men

DECISION NO INT9-2003

POWER EQUIPMENT OPERATORS

Fayette, Henry, Randolph, Rush, Union, & Wayne Cos

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
GROUP 1	\$11 90	55	.65		09
GROUP 2	11 00	55	.65		09
GROUP 3	9 10	55	.65		09
GROUP 4	8 10	55	.65		09

CLASSIFICATIONS

- GROUP 1. Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozor blade), Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Grapple, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scrapor-rubber-tired, Spread-tractor mounted, Straddle Carrier-Ross type, Sub base Finish, Machine (C N Y or similar tower cranes), Tractor w/backhoe (over 1/2 yd) Welder
- GROUP 2. A-Frame Truck, Batcher Plant (automatic dry batch), Bonding Machine power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu ft or over), Concrete spreader-power driven, Ditching Engine, Finishing Machine, Fireman, Filledriving and Boilers, Forklift Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mash placer, P C C.-Concrete Belt Placer, Roller Asphalt Stone and Sub base, Sheepsone Roller self-propelled, Shop Hule, Spreader or Base Paver self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (1/2 yard and under), Tractor-High Lift-Farm type, Tractor-industrial type, Tractor w/winch, Nail Points, Winch Truck
- GROUP 3. Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-hydraulic-power driven, Minot Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller earth, Throttle Valve, Truck Jack power driven, Tractor-farm type, Truck Crane Driver
- GROUP 4. Air Compressor (less than 210 cu ft) Concrete Mixer (under 21 cu ft.), Conveyor, Generator, Mechanical Water, Oiler, Tower Broom, Pump, Holding Machine, Hoopers

TRUCK DRIVERS

All Counties, except Crawford

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$9 05	\$20 00a	b & c		
9 10	20 00a	b & c		
9 15	20 00a	b & c		
9 20	20 00a	b & c		
9 25	20 00a	b & c		
9 30	20 00a	b & c		
9 40	20 00a	b & c		
9 45	20 00a	b & c		
9 50	20 00a	b & c		
9 55	20 00a	b & c		
9 70	20 00a	b & c		

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, trucks, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanical Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Loss); Drivers on all Distributors Drivers on Mixer Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks; Drivers on batch trucks wet or dry or dry over 3 batches; Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanical

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O Trucks, Euclids, Tournapull when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter Pilot

FOOTNOTES:

- a per week per employee
- b 1 week's paid vacation after 1 year's service; 2 weeks' paid vacation after 3 years' service; 3 weeks' paid vacation after 10 years' service.
- c 7 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; & Christmas Day

POWER EQUIPMENT OPERATORS

Remaining Cos

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10.58	35	35		05
9 49	35	35		05
8 75	35	35		05

CLASSIFICATIONS

GROUP A: A Frame winch truck, air compressor over 600 cu ft, air tagger, auto grade (CMT), auto patrol backhoe, ballast regulator (RR) latcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous paver roller, bulldozer, cable way Chicago boom, clamshell, concrete mixer (21 cu ft or over), crane, crane, crane, dredge operator drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift forklift paver gantry crane grapple, grapple, grout pump, Hetherington paver, highlift hoist, hopto, hoigh loader (or similar type) hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane and one (1) piece of minor equipment, mucking machine multiple tamping machine (RR), overhead crane, pile driver, pull, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom tar machine (pipeline), throttle valve, trench machine, water pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator compactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), scaman tiller, spreader rock, sub grader, tamping machine, truck mounted drill oiler, welding machine welder (spico or similar type)

GROUP C: Air compressor (under 200 cu ft per minute), bituminous distributor cement gun, conveyor, desk hand earth roller form grader, generator, guard rail driver, heater, oiler paving joint machine, steam Jenny, vibrator, water pump, concrete saw

SUPERSEDEDAS DECISION

STATE: INDIANA
 COUNTRIES: *See Below
 DECISION NO : IN79 2004
 DATE: Date of Publication
 SUPERSEDES Decision Nos IN78-2051 dated March 24 1978 in 43 FR 12589 and
 IN78 2065 dated July 21, 1978 in 43 FR 31535
 DESCRIPTION OF WORK: Building Construction (Does not include single family
 homes & garden type apartments up to & including 4 stories)

CLAY, DAVLESS, GREENE, KNOX MARTIN, PARKER, PUTNAM, SULLIVAN, VANDERBURGH,
 VERMILLION & VIGO

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$12 15	50	1,20			01
11 70	45	1 00			03
12 55	80	1 00			03
11 03	1 00	50			01
11 65	50	90			
11 00	58	70			02
11 50	58	70			02
12 40	70	75			.08
10 40	67	67			
10 80	67	67			
11 10	66	55			.01
11 85	71	59			01
11 35	66	55			01
12 40	70	75			08
9 65	40	35			
10 89	50	90			
9 90	40	35			

DECISION NO IN79-2004

CEMENT MASONS:
 Clay, Parke, Lutnam Vermillion
 & Vigo Cos
 Davless, Knox, & Martin Cos
 Greene & Sullivan Cos
 Vanderburgh Co
 ELECTRICIANS:
 Clay, Greene, Knox (Electrical
 contracts over \$5 000 00),
 Parke, Sullivan & Vigo Cos
 Davless, Martin, & Vanderburgh
 Cos
 Knox (Electrical contracts under
 \$5,000 00)
 Putnam Co
 Vermillion Co
 ELEVATOR CONSTRUCTORS:
 Clay, Greene, Parke, Putnam,
 Vermillion & Vigo Cos ;
 Elevator Constructors
 Helpers
 Helpers (Prob)
 Davless, Knox, Martin, Sullivan
 & Vanderburgh Cos ;
 Elevator Constructors
 Helpers
 Helpers (Prob)
 CLAZIERS:
 Clay, Greene (H), Parke, Putnam,
 Sullivan (H), Vermillion &
 Vigo Cos.
 Knox, Sullivan (S) & Vanderburgh
 Cos.
 IRONWORKERS (except Vanderburgh
 Co)
 LAYERS:
 Clay, Davless (H), Greene, Martin,
 Parke, Vermillion, & Vigo Cos
 Davless (S), Knox, & Vanper-
 burgh Cos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10 20	60	25			01
9 35	70	80			
11 05	50	90			
10 60	65	55			
12 60	50	3 1/2 50			01
13 05	50	3%			1/2
12 10	.50	3 1/2 50			1/2
12 80	4%	7%			7 1/2
12 27	50	3 1/2 50			
11 285	745	56	atb		035
702JR	745	56	atb		035
504JR					
11 20	745	56	atb		035
702JR	745	56	atb		035
502JR					
13 29					
10 905	48	50	25		.10
11 30	90	2 05			
11 04	61	45			04
11 97		70			01

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$ 9 75	50	50		01
9 35	70	80		
11 65	50	90		
11 38				
12 95	50	1 00		10
13 20	50	90		06
12 70	50	1 00		15
10 90	50	20		
10 63	60	50		
10 88	60	50		
11 60	65	50		
11 85	65	50		
12 78	40tc	83		07
12 42	55	55		03
12 10	75	1 05		08
7 40	40	70		01

PLASTERERS:
 Clay, Parke Putnam, Vermillion, & Vigo Cos
 Daviess, Knox & Martin Cos
 Greene & Sullivan Cos
 Vanderburgh Co
 PLUMBERS; Steamfitters:
 Clay, Greene, Knox (N of Hwy #50), Parke, Putnam, Sullivan, Vermillion & Vigo Cos
 Daviess, Knox (S of Hwy #50) & Vanderburgh Cos
 Martin Co
 ROOFERS:
 Clay Greene, Knox, Parke, Sullivan, Vermillion, & Vigo Cos
 Daviess, Martin, & Vanderburgh Cos
 Composition & Waterproofers
 Slate, Tile; Concrete slab; Gypsum plank
 Putnam Co :
 Composition & Waterproof
 Slate Tile, Asbestos & Precast Slab
 SHEET METAL WORKERS:
 Clay, Parke Putnam, Sullivan, Vermillion, & Vigo Cos
 Daviess, Knox; Martin & Vanderburgh Cos
 SPRINKLER FITTERS
 TERRAZZO WORKERS' FINISHERS:
 Parke, Vermillion, & Vigo Cos

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10 30	50	50		01
11 25	50	90		
7 40	40	70		01
10 15				
9 80	45			
10 60	45			
11 15	45			
9 95	45			
10 65	45			
11 45	45			
10 80	45			
11 60	15			
10 00		25		
11 00		25		
10 25		25		
11 00		25		
12 00		25		
8 50				
9 50				
8 60				
10 15		25		
12 15		25		
11 65		25		
10 75				
11 00				
11 75				
14 02				
9 65	65	30		
10 40	65	30		
10 65	65	30		

MARBLE SETTERS; Terrazzo Workers; & Tile Setters:
 Vanderburgh Co
 Remaining Cos.
 MARBLE SETTERS' FINISHERS & Tile Setters' Finishers:
 Parke Vermillion & Vigo Cos
 Remaining Cos.
 PAINTERS:
 Daviess & Knox Cos :
 Brush up to 30 ft
 Brush over 30 ft
 Nail covering hangers
 Drywall preparing
 Roller up to 30 ft
 Roller over 30 ft
 Sandblasting, Spray up to 30 ft
 Sandblasting, Spray over 30 ft
 Greene, Sullivan & Vigo Cos :
 Brush; Drywall finishing; Paper hangers; & Rollers
 Spray
 Structural Steel to 30 ft
 Structural Steel 30 ft to 100 ft
 Structural Steel over 100 ft
 Martin Co
 Brush; Roller; Drywall
 Sandblasting; Spray
 Vinyl Hanging
 Parke & Vermillion Cos :
 Brush; Paperhangers; Tapers; Sandblasting
 Spray
 Putnam Co :
 Brush; Roller; Drywall Tapers
 Structural Steel
 Sandblasting
 Spray
 Vanderburgh Co :
 Brush; Roller
 Sandblasting
 Spray

LABORERS

DECISION NO IN79-2004

PAID HOLIDAYS:

- A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

- a 7 paid holidays: A through F & Day after Thanksgiving
- b Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years;
- c 3% of gross earnings to SASHI

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
LABORERS:					
Daviess, Knox & Vanderburgh Cos					
GROUP I	\$ 8.30	70	50		09
GROUP II	8.50	70	50		09
GROUP III	8.60	70	50		09
GROUP IV	9.30	70	50		09
Remaining Counties					
GROUP I	7.85	70	50		09
GROUP II	8.05	70	50		09
GROUP III	8.15	70	50		09
GROUP IV	8.85	70	50		09

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Chainmen; Windrow washers; engineers helpers & surveyor helpers; Rodmen & Chainmen; Windrow washers; cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tender for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitely; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of concrete lumber or like treated material (excluding railroad material); Asphalt rakers & lumen; Kettles; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackman & shotmen working ditches deeper than 6 ft in depth; Laborers working ditches 6 ft in depth or deeper; Assembly of Unicrate pump; Chain saw operators; Tile layers (sector or field) & sewer pipe layers (metallic or non metallic); Motor driven wheelbarrows & concrete buggy; Flyer operators; Pumpcrete assemblies; Conveyor assemblers; Core drill operators; Cement, lime or silica clay handlers (bulk or bag); Handling of toxic materials damage to clothing; Pneumatic splitters; Deck engine & water operators; Water & cable ducking (metallic & non metallic)

GROUP III: Plasterers; tenders; Mason tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitely; Mortar mixers; Holders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Concrete gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitely)

GROUP IV: Dynamite men

DECISION NO. IN79-2004
POWER EQUIPMENT OPERATORS

Remaining Cos

1 of 2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12.40	55	75		.08
12.30	55	75		.08
12.10	55	75		.08
8.00	55	75		.08

GROUP I
GROUP II
GROUP III
GROUP IV

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Grapple; Mechanics; Repair and Maintenance of all Equipment; Tractor; Highlift; Fork lifts; Tournadozer; Mixer over 145 Capacity; Tournadozer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck; Truck Crane; Towbarpull; Tractor operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt; Large Rollers & Rollers on Asphalt; Gravel; Macadam and Brick Surface; Ross Carrier or similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with half Yard bucket and/or Back Hoe Attachment; Trench Machines cutting over 24"; Dredging Equipment; Central Mix Plant Engineer; CMI or similar type Machine; Concrete Spreader; Cherry Picker; Standard or Dankey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Paint Machine; Pipe Cleaning Machines; Pipe Wrapping Machine; Pipe Bending Machine; Apesco Paver; Boring Machine; Tractor Without Winch; Head Equipment; Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Rosco Concrete Saw; Marine Scoops; Brush Maicher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew (3); Pile Driver Skid or Crawler; Stump Remover; Root Rake; Tug Boat Operator; Refrigerating Machine Freezing Operator; Chair Cart - Self Propelled; Hydra Seeder; Straw Blower; Concrete Mixers with Skip; all one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer; Loaders; Hydra Crane Caissons; Shaft or any similar type Drilling Machine; Concrete Curb Machine - Self Propelled; Winch or Hydraulic Boom Truck

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LOWER EQUIPMENT OPERATORS

Martin & Vanderburgh Cos

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10.58	35	35		05
9.49	35	35		05
8.75	35	35		05

GROUP A
GROUP B
GROUP C

CLASSIFICATIONS

GROUP-A1 A-Frame winch truck, air compressor over 600 cu ft, air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipo), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu ft or over), crane, craneman, crusher plant, derrick boat dinky, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradall, grademan, grout pump, Hetherington paver, highlift hoist, hopto hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whitleys

GROUP B: Air compressor (200 cu ft per minute capacity (or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator, Kompector (earth or rock), finishing machine fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger power broom, rock roller, roller wobbie wheel (earth and rock), spike machine (RR), scaman tiller, spreader rock, sub grader, tamping machine, truck mounted, drill oiler, welding machine welder (Apesco or similar type)

GROUP C: Air compressor (under 200 cu ft per minute), bituminous distributor cement gun, conveyor, deck hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam tenny vibrator, water pump, concrete saw

POWER EQUIPMENT OPERATIONS

GROUP IV Mixers 1/4S capacity or less; Trench Machine cutting 24" and under; Farm Tractor with less than half yard bucket and other Attachments except Back Hoe; Truck Crane Oiler; Power Subtractor; Bull Float; Form Grader; Fin-Ashure Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Guniting Machine; Air Tugger; Truck Crane Drivers; House Elevators when used for hoisting Material; Two to Four Generators or Holding Machine; Mechanized Hottara irrespective of Motor Power when used for temporary heat; Small Rollers on Earth; Engine Tenders; Fireman; Wagon Drill; Flexplane; Conveyor; Two to Four Water Pumps; Siphon and Pulsometer; Switchman on Paint Pots; Fireman on Asphalt Plants; Distributor Operator on Trucks; Tarp; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Striping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Operator to do Winter Repair Work in Shop between November 1st and March 1st; Concrete Buggies motor driven; Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixers without Skip; Curbing Machine; Concrete & Blacktop Curb Machine; Deck Bands

Cranes with booms from 149 ft to 199 ft including jib, receive additional \$.75 per hour
Cranes with booms over 199 ft including job receive additional \$1 25 per hour

SUPERSEDES DECISION

COUNTY: Pennsylvania
COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter

DECISION NO: PA79-3000 DATE: Date of Publication
SUPERSEDES DECISION NO PA79-3005 dated February 24, 1978 in 43 FR 7923

DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
		H & W	Pensions	Vacation	
CARPENTERS					
ZONE 1	\$11 56	8%	7%		
ZONE 2	11 32	8%	7%		
CARPENTER, - WELDER					
ZONE 1	12 00	8%	7%		
ZONE 2	11:76	8%	7%		

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland
ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clinton, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerset, Venango and Warren

NOTICES

CEMENT MASON	10 90	.655	1.745		
PLASTERER	11 98	5.54	10%		
IRONWORKERS					
Reinforcing	8 60	.785	1 215		01
ZONE 1					
ZONE 2					
Structural, Ornamental & Reinforcing	12 105	1 14	1 36		03

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter
ZONE 2 - Franklin, Huntingdon and Mifflin Counties

DECISION NO PA79-3000

CLASSIFICATION DEFINITIONS
FOR ALL ZONES (CONT D)

CLASS 3 - Blacksmith blaster brick stone and block pavers and block cutters (wood Belgian & asphalt) cement mortar lining car pusher cement mortar mixer (pipe relining), cement mortar pipe reliners concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manhole or catch basin (brick, block, concrete or any prefabrication) miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbo) multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bonding, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder

CLASS 4 - Welder (pipeline)

Basic Hourly Rates	Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2	Fringe Benefits Pensions	
			H & W	Pension Appr. Tr
6 15	6 05	6 05	75	60
6 30	6 20	6 20	75	60
6 65	6 55	6 55	75	60

LANDSCAPE:

Landscape Laborer
Skilled Landscape Laborer
Landscape Tractor Operator

AREA COVERED BY LANDSCAPE LABORERS ZONES

ZONE 1 - Allegheny Armstrong, Beaver, Butler, Clarion, Crawford Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland
ZONE 2 - Bedford Blair Cambria Cameron, Centre, Clearfield, Clinton, Elk, Erie, Forest, Franklin, Fulton Huntingdon, McKean, Mifflin, Potter, Somerset, Warren

DECISION NO PA79-3000

LABORERS

CLASS 1
CLASS 2
CLASS 3
CLASS 4

Basic Hourly Rates Zone 1	Basic Hourly Rates Zone 2	Basic Hourly Rates Zone 3	FRINGES BENEFITS	
			HEW	PEN
8 59	8 47	8 37	10%	10%
8 75	8 65	8 55	10%	10%
9 17	9 17	9 17	10%	10%
10 13	10 13	10 13	10%	10%

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny Beaver Butler, Cambria, Erie, Fayette Mercer Washington, Westmoreland, Lawrence, and Somerset
ZONE 2 - Armstrong Blair Cameron, Centre Clarion Clearfield, Crawford Forest, Greene, Indiana McKean, Venango and Warren
ZONE 3 - Bedford Jefferson Clinton, Elk, Franklin Fulton Huntingdon, Mifflin and Potter

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 1 - Heavy Highway & R R: Construction Laborer (including tenders handling Salaman's Lip Gas Heaters or similar etc), Asphalt curb sealers, asphalt tamper batchman (weigh) blaster helper, brakeman, change house attendant, confordam laborer, concrete curing, pitman puddler, (including vibrator operators) drill runner's helper includes drill mounted on truck track or similar and davey drills (spots-celan-up & helps to maintain) electric brush and/or grinder fence construction (including fence machine operator) form stripper and mover, gabion (erectors and placers), hydro-jet blaster nozzle-man, manually moved emulsion sprayer, radio actual traffic control operator, shoring, structural concrete top surfacer, walk behind street sweeper water boy, welder & helper (pipeline) wood chipper

CLASS 2 - Air tools (all types), asphalt batch and concrete plant operator (manually operated) asphalt rakers burner caisson men (open air), carryable pumps, chain saw operator (including attachments) cribbing (concrete or steel) curb machine operator (asphalt or concrete) (walk behind), diamond head core driller, drill runner's helper (tunnel) fork lift (walk behind), form setter (road forms line man) highway slab reinforcement placers (incl joint and basket setter) hydraulic pipe pusher, liner plates (tile or vitrified clay) mechanical compacting equipment, mechanical joint dope pot and tar kettle, mortar mixer (hand or machine) muckers brakemen and all other labor (includes installation of utility lines) pipe layers (regardless of material), portable single unit conveyor post hole auger (2 or 4 cycle hand operated), power wheelbarrows & buggies, rail porter, or similar, all rail-road track work, adzing machine, ballast touter, bolting machine, power jacks, rail drills, railroad brakeman rail saws, spike drivers (manually or hand-held tool), spike pullers, tamping machine, thermite weld sandblaster, signal man

DECISION NO PA79-3000

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LINE CONSTRUCTION

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1
Journeyman Lineman,
Experienced Winch Truck
Operator

ZONE 1 - Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington & Westmoreland Counties

2nd 1000 Hrs
1st 1000 Hrs

ZONE 2 - Franklin & Mifflin Counties

Experienced Truck Driver
2nd 1000 Hrs,
1st 1000 Hrs

ZONE 3 - Butler, Cameron, Clinton, Crawford, Elk, Erie, Forest, Lawrence, McKean, Mercer, Venango, Warren & Potter Counties

Experienced Groundman
2nd 1000 Hrs
1st 1000 Hrs

POWER EQUIPMENT OPERATOR

ZONE 2
Journeyman Lineman
Experienced Winch Truck
2nd 1000 hrs
1st 1000 hrs

AREA COVERED BY POWER EQUIPMENT OPERATOR ZONES

Experienced Truck Driver
2nd 1000 hrs
1st 1000 hrs

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clearfield
Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer,
Somerset, Venango, Warren, Washington, Westmoreland

Experienced Groundman
2nd 1000 hrs
1st 1000 hrs

ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton,
Huntingdon, Mifflin, Potter

Basic Hourly Rates	Fringe Benefits Payments			Education Appr. Tr.
	H & W	Pensions	Vacation	
12 83	45	1 28		064
8 98	45	089		044
8 77	45	087		043
8 55	45	085		042
8 34	45	083		041
8 13	45	081		040
7 91	45	079		039
7 70	45	077		038
7 48	45	074		037
7 27	45	072		036
10 76	45	107		053
7 49	45	074		037
7 30	45	073		036
7 12	45	071		035
6 94	45	069		034
6 76	45	067		033
6 58	45	065		032
6 40	45	064		032
6 21	45	062		031
6 03	45	060		030
10 80	50	32		08
10 80	50	32		08
10 80	50	32		08
7 59	50	22		05
7 41	50	22		05
7 21	50	21		05
7 43	50	22		05
7 21	50	21		05
7 04	50	21		05
7 26	50	22		05
7 04	50	21		05
6 82	50	20		05

Basic Hourly Rates	Zone 1	Zone 2	Fringe Benefits Payments		
			H & W	Pension	Appr Tr
11.73	11 44	11 44	95	1 00	09
11 47	11 16	11 16	95	1 00	09
9 11	8 82	8 82	95	1 00	09
8 66	8 33	8 33	95	1 00	09
8 51	8 22	8 22	95	1 00	09

NOTICES

DECISION NO PA79-3000

CLASSIFICATION DEFINITION FOR ALL ZONES (CONT D)

CLASS 1 - Autograde (C M I & similar), backfiller backhoe - 360 swing cable-way calsson drill (similar to Hugh Williams) central mix plant cooling plant concrete paving mixer concrete pump (self-propelled), cranes, cranes (boom or mast 101 ft or over up to & including 150 ft inclusive of jib + 25), cranes (boom or mast over 150 ft up to & including 200 ft inclusive of jib + \$ 50), cranes (boom or mast over 200 ft inclusive of jib + \$ 75) cranes (tower-stationary climbing tower cranes), derrick derrick boat, dozer (D-6 & over), dragline dredge dredge hydraulic (1 leverman - 1 oiler - 1 apprentice) elevating grader, franki pile machine gradall (remote control or otherwise) grader (power-fine grade), helicopter (1500 lb or over lift) helicopter (under 1500 lb lift) hoist (4 cy. & over) hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal cab) (single motor-pitman or similar), kocal, lead mechanic, locomotive (std gauge) metro-chip harvester or similar, mix mobile, mix mobile (with self loading attachment), mucking machine (tunnel), pile driver machine pipe extrusion machine, presslitter drill crane (25 ton & over), rough terrain crane (under 25 ton) scrapers, shovel-power, slip form paver (C M I and similar), trenching machine (30 000 lbs and over), trenching machine (under 30,000 lb), tunnel machine (mark XXI Jarva or similar), whirley

CLASS 2 - Asphalt paving machines (spreader) asphalt plant operator, auger (tractor mtd) auger (truck mtd) backhoe (rear pivotal swing) (180 swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade concrete batch plant (electronically synchronized), concrete belt placer (C M I and similar) concrete finishing machine and spreader, concrete mixer (over 1 cy), concrete pump (stationary) core drill (truck or skid mtd - similar to Pen drill) dozer (under D-6), force feed loader fork lift (lull or similar) grader - power, grease unit operator (head) guard rail post driver (truck mounted) guard rail post driver (skid type), hoist (under 4 cy) hydraulic boom truck (non-pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow gauge) mechanic minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover) over-head crane roller - power-asphalt ross carrier side boom or tractor mounted boom, stone crusher (screening-washing plants) stone spreader (self-propelled) truck mounted drill (davey or similar) welder and repairman, well point pump operator

DECISION NO PA79-3000

CLASSIFICATION DEFINITION FOR ALL ZONES

CLASS 3 - Broom finisher (C M I or similar) Compactors/rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tye Tamper Pavement Breaker (self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters) Tractor (Snaking & Hauling), Well Driller & Horizontal and Winch or A Frame (When hoisting & lowering)

CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy & under with skip) Concrete Saw (ridden or self-propelled), Conveyor, Elevator (Material hauling only) Fork-lift (Ridden or self-propelled), Form Line Machine Generator, Grout Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator, Light Plant, Mulching Machine, Personnel Boat (powered) Pulverizer Pumps, Seeding Machine, Spray Cure Machine (power Driven), Subgrader, Tye Puller, Tugger and Welding Machine (Gas or Diesel)

CLASS 5 - Deck Hand Farm Tractor, Fireman or Boiler Mechanic's Helper, Oiler Power Room Side Delivery Shoulder Spreader (Attachment)

DECISION NO PA79-3000	Fringe Benefits Payments			Basic Hourly Rates
	H & W	Pensions	Vacation	
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel redi-mix concrete trucks, etc.)	98	7 58		9 26
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	98	7 58		9 36
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	98	7 58		9 43
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.) Trucks with Dolly or Trailer	98	7 58		9 36
Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading)	98	7 58		9 31
Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	98	7 58		9 32
Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	98	7 58		9 01
Tandem axle Ready-mix Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	98	7 58		9 13

DECISION NO PA79-3000 TRUCK DRIVERS ZONE 1	Fringe Benefits Payments			Basic Hourly Rates
	H & W	Pensions	Vacation	
Trucks under 33,000 lbs gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman)	98	7 58		9 22
Truck over 33,000 lbs gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors and combination fuel and grease)	98	7 58		9 36
Tri-axle Trucks	98	7 58		9 43
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet, width (such as Euclids, Athey Wagon, Pay-loader, tournavagons and similar equipment when not self-loaded rated under forty-five tons)	98	7 58		9 43
Heavy off-the-road equipment (rated at forty-five tons or over)	98	7 58		9 54
Bottom or Dolly-dump Trucks	98	7 58		9 54
Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer A-Frames (when used for transporting material), bumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading)	98	7 58		9 54
Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	98	7 58		9 51

DECISION NO PA79-3000

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Alleghany, Armstrong, Beaver, Blair, Butler Cambria Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer Somerset, Venango, Warren, Washington, Westmoreland
 ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton Huntingdon, Mifflin, Potter

Welders - Rate for craft

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
	H & W	Pensions	Vacation		
9 27	9%	7 5%			
9 17	9%	7 5%			
9 13	9%	7 5%			
8 99	9%	7 5%			
9 17	9%	7 5%			
9 27	9%	7 5%			
9 27	9%	7 5%			
9 36	9%	7 5%			
9 36	9%	7 5%			

DECISION NO PA79-3000

Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel redi-mix concrete trucks, etc)
 Liquid Tank Trucks - Straight and Semi (including water sprinkler, oil trucks etc)
 Trucks with Dolly or Trailer Trucks under 33 000 lbs gross load category (including all types of trucks such as fuel, dump, flat bottom pickup and similar equipment Also parts man and warehouseman)
 Trucks over 33,000 lbs gross load category (including all types of trucks such as fuel, dump (tandem) flat bottom scissers and combination fuel and grease)
 Tri-axle trucks
 Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids Athey Wagon Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons
 Heavy off-the-road Equipment (rated at forty-five tons or over)
 Bottom or Belly-dump Trucks

DECISION NO TN 19-1063

Blacksmiths (Cont'd):

Chestnut, DeKalb, Dickson, Macon, Montgomery, Robertson, Smith, Sumner, Trousdale, Williamson, & Wilson Counties;
 Bedford, Cannon, Coffee, Franklin, Giles, Grundy, Hickman, Lawrence, Lewis, Lincoln, Marion, Marshall, Maury, Moore, Rutherford, & Warren Counties;
 Anderson, Campbell, Clay, Cumberland, Fentress, Jackson, Morgan, Overton, Pickens, Putnam, Rhea, Scott, & White Counties;
 Blount, Blount, Bradley, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Sequatchie, Sevier, & Van Buren Counties;
 Carter, Claiborne, Cooke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Sullivan, Union, Union, & Washington Counties
 and
 and Leader
 Fence Erector
 Fireman
 Plumber
 Paper Setter - Steel Road
 Canal Nail Erector
 Ironworker - Reinforcing
 Ironworker - Structural
 Laborer
 Mechanic Class I (heavy duty)
 Mechanic Class II (light duty)
 Mechanic's Helper (tire changer and/or greaser)

COUNTIES: STATEWIDE
 DATE: DATE OF PUBLICATION
 SUPERCEDES DECISION NO. TN79-1063, dated May 19, 1978, in 43 FR 24829.
 DESCRIPTION OF WORK: HEAVY CONSTRUCTION (except Hamilton County), and HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Air Tool Operator	\$ 1 35				
Asphalt Paver	5 66				
Asphalt Baker	4 75				
Backhoe Operator	6 40				
Bricklayer	7 48				
Bulldozer or Pushdozer Operator	6 30				
Carpenter or Lumberman	6 33				
Common Mason	6 23				
Central Mixing (asphalt/concrete)	5 58				
Chain Saw Operator	4 44				
Concrete Edger	4 46				
Concrete Finish Machine Operator	6 20				
Concrete Mixer (less than 1 yd)	4 82				
Concrete Paver	6 20				
Concrete Rubber	4 23				
Crane Operator	6 36				
Curb Machine Operator	5 25				
Distributor (bituminous)	5 25				
Ditch Digger	4 65				
Doxer/loader - (stockpile only)	5 30				
Earth Driller	5 35				
Electricians - Linemen	10 78	90	3% + 5%	1/2 of 1%	
Shelby County; Crockett, Dyer, Fayette, Gibson, Hancock, Haywood, Lake, Lauderdale, Obion, Tipton, & Weakley Counties; Benton, Carroll, Chester, Deatur, Hardin, Henderson, Henry, Houston, Humphreys, McHenry, Perry, Stewart, & Wayne Counties; Madison County; Hamilton County; Knox County; Davidson County;	9 68				
	6 19				
	8 35				
	10 17				
	10 03				

DECISION NO. TW9-1063

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Mortar Mixer	\$ 4 35				
Motor Crane Driver	4 37				
Motor Patrol - Finish	6 50				
Motor Patrol - Rough	5 80				
Milcher or Seeder	4 34				
Mozzlemun or Gunman (gunite)	5 80				
Oiler	5 30				
Painter or Sandblaster	6 31				
Pile Driver Operator	6 40				
Pipe Layer	4 61				
Powder Man	5 60				
Pump Operator	4 10				
Roller - High Type	5 57				
Roller - Other than Finish	5 06				
Scale Operator	5 00				
Scrapper Operator	6 29				
Shovel Operator	6 32				
Sign Erector	5 94				
Soil Cement Machine Operator	5 66				
Spreader - Self-Propelled	5 57				
Tractor/Boom & Hoist Operator	5 62				
Tractor Drill Operator	4 83				
Tractor - Farm Operator	4 59				
Trenching Machine Operator	6 27				
Truck Driver (2,3 axles)	4 46				
Truck Driver (4,5 axles or more, heavy duty off-road trucks)	5 04				
Welders - Rate for craft					

[FR Doc. 79-2434 Filed 1-26-79; 8:45 am]