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Federal Register

Friday
May 11, 1979

Highlights

Telecommunications Device for the Deaf—Office of the Federal Register provides a new service for deaf or speech impaired persons who need information about documents published in the Federal Register. See the Reader Aids section for the telephone listing.

27635 **Drug Policy Functions** Executive order

27637 **Printing Services Within the Executive Office** Executive order

27639 **The President's Advisory Committee for Women** Executive order

27677 **Natural Gas** DOE/ERA proposes rules regarding administrative procedures for adjusting curtailment priority regulations established for essential agricultural uses; comments by 6-8-79; requests to speak by 5-16-79; hearing on 5-30-79

27642 **Food Stamp Program** USDA/FNS adopts rules regarding income eligibility standards, standard deductions, dependent care/shelter deductions, and thrifty food plan amounts; effective 7-1-79

27751 **Indochinese Refugees** HEW/SSA announces availability of funding for fiscal year 1979 grants to public and private nonprofit agencies for mental health projects; applications by 6-25-79

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27812 **Indians and Native Americans** Labor/ETA proposes rules for programs under Comprehensive Employment and Training Act; comments by 6-11-79 (Part II of this issue)

27926 **Lower-Income Mobile Home Owners** HUD/FHC proposes amending regulations to permit assistance payments to be made through Public Housing Agencies; comments by 7-10-79 (Part V of this issue)

27922 **Federal Disaster Temporary Housing** HUD/FDAA proposes rules permitting State and local governments to assume operational and financial responsibility for program; comments by 7-10-79 (Part IV of this issue)

27749 **Special Purpose or Capacity Building Dissemination Grants** HEW/National Institute of Education announces acceptance of applications from State education agencies; new applications by 7-12-79

27644 **Rural Congregate Housing** USDA/FmHA adopts guidelines for field officers and loan applicants in implementing program; effective 5-11-79; comments by 7-10-79

27656 **Pension, Profit-sharing and Similar Plans** Treasury/IRS issues regulations relating to definition of plan administrator for income tax purposes; effective for plan year ending 9-2-79

27932 **Pesticides** EPA adopts rules on conditional registration of products and compensation for use of data submitted by other registration applicants and revokes interim policy statements on consideration of data supporting applications; effective 5-11-79 (3 documents) (Part VI of this issue)

27685 **Exportation of Noncomplying Products** CPSC proposes notification requirements to implement Consumer Product Safety Act Authorization Act; comments by 7-10-79

27663 **Physicians Employed by Federal Government** OPM proposes regulations regarding payment of comparability allowances; comments by 6-11-79

27806 **Sunshine Act Meetings**

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27850 **Part III, Labor/ESA**
27922 **Part IV, HUD/FDAA**
27926 **Part V, HUD/FHC**
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27956 **Part VII, OMB**

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Title 3—

The President

Executive Order 12133 of May 9, 1979

Drug Policy Functions

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 5C of Reorganization Plan No. 1 of 1977 (42 F.R. 56101), and in order to clarify the performance of drug policy responsibilities within the Domestic Policy Staff, it is hereby ordered as follows:

1–101. The Domestic Policy Staff has been assigned to assist the President in the performance of the drug policy functions transferred by Section 5C of Reorganization Plan No. 1 of 1977 (42 F.R. 56101). (Section 2(c) of Executive Order No. 12045.)

1–102. Within the Domestic Policy Staff, the Associate Director for Drug Policy shall be primarily responsible for assisting the President in the performance of all those functions transferred from the Office of Drug Abuse Policy and its Director. In particular, the Associate Director for Drug Policy shall be primarily responsible for assisting the President in formulating policy for, and in coordinating and overseeing, international as well as domestic drug abuse functions by all Executive agencies.

1–103. The Associate Director for Drug Policy shall be directly responsible for the activities of a drug policy staff within the Domestic Policy Staff.

Jimmy Carter

THE WHITE HOUSE,
May 9, 1979.

[FR Doc. 79–15039
Filed 5–10–79; 10:18 am]
Billing code 3195–01–M

Executive Order 12134 of May 9, 1979

Printing Services Within the Executive Office

By the authority vested in me as President by the Constitution and laws of the United States of America, including Reorganization Plan No. 2 of 1970 (5 U.S.C. App. II), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Reorganization Plan No. 1 of 1977 (42 F.R. 56101; 5 U.S.C. App. II), and in order to provide for the transfer of the printing and duplicating service activity from the Office of Administration in the Executive Office of the President to the Department of the Navy, it is hereby ordered as follows:

1–101. (a) The primary responsibility for performing the common and usual administrative support and services that are related to printing and duplication and that are assigned to the Office of Administration in the Executive Office of the President by Section 3(b)(5) of Executive Order No. 12028, as amended, is transferred and reassigned to the Department of the Navy.

(b) The Department of the Navy shall be primarily responsible for providing to the Office of Administration, both onsite and offsite, that common and usual administrative support and service related to printing and duplication. It shall be provided in a manner consistent with available funds and other resources, or in accord with Section 7 of the Act of May 21, 1920 (41 Stat. 613), as amended (31 U.S.C. 686, referred to as the Economy Act).

1–102. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned by this Order, shall be transferred to the Department of the Navy.

1–103. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

1–104. Such transfers shall be effective on May 6, 1979.

Jimmy Carter

THE WHITE HOUSE,
May 9, 1979.

[FR Doc. 79–15040
Filed 5–10–79; 10:19 am]
Billing code 3195–01–M

Executive Order 12135 of May 9, 1979

The President's Advisory Committee for Women

By the authority vested in me as President by the Constitution and statutes of the United States of America, in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), and in order to amend the organization and responsibilities of the National Advisory Committee for Women, it is hereby ordered as follows:

1–1. *Establishment of the Committee.*

1–101. The National Advisory Committee for Women is continued and redesignated the President's Advisory Committee for Women.

1–102. The President shall appoint not more than thirty individuals to serve on the Committee. The President shall designate one member to chair the Committee and may designate two members as vice-chairs.

1–2. *Functions of the Committee.*

1–201. The Committee shall advise the President on a regular basis of initiatives needed to promote full equality for American women.

1–202. The Committee shall assist in reviewing the applicability of such initiatives, including recommendations of the 1977 National Women's Conference, to particular programs and policies.

1–203. The Committee shall provide advice on appropriate ways to promote the national observance of the United Nations Decade for Women, Equality, Development and Peace (1975–1985).

1–204. The Committee shall gather information relating to its responsibilities and shall disseminate such information, through newsletters or other appropriate means, to the Executive Branch and to interested members of the public

1–205. The Committee shall consult regularly with the Interdepartmental Task Force, whose existence is continued by Section 1–402.

1–206. The Committee shall establish such procedural regulations as are necessary to carry out its responsibilities.

1–3. *Administrative Provisions.*

1–301. The Committee may request any agency of the Executive Branch of the government to furnish it with such information, advice, funds and services as may be useful for the fulfillment of the Committee's functions under this Order. Such agencies are authorized, to the extent permitted by law, to honor the Committee's requests.

1–302. Each member of the Committee may receive compensation at the maximum rate now or hereafter prescribed by law for each day such member is attending a regularly scheduled meeting of the Committee or a subcommittee thereof. Each member may receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1–4. *General Provisions.*

1–401. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Committee, except that of reporting annually to the Congress, shall be performed by the Secretary of Labor in accordance with

guidelines and procedures established by the Administrator of General Services.

1–402. The Interdepartmental Task Force (created by Section 6 of Executive Order No. 12050) is continued.

1–403. The Committee shall conclude its work and shall make a final report to the President by December 31, 1980, at which time it shall terminate.

1–404. Executive Order No. 12050, except for Section 6, and Executive Order No. 12057, are revoked.

Jimmy Carter

THE WHITE HOUSE,
May 9, 1979.

[FR Doc. 79–15041
Filed 5–10–79; 10:20 am]
Billing code 3195–01–M

Editorial Note: A White House announcement of the Chair, Vice Chair, and membership of the Committee, is printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 19).

Rules and Regulations

Federal Register
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Friday, May 11, 1979

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

Food Stamp Program; Income Eligibility Standards, Standard Deductions, Dependent Care/Shelter Deductions and Thrifty Food Plan Amounts: 48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands

AGENCY: Food and Nutrition Service, U.S. Department of Agriculture.

ACTION: Final Rule.

SUMMARY: This amendment: (1) Revises Appendix A to § 273.9 of the Food Stamp Program Regulations issued pursuant to the Food Stamp Act of 1977. This appendix provides the net monthly income eligibility standards for the 48 States, District of Columbia, Alaska, Hawaii, Guam, Puerto Rico and the Virgin Islands; (2) revises the standard deduction for the 48 States and the District of Columbia appearing in § 273.9(d)(1) of the Food Stamp Program Regulations issued pursuant to the Food Stamp Act of 1977, as well as the standard deductions applicable in Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands appearing in Appendix B to § 273.9; (3) revises the dependent care amount for the 48 States and the District of Columbia appearing in § 273.9(d)(3) and the excess shelter deduction for the 48 States and the District of Columbia appearing in § 273.9(d)(4) of the Food Stamp Program Regulations issued pursuant to the Food Stamp Act of 1977; (4) revises Appendix C to § 273.9 of the Food Stamp Program Regulations issued pursuant to the Food Stamp Act of 1977. This appendix provides the maximum excess shelter/dependent care deductions for Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands; and (5) revises Appendixes A through F of § 273.10 of the Food Stamp Program Regulations promulgated under the Food Stamp Act of 1977. Appendixes A through F provide the value of the allotment which State agencies are authorized to issue to households certified as eligible to participate in the Food Stamp Program in the 48 States and the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands and Guam, respectively.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Claire Lipsman, Director of the Program Development Division, Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8325.

SUPPLEMENTARY INFORMATION: On October 17, 1978 (43 FR 47846), the Department published final rulemaking to implement major aspects of the Food Stamp Act of 1977 including the issuance of allotments at no cost and the eligibility criteria. The implementation schedule for the transition to the new allotment and net income calculations called for States to begin implementing the new eligibility and benefit determination rules for all new applications and recertifications on or before March 1, 1979, with the conversion of the remainder of the caseloads to the new rules not later than 120 days after beginning implementation. Because all households must be converted by June 30, 1979, no tables based on the Food Stamp Act of 1964 are provided.

Appendix A of § 273.10 of the Food Stamp Program Regulations promulgated under the Food Stamp Act of 1977 contains only the Thrifty Food Plan amounts by household size for the 48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands rather than complete allotment tables as in previous amendments. To determine the benefits households shall receive using the eligibility determination rules promulgated under the Food Stamp Act of 1977 without the use of tables, subtract 30 percent of the household's net monthly income from the Thrifty Food Plan for that household size, as explained in § 273.10(e)(2)(ii) of the Food Stamp Program regulations. The Department has prepared tables for households with up to 8 persons. These tables will be provided to State agencies.

The Food Stamp Act of 1977 requires semiannual adjustments in the Thrifty Food Plan to reflect food price changes published by the Bureau of Labor Statistics. The Consumer Price Index (CPI) which is used in the 48 States, the District of Columbia, Alaska and Hawaii, to make these adjustments in the coupon allotments is the CPI for Urban Wage Earners and Clerical Workers. Food prices for Puerto Rico are obtained monthly from the pricing system under the Government of the Commonwealth of Puerto Rico. Food prices for the Virgin Islands are collected under special arrangements between the Department and the Bureau of Labor Statistics (BLS) and food prices for Guam are collected under special arrangements between the Department and BLS during February, May, August and November. As mandated by the Food Stamp Act of 1977, the cost of the Thrifty Food Plan is adjusted to reflect the cost of food in Puerto Rico, the Virgin Islands, and Guam but cannot exceed the cost of food in the fifty States and the District of Columbia.

Income Eligibility Standards—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands

The maximum allowable income standards for determining eligibility of all households, including those in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit, appear in Appendix A to § 273.9 of the Food Stamp Program Regulations issued pursuant to the Food Stamp Act of 1977.

The income eligibility standards for the Food Stamp Program shall be uniform for the contiguous 48 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. The income eligibility standards are derived from the Office of Management and Budget (OMB) nonfarm income poverty guidelines for the 48 States and the District of Columbia. The income eligibility standards for Alaska and Hawaii are derived by applying scaling factors to the income eligibility standards for the 48 States and the

District of Columbia, in accordance with OMB procedures.

The OMB nonfarm income poverty guidelines are adjusted annually each July 1 by the change between the average CPI for the 50 States and the District of Columbia for the preceding calendar year and the CPI for March of the current year. Under this provision, an adjustment in the income eligibility standards for all households in all areas has been made.

Standard Deductions—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands

Section 5(e) of the Food Stamp Act of 1977 provides that a standard deduction shall be used in computing household income. Such standard deduction shall be adjusted every July 1 and January 1 to the nearest $5 for the 6 months ending the preceding March 31 and September 30, respectively, to reflect changes in the CPI for items other than food. In accordance with this law, effective July 1, 1979, the standard deduction for the 48 States and District of Columbia will be $70. Also, in accordance with the Food Stamp Act of 1977, effective July 1, 1979, the standard deductions for the outlying areas appearing in Appendix B of § 273.9 of the Food Stamp Program Regulations with be $120 in Alaska, $100 in Hawaii, $140 in Guam, $40 in Puerto Rico, and $60 in the Virgin Islands.

Dependent Care/Shelter Deductions—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands

Section 5(e) of the Food Stamp Act of 1977 provides that households shall also be entitled to a dependent care deduction, the maximum allowable level of which shall be the same as that for the excess shelter expense deduction. The Act also requires that the maximum amount of excess shelter deduction or dependent care deduction or a combination of both be adjusted annually each July to the nearest $5 increment to reflect changes in the shelter, fuel, and utilities component of the housing costs portion of the CPI for each 12-month period ending March 31. In accordance with the Act, effective July 1, 1979, the dependent care/excess shelter deduction for the 48 States and the District of Columbia shall be $90 and for the outlying areas appearing in Appendix C of § 273.9 of the Food Stamp Program Regulations, will be $160 in Alaska, $130 in Hawaii, $110 in Guam, $35 in Puerto Rico, and $65 in the Virgin Islands.

Thrifty Food Plan—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands

Section 3(o) of the Food Stamp Act of 1977 requires that the Thrifty Food Plan shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary shall (1) make household size adjustments taking into account economies of scale; (2) make cost adjustments in the Thrifty Food Plan for Alaska and Hawaii to reflect the cost of food in those States; (3) make cost adjustments in the separate Thrifty Food Plans for Guam, Puerto Rico and the Virgin Islands of the United States to reflect the cost of food in those States, but not to exceed the cost of food in the fifty States and the District of Columbia; and (4) adjust the cost of such diet every January 1 and July 1 to the nearest dollar increment to reflect changes in the cost of the Thrifty Food Plan for the six months ending the preceding September 30 and March 31, respectively. Under this provision an adjustment in the cost of the Thrifty Food Plan amounts by household size for all areas appearing in Appendix A of § 273.10 of the Food Stamp Program Regulations issued pursuant to the Food Stamp Act of 1977 has been made. The adjustments in all areas are based on the cost of the Thrifty Food Plan in March except that in Guam the adjustment is based on the cost of the Thrifty Food Plan in February as food price data for March is not available.

Accordingly, 7 CFR, Part 273 is revised as follows:

(1) Paragraphs 273.9(d)(1), 273.9(d)(3) and 273.9(d)(4) are revised to read as follows:

§ 273.9 Income and deductions.

* * * * *

(d) * * *

(1) *Standard deduction.* A standard deduction of $70 per household per month for the 48 contiguous States and the District of Columbia. * * *

* * * * *

(3) *Dependent care.* Payments for the actual costs for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment in compliance with the job search criteria (or an equivalent effort by those not subject to job search), or attend training or pursue education which is preparatory to employment. This deduction shall not exceed $90 in the 48 contiguous States and the District of Columbia, * * *

(4) *Shelter costs.* Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in § 273.9(d) (1), (2), and (3) have been allowed. The shelter deduction alone, or in combination with the dependent care deduction in § 273.9(d)(3), shall not exceed $90 in the 48 contiguous States and the District of Columbia, * * *

* * * * *

(2) Appendix A, B, and C to § 273.9 are revised as follows:

Appendix A.—Net Monthly Income Eligibility Standards [1]

	48 States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands	Alaska	Hawaii
Household size:			
1	$306	$383	$354
2	403	504	465
3	500	625	575
4	596	745	686
5	693	866	797
6	790	987	908
7	886	1,108	1,019
8	983	1,229	1,130
Each additional member	+97	+121	+111

[1] Office of Management and Budget (OBM) Nonfarm Income Poverty Guideline adjusted by CPI factor of 1.07168 using OMB procedures.

Appendix B.—Standard Deductions for the Outlying Areas

	Previous unrounded standard deduction (January–June 1979)	Unrounded standard deduction [1] (July–December 1979)	Rounded standard deduction
Outlying areas:			
Alaska	$114.36	$119.59	$120
Hawaii	95.62	99.99	100
Guam	133.09	139.17	140
Puerto Rico	40.66	41.89	40
Virgin Islands	56.85	59.45	60

[1] CPI adjustment for the period of September 1978 to March 1979 is 1.04569.

Appendix C.—Maximum Excess Shelter/Dependent Care Deductions for the Outlying Areas

	Previous unrounded shelter deduction (July 1978)	Unrounded shelter deduction [1] (July 1979)	Rounded shelter deduction
Outlying areas:			
Alaska	$141.68	$157.87	$160
Hawaii	118.07	131.56	130
Guam	99.34	110.69	110
Puerto Rico	29.31	32.66	35
Virgin Islands	60.26	67.15	65

[1] CPI adjustment for shelter, fuel, and utilities for the period of March 1978 to March 1979 is 1.11426.

(3) Appendixes A through F to § 273.10 are revised as follows:

§ 273.10 Determining household eligibility and benefit levels.

* * * * *

Appendix A.—Thrifty Food Plan—48 States and the District of Columbia, Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands.

Benefit Determination. To determine the monthly allotment to be issued to households: Subtract 30 percent of the household's net monthly income from the Thrifty Food Plan amount shown below for that size household for the appropriate area involved, as set forth in § 273.10(e)(2)(ii). (All one and two-person households shall receive a minimum monthly allotment of $10.00.):

Thrifty Food Plan Amounts—March 1979

	48 States [a] and District of Columbia	Alaska [b]	Hawaii [b]	Guam [c]	Puerto Rico [d]	Virgin Islands [d]
Household size:						
1	$61	$86	$83	$86	$57	$75
2	112	157	152	157	105	138
3	161	225	218	225	150	198
4	204	286	277	286	190	251
5	242	340	329	340	226	298
6	291	408	395	408	271	358
7	321	450	436	450	299	395
8	367	515	499	515	342	452
Each additional member	+46	+65	+63	+65	+43	+57

[a] Adjusted to reflect cost of food in March and adjusted for each household size in accordance with economies of scale.
[b] Adjusted to reflect cost of food in this State based on March food price data.
[c] Adjusted to reflect cost of food in this area based on February food price data (latest data available for this semiannual adjustment for Guam), but not to exceed cost of food for the 50 States and the District of Columbia.
[d] Adjusted to reflect cost of food in this area based on March food price data, but not to exceed cost of food in the 50 States and the District of Columbia.

* * * * *

Authority.—91 Stat. 958 (7 U.S.C. 2011–2027).

Note.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Impact Statement under Executive Order 12044.

In view of the need for placing this notice into effect July 1, 1979, and the lead-time needed by State agencies for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance, No. 10.551, Food Stamps.)

Dated: May 8, 1979.

Carol Tucker Foreman,
Assistant Secretary.

[Admt. No. 144]

[FR Doc. 79-14799 Filed 5-10-79; 8:45 am]
BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 13–19, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 13, 1979.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on May 8, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the

declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.498 Lemon Regulation 198.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period May 13, 1979, through May 19, 1979, is established at 290,000 cartons.

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

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

D. S. Kuryloski,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.
[FR Doc. 79-14970 Filed 5-10-79; 8:45 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1822

Rural Rental Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final Rule with Comments Requested.

SUMMARY: This amendment changes Farmers Home Administration's (FmHA) regulations to provide the necessary guidance to field offices and loan applicants in implementing the congregate housing program. The amendments clarifies and modifies certain Farmers Home Administration policies and make other necessary changes. This action is taken as a result of a public law.

EFFECTIVE DATE: May 11, 1979. Comments must be received on or before July 10, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Voigt, Rural Rental Housing Loan Division, or Gem Middlebrooks, Multiple Family Housing Loan Specialist telephone 202–447–7207.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends various sections of Subpart D to Part 1822, Chapter XVIII, Title 7 in the Code of Federal Regulations. This rule amends existing regulations in order to add the words "handicapped persons" and provide guidelines for use in implementing the congregate housing program. FmHA gave notice on August 2, 1978, at 43 FR 33923 that it was proposing to amend various sections of Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 4278) to add the words "handicapped persons" and make provision for FmHA loans for congregate housing. The comment period closed September 1, 1978, and FmHA is now publishing the amendment as a final rule but with further comments requested.

FmHA received 6 comments in response to the proposed regulations. All comments were carefully considered, and changes have been made to the proposed regulations, as described below, based on these comments. A discussion of the principal changes implemented by this amendment follows:

1. Throughout this regulation where the words senior citizens or elderly exist the words "or handicapped persons" have been added.

2. Section 1822.83(b), has been amended to also define a handicapped person.

3. Section 1822.83 is amended by adding a new paragraph (c) to define "resident assistant".

4. Section 1822.83(f)(1) has been revised to more clearly define eligible occupants.

5. Section 1822.83(g) is amended by adding the words "congregate or completely".

6. Section 1822.83 is amended by adding a new paragraph (h) to define "congregate housing" including *"housing involving group living arrangements."*

7. Section 1822.83(i) is revised to include the words "such as a project for the handicapped" and "therapy room, special bathing room, and other special space needed by physically handicapped persons."

8. Section 1822.83(k) is revised by adding the words "Development cost is".

9. Section 1822.84(a)(2) is revised by adding item (iv) concerning central dining facilities for tenants.

10. Section 1822.84(a)(5) is amended by adding item (iii) to exclude the salary and wage of resident Assistant(s) from the FmHA operation and maintenance budget.

11. Section 1822.84(a)(8) is amended to eliminate the sexual reference "he".

12. Section 1822.85(e)(3) is amended to provide that all equipment purchased with loan funds for the central cooking and dining facilities such as stoves, refrigerators, ovens, dishwashing machines, and steam tables should be attached to the real estate in a manner to prevent easy removal. In determining whether to finance such facilities, the availability of assistance from local organizations and/or other State or Federal agencies such as the Area Agency on Aging or the local office of the State Vocational Rehabilitation Agency should be considered. If needed in the community, FmHA may permit dining facilities larger than that required solely by the tenants provided other sources of funds are available to pay a pro rata share of the cost. This section also states conditions to be met when such facilities are provided.

13. Section 1822.86(b) is amended by adding a new paragraph (4) concerning specialized equipment for training and therapy.

14. Section 1822.86(b)(7) is amended to exclude nursing homes, special care facilities, or institutional-type homes. This limitation should not, however, preclude making loans for housing which is designed for occupancy by senior citizens or handicapped persons who are capable of caring for themselves, but will not live on a totally independent basis because of a need for some supervision and central services.

15. Section 1822.86(b) is revised by adding a new item 8 concerning operating capital for a central dining facility or any items which do not become affixed to the real estate security, such as special equipment, furnishings, kitchen ware, dining ware, eating utensils, movable tables and chairs, etc.

16. Section 1822.88(a)(1) has been amended and revised by adding the words "and related facilities" and by adding a new item (a)(1)(iv).

17. Section 1822.88(a)(2) has been revised to permit, in some congregate housing cases, the use of single family dwellings for group living by senior citizens or handicapped persons needing *housing involving a group living arrangement* in a residential setting.

18. Section 1822.88(a)(3) has been revised to delete the phrase "who are capable of caring for themselves" and make other editorial revisions.

19. Section 1822.88(a)(6) is amended by adding the sentence "Congregate housing projects must contain a

minimum of a cooktop, a refrigerator, and a small oven in each unit." Kitchen facilities in a single family dwelling for *housing involving group living arrangements* may be designed to meet the special needs of the tenants.

20. Section 1822.88(b) is revised by adding a new paragraph to explain how to determine per unit rental rates for a group living arrangement.

21. Section 1822.88(h) is amended by changing the word "creed" to religion, sex, marital status.

22. Section 1822.88(i)(1) is amended by adding a paragraph to include surviving family member(s) of the deceased senior citizen or handicapped person or occupant(s) under certain stated conditions. Item (4) is added to limit eligibility for *housing involving group living arrangements* to tenants who are developmentally disabled individuals. Item (5) is added to provide a guide for the selection and placement of tenants in congregate housing.

23. Section 1822.90(e) is amended by adding the words "including any licensing required" and "use, and occupancy".

24. Exhibit A, B and G have been amended to make the Exhibits applicable to senior citizens, handicapped persons or low or moderate income borrowers.

25. Exhibit F-6 item 2a. is amended by changing the word "applicant" to "tenant" and to more clearly define the area of demand for congregate housing by adding the statement "Applicants for loans to provide congregate housing must furnish a narrative statement from local, State and Government agencies supporting the need for congregate housing in the area."

26. Exhibit F-7 item 5b is amended by adding item 6 using the same language as contained in item 25 above.

27. Exhibit "J" item VI(A)(2) is amended by adding a new paragraph to provide, in the case of congregate housing, the inclusion of a statement in the major provisions of the lease agreement that the tenants ability to live independently in the project with support services available will be evaluated on a continuous basis. Tenants may be requested to vacate if a determination is made that the tenants are no longer able to live in the project without additional assistance.

PART 1822—RURAL HOUSING LOANS AND GRANTS

Therefore, various sections of Part 1822, Subpart D are added or amended as follows:

1. In the Table of Sections the following new exhibits are added:

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

* * * * *

Exhibit F-8A—Physical Self Maintenance Scale (PSMS) (Copy available in FmHA Field Offices)
Exhibit F-8B—Instrumental Activities of Daily Living Scale (IADL) (Copy available in FmHA Field Offices)
Exhibit F-8C—Index of Independence in Activities of Daily Living (ADL) (Copy available in FmHA Field Offices)

* * * * *

2. § 1822.83 is amended by revising the current (b) and the subsections renumbered to (f), (g), (i), (k) and (r); by adding subsections (c) and (h), by renumbering the present subsections (c)-(z) to (d)-(bb) as follows:

§ 1822.83 Definitions.

* * * * *

(b) *Senior citizens or handicapped persons.* Any senior citizen provision in this regulation will also apply to handicapped persons. The two are defined as follows:

(1) *Senior Citizen.* A person who is 62 years of age or over and in the case of a married couple may be either the wife or husband. A person(s) younger than 62 years of age may reside with a senior citizen provided (a) the person is considered a member of the family of the senior citizen, or (b) the person's occupancy can be shown to be necessary for the well being of the senior citizen. The term "senior citizen" also includes the elderly as used in this regulation.

(2) *Handicapped Person.* A person, or in the case of a married couple either the husband or wife, who does not need constant supervision or constant medical or nursing care, but meets either of the following qualifications:

(i) A person who has an impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his or her ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions.

(ii) A person who is a developmentally disabled individual. A developmentally disabled individual is a handicapped person with a severe, chronic disability which: (A) is attributable to a mental or physical impairment or combination of mental and physical impairments; (B) is manifested before the person attains age twenty-two; (C) is likely to continue indefinitely; (D) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic sufficiency; and (E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(c) *Resident Assistant.* A person(s) residing in the living unit who is essential to the well being and care of the senior citizen or handicapped person(s) and who is not related by blood, marriage, or operation of law to the senior citizen or handicapped person(s) residing in the unit and receiving supportive service(s).

(d) [Renumbered from (c)]

(e) [Renumbered from (d)]

(f) *Eligible occupants.* Eligible occupants in a project may be either the (1) elderly, (2) handicapped persons or (3) low and moderate income families or any combination thereof as planned for the project and shown on the applicant's loan resolution (agreement).

(1) For the purpose of a loan developed under this Regulation, the occupant(s) must generally be capable of caring for themselves. (Also see § 1822.88(i)). However, in the case of congregate housing with supportive services this may include "elderly or handicapped persons or families who require some supervision and central services, but are otherwise able to care for themselves". All occupants, however, must meet the following criteria:

(i) Not be totally dependent on others to be able to vacate the unit for their own safety in emergency situation.

(ii) Be able to provide for their own sustenance in projects that provide less than full food service.

(iii) Possess the legal capacity to enter into a lease agreement.

(2) For a direct loan or a loan developed under Plan I:

(i) A senior citizen or handicapped person with a low or moderate income, or

(ii) Any family with a low income.

(3) For the purpose of all other loans including those developed under Plan II:

(i) A senior citizen or handicapped person without regard to income.

(ii) Any family with a low or moderate income.

(g) *Housing.* Structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide congregate or completely independent living on a

rental basis. The structures may include "related facilities" where appropriate.

(h) *Congregate Housing.* Housing that affords an assisted independent living environment that offers the senior citizen or handicapped person who may be functionally impaired or socially deprived, but in good health (not acutely physically ill), the residential accommodations, central dining facilities, related facilities, and supporting service(s) required to achieve, maintain or return to a semi-independent life style and prevent premature or unnecessary institutionalization as they grow older. Congregate housing is also:

(1) Housing which has complete kitchen facilities in each unit. However, some or all of the units may have limited kitchen facilities, such as a cooktop with a small oven and a refrigerator. In the case of group living arrangements each single family dwelling is considered a unit.

(2) *Housing involving a group living arrangement* where one or more senior citizens or handicapped persons may share *living space within a rental unit* in which a resident assistant is required. Such housing may be one or more single family dwellings or a multi-unit structure.

(i) *Related facilities.* Related facilities may consist of Community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, and other essential service facilities such as central heat, sewage, light systems, ranges and refrigerators, clothes washing machines and clothes dryers, and a safe domestic water supply. Under special conditions, such as a congregate housing project or a project housing handicapped tenants, space may be provided for cafeterias, dining areas, an infirmary, therapy room, special bathing room, and other special areas needed by the elderly and handicapped tenants when determined to be economically feasible. The cost of kitchen equipment such as stoves, ovens, steam tables and other such items may be included in the loan. However, the cost of specialized equipment such as that used for training and therapy will not be included in the RRH loan to equip these facilities. When ranges, refrigerators, dish washing machines, dryers and other kitchen equipment are included, they will be attached to the real estate in a manner to prevent easy removal.

(j) [Renumbered from (h)]

(k) *Development Cost.* Development cost is the cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. For nonprofit organizations and State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payment to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(l)–(q) [Renumbered from (j)–(o)]

(r) *Limited profit basis.* An individual or organization applicant who, in order to obtain interest credit assistance, will agree to limit the amount of profit to be obtained. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the requirements outlined in § 1822.88 (1). The applicant will legally obligate itself to regulate rents, charges, rate of return, and methods of operation.

(s)–(bb) [Renumbered from (q)–(z)]

* * * * *

3. § 1822.84 is amended by adding new paragraphs (a)(2)(iv), and (a)(5)(iii), and by revising paragraphs (a)(1)(2) and (8) respectively to read as follows:

§ 1822.84 Eligibility requirements.

(a) * * *

(1) Be either an individual who is a citizen of the United States, or an organization defined in § 1822.83(n) which will provide housing for eligible occupants as defined in § 1822.83(f).

(2) Be unable to provide the housing from its own resources and with the exception of a State and local public agency, be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the applicant to rent the units for amounts that are within the payment of eligible low- and moderate-income senior citizen or handicapped occupants.

* * * * *

(iv) For a loan to provide congregate housing with central dining facilities or space for other services, provided by the RRH loan, the applicant must be able to (A) Operate such facilities with its own funds other than rent or (B) Obtain such funding from other sources, or (3) Lease such facilities to an individual, organization or firm with the ability to operate the facilities. In the case of a lease, the payment to the borrower should be sufficient to cover the annual operating expenses, debt service, and reserve account attributable to the lease portion of the project.

The cost of the food and other services will not be reflected in the FmHA budget that shows operation and maintenance cost of the housing project. This will not preclude tenants who voluntarily use the service from paying a separate charge for these services.

* * * * *

(5) * * *

* * * * *

(iii) In the case of congregate housing namely, housing involving a group living arrangement, the applicant/borrower will not include in the budgeted items (Exhibit F–5 Item 12) any salary, wage or expense item to compensate the resident assistant(s). Therefore, these expense items must be provided by other sources. However, this will not preclude the resident assistant from receiving compensation for any duties performed by a resident manager or a caretaker in a typical RRH project.

* * * * *

(8) Necessary management will be provided to assure the successful operation of the project. Management services may be provided by the applicant, a management firm, or an agent. If the borrower or a member of the borrower organization does not live in the community where the housing is located, or close enough to the project to provide the general supervision, a management firm or an individual located in close proximity who is experienced and has full authority to act on behalf of the owner must be retained.

* * * * *

4. § 1822.85 is amended by revising paragraphs (e)(3)(4) and (i) to read as follows:

§ 1822.85 Loan purposes.

* * * * *

(e) * * *

* * * * *

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit. All equipment purchased with loan funds for the central cooking and dining facilities, such as stoves, refrigerators, ovens, dish washing machines and steamtables should be attached to the real estate in manner to prevent easy removal. In determining whether to financing such facilities, the long-term availability of assistance from local organizations and other State or Federal agencies such as the Area Agency on Aging or the local office of the State Vocational Rehabilitation Agency or State developmental disabilities or

mental health agency should be considered. Exhibit "S" of this Subpart is to be used as a guide in working with the Administration on Aging (AOA) and State Agencies in providing support services. If needed in the community, FmHA may permit facilities in the project larger than that required solely by the tenants provided other sources of funds are available to pay a pro rata share of the cost. Whenever such facilities are provided with loan funds the following conditions must be met:

(i) The meals to be provided must be wholesome and economical. A minimum of one cooked meal per day, at least 5 days per week, must be provided. If tenants are charged for meals, such charges must be separated from their rental charges.

(ii) If the operator of the facilities is the type of entity that is eligible to accept Food Stamps under the regulations of the Food and Nutrition Service (FNS) of the USDA, such operator must be authorized by FNS to accept Food Stamps from the tenants for the purchase of meals.

(iii) The services to be provided and the fees to be charged (if any) for those services must be fully documented by a signed statement from the applicant, if it will provide the services, or in a lease agreement, if the services will be provided by others.

Any lease agreement must be approved by the State Director or the loan approval official and contain the following statement:

This agreement shall not be effective unless and until approved by the Farmers Home Administration, U.S. Department of Agriculture, or a delegated representative.

(Date)_____

Farmers Home Administration

by _____

(Title)_____

(4) Space for a small infirmary for emergency care only when justified.

* * * * *

(i) Purchase and install essential equipment which upon installation becomes a part of the real estate. Section 1822.83(i) and 1822.86(b) contain further guidance on the use of loan funds to purchase certain equipment.

* * * * *

5. Section 1822.86 is amended by adding new paragraphs (b) (4) and (8); revising paragraphs (b)(7) as renumbered; renumbering present paragraphs (b) (4), (5) and (6) to (b) (5), (6) and (7) and renumbering present paragraphs (b)(7) through (b)(12) to (b)(9) through (b)(14) as follows:

§ 1822.86 Limitations.

* * * * *

(b) * * *

* * * * * *

(4) Specialized equipment for training and therapy.

* * * * *

(7) Nursing homes, special care facilities, or institutional-type homes. This limitation should not, however, preclude making loans for housing which is designed for occupancy by senior citizens or handicapped persons who are capable of caring for themselves, but will not live on a totally independent basis because of a need for some supervision and central services. Loan funds will not be used to finance these support services.

(8) Operating capital for a central dining facility or any items which do not become affixed to the real estate security, such as special portable equipment, furnishings, kitchen ware, dining ware, eating utensils, movable tables and chairs, etc.

* * * * *

6. Section 1822.88 is amended by adding new paragraphs (a) (1) (iv), (a) (2) (i), (ii), (iii), (b), (i) (3), (4), (5), and (i) (5) (i), (ii), (ii) (A), (B) and (C); by revising introductory paragraphs (a) (1), (2), (3), (4) and (6), (h) and (i) (1) and renumbering paragraphs (b) through (t) to (c) through (u) as follows:

§ 1822.88 Special conditions.

(a) *Type of Housing.* * * *

(1) Be economical in construction and not of elaborate or extravagant design or materials. As a general rule, the square footage living area of new rental units and related facilities to be constructed with RRH loan funds should be within the guidelines listed below.

Type of unit	Maximum living area
1-Bedroom Units	570-700 sq. ft.
2-Bedroom Units	700-850 sq. ft.
3-Bedroom Units	850-1020 sq. ft.
4-Bedroom Units	1020-1200 sq. ft.

(i) * * *

(ii) * * *

(iii) * * *

(iv) When community rooms or buildings are provided as part of the related facilities, their gross square footage area should be within the guidelines set forth in the HUD Manual of Acceptable Practices (MAP) 4930.1

(2) As a general rule, consist of multi-unit type housing with two or more family units and any appropriate related facilities. However, in some congregate housing cases, single family dwellings may provide for a group living arrangement, if the senior citizen or handicapped persons' need cannot be met in multi-unit structures. Such group type single family dwellings, if financed, must meet the following requirements:

(i) Consist of single family dwellings that can be easily converted to a rental or homeownership unit for a family in the event the need for such housing by the senior citizen or handicapped person ceases.

(ii) The applicant must show that adequate support services needed by the tenants will be available on a continous long range basis. As a general rule the support services must be provided by a state or local public agency. However, a nonprofit organization with a good track record and an ongoing program may be considered capable of providing these support services.

(iii) The senior citizen or handicapped person(s) to be housed must be capable of caring for themselves except for some supervision and support services.

(3) Be residential in character and be designed to meet the needs of eligible occupants. Generally, RRH units should not be more than two-story structures. However, in some cases, especially those projects designed for occupancy by senior citizens or handicapped persons, low-rise structures with elevators can be considered on an individual case-by-case basis, with prior written authorization from the National Office, when the following conditions exist:

* * * * *

(4) Consideration must be given to safety, convenience, and comfort.

* * * * *

(6) Contain bathroom and kitchen facilities in each unit. In the case of group living arrangements each single family dwelling is considered a unit. Congregate housing projects with central dining facilities may have somewhat limited kitchen facilities but must contain as a minimum, a cooktop, a refrigerator, and a small oven in each unit. The kitchen facilities in a single family dwelling for *housing involving a group living arrangements* may be designed to meet the special needs of the tenants.

* * * * *

(b) *Determination of per unit rental rates for group living arrangements.* To determine the amount of rental payment to be collected per unit for *housing involving a group living arrangement* (and only for this particular determination) the total annual cost to operate the facility (Exhibit F-5 Item No. 12) will be divided by the total number

of units (bedrooms) to be occupied by the *tenant(s).* [If the project also includes conventional rental apartment units (1, 2, 3, etc. bedrooms) each of these *units* (not bedrooms) will be added to the number of units (bedrooms) contained in the housing involving group living arrangements and the total number of units divided into item No. 12.] In the case of group living arrangement each bedroom will be counted as if it were one rental unit. However, the bedroom occupied by the resident assistant will be excluded from this number and will not be counted in making the determination of rental payment to be charged to all the other bedrooms occupied by the tenant(s). Once this charge per unit has been calculated, the rental payment by the tenant(s) will be determined in the usual manner.

(c)–(g) [Renumbered from (b)–(f)]

(h) Nondiscrimination in Use and Occupancy. The borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator in the use or occupancy of the housing or related facilities because of race, color, religion, sex, marital status, or national origin; and will comply with FmHA Instruction 1901–E.

* * * * *

(i) * * *

(1) When a family consist of only one person, an additional person or persons may reside in the unit provided the unit has adequate space for their total needs and provided the separate income of each occupant does not exceed the levels set for the project in accordance with § 1822.83(f) and as defined in guidelines for the maximum adjusted income for low- and moderate-income families available in all FmHA offices. A resident assistant may occupy living space in a group living arrangement without regard to income. In cases involving deceased senior citizens or handicapped tenants, only the surviving number(s) of the family of the deceased senior citizen or handicapped person who was living in the unit under the above stated guidelines with the deceased senior citizen or handicapped person at the time of his or her death may continue to occupy the rental unit as a tenant. The surviving family member(s) must meet all the eligibility requirements for occupancy except that of being a senior citizen or a handicapped person. If the borrower receives interest credits, the rent paid for the unit will be based on the combined incomes of the occupants.

(2) * * *

(3) For housing projects financed with RRH loans and limited to occupancy by eligible senior citizens or handicapped tenants, the State Director is authorized to permit the borrower to rent units to other eligible low- and moderate-income families and persons, provided such units will be rented on a temporary basis and only until they can be rented to eligible senior citizens or handicapped persons.

(4) Housing involving a group living arrangement may limit occupancy of the units to eligible developmentally disable individuals. This limitation will be outlined in the applicant/borrower's management plan.

(5) In congregate housing including *housing involving group living arrangements* a further critical dimension is added by the selection and placement of tenants. This involves a determination of the ability of tenant(s) with a functional impairment to sustain relative independence, given the supportive service(s) provided. This determination can be made by the project management and can be of a highly technical fashion using scientifically developed scales of competence in the activities of daily living or social or medical sources. The functional impairments of tenants should be verified by one of the following methods:

(i) Certification by a physician, or State or local agency responsible for supportative services to the tenant as to the tenant's ability to remain independent with an assist from service(s).

(ii) By the use of any of the following three objective guides:

(A) The Physical Self Maintenance Scale—to measure a persons capacity for personal care. (Exhibit F–8A)

(B) The Instrumental Activities of Daily Living Scale—to measure a person's capacity for continued living in the community. (Exhibit F–8B)

(C) The Index of Independence in activities of Daily Living (ADL) to measure the relationship of functional capacity to the accomplishment of daily activities i.e. bathing, dressing, toilet performance, transfering (from prone to upright position and back again) continence, and eating. (Exhibit F–8C)

(j)–(u) [Renumbered from (i)–(t)]

* * * * *

7. Section 1822.90, paragraph (e) is revised as follows:

§ 1822.90 Technical, legal, and other services.

* * * * *

(e) *Compliance with Federal, State and local codes, regulations, and ordinances.* Planning construction, zoning, and operation of housing financed with the RRH loan will conform with any applicable laws, ordinances, codes, and regulations, including any licensing required governing such matters as construction, heating, plumbing electrical installation, fire prevention, health, sanitation, use, occupancy, and must meet all the applicable laws and statutes pertaining to the operation of a facility in which the occupants required some supervision and central services.

* * * * *

8. Exhibits A, B, F–6, F–7, G and J are partially amended as follows:

EXHIBITS

Exhibit A

(RRH Loan to Broadly Based Nonprofit Corporation)

Loan Resolution of , 19

Resolution of the Board of Directors of providing for borrowing $ to finance rental housing and related facilities in a rural area for (SENIOR CITIZENS, HANDICAPPED PERSONS OR FAMILIES OF LOW OR MODERATE INCOME AS APPROPRIATE) the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matters.

* * * * *

Exhibit B

(RRH Insured Loan to Profit Type Corporation)

Loan Resolution of , 19

Resolution of the Board of Directors of providing for borrowing $ to finance rental housing and related facilities in a rural area for (SENIOR CITIZENS, HANDICAPPED PERSONS OR FAMILIES OF LOW OR MODERATE INCOME AS APPROPRIATE) the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matters.

* * * * *

Exhibit F–6

Information To Be Submitted With Preapplication For Rural Rental Housing (RRH) Loan.

* * * * *

2. *Need and demand.*—a. A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of rental housing and the number of eligible tenants living in the community and its trade area willing and able to pay the proposed rental rates. Applicants for loans to provide congregate housing, namely *housing involving a group living arrangement,* with central dining area or space for support services must furnish a narrative statement from local, State, and Government agencies supporting the current and long range need for such facilities by the handicapped in the community and its trade area.

* * * * *

Exhibit F–7

Information To Be Submitted With Application For Federal Assistance (short form). * * *

* * * * * *

1. A plot plan, detailed preliminary plans and specifications and any special design features for senior citizens or handicapped persons as prescribed in the construction guide.

* * * * *

5. * * *
a. * * *
b. * * *

* * * * * *

(3) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, male or female, size of family, number of senior citizens, nonsenior citizens or handicapped persons, and income and financial condition.

* * * * *

(6) Applicants for loans to provide congregate housing, namely *housing involving a group living arrangement* with central dining area or space for support services must furnish a narrative statement from local, State and/or Federal Government agencies supporting the current and long range need for such facilities in the community and its trade area.

* * * * *

Exhibit G

(RRH Loan to Profit Type Corporation Operating on a Limited Profit Basis)

Loan Resolution of , 19

Resolution of the Board of Directors of providing for borrowing $ to finance rental housing and related facilities in a rural area for (SENIOR CITIZENS, HANDICAPPED PERSONS OR FAMILIES OF LOW OR MODERATE INCOME AS APPROPRIATE) the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matters.

* * * * *

Exhibit J

Interest Credits on Insured RRH and RCH Loans

* * * * *

IV. *Options of Borrowers.* * * *

A. *Plan I.*—1. Borrowers operating under this plan must agree to limit occupancy of the housing to low-income nonsenior citizens and low- and moderate-income senior citizens or handicapped persons.

* * * * *

B. *Plan II.*—1. Borrowers operating under this plan must agree to limit occupancy of the housing to low- and moderate-income families and person, and senior citizens or handicapped person of any income.

* * * * *

VI. *Special conditions:*

A. Leases.

1. * * *

2. The lease agreement in congregate housing cases must include in the major provisions a statement that the tenant's ability to live independently in the project with the support services available will be evaluated on a continuous basis. Tenant may be requested to vacate if a determination is made that the tenant is no longer able to live in the project without additional assistance. This would involve cases where the tenant has progressed or regressed to a state of health that requires, in the opinion of the management, a level of care not available in the congregate housing facility.

3. [Renumbered from (2) without change]

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044. A copy of the Impact Statement prepared according to these criteria is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environmental, and in accordance with the National Environmental Policy of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required. Authorities: 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Dated: April 27, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home Administration.

[FmHA Instruction 444.5]
[FR Doc. 79-14600 Filed 5-10-79; 8:45 am]
BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 73

Scabies in Cattle; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Modoc County, a portion of San Luis Obispo County, and a portion of Fresno County in California from the areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exists in the areas quarantined. No areas remain under quarantine in the State of California because of psoroptic cattle scabies.

EFFECTIVE DATE: May 7, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Extoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8322.

SUPPLEMENTARY INFORMATION: This amendment releases a portion of Modoc County, a portion of San Luis Obispo County, and a portion of Fresno County in California from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the released areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the released areas.

Part 73—Scabies in Cattle

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respects:

§ 73.1a [Amended]

In § 73.1a, paragraphs (c)(1), (c)(2), and (c)(3), relating to the State of California are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies from certain areas which have been determined to be free of cattle scabies. This amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions.

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

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the

emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 73. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 7th day of May 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-14622 Filed 5-10-79; 8:45 am]

BILLING CODE 3410-34-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to release a portion of Riverside County in California from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area released from quarantine.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Mixson, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: This amendment releases a portion of Riverside County in California from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the area released.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3(a)(1), relating to the State of California, paragraph (xiii) relating to Riverside County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease. It should be made effective immediately in order to permit affected persons to move poultry, mynah, psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, interstate from such area without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C, this 8th day of May 1979.

E. A. Schilf

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-14723 Filed 5-10-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development

24 CFR Part 280

Mobile Home Construction and Safety Standards; Index of Current Interpretative Bulletins

AGENCY: Department of Housing and Urban Development.

ACTION: Index of Current Interpretative Bulletins.

SUMMARY: The Department is issuing this Notice to advise the public of those interpretative bulletins interpreting 24 CFR Part 280, that are currently in effect, and of those interpretative bulletins issued since publication of the last interpretative bulletin index on October 5, 1977, in the Federal Register at 42 FR 54385. This action is being taken pursuant to 24 CFR 3282.113(a) which requires that a current index of interpretative bulletins be published periodically in the Federal Register. This action assures that those interpretative bulletins that are issued by the Department, but not through the Federal Register, become a matter of public record.

EFFECTIVE DATE: All interpretative bulletins listed in the index are presently in effect.

FOR FURTHER INFORMATION CONTACT: Richard A. Mendlen, Chief, Standards Branch, Mobile Home Standards Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 426-1872.

SUPPLEMENTARY INFORMATION: Two interpretative bulletins that have been issued have been superseded by amendments to the standards. Interpretative Bulletin H-1-77-Clothes Dryer/Rough-in of Moisture Lint Exhaust Duct System has been superseded by the amendment to section 280.708 issued October 5, 1977 (FR 42 54382). Interpretative Bulletin H-1-78 has been superseded by the interim rule amending § 280.709(c) issued August 9, 1978 (FR 43 35265).

NOTICE: The following index of interpretative bulletins interpreting 24 CFR Part 280 are currently in effect:

Index

Interpretative Bulletin	Subject	Section(s)
A-1-77	Identification of Manufacturer and State of Manufacture in the Mobile Home Serial Number.	280.6
A-2-77	Durability of Information on Data Plate	280.5(a).
A-1-78	Referenced Standards	280.4(a), 280.304(b), 280.604(a), 280.703, et al.
B-1-76	Swinging Exterior Passage Door Dimensions	280.105.
B-2-76	Interior Door Construction	280.108/280.304.
B-3-76	Interior Door in a Hallway	280.113.
C-1-76	List of Material not Requiring Flame Spread Certification	280.203(a).
C-2-76	Fire Protection for Furnace and Water Heater Spaces	280.203(a)(3), 280.203(b).
C-3-76	Combustible Kitchen Cabinet Protection	280.204.
C-4-76	⅜ in. Maximum Foam Plastic Siding Backer Board	280.207(b).
C-5-76	Foam Plastic Insulating Sheating Materials	280.207(a).
C-1-77	Smoke Detector Standard, Waiver	280.208(c).
D-1-76	Allowable Design Stresses for Board Lumber	280.303(f)/280.304.
D-2-76	Carpet Application	280.305(a).
D-3-76	Structural Design Criteria, Wind Load	280.305(b).
D-4-76	Structural Design Criteria "Net" Uplift	280.305(c) (1) and (2).
D-5-76	Structural Design Criteria, Allowable Eave Deflection	280.305(d).
D-6-76	Structural Design Criteria, interior partitions	280.305(f)(2).
D-7-76	Structural Design Criteria; tie down systems	280.306(a)/280.306(f).
D-8-76	Floor covering application in areas subject to excessive moisture.	280.305(g)(2).
D-1-77	Lumber moisture content measurement and evaluation	280.304(a).
E-1-76	Alternate test procedure in lieu of testing to failure; allowable design live load determination for tested assemblies.	280.401(b).
E-2-76	Uplift testing	280.402(c)(2).
E-3-76	Egress Windows	280.404.
E-1-78	Attachment of latches required to hold open vertically opening egress windows.	280.404(b)(4)(iv).
F-1-76	Condensation control, exterior sheathing	280.504(b)(2).
F-1-77	Air infiltration at wall to wall, wall to ceiling, wall to floor connection.	280.505(a)(2).
F-2-77	Heat loss certificate	280.510(b).
G-2-76	Master cold water shut-off valve	280.609(b)(1).
G-3-76	Anti-siphon trap vent device, materials	280.611(d)(5).
G-1-77	Plastic drain line fittings	280.610(g).
G-2-77	Accessibility to plumbing fixtures	280.607(c)(1).
G-2-77(a)	Accessibility to tub or shower diverter valves	280.607(c)(1).
G-1-78	Venting requirements for systems utilizing anti-siphon trap device.	280.611(d).
G-2-78	Testing of the water system	280.612(a).
G-3-78	Insert fittings in plastic water lines	280.609 (a)(1)(f)(1) and (e)(5).
H-1-76	Provision of exterior furnace/air conditioning appliance	280.709(a)(1).
H-2-76	Preparation of mobile home for external heating/cooling systems.	280.709(e)(5).
H-3-76	Vertical clearance over cooking top	280.709(f).
H-2-77	Undercutting of bathroom doors	280.715(b) (1) and (4).
H-3-77	Location of Shut-off valves for gas appliances	280.705(1)(3).
I-1-76	Installation of "snap-in" type boxes	280.808(n).
I-2-76	Exterior lighting outlet requirements	280.813(a).
I-1-77	Location and type of outdoor receptable outlet	280.806(d)(8).
I-2-77	External heating or air-conditioning equipment wiring protection, Waiver.	280.808(k).
I-1-78	Dielectric Strength Testing	280.810(a).
J-1-76	Classification and guidance regarding transportation standards.	280.Subpart J.

The following index of interpretative bulletins interpreting 24 CFR Part 280 have been issued since October 5, 1977:

Interpretative Bulletins	Subject	Section(s)
A-1-78	Referenced Standards	280.4(a).
E-1-78	Attachment of latches required to hold open vertically opening egress windows.	280.404(b)(4)(iv).
G-2-77(a)	Accessibility to tub or shower diverter valves	280.607(c)(1).
G-1-78	Venting requirements for system utilizing anti-siphon trap vent device.	280.611(d)
G-2-78	Testing of water system	280.612(d).
G-3-78	Insert fittings in plastic water lines	280.609(a)(1), 280.609(f)(1).
H-1-78 [1]	Prevention of storage spaces in compartments containing heat-producing appliances.	280.709(c)
H-2-78	Installation of Venting Systems for Factory Installed Fuel-burning, Heat-producing Appliances.	280.707(b), 280.710(a)(2), 280.710(b).
I-1-78	Dielectric Strength Testing	280.810(a).

[1] Note.—Interpretative Bulletin H-1-78 has been superseded by the interim rule amending section 280.709(c) issued August 9, 1978 (F.R. 43-35265).

Issued at Washington, D.C., April 10, 1979.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[Docket No. R-79-661]

[FR Doc. 79-14595 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 22, 1978, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for two areas in the State of Ohio.

DATES: Effective May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6282, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-5880. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Based on information supplied by the Field Office, revised prototype per unit cost schedules are being published for two areas in the State of Ohio.

These schedules establish per unit limits on prototype costs (dwelling construction and equipment) for development of low-income public housing under the United States Housing Act of 1937. The Act provides (Section 6(b)) that the prototype costs shall become effective upon the date of publication in the Federal Register, and this Notice is, therefore, made effective May 11, 1979.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

PART 841—PUBLIC HOUSING PROGRAM: DEVELOPMENT PHASE

Appendix A [Amended]

The prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows: At 43 FR 27019, revise the prototype per unit cost schedules for the detached and semi-detached dwellings as shown on the prototype per unit cost schedules, Region V; Cincinnati and Dayton, Ohio.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b), U.S. Housing Act of 1937, 42 U.S.C. 1437(d).)

Issued at Washington, D.C. on May 1, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

BILLING CODE 4210-01-M

3

REGION V

CINCINNATI	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	17,000	20,500	25,350	30,300	36,250	40,500	42,400
Row Dwellings							
Walk-Up							
Elevator-Structure							

DAYTON	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	17,000	20,500	25,350	30,300	36,250	40,500	42,400
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[Docket No. R-79-660]
[FR Doc. 79-14596 Filed 5-10-79; 8:45 am]
BILLING CODE 4210-01-C

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1920

Letter of Map Amendment for the County of Sarasota, Fla., Under National Flood Insurance Program

AGENCY: Office of Federal Insurance And Hazard Mitigation, FEMA [1]

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Sarasota, Florida. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Sarasota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294 Bethesda, Maryland 20034 Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 1920.7 (b): Map Number H & I 125144B, Panel 38, published on June 29, 1977, in 42 FR 33223, indicates that the South 133.8 feet of the North 208.1 feet of Government Lot 5 in Section 9, Township 40 South, Range 19 East, Sarasota County, Florida being a parcel fronting 150 feet on the Gulf of Mexico and running from said Gulf of Mexico to Lemon Bay as described in the Deed recorded in Official Record 1116, Page 207 in the Office of the Recorder of Sarasota County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125144B, Panel 38 is hereby corrected to reflect that the existing structure on the above property is in Zone B and is not within the Special Flood Hazard Area identified on February 20, 1976.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: May 2, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–3012]
[FR Doc. 79–14759 Filed 5–10–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1920

Letter of Map Amendment for the City of Columbia, Mo. Under National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA [1]

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Columbia, Missouri. It has been determined by the Federal Insurance Administration, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Columbia, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P. O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 1920.7 (b): Map No. H & I 290036A Panel 11, published on June 29, 1977 in 42 FR 33218, indicates that the structure on Lot 6 of Subdivision of Lot 19, Block 3, Quarry Heights Subdivision, Columbia, Missouri, as recorded in Book 5, Page 8, in the office of the Recorder of Deeds, Boone County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290036A Panel 11 is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on January 16, 1976. The structure is in Zone C.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 2, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–3102]
[FR Doc. 79–14760 Filed 5–10–79; 8:45 am]
BILLING CODE 4210–01–M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

24 CFR Part 1920

Letter of Map Amendment for the City of Atlanta, Ga., Under National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA [1].

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Atlanta, Georgia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Atlanta, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, 202–755–5581 or toll free line 800–424–8872, room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: 800–638–6620. The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 135157A Panel 28, published on June 29, 1977, in 42 F.R. 33211, indicates that Lot 14, Block A, Inez Childress Property, Land Lot 232, 14th District, at 1528 Childress Drive, Atlanta, Georgia, is partially within the Special Flood Hazard Area. This property is recorded as being part of Lot 2, Block B, Subdivision of Mrs. S.A. Childress Est., Land Lot 232, 14th District, Fulton County, Georgia, as recorded in Plat Book 11, Page 194, in the office of the Clerk of Fulton County, Georgia. Map No. H&I 135157A Panel 28 is hereby corrected to reflect the existing structures on the above property are in Zone C and are not within the Special Flood Hazard Area identified on October 14, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 2, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3012]

[FR Doc. 79-14701 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-01-M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

24 CFR Part 1920

Letter of Map Amendment for the City of Hampton, Va. Under National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA [1]

ACTION: Final rule.

SUMMARY: The Federal Insurance Adminstrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Hampton, Virginia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Hampton, Virginia that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program 202–755–5581 or toll free line 800–424–8872, room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION. If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H & I 515527B Panels 19, 20, 21, 25, and 26, published on June 29, 1977, in 42 F.R. 33235, indicates that structures 5, 6, 7, 8, 9, 12, 13, 31, 32 and 33, Site B. Phoebus Housing Project (Va. 17–1), Hampton, Virginia, as recorded in Deed Book 40, Page 400; Deed Book 369, Page 668; Deed Book 374, Page 217; Deed Book 374, Page 211; Deed Book 374, Page 213 and Deed Book 374, Page 215.

The Structure located in the southernmost section of Block 11; the row of townhouses situated partially in Lots 24 through 35, Block 11; the row of townhouses situated partially in Lots 26 through 28, Block 12; the two rows of townhouses located in the southern section of Block 12 and the two rows of townhouses in the southernmost section of the subdivision's Lincoln Park Public Housing Project (Va. 17–2), Hampton, Virginia, as recorded in Deed Book 36, Page 568; and

Lots 155, 157, 159, 161, 163, 165, 167, 169, 171, 173 through 184, 186 through 191, 193 through 202, 204, 206, 208, 210, 223, 225, 227, 229, 231, 233, 235, 239, 241 through 252, 254, 256, 262, 264, 266 and 268 on Freeman Drive; Lots 1, 3, 5, 7, 9, and 11 on Crenshaw Court; Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 33, 35, 37, 39, 41, 43 through 53, 55, 57 and 59 on Crenshaw Court; Lots 270, 272, 274 through 291, 298, 300, 302, 306, 308, 310, 312 and 314 on Freeman Drive; Lots 255, 257, 259, 261, 264, 266, 268, 270, 272, 276, 278, 280, 282, 284, 286, and 288, located

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

between Freeman Drive and Knickerbocker Circle;

Lots 224 through 237, 239 through 242, 244 through 254, 256 through 263, 265, 267, 269, 273; 275, 277, 279, 281, 292, 294, 296, 298, 300, 302 and 304 on Knickerbocker Circle; Pine Chapel Public Housing Project (Va. 17–3), Hampton, Virginia, as recorded in Deed Book 163, Page 165; all of the above recordations being located in the Office of the Clerk of the Circuit Court of the City of Hampton, Virginia, are within the Special Flood Hazard Area.

Map Number H & I 515527B Panels 19, 20, 21, 25, 26 are hereby corrected to reflect that the above properties are not within the Special Flood Hazard Area identified on June 11, 1976. The above structures and lots are located in either Zone B or Zone C.

The above mentioned Map Number H & I 515527B Panels 19, 20 21, 25, and 26, also indicate that structures 1, 3, 4, 10, 15 through 17, 23 through 28, 34, and 35 in the above-mentioned Site B, Phoebus Housing Project (Va. 17–1);

Lots 294, 296, 318, 320, 322, 324, 326, 328, 334, 336, 338, 340 through 354, 356, 358 360, 362, 364, and 366 located on Freeman Drive; Lots 370, 372, 374, and 376 located on Pine Chapel Road; Lots 295, 297, 299, and 301 located between Freeman Drive and Knickerbocker Circle, Lots 2 through 11, 13 through 16, 18, 20, 22, 24, 26, 28, 30, 34, 36, 38, 40, 42, 46, 48, 50 through 64, 66, 68, 70 74, 76, 78, 80, 82, 86, 88, 90, 92, and 94 on Roberts Road; and Lots 290 through 303, 305 through 308, 310 through 315, 317 through 325, 327, 329, 331, 333, 335, and 337 on Frost Court in the above-mentioned Pine Chapel Public Housing Project (Va. 17–3) are within Zone B.

Map Number H & I 515527B Panels 19, 20, 21, 25, 26 are hereby corrected to reflect that the above properties are not within Zone B identified on June 11, 1976. The above structures and lots are in Zone C.

The above mentioned Map Number H & I 515527B Panel 26 indicates that structures 37 through 39, and 45 through 48, Site A, Phoebus Housing Project (Va. 17–1), Hampton, Virginia, as recorded in Deed Book 373, Page 418 in the Office of the Clerk of the Circuit Court of the City of Hampton, Virginia, are in Zone B.

Map Number H & I 515527B Panel 26 is hereby corrected to reflect that the above structures are within the Special Flood Hazard Area. The above structures are in Zone A5.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: May 2, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator

[Docket No-FI-3012]
[FR Doc. 79-14762 Filed 5-10-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1920

Letter of Map Amendment for Harris County, Texas, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA [1]

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Adminstrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECITIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or toll free line (800) 424–8872, room 5270, 451 Seventh Street, S.W. Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620.

The map amendments listed below are in accordance with § 1920.7 (b):

Map No. H & I 480287B Panel 51, published on June 29, 1977 in 42 FR 33233, indicates that Lots 3 through 18, 25 through 28 and 33 through 41, Block 3; Lots 1 through 28 and 36 through 64, Block 4; Lots 1 through 14 and 30 through 39, Block 7; and Lot 14, Block 8; of Windfern Forests, Sections One, Two and Three, Harris County, Texas, as recorded in Volume 244, Pages 49 through 55; Volume 272, Pages 25 through 33 and Volume 277, Pages 34 through 42 of Maps, respectively, in the Office of the Clerk, Harris County, Texas, are located within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 51 is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on July 30, 1976. These properties are in Zone C.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: May 2, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-3012]
[FR Doc. 79-14763 Filed 5-10-79; 8:45 am]
BILLING CODE 4210-01-M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Income Tax; Taxable Years Beginning After December 31, 1953; Definition of Plan Administrator

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the definition of plan administrator. Changes to the applicable tax law were made by the Employee Retirement Income Security Act of 1974. These regulations provide necessary guidance to the public for compliance with the law and affect all

pension, profit-sharing, and similar plans.

DATE: The regulations are effective for plan years ending after September 2, 1974.

FOR FURTHER INFORMATION CONTACT: Richard L. Johnson of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T:EE–41–78, 202–566–3544 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On September 18, 1975, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 414 (f) and (g) of the Internal Revenue Code of 1954 (40 FR 43034). The Federal Register published corrections to the proposed amendments on September 23, 1975 (40 FR 43735). The amendments were proposed to conform the regulations to section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 925). A public hearing was held on March 11, 1976. After consideration of all comments on the proposed amendments, this Treasury decision revises and adopts the proposed amendments relating to the definition of plan administrator. Regulations relating to the definition of multiemployer plan were adopted by Treasury decision 7552, adopted July 11, 1978.

Plan Administrator Definition

Section 414(g) of the Code provides for the plan administrator to be the person specifically designated as plan administrator by the plan instrument. The final regulations are revised to provide that a person or group of persons collectively may be designated as plan administrator. The designation may be made by name, by reference to a named position or positions, by reference to a procedure established by the plan instrument for designation of a plan administrator, or by reference to the person or group of persons charged with specific responsibilities of plan administrator.

If no person or group of persons is designated as plan administrator, section 414(g) provides additional rules to designate a plan administrator. The final regulations are revised to provide rules for determining the plan administrator in the case of a corporate employer and in the case of a plan that is maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

Drafting Information

The principal author of this regulation was Richard L. Johnson of the Employee Plans and Exempt Organizations 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 regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

1. Section 1.414(g), as set forth in the notice of proposed rulemaking of September 18, 1975, is withdrawn.

2. 26 CFR Part 1 is amended by adding the following new section immediately after § 1.414(f)–1:

§ 1.414(g)–1 Definition of plan administrator.

(a) *In general.* For purposes of part I of subchapter D of chapter 1 of the Code and the regulations thereunder, if the instrument under which the plan is operated for a plan year specifically designates a person or a group of persons as plan administrator, the person or group of persons collectively is the plan administrator for the plan year. The instrument may specifically designate a plan administrator—

(1) By name,

(2) By reference to the person or group of persons holding a named position or positions,

(3) By reference to a procedure established under the terms of the instrument pursuant to which a plan administrator is designated, or

(4) By reference to the person or group of persons charged with specific responsibilities of plan administrator. Consistent with the provisions of section 405 (c) (1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1105 (c) (1)), a plan may provide for the allocation of specific responsibilities of plan administrator among named persons and for named persons to designate others to carry out such responsibilities. A person or group of persons may be designated as plan administrator in accordance with the rules of this paragraph even though the person or group of persons does not carry the specific title "plan administrator". In the absence of a person or group of persons designated as the plan administrator (individually, collectively, or by designation of different specific administrative responsibilities), the plan administrator for the plan year is the person or group of persons specified in paragraph (b) of this section.

(b) *Plan administrator not specifically designated.* If no person or group of persons is specifically designated as the plan administrator for a plan year by the instrument under which the plan is operated, the plan administrator for such year is the person or group of persons determined under the following rules:

(1) *Single employer.* In the case of a plan maintained by a single employer, the employer is the plan administrator. If the employer is a corporation, the corporation is the plan administrator. However, the corporation's board of directors may authorize a person or group of persons to fulfill responsibilities of the corporation as plan administrator. In the absence of such authorization, any corporate officer authorized under law, corporate by-laws, or resolution of the board of directors to act on behalf of the corporation with respect to contracts of a value equivalent to the fair market value of the assets of the plan shall be presumed to have authority to fulfill responsibilities of the corporation as plan administrator. For purposes of this paragraph (b) (1), "employer" means the "employer" as defined in section 3 (5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003 (5)).

(2) *Employee organization.* In the case of a plan maintained by an employee organization, the employee organization is the plan administrator.

(3) *Group representing the parties.* In the case of a plan maintained by two or more employers, or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who maintain the plan, as the case may be, is the plan administrator. For purposes of this subparagraph (3), a plan shall be considered maintained by two or more employers or jointly by one or more employers and one or more employee organizations only if none of the parties has the express power, under the terms of the instrument under which the plan is operated, to terminate the plan unilaterally.

(4) *Person in control of assets.* In any case where a plan administrator may not be determined by application of paragraphs (a) and (b), (1), (2), and (3) of this section, the plan administrator is the person or persons actually responsible, whether or not under the terms of the plan, for the control, disposition, or management of the cash

or property received by or contributed to the plan, irrespective of whether such control, disposition, or management is exercised directly by such person or persons or indirectly through an agent or trustee designated by such person or persons.

This Treasury decision is issued under the authority contained in sections 414 (g) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 927, 68A Stat. 917; 26 U.S.C. 414 (g), 7805).

Jerome Kurtz, Jr.,
Commissioner of Internal Revenue.

Approved: May 2, 1979.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[TD 7618]
[FR Doc. 79-14502 Filed 5-8-79; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Parole, Release, Supervision and Recommitment of Prisoners, Youth Offenders and Juvenile Delinquents

AGENCY: United States Parole Commission.

ACTION: Correction of final rule.

SUMMARY: In FR Doc. 79-14042 appearing at page 26550 in the Federal Register of Friday, May 4, 1979, the text of the new paragraph added to 28 CFR 2.19 bears an incorrect designation as paragraph "(c)". That text is corrected to appear as paragraph "(d)".

FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of the General Counsel, 320 First St., Northwest, Washington, D.C. Phone: (202) 724-3116.

Cecil C. McCall,
Chairman, United States Parole Commission.

[FR Doc. 79-14803 Filed 5-10-79; 8:45 am]
BILLING CODE 4410-01-M

POSTAL RATE COMMISSION

39 CFR Part 3000

Standards of Conduct; Order Amending Rules Governing Reporting Outside Employment and Financial Interests

Issued May 7, 1979.

AGENCY: Postal Rate Commission.

ACTION: Final Rule.

SUMMARY: The Postal Rate Commission is amending its rules governing the reporting of outside employment and financial interests[1] to bring those requirements into conformity with the Ethics in Government Act of 1978.[2]

EFFECTIVE DATE: May 15, 1979.

FOR FURTHER INFORMATION CONTACT: David F. Stover, Assistant General Counsel (Regulation), U.S. Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C 20268, (202) 254-3830

SUPPLEMENTARY INFORMATION: The Postal Rate Commission has reviewed its Standards of Conduct (39 CFR Part 3000) and has determined that it is appropriate to amend its standards governing the reporting of outside employment and financial interests.[3] The Commission's amendments are intended to provide uniformity between Subpart D of the Commission's Standards of Conduct relating to the reporting of outside employment and financial interests and the Ethics in Government Act of 1978.[4] An explanation of these amendments to the Standards of Conduct is provided below.

The sections governing disclosure of outside employment and financial interests presently provide that statements of employment and financial interest (financial disclosure statements) filed by employees shall be reviewed by the "Counselor and by the Chairman of the Civil Service Commission, or the designee of the Counselor or the Chairman of the Civil Service Commission."[5] The Ethics in Government Act of 1978 provides that review will be performed by the "designated agency official or Secretary concerned." To eliminate duplication and confusion, section 3000.735-405 has been amended to provide that the financial disclosure statements will be submitted to and reviewed by the "designated agency official or his designee."

The Commission's rules provide that financial disclosure statements shall be submitted by each employee who is paid basic compensation at a rate equivalent to or greater than the first step of GS-13 as adjusted under 5 U.S.C. 5305[6] and that such statements shall be maintained in confidence.[7] The Ethics in Government Act of 1978 makes public disclosure mandatory for each employee whose position is classified at GS-16 or above, or whose basic rate of pay under other pay schedules is equal to or greater than the minimum rate of basic pay fixed for a GS-16.[8] Financial disclosure statements filed pursuant to the Ethics in Government Act are to be made available to the public upon request.[9]

In order that the Commission's rules will be uniform and consistent with the Ethics in Government Act, we have concluded that all employees who are paid basic compensation at a rate equivalent to or greater than the first step of GS-13 as adjusted under 5 U.S.C. 5305, will file the same financial disclosure statements. However, financial disclosure statements of employees who are paid basic compensation at a rate equivalent to or greater than the first step of GS-16 as adjusted under 5 U.S.C. 5305, will be subject to public disclosure. The financial disclosure statements of employees with grade levels equivalent to GS 13-15 will be held in confidence.

Since the amendments herein involve matters of agency organization and procedure, the notice requirements of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Accordingly, pursuant to 39 U.S.C. 3603, it is ordered that, effective May 15, 1979, 39 CFR Part 3000, Subparts B and D are hereby revised as follows:

Subpart B—General Provisions

1. Amend § 3000.735-201(f) to read as follows:

§ 3000.735-201 Definitions.

* * * * *

(f) "Counselor" or "Designated Agency Official" means, as appropriate, the official of the Commission designated in § 3000.735-203 to carry out the responsibilities referred to in that section, § 735-105(a) of the regulations of the Civil Service Commission (5 CFR 735.105(a)) and Title II of the Ethics in Government Act of 1978, Public Law 95-521, (92 Stat. 1836).

Subpart D—Reporting Outside Employment and Financial Interests

1. Amend § 3000.735-402 to read as follows:

§ 3000.735-402 Reporting employment and financial interests—regular employees.

(a) Employees designated in paragraph (b) of this section (referred to hereinafter in this subpart as "covered employees") shall submit financial disclosure statements which satisfy the disclosure requirements of section 202 of the Ethics in Government Act of 1978, Public Law 95-521 (92 Stat. 1837). These

[1] 39 CFR Part 3000, Subpart D.
[2] Pub. Law 95-521, 92 Stat. 1824 (1978).
[3] 39 CFR Part 3000, Subpart D.
[4] Pub. Law 95-521, 92 Stat. 1824 (1978).
[5] 39 CFR 3000.735-405.
[6] 39 CFR 3000.735-402(h).
[7] 39 CFR 3000.735-402(j).
[8] Sec. 201(f), Pub. Law 95-521, 92 Stat. 1837 (1978).
[9] Sec. 205, *Id.*, 92 Stat. 1846 (1978).

financial disclosure statements shall be furnished to covered employees by the designated agency official.

(1) A financial disclosure statement shall be filed by covered employees within 30 days of assuming a position with the Commission unless such individual has left another government position for which financial disclosure statements were filed or, with respect to Commissioners, the Commissioner filed a financial disclosure statement with the Commission in connection with his nomination to the position of Commissioner.

(2) A financial disclosure statement shall be filed by covered employees annually no later than May 15 covering the preceding calendar year.

(3) In the event of termination of employment, the terminated employee shall file a financial disclosure statement if the terminated employee (1) was at a grade level equivalent to GS–16 or above, and (2) has not in the interim accepted another position which requires a financial disclosure statement satisfying the disclosure requirements of section 202 of Public Law 95–521 (92 Stat. 1837). The financial disclosure statement for the terminated employee must be filed no later than the 30th day after termination, covering (1) the preceding calendar year if the annual May 15 report has not been filed, and (2) the portion of the present calendar year up to the date of termination.

(b) The following designated employees shall submit financial disclosure statements with the designated agency official.

(1) Commissioners. Copies of the financial disclosure statements submitted by the Commissioners and the designated agency official shall be transmitted to the Director of the Office of Government Ethics.

(2) An employee whose basic rate of pay is equivalent to or greater than the first step of grade GS–13 as adjusted under 5 U.S.C. 5305.

(3) A special employee whose basic rate of pay is equivalent to or greater than the first step of grade GS–13 as adjusted under 5 U.S.C. 5305 who is reasonably expected to perform the duties of this office or position for more than sixty days in a calendar year.

(4) An employee not required to submit a statement under paragraph (b)(2) whose position has been determined by the Chairman to have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and to carry out the purpose of law, Executive order, and this part.

(c) When completing a financial disclosure statement, covered employees shall include such information relating to employment; income; gifts and reimbursements; interest in property; liabilities; purchase, sale and exchange of property; positions held and agreements as is required to be reported for the covered employee, the covered employee's spouse and dependent children by section 202 of the Ethics in Government Act, Pub. L. 95–521, (92 Stat. 1837).

(d) Precise amounts of financial interests, indebtedness, and the value of real property need not be included on a statement; however, when the reviewer determines that such precise amounts are needed to make an adequate review, the employee shall disclose the precise amounts.

(e) If any information required to be included on the financial disclosure statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf, except when the trust is a blind, no-control trust in which case a copy of the trust shall be submitted for review.

(f) This section does not require an employee to submit any information relating to positions held in religious, social, fraternal, political entities and those solely of an honorary nature.

(g) The financial disclosure statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(h) An employee who believes that his position has been improperly included as one requiring the submission of a statement is entitled to obtain a review of his complaint under the Commission's grievance procedure.

(i)(1) The designated agency official shall hold each financial disclosure statement of each employee who is paid basic compensation at a rate equivalent to or greater than the first step of GS–13 through GS–15 in confidence. The designated agency official is responsible for maintaining the financial disclosure statements in confidence and shall not allow access to, or allow information to be disclosed from a statement except to carry out the purpose of this subpart. The designated agency official may not disclose information from a statement outside the Commission except as the Chairman of the Commission may determine for good cause shown.

(2) The Commission shall make each financial disclosure statement of each employee, including Commissioners, paid basic compensation at a rate equivalent to or greater than the first step of GS–16 available to the public in accordance with the provisions of subsection (2)(A) and (2)(B) below, together with a copy of the offical position description of the Government office or position held by the reporting individual involved (if available) which shall be added to such report by such individuals' designated agency official.

(A) The Commission shall, within fifteen days after any report is received by the agency under this title, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy.

(B) The Chairman may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(j) Financial disclosure statements shall be retained by the Commission. If such statements are available for public inspection under subsection (i)(2), such statements shall be made available to the public for a period of six years after receipt of the statements. All statements shall be destroyed six years after receipt unless needed in an ongoing investigation.

2. Amend § 3000.735–403 to read as follows:

§ 3000.735–403 Reporting employment and financial interests—special Government employees.

(a) At the time of appointment each special Government employee who is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year shall submit a financial disclosure statement furnished by the designated agency official. The special Government employee shall keep his statement current during the period of his employment.

(b) Paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of § 3000.735–402 are applicable to statements submitted under this section.

3. Amend § 3000.735–404 to read as follows:

§ 300.735.404 Reporting employment and financial interests—detailees.

(a) When a member of the uniformed services or an employee of a Government agency other than the Commission is assigned or detailed to the Commission to perform duties of a type that would require the submission of a financial disclosure statement if performed by an employee of the Commission, the individual so assigned or detailed (referred to in this section as a "detailee") shall submit a financial disclosure statement as provided in § 3000.735–402(c) on the form furnished by the designated agency official. The detailee shall submit the statement at the start of the detail and shall submit supplementary statements as may be required, by the designated agency official.

(b) Paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) of § 3000.735.402 are applicable to statements submitted under this section.

4. Amend § 3000.734–405 to read as follows:

§ 3000.735–405 Reviewing statements; remedial action.

(a) Each statement submitted under this subpart shall be reviewed by the designated agency official or his designee. The review is for the purpose of determining whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Commission. If the designated agency official believes that such a conflict or appearance of conflict exists, the designated agency official shall provide the employee with an opportunity to explain the conflict or appearance of a conflict. When the reviewer determines that additional information is needed to make an adequate review, the employee shall disclose such additional information. If the designated agency official concludes that remedial action should be taken, he shall refer the statement to the Chairman of the Commission with his recommendation for such action. The Chairman of the Commission, after consideration of the employee's explanation and such investigation as he considers appropriate, shall direct appropriate remedial action if he considers it necessary. If the designated agency official concludes that remedial action is not necessary he may close the matter.

(b) Remedial action pursuant to paragraph (a) of this section, or by reason of the violation of any provision in this part, may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to § 3000.735–302(f).

(5) Disciplinary action. (See § 3000.735–205).

(6) Termination of assignment or detail in the case of a detailee under § 3000.735–404.

By the Commission.

David F. Harris,

Secretary.

[Order No. 276—Docket No. RM79–4]

[FR Doc. 79–14794 Filed 5–10–79; 8:45 am]

BILLING CODE 7715—01—M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

Approval of a Delayed Compliance Order Issued by the Connecticut Department of Environmental Quality to New Haven Trap Rock—Tomasso

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Connecticut Department of Environmental Protection to New Haven Trap Rock—Tomasso. The Order requires the company to bring air emissions from its asphalt batching plant at Bristol, Connecticut into compliance with certain regulations contained in the federally-approved State Implementation Plan (SIP). Because of the Administrator's approval, New Haven Trap Rock—Tomasso 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: This rule takes effect on May 11, 1979.

ADDRESS: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to prior Federal Register notice proposing approval of the Order are available for public inspection and copying during normal business hours at the address indicated above.

FOR FURTHER INFORMATION CONTACT: Michael Gurchin at (617) 223–5061 or engineer Steven Fradkoff at (617) 223–5610, both at the following address: U.S. Environmental Protection Agency, J.F.K. Federal Building, Room 2103, Boston, MA 02203.

SUPPLEMENTARY INFORMATION: On January 19, 1979, the Regional Administrator of EPA's Region I Office published in the Federal Register, 44 FR 3996, a notice proposing approval of a delayed compliance order issued by the Connecticut Department of Environmental Protection to New Haven Trap Rock—Tomasso. The notice asked for public comments by February 20, 1979 on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance order issued to New Haven Trap Rock—Tomasso 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. 7414 (d)(2). The Order places New Haven Trap Rock—Tomasso on a schedule to bring its asphalt batching plant at Bristol, Connecticut into compliance as expeditiously as practicable with Section 19–508–5(e) of the Connecticut Regulations for the Abatement of Air Pollution, a part of the federally-approved Connecticut 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 New Haven Trap Rock—Tomasso to delay compliance with the SIP regulations covered by the Order until May 15, 1979. The company is unable to immediately comply with these regulations.

Because the Order has been approved by EPA, compliance with its terms will preclude federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order during the period the Order is in effect. Citizen suits under Section 304 of the Act are similarly precluded. If the Administrator determines that New Haven Trap Rock—Tomasso is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place New Haven Trap Rock—Tomasso on a schedule

which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Connecticut State Implementation Plan.
(42 U.S.C. 7413(d), 7601)

Dated: May 7, 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 § 65.111:

§ 65.111 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
*	*	*	*	*	*
New Haven Trap Rock—Tomasso.	Bristol, Conn.	697	19-508-5(e)	Jan. 19, 1979	May 15, 1979
*	*	*	*	*	*

[FRL 1217-3]
[FR Doc. 79-14805 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 65

Disapproval of a Delayed Compliance Order Issued by The Commonwealth of Kentucky, Department for Natural Resources and Environmental Protection, to Airco, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby disapproves a Delayed Compliance Order issued by the Commonwealth of Kentucky to Airco, Inc. The Order requires Airco, Inc., to bring air emissions from its electrometallurgical facility at Calvert City, Kentucky, into compliance with certain regulations contained in the federally approved Kentucky State Implementation Plan (SIP).

DATES: This rule takes effect on May 11, 1979.

ADDRESSES: A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior Federal Register notice proposing disapproval of the Order are available for public inspection and copying during normal business hours at: U.S. Environmental Protection Agency, Region IV, Air Enforcement Branch, 345 Courtland Street, NE., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Richard S. DuBose, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: On May 30, 1978, the Regional Administrator of EPA's Region IV Office published in the Federal Register 43 FR 23002 (1978), a notice proposing disapproval of a delayed compliance order issued by the Commonwealth of Kentucky to Airco, Inc. The notice asked for public comments by June 29, 1978, on EPA's proposed disapproval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance order issued to Airco, Inc., is disapproved 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). EPA has reviewed the Order and has the following specific objections to the Order:

1. The Order does not ensure that electric arc furnace Nos. 4, 6, and 9, operating singly or in combination with other furnaces, will achieve final compliance by July 1, 1979.

2. The Order does not notify the source that unless exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, it will receive a notice of noncompliance and noncompliance penalties will be assessed and collected under Section 120 in the event the source fails to achieve final compliance by July 1, 1979.

3. The Order does not contain a schedule and timetable for compliance for the fugitive dust emission points or for the metallurgical treatment ladle, in that no increments of progress are included for these points.

4. With respect to the interim control of fugitive dust emission points and the metallurgical treatment ladle, the Order does not (a) include specific interim controls which represent the best practicable system of interim emission reduction, or, in the alternative, a finding that no system of interim emission reduction is practicable, and (b) include a requirement that the source remains subject to the enforcement of applicable State and Federal emergency provisions designed to prevent an imminent and substantial endangerment to human health.

5. The Order does not include emission monitoring and reporting requirements.

6. The Order includes a "force majeure" clause which would permit noncompliance beyond July 1, 1979.

Because of the Administrator's disapproval, the Order is not effective under Section 113(d) of the Clean Air Act.

EPA has determined that its disapproval of the Order shall be effective upon publication of this notice.
(42 U.S.C. 7413(d), 7601)

Dated: May 7, 1979.

Douglas M. Costle,
Administrator.

In consideration of the forgoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following item to the table in § 65.222:

§ 65.222 EPA disapproval of State delayed compliance orders.

* * * * *

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
*	*	*	*	*	*
Airco, Inc.	Calvert City, Ky.	DCP-78-4	401 KAR 3:060, Sections (4) 3 and 14.	May 30, 1978	July 1, 1979

40 CFR Part 228

Ocean Dumping; Final Revision of Regulations and Criteria; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to final rule.

SUMMARY: Final Revisions of the Ocean Dumping Regulations and Criteria were published in the Federal Register on January 11, 1977 (42 FR 2462 et seq.). An omission in the list of approved interim ocean dumping sites (40 CFR 228.12), off Yabucoa Harbor in Puerto Rico, was recently brought to EPA's attention by the U.S. Army Corps of Engineers Jacksonville District. This site has been historically used for the disposal of dredged materials, and the District has requested its addition to the list.

DATES: This correction will become effective on May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-548), EPA, Washington, DC 20460; telephone (202) 245-3051.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-900 appearing at page 2462 in the Federal Register of January 11, 1977, the following addition should be made:

On page 2485 in the first column (in § 228.12(a)) under Dredged Material Sites—Location, an additional site should be added to appear below the four Puerto Rico sites as follows:

Yabucoa Harbor, PR—18°00'54"N, 65°44'23"W; 18°01'33"N, 65°45'58"W; 18°03'12"N, 65°45'42"W; 18°02'30"N, 65°43'43"W.

Dated: May 3, 1979.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management.

[FR Doc. 79-14680 Filed 5-10-79; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Hillsdale County Railway Co. Inc. Authorized to Operate Over Tracks of Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1378).

SUMMARY: Service Order No. 1378 authorizes Hillsdale County Railway Company Inc., to operate over tracks of Consolidated Rail Corporation near Quincy, Michigan in order to provide essential rail service to industries ConRail is unable to serve because of a damaged bridge.

DATES: Effective 4:00 p.m., May 7, 1979. Expires 11:59 p.m., June 30, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washingon, D.C. 20423. Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided May 4, 1979.

Consolidated Rail Corporation (CR) is unable to operate its engines over CR Bridge No. 373.5 near Quincy, Michigan, due to weight restrictions caused by flood damage. Shippers located east of this bridge are being deprived of railroad service because of the inability of CR to switch the industries. CR can shove the rail cars across the bridge and the Hillsdale County Railway Company Inc. (HCRC) can switch the cars by operating over the tracks of CR near Quincy in order to restore essential railroad service to these industries.

It is the opinion of the Commission that an emergency exists requiring the operation of HCRC trains over these tracks of CR in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1378 Service Order No. 1378.

(a) *Hillsdale County Railway Company Inc. authorized to operate over tracks of Consolidated Rail Corporation.* The Hillsdale County Railway Company Inc. (HCRC) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between CR milepost 378.2 and CR Bridge No. 373.5 on CR Quincy Branch near Quincy, Michigan, for the purpose of serving industries located adjacent to these tracks.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the HCRC over tracks of CR is deemed to be due to carrier's disability, the rates applicable to traffic moved by HCRC over the tracks of CR shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 4:00 p.m., May 7, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.,

Secretary

[Service Order No. 1378]

[FR Doc. 79-14798 Filed 5-10-79; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 44, No. 93
Friday, May 11, 1979

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

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR Part 595]

Physicians' Comparability Allowances

AGENCY: Office of Personnel Management.

ACTION: Proposed Rulemaking.

SUMMARY: Under the authority granted by Executive Order 12109, the Office of Personnel Management is proposing regulations to implement the Federal Physicians Comparability Allowance Program established under section 5948 of Title 5, United States Code. This section authorizes the payment of allowances to certain eligibile Federal physicians who enter into service agreements with their agencies. These allowances are only paid in the case of categories of physicians for which the agency is experiencing recruitment and retention problems, and are fixed at the minimum amounts necessary to deal with such problems. These regulations are intended to provide a basic framework within which each agency may establish categories for the payment of allowances to suit its particular situation. The framework also promotes sufficient uniformity to permit evaluation of this temporary program.

DATE: Comments must be received on or before June 11, 1979.

ADDRESS: Send written comments to Mr. Raymond C. Weissenborn, Director, Compensation Division, Office of Personnel Management, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Harry A. Wolf, (202) 632-6553.

SUPPLEMENTARY INFORMATION: Since agencies and physicians are still unable to enter into agreements under this temporary program and the authority to enter into agreements expires on September 30, 1979, and since, because of the limited scope of the program, the primary interested parties are already well-informed concerning the regulatory requirements which are contemplated, Alan K. Campbell, the Director of the Office of Personnel Management, has determined there is good cause to limit the period for public comment to 30 days.

Accordingly, the Office of Personnel Management is proposing to add to Title 5 of the Code of Federal Regulations a new Part 595, as set forth below:

PART 595—PHYSICIANS' COMPARABILITY ALLOWANCES

Subpart A—Statutory Authority; Regulatory Responsibility

Sec.
595.101 General.
595.102 Statute.
595.103 Regulatory responsibility.

Subpart B—Regulations of the Office of Personnel Management

595.201 General.
595.202 Coverage and exclusions.
595.203 Establishment of categories of physicians.
595.204 Determination of amount of comparability allowance.
595.205 Termination of service agreement.
595.206 Approval of agency plans.
595.207 Reports.

Authority.—5 U.S.C. 5948; E.O. 12109, 44 FR 1067, January 3, 1979.

Subpart A—Statutory Authority; Regulatory Responsibility

§ 595.101 General.

Section 5948 of title 5, United States Code, authorizes the payment of allowances to certain eligibile Federal physicians who enter into service agreements with their agencies. These allowances are only paid in the case of categories of physicians for which the agency is experiencing recruitment and retention problems, and are fixed at the minimum amounts necessary to deal with such problems. The President has delegated regulatory responsibility for this program to the Director of the Office of Personnel Management, acting in consultation with the Director of the Office of Management and Budget.

§ 595.102 Statute.

The statute under which physicians' comparability allowances are authorized is section 5948 of title 5, United States Code (referred to in this part as "5 U.S.C. 5948"). The text of this section of law follows:

"§ 5948. Physicians comparability allowances

"(a) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Government physicians, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a Government physician which provides for such physician to complete a specified period of service in such agency in return for an allowance for the duration of such agreement in an amount to be determined by the agency head and specified in the agreement, but not to exceed—

"(1) $7,000 per annum if, at the time the agreement is entered into, the Government physician has served as a Government physician for twenty-four months or less, or

"(2) $10,000 per annum if the Government physician has served as a Government physician for more than twenty-four months.

"(b) An allowance may not be paid pursuant to this section to any physician who—

"(1) is employed on less than a half-time or intermittent basis,

"(2) occupies an internship or residency training position,

"(3) is a reemployed annuitant, or

"(4) is fulfilling a scholarship obligation.

"(c) The head of an agency, pursuant to such regulations, criteria, and conditions as the President or his designee may prescribe, shall determine categories of positions applicable to physicians in such agency with respect to which there is a significant recruitment and retention problem. Only physicians serving in such positions shall be eligible for an allowance pursuant to this section. The amounts of each such allowance shall be determined by the agency head, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians.

"(d) Any agreement entered into by a physician under this section shall be for a period of one year of service in the agency involved unless the physician requests an agreement for a longer period of service. No agreement shall be entered into under this section later than September 30, 1979, nor shall any agreement cover a period of service extending beyond September 30, 1981.

"(e) Unless otherwise provided for in the agreement under subsection (f) of this section, an agreement under this section shall provide that the physician, in the event that such physician voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the

President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the physician may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician for each reason for termination.

"(g) For the purpose of this section—

"(1) 'Government physician' means any individual employed as a physician who is paid under—

"(A) section 5332 of this title, relating to the General Schedule;

"(B) section 5361 of this title, or similar statutory authority, relating to administratively determined pay for certain specially qualified scientific or professional personnel;

"(C) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b), relating to the Tenessee Valley Authority;

"(D) title 4 of the Foreign Service Act of 1946 (22 U.S.C. 861–890), relating to the Foreign Service;

"(E) section 10 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j), relating to the Central Intelligence Agency;

"(F) section 121 of title 2 of the Canal Zone Code, relating to the Canal Zone Government and the Panama Canal Company; or

"(G) section 2 of the Act of May 29, 1959 (Public Law 86–36, as amended, 50 U.S.C. 402 note), relating to the National Security Agency; and

"(2) 'agency' means an Executive agency, as defined in section 105 of this title, and the District of Columbia government.

"(h)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or other benefits related to basic pay.

"(2) Any allowance under this section for a Government physician shall be paid in the same manner and at the same time as the physician's basic pay is paid.

"(i) Any regulations, criteria, or conditions that may be prescribed under this section by the President or his designee shall not be applicable to the Tennessee Valley Authority, and the Tennessee Valley Authority shall have sole responsibility for administering the provisions of this section with respect to Government physicians employed by the Authority.".

§ 595.103 Regulatory responsibility.

Under Executive Order 12109 (44 FR 1067, January 3, 1979), the President has designated and empowered the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, to prescribe regulations, criteria, and conditions for the administration of the physicians' comparability allowance program under 5 U.S.C. 5948.

Subpart B—Regulations of the Office of Personnel Management

§ 595.201 General.

This subpart contains the regulations, criteria, and conditions (described collectively in this subpart as "regulations") which the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, has prescribed for the administration of the physicians' comparability allowance program. These regulations supplement and implement the provisions of 5 U.S.C. 5948 (the text of which appears above, in section 595.102 of this part), and must be read together with that section of law.

§ 595.202 Coverage and exclusions.

(a) Subsection (g)(1) of 5 U.S.C. 5948 defines those covered by the physicians' comparability allowance program as individuals employed as physicians under certain Federal pay systems listed in that subsection. For the purposes of this part, an individual is "employed as a physician" only if he or she is serving in a position the duties and responsibilities of which could not be satisfactorily performed by an incumbent who is not a physician. In addition to individuals covered by the pay systems listed in subsection (g)(1) of 5 U.S.C. 5948, the physicians' comparability allowance program covers individuals employed as physicians and paid under subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service, or chapter 54 of that title, relating to the Merit Pay System.

(b) Subsection (b) of 5 U.S.C. 5948 prohibits the payment of physicians' comparability allowances to certain physicians, including physicians who are reemployed annuitants. For the purpose of that subsection, a "reemployed annuitant" means an individual who is receiving or is entitled to receive an annuity under any retirement program of the Government of the United States, or the government of the District of Columbia, on the basis of service as a civilian employee in the civil service.

(c) Physicians who are serving with the Government in fulfillment of a scholarship obligation are excluded from the physicians' comparability allowance program by subsection (b)(4) of 5 U.S.C. 5948. In order to provide consistency with this statutory exclusion, physicians who are serving with the Government under a loan repayment program are also hereby excluded from the physicians' comparability allowance program.

§ 595.203 Establishment of categories of physicians.

(a) Under subsection (c) of 5 U.S.C. 5948, the head of each agency employing physicians is required to determine categories of physician positions for which there is a significant recruitment and retention problem, and physicians' comparability allowances may be paid only to physicians serving in positions in such categories.

(b) In determining categories of physician positions, the head of each agency must, as a minimum, establish as separate categories the following types of positions:

(1) Positions primarily involving the practice of medicine or direct service to patients, involving the performance of diagnostic, preventive, or therapeutic services to patients in hospitals, clinics, public health programs, diagnostic centers, and similar settings, but not including positions primarily involving services to patients in occupational health programs;

(2) Positions primarily involving the conduct of medical resarch and experimental work, including the conduct of medical work pertaining to food, drugs, cosmetics, and devices; and

(3) Positions not described by paragraph (b)(1) or (2) of this section, including positions in occupational health programs, disability evaluation and rating, the performance of medicolegal autopsies, training activities, and the administration of medical and health programs, including the administration of patient care and medical research and experimental programs.

The agency head may establish as separate categories any additional subdivisions of these three categories of positions, based on any factors the agency head determines relevant. These may include such factors as the location, grade or level, and medical specialization of the positions.

(c) A significant recruitment and retention problem shall be considered to exist for each category of physician position established under paragraph (b) of this section only if the four following conditions are met with respect to the category:

(1) There are one or more existing vacant positions in the category which there is an urgent need to fill;

(2) The qualification requirements being used as a basis for considering candidates for the vacant positions in the category do not exceed the qualifications that are actually

necessary for successful performance of the work of the positions in the category;

(3) The agency has made extraordinary efforts to recruit qualified candidates for the vacant positions in the category and to retain physicians presently employed in positions in the category; and

(4) A sufficient number of qualified candidates is not available to fill the existing vacancies in the category at the rate of pay the agency may offer if no comparability allowance is paid.

§ 595.204 Determination of amount of comparability allowance.

(a) The amount of the comparability allowance payable for each category of physician position established under section 595.203(b) of this part must be the minimum amount necessary to deal with the recruitment and retention problem identified under section 595.203(c) of this part for that category of position. In determining this amount, the agency head shall consider the relative earnings, responsibilities, expenses, workload, working conditions, conditions of employment, and personnel benefits for physicians in each category and for comparable physicians inside and outside the Federal Government.

(b) Under subsection (a) of 5 U.S.C. 5948, the comparability allowance payable to any Government physician may not exceed $7,000 per annum for a physician who has served as a Government physician for 24 months or less, or $10,000 per annum for a physician who has served as a Government physician for more than 24 months. For the purpose of determining a physician's length of service for this requirement, prior service as a Government physician need not have been continuous, but any periods of leave without pay may not be counted as service.

§ 595.205 Termination of service agreement.

Under subsection (f) of 5 U.S.C. 5948, each service agreement entered into by an agency and a physician under the comparability allowance program may prescribe the terms under which the agreement may be terminated and the amount of allowance, if any, required to be refunded by the physician for each reason for termination. As a minimum, in the case of each service agreement covering a period of service of more than one year, the service agreement must provide that, if the physician completes more than one year of service pursuant to the agreement, but fails to complete the full period of service specified in the agreement either voluntarily or because of misconduct by the physician, the physician shall be required to refund an amount of the allowance that has been received that is specified in the agreement, but such amount shall not be less than the amount of allowance the physician has received under the agreement for the 26 weeks of service immediately preceding the termination.

§ 595.206 Approval of agency plans.

(a) An agency may not enter into any service agreement under 5 U.S.C. 5948 until the agency's plan for implementing the physicians' comparability allowance program has been submitted to and approved by the Office of Management and Budget in accordance with this section and such instructions as the Office of Management and Budget may prescribe.

(b) The agency shall submit to the Office of Management and Budget a complete description of its plan for implementing the physicians' comparability allowance program, including the following:

(1) An identification of the categories of physician positions that the agency has established under section 595.203(b) of this part, and of the basis for such categories;

(2) An explanation of the determination that a recruitment and retention problem exists for each such category, in accordance with the criteria in section 595.203(c) of this part; and

(3) An explanation of the basis for the amount of comparability allowance determined necessary for each category of physician position under section 595.204(a) of this part.

(c) The Office of Management and Budget shall review each agency's description of its plan for implementing the physicians' comparability allowance program and determine if the plan is consistent with the provision of 5 U.S.C. 5948 and the requirements of this part, and if the plan is consistent, shall so advise the agency and authorize the agency to implement the plan.

§ 595.207 Reports.

Because of the experimental and temporary nature of the physicians' comparability allowance program, it will be necessary for the Office of Personnel Management to collect information on the administration of the program by the agencies, and on the effects the program has on the recruitment and retention of Government physicians. The Office of Personnel Management will prescribe the number, contents, timing, and format of the reports necessary to collect this information, and every agency using the physicians' comparability allowance program is required to submit such reports as the Office may prescribe. These reports must include, among other things, the following:

(1) A listing of the amount of allowance actually paid to the agency's physicians; and

(2) An assessment of the effect of the physicians' comparability allowance program on the agency's recruitment and retention of physicians.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-14748 Filed 5-10-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[9 CFR Part 201]

Regulations Under the Packers and Stockyard Act; Deletion and Revocation of All Regulations Pertaining to Poultry Licensees Operating in Designated Poultry Marketing Areas

AGENCY: Packers and Stockyards, Agricultural Marketing Service, Department of Agricultural.

ACTION: Proposed Rules.

SUMMARY: The Packers and Stockyards, Agricultural Marketing Service (AMS), proposed to delete and/or revoke all regulations or parts thereof issued under the Packers and Stockyards Act (7 U.S.C. 181 et seq.) which apply to poultry licensees. Since live poultry marketing in the large metropolitan areas is virtually nonexistent, the regulations pertaining to the licensees operating in the designated areas are no longer pertinent and should be deleted or revoked.

DATES: Comments must be received on or before July 16, 1979.

ADDRESSES: Send written comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: James D. Tuggle, Chief, Poultry Branch or E. H. Haller, Auditor, Poultry Branch Packer and Poultry Division, Packers and Stockyards, AMS, United States Department of Agriculture, Washington, D.C. 20250, Telephone: 202-447-5877.

SUPPLEMENTARY INFORMATION:

I. Background

In 1935, Congress amended the Packers and Stockyards Act by adding Title V. This title provided for the regulation of live poultry marketing in major metropolitan centers. After these areas were designated, all poultry dealers and marketing agencies operating in the designated areas were required to be licensed and appropriate regulations governing their operations were issued. These regulations, pertaining to financial and tariff requirements and marketing activities, were in most instances incorporated into the existing regulations pertaining to livestock marketing.

II. Effect on Existing Program

Live poultry dealers and handlers operating outside designated areas were not required to be licensed; however, their operations were made subject to section 202 of the Act in the 1935 amendment referred to above. Poultry regulations pertaining to all live poultry dealers and handlers operating in commerce were issued in 1971. These poultry regulations, 201.100 through 201.111, will be retained. These regulations together with the prohibitions in section 202 of the Act are considered adequate to deal with any unfair practices which may occur in the marketing of live poultry at any place including large metropolitan areas.

III. Rulemaking Procedure

The rulemaking procedure is governed by 5 U.S.C. 553. Interested persons may participate by submitting written data, views, or arguments to the address shown above. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). If any information is communicated orally to personnel of the agency, which is not a matter of public record and which may influence the final decision on the proposed rulemaking, such information and its source will be reduced to writing and made available for inspection the same as written submissions in response to this notice, and the time for submission of comments will be extended if and as appropriate to permit others to reply to such information.

Dated: May 2, 1979.

Chas B. Jennings,

Deputy Administrator, Packers and Stockyards, AMS.

Accordingly, Part 201 is amended as follows:

§§ 201.8, 201.9, 201.14, 201.15, 201.16, 201.18, 201.35, 201.36, 201.37, 201.38, 201.46(b), 201.48, and 201.83 [Reserved]

The above sections are revoked and numbers reserved.

§ 201.2 [Amended]

The paragraphs listed below are deleted and redesignated.

Delete sections 201.2(i) and 201.2(k).

Section 201.2(j) is redesignated 201.2(i).

Section 201.2(l) is redesignated 201.2(j).

Section 201.2(m) is redesignated 201.2(k).

§ 201.8 [Amended]

Delete the subject title "Designation of Live Poultry Markets" preceding §201.8.

§ 201.14 [Amended]

Delete the subject title "Licensing" preceding § 201.14.

§ 201.35 [Amended]

Delete the subject title "Licensee Bonds" preceding § 201.35.

§ 201.46 [Amended]

Delete (a) in § 201.46.

The following sections and paragraphs have been rewritten and are set out below: 201.22(a), 201.24, 201.26, 201.43(a), 201.44, 201.50, 201.55, 201.79(a), and 201.81.

Section 201.22(a) is revised to read as follows:

§ 201.22 Time and place stockyard owners and market agencies are to file schedules and amendments.

(a) Duplicate copies of all schedules and rules or regulations and amendments or supplements thereto required to be filed under the Act by market agencies and stockyard owners shall be kept open for public inspection at their places of business. Unless the requirement as to filing and notice is specifically waived, as provided for in section 306(c) of the Act, all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Administrator at Washington, D.C., not less than ten (10) days before the effective date thereof. The provisions of this section apply to changes in feed charges and specified margins above cost of feed contained in basic tariff schedules: *Provided, however,* That the requirements as to filing and notice contained in section 306(c) of the Act are specifically waived with respect to changes in feed charges when (1) the basic tariff schedule provides that such feed charges are to be based on an average cost plus a specified margin, and (2) the records of the stockyard or market agency involved clearly disclose the average cost of the feed on hand, and (3) a schedule of the current feed charges computed in accordance with the basic tariff schedule and showing the effective date thereof is conspicuously posted at the stockyard and a copy is furnished to the Area Supervisor for informational purposes.

Section 201.24 is revised as follows:

§ 201.24 Prescribed rates, charges, practices, and regulations.

After the effective date of any general order issued by the Secretary prescribing rates, charges, practices, or regulations governing the rendition of stockyard services or the selling or buying of livestock on a commission basis at a stockyard, every market agency operating at such stockyard shall conform to such order.

Section 201.26 is revised as follows:

§ 201.26 Form.

The schedules of each stockyard owner and market agency operating at a stockyard, shall be substantially in the form set out below:

Tariff or Schedule of Charges No.——
or Amendment No.——to Tariff or Schedule of Charges No.——of

_____
(Operator's Name)

_____
(Operator's Business Address)

_____
(Name posted stockyard where charges apply)

_____
(Location of posted stockyard where charges apply)

Issued: _____

Effective _____

(Not less than ten days after receipt in Washington Office)

(Insert here, dividing into sections, the various classes of service performed by the stockyard owner or operator, or market agency operating at a stockyard, the kind of livestock concerning which services are performed, the nature of the services, and the terms or conditions under which the services are rendered.)

(Operator's name) _____

(Signed by) _____

(Owner, partner, or Official designation)

Section 201.43(a) is revised to read as follows:

§ 201.43 Payment and accounting for livestock.

(a) *Market agencies to make prompt accounting and transmittal of net proceeds.* Each market agency shall,

before the close of the next business day following the sale of any livestock consigned to it for sale, transmit or deliver to the consignor or shipper of the livestock, or the duly authorized agent, in the absence of any knowledge that any other person, or persons, has any interest in the livestock, the net proceeds received from the sale and a true written account of such sale, showing the number, weight, and price of each kind of animal sold, the name of the purchaser, the date of sale, the commission, yardage, and other lawful charges, and such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

* * * * *

Section 201.44 is revised to read as follows:

§ 201.44 Market agencies to render prompt accounting for purchases on order.

Each market agency shall, promptly following the purchase of livestock on a commission or agency basis, transmit or deliver to the person for whose account such purchase was made, or the duly authorized agent, a true written account of the purchase showing the number, weight, and price of each kind of animal purchased, the names of the persons from whom purchased, the date of purchase, the commission and other lawful charges, and such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

Section 201.50 is revised to read as follows:

§ 201.50 Records; disposition.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, no stockyard owner, market agency, or dealer shall, without the consent in writing of the Administrator, destroy or dispose of any books, records, documents, or papers which contain, explain, or modify transactions in the business under the Act.

(b) Every stockyard owner, market agency or dealer may destroy or dispose of the following categories of records after they have been retained for a period of 2 full calendar years:

Stockyard Owners

All feed records.
Dipping and spraying orders.
Vaccinating and testing orders.
Orders for special services.
Routine correspondence.
Railroad advance charges.
Bills to commission firms and others.
Records of shipments by States and markets.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Railroad in-bound records.
Truck-in receipt records.
Delivery records.
Yarding receipts.
Pass-out and delivery orders.
Truck shipping orders.
Railroad shipping orders.
Scale yarding records.
Scale tickets.
Scale test reports.

Market Agencies

Scale tickets.
Bills from stockyard company.
Bills for livestock purchased.
Gate tickets.
Routine correspondence.
Way-bills and truckers tickets.
Accounts of sales.
Accounts of purchases.
Bills and invoices to buyers.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Scale test reports.

Dealers

Bills from stockyard company.
Bills for livestock purchased.
Accounts of sales.
Routine correspondence.
Bills to purchasers.
Scale tickets.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Scale test reports.

(c) The two-year period specified in paragraph (b) of this section shall be extended if necessary to comply with any Federal, State, or local law, or if the stockyard owner, market agency, or dealer is notified in writing by the Administrator that specified records should be retained pending the completion of any investigation or proceeding under the Act.

The periods specified herein after which records may be disposed of have been approved by the Office of Management and Budget in accordance with the Federal Report Act of 1942 (56 Stat. 1078; 5 U.S.C., 139 et seq.).

Section 201.55 is revised to read as follows:

§ 201.55 Purchases and sales to be made on actual weights.

When livestock is bought or sold on a weight basis in transactions subject to the provisions of the Act, settlement therefor shall be on the basis of the weight shown on the scale ticket or correction ticket, as the case may be. Any weight figures shown on accounts of sale, accounts of purchase, invoices, bills, or statements issued in connection with transactions subject to the Act shall be actual weights obtained on scales operated or used by stockyard owners, market agencies, dealers, or packers at the place and at the time of the consummation of the transactions in question or, if not, shall be appropriately explained on the accountings, bills, or statements issued.

Section 201.79(a) is revised to read as follows:

§ 201.79 Facilities and services at stockyards.

(a) *Facilities and services at stockyards; discrimination prohibited.* No stockyard owner shall discriminate unfairly with respect to the utilization of pens, alleys, buildings, or facilities for the yarding, weighing, or handling of livestock, or of space for packing, rendering, and other establishments, or otherwise in furnishing services and facilities at the stockyard.

* * * * *

Section 201.81 is revised to read as follows:

§ 201.81 Suspended registrants.

No stockyard owner, packer, market agency, or dealer shall employ any person who has been suspended as a registrant to perform activities in connection with livestock transactions in commerce during the period of such suspension or revocation: *Provided,* That the provisions of this section shall not be construed to prohibit the employment of any person who has been suspended as a registrant until such time as the person demonstrates solvency and obtains the bond required under the Act and regulations. No such person shall be employed, however, until after the expiration of any specified period of suspension contained in the order of suspension.

(72 Stat. 1750; secs. 202, 307, 312, 42 Stat. 161 et seq., as amended; 7 U.S.C. 192, 208, 213)

§ 201.2 [Amended]

In § 201.2 (1) delete, ", market agencies, or licensees." and insert "and market agencies."

§§ 201.4, 201.53, 201.54, 201.71, 201.72, 201.73, 201.74, 201.75, 201.84, 201.94, 201.95, 201.96 [Amended]

In the sections listed above delete "dealer, or licensee" whenever it appears and insert "or dealer".

§§ 201.54, 201.63 [Amended]

In the sections listed above delete "dealer or licensee" and insert "or dealer".

§§ 201.19, 201.20, 201.21 [Amended]

a. In § 201.19 delete ", market agencies operating at a stockyard, and

licensees" and insert "and market agencies operating at a stockyard".

b. In §§201.19 and 201.20 delete ", market agency, or licensee" whenever it appears and insert "or market agency".

c. In §§201.20 and 201.21 delete ", market agency operating at a stockyard, and licensee" and insert "and market agency operating at a stockyard".

§§ 201.39, 201.40, 201.41, 201.42, 201.45, 201.47, 201.52, 201.58, 201.59, 201.60, 201.64 [Amended].

a. In the sections listed above delete "or licensee" whenever it appears.

In §§ 201.39, 201.41, 201.42(b), 201.45, 201.47 delete "and licensees" whenever it appears.

§ 201.25 [Amended]

In § 201.25 delete ", market agency, and licensee" and insert "and market agency".

§ 201.28 [Amended]

a. In § 201.28 delete "licensee," whenever it appears.

b. In § 201.28 delete "or a license".

c. In § 201.28 delete "licensee's,"

§§ 201.23, 201.40, 201.47 [Amended]

In the sections listed above delete "or licensees" whenever it appears.

§§ 201.39, 201.40, 201.41, 201.42, 201.45, 201.47, 201.52, 201.53, 201.54, 201.58, 201.59, 201.60, 201.63, 201.64, 201.71, 201.72, 201.73, 201.74, 201.76, 201.77, 201.84 [Amended]

a. In the sections listed above delete "or live poultry" whenever it appears.

b. In § 201.42(a) delete "or poultry purchases".

c. In §§ 201.42(a) and 201.63 delete "or poultry".

d. In §§ 201.42(a) and 201.42(h) delete "or licensee's".

e. In § 201.53 delete "and live poultry."

f. In § 201.59 delete ", or licensed under the act,".

g. In § 201.63 listed below delete "or in designated areas or".

§§ 201.23, 201.42(b), 201.42(f), 201.58, 201.45 [Amended]

In the sections listed above delete "and licensee" whenever it appears.

§§ 201.46, 201.73, 201.94, 201.95 [Amended]

In the sections listed above delete "dealers, and licensees" and insert "and dealers" whenever it appears.

§ 201.76 [Amended]

In § 201.76 delete "packers, and licensees," and insert "and packers,".

§ 201.77 [Amended]

In § 201.77 delete "packer, and licensee" and insert "and packer".

§§ 201.94, 201.95, 201.97 [Amended]

In §§ 201.94, 201.95, 201.97 delete "dealer, and licensee" and insert "and dealer".

§ 201.96 [Amended]

In § 201.96 delete "dealers, or licensees" and insert "or dealers".

§ 201.95 [Amended]

In § 201.95 [Amended] delete "dealer, or licensee," and insert "or dealer,".

§ 201.23 [Amended]

In § 201.23 delete "or licensee,".

[FR Doc. 79-14758 Filed 5-10-79; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

[10 CFR Part 440]

Weatherization Assistance Program; Correction

AGENCY: Department of Energy.

ACTION: Correction.

SUMMARY: This document corrects a proposed rule that appeared at page 22608 in the Federal Register of Monday, April 16, 1979, [44 FR 22608].

DATES: Comments on the proposed rule must be submitted by May 16, 1979.

ADDRESSES: Send comments to: Margaret Sibley, Office of Conservation and Solar Applications, Room 2221C, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545, re: Weatherization Assistance for Low-Income Persons Regulations (Docket No. CAS-RM-75-503).

FOR FURTHER INFORMATION CONTACT:
Mary M. Bell (202) 376-9481.

The following corrections are made:

1. On page 22608 at the top of column one, "[10 CFR Parts 420, 440]" is corrected to read "[10 CFR Part 440]."

2. On page 22609, column one, first paragraph, "§ 420.2(a)(9)" is corrected to read "§ 440.2(a)(8)."

3. On page 22611, column one, the third full paragraph, "§ 420.17" is corrected to read "§ 440.17" and "§ 420.17(d)" is corrected to read "§ 440.17(d)."

4. On page 22646, "§ 420.7 [Amended]" is corrected to read "§ 440.17 [Amended]."

Dated: May 7, 1979.

Omi G. Walden,
Assistant Secretary, Conservation and Solar Applications

[Docket No. 79-11634]
[FR Doc. 79-14710 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[10 CFR Part 508]

Receipt of Petitions for Temporary Public Interest, Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, and Proposed Order Granting the Petitions for Temporary Exemptions.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Petitions and Proposed Orders.

SUMMARY: On or before May 8, 1979, petitions were filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by Section 311(e) of the powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, November 9, 1978 (FUA or the Act). The owners/operators of the powerplants have provided the following information.

DATES: Written comments relating to these petitions and the proposed order are due on or before June 22, 1979. Requests for a public hearing are due on or before May 29, 1979.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, N.W., Room 2313, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

Elmer Lee (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 7219-F, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5436.

Robert L. Davies (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 7202, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-3910.

James H. Heffernan (Office of General Counsel), Department of Energy, Room 7134, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8820.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by Section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, establishes the policy of ERA has adopted in implementing its authority under Section 311(e) of FUA and the eligibility criteria, which petitioners for the temporary exemption must demonstrate. This temporary exemption will allow certain existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are mandated by Section 301(a) (2) and (3) of FUA.

The use of natural gas, permitted under these temporary exemptions, will allow existing electric powerplants to displace distillate and residual fuel oils as their primary energy source.

This expanded use of natural gas in these powerplants will be a significant step towards reducing our short term oil consumption. This will help the United States in meeting its goals to reduce its demand for imported oil, protect the Nation from the effects of any oil shortages, and will serve to cushion the impact of increasing world oil prices.

The owners/operators of the powerplants have provided the following information.

Petitioner's name/generating station	Unit identification	Maximum quantity of oil displaced (thousands of barrels)/type of oil displaced (distillate/residual)		Maximum quantity of coal displaced (tons)
Cincinnati Gas & Electric Company (Dick's Creek)	CT 1	467	Distillate	0
	CT 2			
	CT 3			
	CT 4			
	CT 5			
Florida Power Corp. (Avon Park)	CT 1	34	Distillate	0
	CT 2			
	#2	192	Residual	0
(Bartow)	#2	648	Residual	0
	#3			
(Higgins)	#1	176	Residual	0
	#2			
	CT 1	84	Distillate	0
	CT 2			
	CT 3			
	CT 4			
(Suwanee River)	#1	1,694	Residual	0
	#2			
	#3			
(Turner)	#3	599	Residual	
	#4			
Kansas Power and Light (Tecumseh)	#5	48	Residual	0
	#6			
	CT 1	105	Distillate	0
	CT 2			
(Lawrence)	#2	96	Residual	0
(Hutchinson)	CT 1	86	Distillate	0
	CT 2			
	CT 3			
	#4	317	Residual	0
(Abilene)	#1	127	Residual	0
	#2			
	CT 1	69	Distillate	0
Jersey Central Power & Light Co. (Sayreville)	#5	900	Residual	0
	#6			
	#7			
	#8			
(Gilbert)	CT 1	6	Distillate	0
	CT 2			
	CT 3	540	Residual	0
	CT 4			
	#1			
	#2			
	#3			
(Riegel)	CT 1	148	Distillate	0
City of Lakeland Florida (Larsen)	#1	365	Residual	0
(C. D. McIntosh)	#1	1,776	Residual	0
	#2			
Niagara Mohawk Power Company (Rotterdam)	CT 1	10	Distillate	0
	CT 2			
	CT 3			
	CT 4			
	CT 5			
	CT 6			
	CT 7			
	CT 8			
(Albany)	CT 1	18	Distillate	0
	CT 2			
	CT 3			
	CT 4			
New Orleans Public Service Inc. (Michoud)	#1	1,768	Residual	0
	#2			
	#3			
(Paterson)	#1	268	Residual	0
	#2			
	#3			
	#4			
Orange & Rocland Utilities (Hillburn)	#1	15	Distillate	0
(Bowline)	#1	1,000	Residual	0
	#2			

Petitioner's name/generating station	Unit identification	Maximum quantity of oil displaced (thousands of barrels)/type of oil displaced (distillate/residual)		Maximum quantity of coal displaced (tons)
(Shoemaker)	#1	15	Distillate	0
(Lovett)	#1	1,700	Residual	0
	#2			
	#3			
	#4			
	#5			
Fort Pierce Utilities Authorities (King)	#5	863	Residual	0
	#7			
	#8			
Southern California Edison Company (Redondo)	#1	4,560	Residual	0
	#2			
	#3			
	#5			
	#6			
	#7			
	#8			
(Ormond)	#1	40	Residual	0
	#2			
(Ellwood)	#1	1	Distillate	0
(El Segundo)	#1	3,770	Residual	0
	#2			
	#3			
	#4			
(Cool Water)	#1	1,600	Residual	0
	#2			
(Garden State)	#1	250	Distillate	0
Southern California Edison Company (Highgrove)	#1	50	Residual	0
	#2			
	#3			
	#4			
(Etiwanda)	#1	3,290	Residual	0
	#2			
	#3			
	#4			
	#5	7	Distillate	0
(Alamitos)	#1	6,620	Residual	0
	#2			
	#3			
	#4			
	#5			
	#6			
	#7	4	Distillate	0
(San Bernardino)	#1	510	Residual	0
	#2			
(Mandalay)	#1	1,950	Residual	0
	#2			
	#3			
(Huntington Beach)	#1	2,450	Residual	0
	#2			
	#3			
	#4			
	#5			
Consolidated Edison Company of New York, Inc. (Astoria)	#1	153	Distillate	0
	#2			
	#3	2,190	Residual	0
	CT 1			
	CT 2			
	CT 3			
	CT 4			
(East River)	#5	1,944	Residual	0
	#6			
	#6			
	#7			
Consolidated Edison Company of New York, Inc. (Narrows)	#1	90	Distillate	0
	#2			
(Ravenswood)	#1	4,936	Residual	0
	#2			
	#3			
	CT 1			
	CT 2			
	CT 3			
	CT 4			
	CT 5			
	CT 6			
	CT 7			
	CT 8			
	CT 9			
	CT 10			
	CT 11			
(Waterside)	#4	3,384	Residual	0
	#5			
	#6			
	#7			
Greenwood Utilities (Wright)	#1	89	Residual	0
	#2			
	#3	20	Distillate	0
	#4			
(Henderson)	#1	50	Distillate	
	#2			
	#3			
Orlando Utilities Commission (Lake Highland)	#1	100	Residual	0
	#2			
	#3			
	CT A	2	Distillate	0
	CT B			

Petitioner's name/generating station	Unit identification	Maximum quantity of oil displaced (thousands of barrels)	Type of oil displaced (distillate/residual)	Maximum quantity of coal displaced (tons)
Orlando Utilities Commission (Indian River)	#1	1,280	Residual	0
	#2			
	#3			
Florida Power and Light Company (Cape Canaveral)	#1	1,123	Residual	0
	#2			
(Cutler)	#4	293	Residual	0
	#5			
	#6			
Florida Power and Light Company (Lauderdale)	#4	376	Residual	0
	#5			
	CT 1			
	CT 2			
	CT 3			
	CT 4			
	CT 5			
	CT 6			
	CT 7			
	CT 8			
	CT 9			
	CT 10	177	Distillate	0
	CT 11			
	CT 12			
	CT 13			
	CT 14			
	CT 15			
	CT 16			
	CT 17			
	CT 18			
	CT 19			
	CT 20			
	CT 21			
	CT 22			
	CT 23			
	CT 24			
Florida Power and Light Company (Port Everglades)	#1	1,294	Residual	0
	#2			
	#3			
	#4			
	CT 1			
	CT 2			
	CT 3			
	CT 4			
	CT 5			
	CT 6	94	Distillate	0
	CT 7			
	CT 8			
	CT 9			
	CT 10			
	CT 11			
	CT 12			
(Palarka)	#1	127	Residual	0
	#2			
(Riviera)	#1	979	Residual	0
	#2			
	#3			
	#4			
(Sanford)	#3	260	Residual	0
(Turkey Point)	#1	820	Residual	0
	#2			
Gainesville-Alachua County Regional Electric, Water, and Sewer Utilities Board (Deerhaven).	#1	227	Residual	0
	CT 1	15	Distillate	0
	CT 2			
(Kelly)	#6	215	Residual	0
	#7			
	#8			
	CT 1	4	Distillate	0
	CT 2			
	CT 3			
Utilities Commission City of New Smyrna Beach (W. E. Swoope)	#1	97	Residual	0
Sebring Utilities Commission (Dinner Lake Plant)	#1	148	Residual	0
Long Island Lighting Company (Glenwood)	#4	400	Residual	0
	#5			
(Far Rockaway)	#4	100	Residual	
(E. F. Barrett)	#1	2,700	Residual	0
	#2			
	CT 1	200	Distillate	0
	CT 2			
	CT 3			
	CT 4			
Wolverine Electric Cooperative, Inc. (Van Dyke)	#5	359	Distillate	0
	#6			
City of Tallahassee (Purdom)	#3	576	Residual	0
	#4			
	#5			
	#6			
	#7			
(Hopkins)	#1	1,745	Residual	0
	#2			
City of Clarksdale Mississippi (3rd Street)	#4	37	Residual	0
	#5			
(South)	#6	60	Residual	0
	#7			
	#8	250	Distillate	0
	#9			

Petitioner's name/generating station	Unit identification	Maximum quantity of oil displaced (thousands of barrels)/type of oil displaced (distillate/residual)		Maximum quantity of coal displaced (tons)
Bryan Municipal (Bryan)	#1	1,500	Distillate	0
	#3			
Delmarva Power & Light Company (Edge Moor)	#1	1,130	Residual	0
	#3			
	#4			
Municipal Light Commission of the City of Taunton (Clearly/Flood).		163	Distillate	0
	9	949	Residual	0
	8	64	Residual	0
Central Hudson Gas and Electric Corporation (Danskammer)	#2	494	Residual	0
Lake Worth Utilities Authority (Smith)	CGT-2/S-5	25	Distillate	0
	S-4	425	Residual	0
	S-3			
	S-2			
	S-1			

FUA became effective May 8, 1979. FUA prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes an exemptions procedure in regard to that and other prohibitions.

ERA intends to issue proposed orders which would grant temporary public interest exemptions to all of the petitioners enumerated above. These proposed orders would grant a temporary exemption from the prohibition against natural gas use, contained in Section 301(a) (2) and (3) of FUA, to the subject powerplants. These proposed orders to grant temporary public interest exemptions are issued under the authority of Section 311(e) of FUA and 10 CFR 508, published by ERA on April 9, 1979 (44 FR 21230).

ERA is publishing this notice of petitions filed and its proposed order to grant these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of Section 701(d) of FUA.

The above listed owners/operators have filed petitions with ERA to request a temporary public interest exemption for their existing electric powerplants. ERA has reviewed their petitions and has found that the powerplants meet the eligibility criteria established in Part 508.2 of the final rule (44 FR 21230).

ERA, in its proposed order, is granting temporary public interest exemptions for the above listed powerplants.

This is not the final notice of petitions and proposed orders under the special rule. ERA will continue to comply with the requirements of Section 701(c) of FUA and will publish further notices as petitions are received.

Proposed Order Granting Special Temporary Public Interest Exemptions

The Department of Energy's (DOE) Economic Regulatory Administration (ERA) hereby sets forth its Order proposing to grant a special temporary public interest exemption from the prohibitions of Section 301 (a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), Pub. L. 95-620, authorized by Section 311(e) of FUA, and pursuant to ERA-FUA Regulations Section 501.73 and Part 508, to the following powerplant(s):

Case Control Number	Petitioner's Name	Generating Station	Unit Ident.	Location
50556-2831-21-41	Cincinnati Gas & Electric Company.	Dick's Creek	CT 1	Cincinnati, Ohio.
50556-2831-22-41			CT 2	
50556-2831-23041			CT 3	
50556-2831-24-41			CT 4	
50556-2831-25-41			CT 5	
51007-0624-21-41	Florida Power Corporation	Avon Park	CT 1	Avon Park, Florida.
51007-0624-22-41			CT 2	
51007-0624-02-41			#2	
51007-9031-02-41		Bartow	#2	Saint Petersburg, Florida.
51007-9031-03-41			#3	
51007-0630-01-41		Higgins	#1	Oldsmar, Florida.
51007-0630-02-41			#2	
51007-0630-21-41			CT 1	
51007-0630-22-41			CT 2	
51007-0630-23-41			CT 3	
51007-0630-24-41			CT 4	
51007-0638-01-41		Suwanee River	#1	Live Oak, Florida.
51007-0638-02-41			#2	
51007-0638-03-41			#3	
51007-9029-03-41		Turner	#3	Enterprise, Florida.
51007-9029-04-41			#4	
51479-1252-05-41	Kansas Power & Light	Tecumseh	#5	Tecumseh, Kansas.
51479-1252-06-41			#6	
51479-1252-21-41			CT 1	
51479-1252-22-41			CT 2	
51479-1250-02-41		Lawrence	#2	Lawrence, Kansas.
51479-1248-21-41		Hutchinson	CT 1	Hutchinson, Kansas.
51479-1248-22-41			CT 2	

Case Control Number	Petitioner's Name	Generating Station	Unit Ident.	Location
51479-1248-23-41			CT 3	
51479-1248-04-41			#4	
51479-9028-01-41		Abilene	#1	Abilene, Kansas.
51479-9028-02-41			#2	
51479-9028-21-41			CT 1	
54015-2390-05-41	Jersey Central Power & Light Company.	Sayreville	#5	
54015-2390-06-41			#6	
54015-2390-07-51			#7	
54015-2390-08-41			#8	
54015-2393-21-41		Gilbert	CT 1	Holland Township, New Jersey.
54015-2393-22-41			CT 2	
54015-2393-23-41			CT 3	
54015-2393-24-41			CT 4	
54015-2393-01-41			#1	
54015-2393-02-41			#2	
54015-2393-03-41			#3	
54015-2394-21-41		Riegel	CT 1	Milford, New Jersey.
51575-0676-01-41	City of Lakeland, Florida	Larsen	#1	Lakeland, Florida.
51575-0675-01-41		C. D. McIntosh	#1	
51575-0675-02-41			#2	
52053-2603-21-41	Niagara Mohawk Power Corp	Rotterdam	CT 1	Schenectady, New York.
52953-2603-22-41			CT 2	
52053-2603-23-41			CT 3	
52053-2603-24-41			CT 4	
52053-2603-25-41	Niagara Mohawk Power Corp	Rotterdam	CT 5	Schenectady, New York.
52053-2603-26-41			CT 6	
52053-2603-27-41			CT 7	
52053-2603-28-41			CT 8	
52053-2539-21-41		Albany	CT 1	Albany, New York.
52053-2539-22-41			CT 2	
52053-2539-23-41			CT 3	
52053-2539-24-41			CT 4	
52024-1409-01-41	New Orleans Public Service Inc.	Michaud	#1	New Orleans, Louisiana.
52024-1409-02-41			#2	
52024-1490-03-41			#3	
52024-1407-01-41	New Orleans Public Service Inc.	Paterson	#1	New Orleans, Louisiana.
52024-1407-02-41			#2	
52024-1407-03-41			#3	
52024-1407-04-41			#4	
52181-2628-01-41	Orange & Rockland Utilities	Hillburn	#1	Hillburn, New York.
52181-2625-01-41		Bowline	#1	Haverstraw, New York.
52181-2625-01-41			#2	
52181-2632-02-41		Shoemaker	#1	Hillburn, New York.
52181-2629-01-41		Lovett	#1	Tomkins Cove, New York.
52181-2629-02-41			#2	
52181-2629-03-41			#3	
52181-2629-04-41			#4	
52181-2629-05-41			#5	
51052-0658-05-41	Fort Pierce Utilities Authorities.	King	#5	Fort Pierce, Florida.
51052-0658-07-41			#7	
51052-0658-08-41			#8	
52721-0356-01-41			#1	
52721-0356-02-41			#2	
52721-0356-03-41			#3	
52721-0356-04-41			#4	
52721-0356-05-41			#5	
52721-0356-06-41	Southern California Edison Company.	Redondo	#6	Redondo Beach, California.
52721-0356-07-41			#7	
52721-0356-08-41			#8	
52721-0350-01-41		Ormond Beach	#1	Oxnard, California.
52721-0350-02-41			#2	
52721-8076-01-41		Ellwood	#1	Santa Barbara, California.
52721-0330-01-41		El Segundo	#1	El Segundo, California.
52721-0330-02-41			#2	
52721-0330-03-41			#3	
52721-0330-04-41			#4	
52721-0329-01-41		Coolwater	#1	Daggot, California.
52721-0329-02-41			#2	
52721-0333-01-41		Garden State	#1	Pomona, California.
52721-0334-02-41		Highgrove	#1	Colton, California.
52721-0334-03-41			#2	
52721-0334-04-41			#3	
52721-0334-05-41			#4	
52721-0331-01-41		Etiwanda	#1	Etiwanda, California.
52721-0331-02-41			#2	
52721-0331-03-41			#3	
52721-0331-04-41			#4	
52721-0331-05-41			#5	
52721-0315-01-41		Alamitos	#1	Long Beach, California.
52721-0315-02-41			#2	
52721-0315-03-41			#3	
52721-0315-04-41			#4	
52721-0315-05-41			#5	
52721-0315-06-41			#6	
52721-0315-07-41			#7	
52721-0358-01-41		San Bernardino	#1	Loma Linda, California.
52721-0358-02-41			#2	
52721-0345-01-41		Mandalay	#1	Oxnard, California.
52721-0345-02-41			#2	
52721-0345-03-41			#3	
52721-0335-01-41	Southern California Edison Company.	Huntington Beach	#1	Hermosa Beach, California.
52721-0335-02-41			#2	
52721-0335-03-41			#3	
52721-0335-04-41			#4	
52721-0335-05-41			#5	
50653-2491-01-41	Consolidated Edison Company of New York, Inc.	Astona	#1	Queens, New York.
50653-2491-02-41			#2	
50653-2491-03-41			#3	
50653-2491-21-41			CT 1	

Case Control Number	Petitioner's Name	Generating Station	Unit Ident.	Location
50653-2491-22-41			CT 2	
50653-2491-23-41			CT 3	
50653-2491-24-41			CT 4	
50653-2493-05-41		East River	#5	East River, New York.
50653-2493-06-41			#6	
50653-2493-07-41			#7	
50653-2499-01-41		Narrows	#1	New York, New York.
50643-2499-02-41			#2	
50653-2500-01-41		Ravenswood	#1	Queens, New York.
50653-2500-02-41			#2	
50653-2500-03-41			#3	
50653-2500-21-41			CT 1	
50653-2500-22-41			CT 2	
50653-2500-23-41			CT 3	
50653-2500-24-41			CT 4	
50653-2500-25-41			CT 5	
50653-2500-26-41			CT 6	
50653-2500-27-41			CT 7	
50653-2500-28-41			CT 8	
50653-2500-29-41			CT 9	
50653-2500-30-41			CT 10	
50653-2500-31-41			CT 11	
50653-2502-04-41		Waterside	#4	New York, New York.
50653-2502-05-41			#5	
50653-2502-06-41			#6	
50653-2502-07-41			#7	
51186-2063-01-41	Greenwood Utilities Commission.	Wright	#1	Greenwood, Mississippi.
51186-2063-02-41			#2	
51186-2063-03-41			#3	
51186-2063-04-41			#4	
51186-2062-01-41		Henderson	#1	Greenwood, Mississippi.
51186-2062-02-41			#2	
51186-2062-03-41			#3	
52189-0684-01-41	Orlando Utilties Commission	Lake Highland	#1	Orlando, Florida.
52189-0684-02-41			#2	
52189-0684-03-41			#3	
52189-0684-21-41			CT A	
52189-0684-22-41			CT B	
52189-0683-01-41		Indian River	#1	Titusville, Florida.
52189-0683-02-41			#2	
52189-0683-03-41			#3	
51006-0609-01-41	Florida Power & Light Company.	Cape Canaveral	#1	Cocoa, Florida.
51006-0609-02-41			#2	
51006-0610-04-41		Cutler	#4	Cutler, Florida.
51006-0610-05-41			#5	
51006-0010-06-41			#6	
51006-0613-04-41		Lauderdale	#4	Dania, Florida.
51006-0613-05-41			#5	
51006-0613-21-41			CT 1	
51006-0613-22-41			CT 2	
51006-0613-23-41			CT 3	
51006-0613-24-41			CT 4	
51006-0613-25-41			CT 5	
51006-0613-26-41			CT 6	
51006-0613-27-41			CT 7	
51006-0613-28-41			CT 8	
51006-0613-29-41			CT 9	
51006-0613-30-41			CT 10	
51006-0613-31-41			CT 11	
51006-0613-32-41			CT 12	
51006-0613-33-41			CT 13	
51006-0613-34-41			CT 14	
51006-0613-35-41			CT 15	
51006-0613-36-41			CT 16	
51006-0613-37-41			CT 17	
51006-0613-38-41			CT 18	
51006-0613-39-41			CT 19	
51006-0613-40-41			CT 20	
51006-0613-41-41			CT 21	
51006-0613-42-41			CT 22	
51006-0613-43-41			CT 23	
51006-0613-44-41			CT 24	
51006-0617-01-41		Port Everglades	#1	Port Everglades, Florida.
51006-0617-02-41			#2	
51006-0617-03-41			#3	
51006-0617-04-41			#4	
51006-0617-21-41			CT 1	
51006-0617-22-41			CT 2	
51006-0617-23-41			CT 3	
51006-0617-24-41			CT 4	
51006-0617-25-41			CT 5	
51006-0617-26-41			CT 6	
51006-0617-27-41			CT 7	
51006-0617-28-41			CT 8	
51006-0617-29-41			CT 9	
51006-0617-30-41			CT 10	
51006-0617-31-41			CT 11	
51006-0617-32-41			CT 12	
51006-0618-01-41		Palatka	#1	Palatka, Florida.
51006-0618-02-41			#2	
51006-0619-02-41		Riviera	#1	Riviera, Florida.
51006-0619-02-41			#2	
51006-0619-03-41			#3	
51006-0619-04-41			#4	
51006-0620-03-41		Sanford	#3	Sanford, Florida.
51006-0621-01-41		Turkey Point	#1	Miami, Florida.
51006-0621-02-41			#2	

Case Control Number	Petitioner's Name	Generating Station	Unit Ident	Location
51070-0663-01-41	Gainesville-Alachua County Regional Electric, Water, and Sewer Utilities Board.	Deerhaven	#1	Hague, Florida.
51070-0663-21-41			CT 1	
51070-0663-22-41			CT 2	
51070-0664-06-41		Kelly	#6	Gainesville, Florida.
51070-0664-07-41			#7	
51070-0664-08-41			#8	
51070-0664-21-41			CT 1	
51070-0664-22-41			CT 2	
51070-0664-23-41			CT 3	
52031-0681-01-41	Utilities Commission, City of New Smyrna Beach.	W. E. Swoope	#1	New Smyrna Beach, Florida.
52605-0686-01-41	Sebring Utilities Commission	Dinner Lake Plant	#1	Sebring, Florida.
51685-2514-04-41	Long Island Lighting Company.	Glenwood	#4	Glenwood Landing, New York.
51685-2514-05-41			#5	
51685-2513-04-41		Far Rockaway	#4	Far Rockaway, New York.
51685-2511-01-41		E. F. Barrett	#1	Island Park, New York.
51685-2511-02-41			#2	
51685-2511-21-41			CT 1	
51685-2511-22-41			CT 2	
51685-2511-23-41			CT 3	
51685-2511-24-41			CT 4	
53341-1880-05-41	Wolverine Electric Cooperative, Inc.	Vandyke	#5	Dorr, Michigan.
53341-1880-06-41			#6	
52875-0688-03-41	City Of Tallahassee	Purdom	#3	Tallahassee, Florida.
52875-0688-04-41			#4	
52875-0688-05-41			#5	
52875-0688-06-41			#6	
52875-0688-07-41			#7	
52875-0689-01-41		Hopkins	#1	Tallahassee, Florida.
52875-0689-02-41			#2	
50570-2054-04-41	City of Clarksdale, Mississippi	3rd Street	#4	Clarksdale, Mississippi.
50570-2054-05-41			#5	
50570-2060-06-41		South	#6	Clarksdale, Mississippi.
50570-2060-07-41			#7	
50570-2060-08-41			#8	
50570-2060-09041			#9	
50356-2903-01-41	Bryan Municipal	Bryan	#1	Bryan, Ohio.
50356-2903-02-41			#3	
50769-0593-01-41	Delmarva Power & Light Company.	Edge Moor	#1	Edge Moor, Delaware.
50769-0593-03-41			#3	
			#4	
52885-1682-08-41	Taunton Municipal Lighting Plant.	Cleary/Flood	#8	Taunton, Massachusetts.
52885-1682-09-41			#9	
50484-2480-02-41	Central Hudson Gas & Electric Corporation.	Danskammer	#2	Roseton, New York.
64001-9014-51-41	Lakeworth Utilities Authority	Smith	CGT-2/	Lakeworth, Florida.
64001-9014-04-41			S-5	
64001-9014-03-41			S-4	
64001-9014-02-41			S-3	
64001-9014-01-41			S-2	
			S-1	

I. The above listed powerplants are prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited by Section 301(a)(3) from using natural gas as a primary energy source in greater quantity than their average base year.

II. Eligibility

The existing powerplants listed above have submitted petitions to ERA for a Special Temporary Public Interest Exemption and have shown that:

(a) the existing powerplant will be

(1) Prohibited on May 8, 1979 from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or

(2) Prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA.

(b) The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA:

(1) Will displace consumption of middle distillate or residual fuel oil; and

(2) Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption was submitted.

III. Rationale

To the extent that the near term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The expanded use of natural gas in these powerplants will be a significant step towards reducing our short term oil consumption. This increased use of natural gas will help the United States meet its commitment to reduce its demand for imported petroleum products, protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in Section 508.2 of the Special Rule (April 9, 1979, 44 FR 21230), ERA proposes to grant the exemptions.

IV Duration

ERA proposes to grant these temporary public interest exemptions generally for a period of two years and may extend them from one to three additional years. Certain petitioners have requested that they be granted exemptions for a period of greater than two years but less than five years, the maximum period allowed under FUA, and to the extent that these requests are in the public interest ERA will consider them.

These proposed exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

V Terms and Conditions

As a term and condition of this proposed order under the provisions of Section 214 of FUA and 10 CFR 508.6, ERA will require the order recipient upon issuance of a final order to report the amount of the powerplant's base period use of natural gas as defined in Section 3019(a)(3) of FUA and the total amount of natural gas consumption by such powerplant every six months thereafter.

Issued in Washington, D.C., on May 8, 1979.

Doris Dewton,

Acting Assistant Administrator, Office of Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-14955 Filed 5-9-79; 3:07 pm]

BILLING CODE 6450-01-M

[10 CFR Parts 580 and 585]

Proposed Rulemaking Regarding Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations

AGENCY: Department of Energy (Economic Regulatory Administration).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration of the Department of Energy is publishing for public comment a proposed rule providing administrative procedures for the making of certain adjustments to its natural gas curtailment priority regulations in Subchapter G of Chapter II of Title 10, Code of Federal Regulations. In particular, these procedures are applicable to the curtailment priority regulations established for essential agricultural uses in 10 CFR Part 580. The proposed rule establishes procedures as required by section 502 of the Natural Gas Policy Act of 1978, including an opportunity for the oral presentation of data, views, and arguments, which would be used in conjunction with requests for interpretations, modifications, or rescissions necessary to prevent special hardship, inequity, or an unfair distribution of burdens.

DATES: Written comments are due by June 8, 1979. Requests to speak are due by May 16, 1979. Hearing to be held on May 30, 1979 at 9:30 a.m.

ADDRESSES: All written comments and requests to speak at the public hearing should be sent to the Office of Public Hearings Management, Economic

Regulatory Administration, Room 2313, Docket No. ERA-R-79-24, 2000 M Street N.W., Washington, D.C. 20461.

HEARING LOCATION: Room 2105, 2000 M Street, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Office of Public Hearing Management), Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-5201.
William L. Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B110, Washington, D.C. 20461, (202) 634-2170.
Paula Daigneault (Division of Natural Gas Regulations), Economic Regulatory Administration, 2000 M Street, N.W., Room 3308, (202) 632-4721.
Michael T. Skinker (Office of General Counsel), Department of Energy, 12th & Pennsylvania Ave., N.W., Room 7148, Washington, D.C. 20461, (202) 633-8814.

SUPPLEMENTARY INFORMATION:

I. Background
II. Description of Proposal
III. Public Comment and Hearing Procedures
IV Environmental and Regulatory Analyses
V Referral to FERC

I. Background

Section 502 of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621, 92 Stat. 3350) requires the Secretary of Energy to prescribe a rule which provides for the making of "adjustments" for rules issued by the Secretary of Energy under the NGPA, as may be necessary to prevent special hardship, inequity, or unfair distribution of burdens.

Under sections 401-403 of the NGPA, the Secretary has the responsibility to issue certain rules establishing curtailment priorities for essential agricultural and industrial process and feedstock uses of natural gas. The Secretary of Energy's curtailment responsibilities have been delegated, in the Department of Energy (DOE) Delegation Order No. 0204-4 (42 FR 60726, Nov. 29, 1977), to the Administrator, Economic Regulatory Administration (ERA). ERA issued a final rule establishing curtailment priorities for essential agricultural uses in 10 CFR Part 580 on March 9, 1979 (44 FR 15642, March 15, 1979). We intend also to issue a rule in regard to the curtailment priorities of industrial process and feedstock uses of natural gas required by § 402 of the NGPA at a later time.

II. Description of Proposal

Section 502 of the NGPA requires that administrative procedures be established which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, exception to, or exemption from rules issued under the NGPA. This proposed rule provides procedures for seeking interpretations, modifications, or rescissions of ERA's curtailment priority regulations for essential agricultural uses in 10 CFR Part 580 and any subsequent rules that may be issued to implement ERA's authority regarding curtailment priorities in section 402 of the Natural Gas Policy Act (relating to priorities for essential industrial process or feedstock uses) or section 402(a)(1)(E) of the Department of Energy Organization Act, Pub. L. 95-91 (DOE Act).

The proposed rule does not provide procedures for acting on requests for exceptions to or exemptions from ERA's curtailment priority regulations, but instead states that those adjustments are within the jurisdiction of the Federal Energy Regulatory Commission (FERC). The FERC has the authority, pursuant to section 403(b) of the NGPA and section 402(a)(1)(E) of the DOE Act, to implement ERA regulations on curtailment priorities. This implementation authority will likely involve a case-by-case treatment of issues that arise in situations peculiar to individual pipelines. Because exceptions to and exemptions from regulations are inextricably tied to individual implementation decisions, such adjustments to ERA's regulations on curtailment priorities fall within the jurisdiction of the FERC, and all such requests should be filed with the FERC in accordance with its applicable administrative procedures. Similarly, requests for review of a denial of an exception or exemption should be filed with the FERC.

Section 502 of the NGPA requires ERA to provide an opportunity for oral presentation of views, when considering requests for adjustments. Section 585.02 reflects that statutory mandate by granting an opportunity for oral presentation of data, views and arguments in support of any person's request for an interpretation, modification, or rescission, if the request for an oral presentation is made in writing and submitted with the request for adjustment.

Section 585.03 proposes that requests for interpretations, including requests for reconsideration of an interpretation, are to be filed with the DOE's Office of the General Counsel. Before issuing any interpretation, it would be the practice of DOE to consult with the General Counsel of the FERC. The proposed rule

also provides that a request for an interpretation that includes, or could be construed to include, a request for an exception or exemption may be treated solely as a request for an interpretation or solely as a request for an exception or exemption. In the latter instance it would be referred to the FERC.

Section 585.04 proposes that a request for modification or rescission be treated as a petition for a rulemaking in accordance with the procedures of Subpart L of 10 CFR Part 205 and filed with the Assistant Administrator for Regulations and Emergency Planning of the ERA. The Administrator or his delegate may respond to a petition for modification or rescission by either: (1) instituting a rulemaking as proposed or as modified, in his discretion; (2) notifying the petitioner in writing that he does not intend to institute a rulemaking as proposed or as modified and stating the reasons; or (3) notifying the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other stated reasons.

In order to provide for finality of administrative action in an expeditious manner, the proposed rule provides procedures by which a request for adjustment will be considered denied. Section 585.03(c) states that an interpretation will be considered denied if: (1) the General Counsel notifies the person making the request in writing that an interpretation will not be issued; or (2) the General Counsel does not respond within 60 days to a request for an interpretation by either issuing an interpretation or by giving notice when an interpretation will be issued. Section 585.04(b) proposes that a request for a modification or rescission will be considered denied if: (1) the Administrator or his delegate notifies the petitioner in writing that he does not intend to institute a rulemaking as proposed or as modified and states the reasons therefor; or (2) the Administrator or his delegate does not respond to the request within 60 days of the date of its receipt.

Proposed § 585.05 provides procedures for the review of a denial of an interpretation, modification, or rescission and requires that a request for review be filed within 30 days of the date of the denial.

III. Public Comment and Hearing Procedures

A. Written Comments

You are invited to participate in any aspect of this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in today's rulemaking. In particular, comments are requested regarding the procedural approach taken by this proposal in view of the statutory requirements of section 502 of the NGPA and the jurisdictional split in responsibilities between DOE and FERC under sections 401–403 of the NGPA and section 402(a)(1)(E) of the DOE Act. Where the comments are critical of the proposed rule, alternative language should be provided wherever possible. The rationale and any data in support of the changes should also be provided.

Written comments must be submitted by 4:30 p.m. June 8, 1979 to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope and on the document with the designation: "Part 585—Administrative Procedures (Docket No. ERA–R–79–*24*)." Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room GA–152, James Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street, NW, Washington, DC 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received by 4:30 p.m., June 8, 1979, and all other relevant information will be considered by DOE before final action is taken on this proposed regulation.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearings

1. *Procedures for Requests To Make Oral Presentation.* The time and place for the hearing are indicated in the "Dates" and "Hearing Location" sections of this preamble.

If you have any interest in the matters discussed in this proposed rulemaking, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make oral presentation by 4:30 p.m., May 16, 1979. You should provide a telephone number where you may be

contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., May 21, 1979. One hundred copies of your statement are due one work day prior to the date of the hearing and should be delivered to the address indicated in the "Addresses" section. In the event any person wishing to testify cannot meet the 100 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in a letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–5201.

2. *Conduct of the Hearings.* We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard. We encourage groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the groups.

An ERA official will be designated to preside at the hearing. This will not be a judicial type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to have a question asked at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer. The question will be asked of the witness by the presiding officer. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA–152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., 20585, and the ERA Office of Public Information, Room B–110, 2000 M Street NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

IV. Environmental and Regulatory Analyses

After reviewing this proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969, Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321), ERA has determined the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, ERA has determined no environmental impact statement is required for the proposed regulation.

ERA has also determined this proposed regulation is not significant within the meaning of DOE's procedures to implement Executive Order 12044 on "Improving Government Regulations" (DOE Order No. 2030.1 (44 FR 1032, January 3, 1979)). This is a procedural rule and is not expected to affect important national energy policy concerns, have adverse effects with respect to employment, economic growth, the ability of consumers to have adequate energy supplies at reasonable prices, or have more than a minimal effect on State and local governments. Hence, the preparation of a regulatory analysis is not required.

V. Referral to FERC

Pursuant to section 404 of the DOE Act a copy of this proposed rule will be referred to FERC for a determination as to whether this proposed rule may significantly affect any function within the jurisdiction of FERC pursuant to section 402(a)(1), (b), and (c)(1) of the DOE Act. FERC will have until June 8, 1979, the date the public comment period closes, to make this determination.

(Natural Gas Policy Act of 1978, Pub. L. 95–621, 92 Stat. 3350; Department of Energy Orgianzation Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101); Administrative Procedures Act, as amended by Pub. L. 89–554, 80 Stat. 383 (5 U.S.C. 553); E.O. 12009, 42 FR 26267.)

In consideration of the foregoing, it is proposed to amend Subchapter G of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C. May 7, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Part 580 of Chapter II of Title 10, Code of Federal Regulations, is amended by making the necessary changes to the heading and authorities of Part 580, to read as follows:

Subchapter G—Natural Gas (Economic Regulatory Administration)

PART 580—CURTAILMENT PRIORITIES FOR ESSENTIAL AGRICULTURAL USES

Sec.

580.01 Purpose.
580.02 Definitions.
580.03 Curtailment priorities.

Authority: Secs. 401, 403, Pub. L. 95–621, 92 Stat. 3394–3395, 3396; Secs. 301(b), 402(a), Pub. L. 95–91, Stat. 578, 594 (42 U.S.C. 7151(b), 7172(a)); E.O. 12009, 42 FR 46267.

* * * * *

2. Chapter II of Title 10, Code of Federal Regulations is amended by adding a Part 585, to read as follows:

PART 585—ADMINISTRATIVE PROCEDURES

Sec.

585.01 Purpose and scope.
585.02 Oral presentation.
585.03 Interpretation.
585.04 Modification or rescission.
585.05 Review of denials.
585.06 Judicial review.

Authority: Secs. 502, 506, Pub. L. 95–621, 92 Stat. 3397, 3405; Sec. 644, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254); Pub. L. 89–554, 80 Stat. 383, (5 U.S.C. 553).

§ 585.01 Purpose and scope.

The purpose of this Part 585 is to provide procedures for the making of certain adjustments to the Economic Regulatory Administration's curtailment priority regulations in accordance with section 502(c) of the Natural Gas Policy Act of 1978, in order to prevent special hardship, inequity, or an unfair distribution of burdens. The procedures in this Part 585 apply to any person seeking an interpretation, modification, or rescission of the curtailment priority regulations in this Subchapter G. This Part 585 does not include procedures for exceptions or exemptions because those adjustments are within the jurisdiction of the Federal Energy Regulatory Commission.

§ 585.02 Oral presentation.

Any person seeking any adjustment under this Part 585 shall be given an opportunity to make an oral presentation of data, views, and arguments in support of the request for an adjustment, provided that a request to make an oral presentation is submitted in writing with the request for the adjustment.

§ 585.03 Interpretation.

(a) *Request for an Interpretation.* (1) Any person seeking an interpretation of the curtailment priority regulations in this Subchapter G shall file a formal

written request with the General Counsel (or his delegate), Department of Energy, in accordance with the procedures, as applicable, in Subpart F of 10 CFR Part 205.

(2) A request for an interpretation that includes, or could be construed to include, a request for an exception to or exemption from the curtailment priority regulations in this Subchapter G may be treated solely as a request for an interpretation and processed as such, or may be treated solely as a request for an exception or exemption and referred to the Federal Energy Regulatory Commission for action.

(b) *Reconsideration of an interpretation.* Any person aggrieved or adversely affected by the issuance of an interpretation may request reconsideration of that interpretation by the General Counsel, in accordance with 10 CFR 205.85(f).

(c) *Denial of an interpretation.* An interpretation shall be considered denied for purpose of review of such denial under § 585.05 only if:

(1) The General Counsel (or his delegate) notifies the person making the request in writing that the request is denied and an interpretation will not be issued; or

(2) The General Counsel (or his delegate) does not respond to a request for an interpretation by issuing an interpretation or by giving notice of when an interpretation will be issued, within 60 days of the date of the receipt thereof, or within such extended time as the General Counsel (or his delegate) may prescribe by written notice within that 60 day period.

§ 585.04 Modification or rescission.

(a) *Request for a modification or rescission.* Any person seeking a modification or rescission of the curtailment priority regulations in this Subchapter G shall file a formal written request with the Assistant Administrator for Regulations and Emergency Planning, Economic Regulatory Administration, Department of Energy, at Room 8202, 2000 M Street, Washington, D.C. 20461. The request shall be filed as a petition for rulemaking and treated in accordance with the procedures, as applicable, of Subpart L of 10 CFR Part 205, the Department of Energy Organization Act and the Natural Gas Policy Act of 1978. The request should state the special hardship, inequity, or unfair distribution of burdens that will be prevented by making the adjustment.

(b) *Denial of a modification or rescission.* If the Administrator (or his delegate) denies the request in writing in accordance with 10 CFR 205.161(b)(2)(ii) or does not respond to a request for a modification or rescission in accordance with 10 CFR 205.161(b)(2) within 60 days of the date of the receipt thereof, or within such extended time as the Administrator (or his delegate) may prescribe by written notice within that 60 day period, the request shall be considered denied for the purpose of review of such denial under § 585.05.

§ 585.05 Review of denials.

(a) *Request for review.* (1) Any person aggrieved or adversely affected by a denial of a request for an interpretation under section 585.03 may request a review of the denial by the General Counsel, Department of Energy, within 30 days from the date of the denial. If no request has been filed by that time, the denial shall then constitute final agency action for the purpose of judicial review under § 585.06.

(2) Any person aggrieved or adversely affected by a denial of a request for a modification or rescission under section 585.04 of this Part 585 may request a review of the denial by the Administrator, Economic Regulatory Administration, Department of Energy, within 30 days from the date of the denial. If no request has been filed by that time, the denial shall then constitute final agency action for the purpose of judicial review under § 585.06.

(b) *Procedures.* Any request for review under § 585.05(a) shall be in writing and shall set forth the specific ground upon which the request is based. If a request for review has been timely filed then there is no final agency action for purpose of judicial review under § 585.06 until that request has been acted upon. If the request for review is not acted upon within 30 days after it is received, the request shall be deemed to have been denied. That denial shall then constitute final agency action for the purpose of judicial review under § 585.06.

§ 585.06 Judicial review.

Any person aggrieved or adversely affected by any final agency action taken on a request for adjustment under this section may obtain judicial review in accordance with section 506 of the Natural Gas Policy Act of 1978.

[Docket No. ERA-R-79-24]
[FR Doc. 79-14719 Filed 5-8-79; 2:17 pm]
BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 223]

Free and Reduced-Rate Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Proposed Rule.

SUMMARY: Current Board regulations provide a blanket exemption—subject to certain restrictions—permitting free or reduced-rate domestic air transportation for travel agents on promotional group familiarization tours. We propose today to amend our rule to permit carriers to offer unrestricted free or reduced-rate travel agent transportation in foreign and domestic markets. These proposed amendments will also permit carriers to offer air-sea tours familiarizing travel agents with foreign destinations. This is the first step in a generic review of our free and reduced rate policies in light of our policy to place maximum reliance on market place regulation.

DATES: Comments due by: July 9, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. All filed comments must include a full presentation of all evidence and arguments upon which the commenter wishes to rely in support of his position, or in rebuttal of facts relied upon by the Board. We have decided that all relevant issues can be determined on the basis of written comments, and that oral evidentiary procedures will not be required.

ADDRESSES: Twenty copies of comments should be sent to: Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David R. Parker, Attorney-Advisor, Civil Aeronautics Board, 1825 Connecticut Ave., N.W., Washington, D.C. 20428, 202/673-5224.

SUPPLEMENTARY INFORMATION: Section 403(b) of the Federal Aviation Act and Part 223 of the Board's Economic Regulations (14 CFR Part 223) authorize air carriers to provide free or reduced-rate transportation to a number of categories of persons. The Act makes no provision, however, for the free or reduced-rate transportation of travel agents. Currently, Part 223 provides a blanket exemption—subject to certain

restrictions—permitting free or reduced-rate domestic transportation for travel agents on group familiarization tours promoting air transportation. We propose today to amend Part 223 to permit carriers to offer unrestricted free or reduced-rate travel agent transportation in foreign and domestic markets. This is the first step in a generic review of our free and reduced-rate policies.

1. Background

Prior to 1963, the Board allowed the carriers to grant individually-ticketed reduced-rate transportation to travel agents in overseas and foreign air transportation.[1] To compensate for the absence of travel agent reduced-fare privileges in interstate air transportation and to aid in the promotion of the Discover America program, the Board in 1963 adopted a policy permitting free or reduced-rate transportation for travel agents on group familiarization tours.[2] The objective was to promote tourist travel within the United States by encouraging tour programs familiarizing travel agents with different geographical areas of the nation. This policy required a carrier to apply for an individual exemption from section 403(b) of the Act for each tour provided.[3]

Standards for administering the group tour program gradually became sufficiently established to justify a rule automatically granting exemptions whenever the standards were met. ER-528 (33 FR 3631, March 1, 1968) in effect codified these criteria, and thus eliminated the need to file an individual exemption application if certain conditions are satisfied. These conditions, as set forth in paragraphs (1)–(8) of subsection 223.2(f) of the Board's Economic Regulations (14 CFR Part 223) restrict, in several respects, the offer of familiarization tours. For example, they restrict the geographical scope of the tour (only tours to domestic points qualify);[4] dictate minimum tour group size (at least 15 travel agents); prescribe the minimum and maximum duration of the tour (no less than one day, in addition to time spent on travel; no more than seven days total time; and no more than four days may be spent at any one spot);[5] regulate the tour agenda (prohibiting certain stopovers, limiting the time devoted to touring the carriers facilities and requiring meetings with local tourist promotion agencies); and impose pre- and post-tour reporting requirements (the carrier must file with the Board, 20 days before the trip, the number of participants and a full description of the tour; 30 days after completion of the tour, the carrier must file the names, addresses, and travel agencies of the tour participants). Finally, the term "travel agent" is defined in section 223.1 so that only agents continuously employed full-time by an agency for at least one year qualify for free transportation privileges under Part 223.

Certain air carriers have filed a joint petition urging the Board to institute a rulemaking amending Part 223. Specifically, they urge the Board to broaden the definition of a "domestic group familiarization tour" to include air-sea cruises which familiarize travel agents with foreign destinations. This amendment, the petitioners allege, would allow agents to become "better acquainted with this product, and as a result, encourage the sale thereof, with the concomitant sale of domestic air transportation."[6] Petitioners also request that we further amend Part 223 to set at 11 days the maximum duration of group familiarization tours involving sea cruises. Currently, Part 223 group tours are limited in duration to seven days. The petitioners state that this request "would permit familiarization not only with three- and four-day cruises, but more importantly, with the more popular seven- and ten-day cruises."[7] [8]

For the reasons stated below, we tentatively conclude that the public interest justifies eliminating the conditions and limitations on group familiarization tours set forth in subsections 223.2(f) (1)–(8) and § 223.1. Further, we tentatively conclude that the public interest justifies eliminating the geographical restriction on Part 223 familiarization tours and thus permitting them in foreign as well as interstate and overseas markets.

2. Tour Restrictions

Familiarization tours, from the industry's perspective, are a useful tool for promoting the sale of air transportation. They enable travel agents to speak to consumers with first-hand knowledge, enhancing sales opportunities for the travel agents and promoting new traffic for the carriers.

From the consumer's standpoint, familiarization tours enable travel agents to pass on more complete and accurate information about travel opportunities;[9] the consumer can therefore make a more informed judgment in choosing among various travel options. These tours are merely one of several legitimate marketing tools by which carriers compete for air transportation users, and we see no reason to continue to limit carrier competition in this area by restricting the types of familiarization tours carriers are legally permitted to offer under our regulations.[10]

The Airline Deregulation Act of 1978 (ADA) support the action proposed here today. The underlying goal of this Act was to "return the air transportation industry to our free enterprise economy."[11] This involves placing the industry on the same footing as other competitive industries. Since few competitive industries are restricted in the types of incentives offered to those who promote their products, we tentatively see no public interest reason to limit the type of promotional incentives carriers offer travel agents and others who promote air transportation—especially where we find no persuasive evidence of consumer injury not offset by the obvious promotional benefits these tours provide for the carriers, the informational benefits they offer consumers, and the sales advantage they confer upon travel agents.

Most of these restrictions were drafted to assure that a tour program is actually a working trip devoted to familiarizing travel agents with domestic travel points and not a pleasure trip designed merely to entertain or ingratiate travel agents. However, we are unaware of any widespread abuse.

Further, we see no incentive for carriers to engage in totally irrational conduct and offer free transportation without countervailing benefits. A rational carrier will only offer familiarization tours when it perceives them to be a more effective or economical method of competing for air

[1] 14 C.A.B. 481 (1951).

[2] See Orders E-20120 (adopted October 24, 1963) and E-20224 (adopted December 3, 1963).

[3] See EDR-125 (32 FR 13141, September 15, 1967).

[4] ER-721 (37 FR 778, January 19, 1972) broadened the original geographical scope of subsection 223.2(f) to include tours to the Pacific Trust Territories and from Canada.

[5] ER-721, *supra*, extended the maximum duration of tours to the Pacific Trust Territories to 12 days.

[6] See Docket 33888, *Petition by Certain Air Carriers*, p. 1.

[7] *Id.*, p. 13.

[8] Answers in support of this petition were filed by the American Automobile Association, Inc. and the American Society of Travel Agents, Inc.

[9] See 14 CAB 481, 494–496 (1961).

[10] There are many marketing devices carriers can turn to in promoting air transportation including expanding ticket outlets, promoting telephone sales campaigns, and increased media advertising. These devices, like familiarization tours, serve to maximize consumer travel information. Since these other marketing devices are unregulated, we see no reason to continue to stringently regulate and monitor this particular marketing device. Nevertheless, we are open to arguments and suggestions from commenters that the Board should continue to regulate and monitor these marketing tours.

[11] S. Rept. No. 95-631, 95th Cong., 2d. Sess., p. 4.

transportation users or travel agent services than other competitive options such as reducing prices, upgrading service, increasing advertising, conducting telephone sales campaigns, increasing travel agent commissions or expanding ticket sales outlets.

Thus, the very offer of such a tour reflects, *a priori*, management's expectation of long-term benefits sufficient to cover the marginal cost of the tour. We are in no position to second-guess such a decision. "In our judgment, such decisions, i.e., whether particular familiarization programs are warrented can be best and most senisbly made by the carriers in the first instance." [12]

3. Geographical Restrictions

Currently, free or reduced-rate travel agent tours pursuant to Board regulation are only permitted to interstate and overseas destinations—foreign points are totally excluded. We propose to remedy this anomaly by eliminating all geographical restrictions on familiarization tours.

Free and reduced-rate travel agent foreign familiarization tours are currently permitted pursuant to International Air Transport Association (IATA) resolutions submitted to, and approved by, the Board.[13]

These intercarrier agreements, however, contain tour restrictions akin to those in our current regulations and are far less liberal than our proposed amendments.[14] The amendments we propose permit carriers to offer foreign familiarization tours under terms more favorable to travel agents and more flexible than the uniform industry rules IATA resolutions specify.[15] As a result, carriers need no longer rely on the IATA traffic conference mechanism and may offer such tours based solely on competitive and economic considerations peculiar to each firm.[16]

The geographical restrictions on group familiarization tours were initially imposed in recognition of the Discover America program which was designed to effect a more favorable balance of payments by encouraging domestic tourism. Limiting such transportation to overseas and interstate markets served this limited purpose. We are, however, no longer promoting the Discover America program; and while concerned about balance of payments, we believe such general trade problems can be best resolved by agencies with the experience and resources to address them.[17] In any event, our proposals will have only a minor effect on balance of payments; therefore, we do not consider balance of payments to be of decisional consequence when formulating our policies under Part 223.

Whether to travel to a foreign as opposed to a domestic point is a judment best left to the consumer, and we see no reason to influence that judgment in favor of domestic travel by impeding the ability of travel agents to inform the consumer about alternative travel options abroad. In fact, attempting to do so will likely cause injury to both consumers and travel agents. If we discourage foreign familiarizion tours, we inhibit the ability of travel agents to pass on to consumers first-hand knowledge about foreign travel opportunities. To the extent this occurs, the agent loses a sales advantage, and his income suffers accordingly. To the extent a consumer is denied such relevant knowledge, he is prevented from reaching an informed decision more closely in line with this personal travel preference.

We have thus decided to apply our proposals uniformly in foreign and domestic markets to the extent foreign policy and other considerations peculiar to international aviation permit. If we limit our policy to domestic markets, we could place carriers with extensive international authority at a competitive disadvantage in bargaining for travel agent promotional services. Such carriers would be limited in the variety of tours they could offer travel agents, and we see no compelling public interest, consumer protection, or foreign policy reasons to impose such a competitive restriction upon these carriers.

Accordingly, we propose to amend Part 223 of the Board's Eonomic Regulations (14 CFR Part 223) as follows:

1. Delete from section 223.1 the paragraphs defining "domestic group familiarization tour" and "travel agent" and substitute, respectively, the following definitional paragraphs:

§ 223.1 Definitions.

* * * * *

"Familiarization tour" means a tour organized and controlled by one or more air carriers for the purpose of promoting the sale of air transportation by familiarizing a travel agent with tourist attractions, accommodations and recreational facilities.

* * * * *

"Travel agent" means a person employed in a travel agency, who devotes his employment time in the agency primarily to the promotion and sale of transportation and related services.

2. Amend section 223.2(f) to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

* * * * *

(f) Any carrier is hereby exempted from section 403 of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to enable it to provide free or reduced-rate transportation to travel agents on familiarization tours.

(Sec. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended by Public Law 95-504; 72 Stat. 743, 758 and 771; 92 Stat. 1731; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[EDR-375, Docket 33886]

[FR Doc. 79-14801 Filed 5-10-79; 8:45 am]

BILLING CODE 6320-01-M

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[12] Order 67-8-118, p. 3; see also Orders 78-12-10 and 78-6-15, p. 2.

[13] See IATA Resolution 203(b), approved in Order 76-6-118 and IATA Resolution 203, approved in Order E-25201 (adopted May 26, 1967).

[14] For example, Resolution 203, which governs individually-tickets tours, limits the discount to 75 percent of the applicable fare; permits only two tickets for each qualified agent at each approved agency location during a calendar year; and prevents member carriers from paying expenses (*e.g.*, accommodation expenses) not included in the fare. Resolution 203(b) precludes individually-ticketed tours and contains a six person minimum group requirement and limits the duration of the tour.

[15] Familiarization tours to foreign points which do not conform with the rules specified in approved IATA resolutions are, nonetheless, permitted if approved by the Board on an ad hoc basis under section 223.8. This proposed rule will permit carriers to offer such nonconforming tours without applying and waiting for Board approval. Since we will no longer have to process such routine *ad hoc* requests, our proposed rule should conserve agency resources. Eliminating the pre- and post-tour reporting requirements in paragraphs (7) and (8) of subsection 223.2(f) should also have this effect.

[16] Recently, we tentatively concluded that the collective decisionmaking function of the IATA Traffic Conference is unreasonably anticompetitive, and that the Traffic Conference Resolution and related agreements are no longer in the public interest and should no longer be approved by the Board. Order 78-6-78. Since we have not yet finalized these tentative conclusions, these agreements remain in effect. However, the proposed amendments will permit carriers to offer familiarization tours under terms other than those specified in potentially anticompetitive IATA agreements. To the extent IATA carriers feel unduly restricted by these agreements, it is their responsibility to take measures to remove these restrictions which they have imposed upon themselves.

[17] Copies of this notice will be served upon the Department of Commerce and the Department of the Treasury. If our tentative assessment is incorrect, commenters are free to bring this to our attention.

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

Jonathan Logan, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Secaucus, N.J. manufacturer of wearing apparel to cease establishing, maintaining and enforcing resale prices and sale periods; and recommending resale prices for a period of three years. All price lists disseminated by the firm after that period would have to note that the prices are merely suggested. The firm would also be prohibited from policing the retail prices of its customers, and threatening or taking adverse action against recalcitrants. Additionally, the order would require the firm to reinstate former customers who were terminated for failing to adhere to established prices; and maintain applicable records for five years.

DATE: Comments must be received on or before July 10, 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: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264–1207.

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 accepted, subject to final approval, 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)).

Before Federal Trade Commission; in the matter of Jonathan Logan, Inc., a corporation; File No. 7810020 agreement containing Consent Order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Jonathan Logan, Inc., a corporation, and it now appearing that said 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 Jonathan Logan, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Jonathan Logan, Inc. 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 50 Terminal Road, Secaucus, New Jersey 07094.

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 conclusion 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 a 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, 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 acceptance of this agreement and so notify 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.

5. 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 contemplated 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 to set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing 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.

Order

For purposes of this Order, the following definitions shall apply:

"Reseller" is defined as any person, partnership, firm or corporations which purchases any product from respondent.

"Prospective reseller" is defined as any person, partnership, firm or corporation which requests to purchase any product from respondent.

"Resale price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any reseller for pricing any product. Such term includes but is not limited to any suggested, established or customary resale price.

"Sale period" is defined as any break date, end of season of period for selling or advertising any product at a price other than the suggested, established or customary price.

"Product" is defined as apparel including but not limited to rainwear, coats, dresses and sportswear.

I

It is ordered that respondent Jonathan Logan, Inc., a corporation, is successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, offering for sale, sale, distributing or advertising of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Establishing, exacting assurances to comply with, continuing or enforcing any combination, agreement, understanding or arrangement to fix, establish, control, maintain or enforce, directly or indirectly, the price at which any product is to be resold or advertised by any reseller or prospective reseller.

2. Communicating, publishing, circulating, disseminating providing by any means any resale price or sale period to any reseller or prospective reseller for a period of three (3) years from the date of service of this order.

Provided, however, that after said three (3) year period, respondent shall not suggest resale prices or sale periods unless it is clearly and conspicuously stated on those pages of any list, book, advertising or promotional material or other document where any suggested resale price or sale period appears: "THE [RESALE PRICES OR SALE PERIODS] QUOTED HEREIN ARE SUGGESTED ONLY. YOU ARE FREE TO DETERMINE YOUR OWN [RESALE PRICES ON SALE PERIODS]."

Provided further, however, that after said three (3) year period, respondent shall not suggest resale prices on any tag, ticket or comparable marking affixed or to be affixed to any product.

3. Requiring or coercing any reseller or prospective reseller to establish, maintain, issue, adopt or adhere to any resale price or sale period.

4. Requiring or soliciting any reseller, prospective reseller, or employee or agent of respondent, either directly or indirectly, to report any reseller, prospective reseller, person or firm that does not adhere to any resale price or sale period.

5. Communicating with any reseller or prospective reseller concerning its deviation or alleged deviation from any resale price or sale period.

6. Suggesting or requiring that any reseller or prospective reseller refrain from or discontinue advertising any product at a certain resale price.

7. Stating directly or indirectly that any action may or will be taken against any reseller if it deviates from any resale price or sale period.

8. Threatening to withhold or withholding advertising allowances or any other assistance, payment, service or consideration from any reseller, or limiting or restricting the eligibility of any reseller to receive such benefits because said reseller advertises or sells any product at a certain resale price.

9. Making any payment or granting any other consideration or benefit to a reseller because another reseller has sold any product at a certain resale price.

10. Hindering or precluding the lawful use by any reseller of a brand name of respondent in conjunction with the sale or advertising of any product at any price.

11. Terminating, suspending, delaying shipments to or taking or threatening any action against any reseller because the reseller has, or was alleged to have, sold or advertised any product at a certain resale price or because the reseller may engage in any such activity in the future. Provided that respondent retains the right to terminate any reseller for lawful business reasons not inconsistent with this paragraph or any other paragraph of this Order.

12. Attempting to secure any promise or assurance from any reseller or prospective reseller regarding the price at which such reseller or prospective reseller will or may advertise or sell any product; or requesting or requiring any reseller or prospective reseller to obtain approval from respondent for any price at which such reseller or prospective reseller may or will advertise or sell any product.

II

It is further ordered that respondent, its successors and assigns, shall:

1. Within sixty (60) days after the date of service of this Order, mail under separate cover a copy of either this Order or the Federal Trade Commission's news release in this matter to every present reseller of Jonathan Logan, Inc. An affidavit of mailing shall be sworn to by an official of respondent verifying that said mailing was completed.

2. Mail a copy of either this Order or the Federal Trade Commission's news release in this matter to any reseller that purchases any product from Jonathan Logan, Inc. within five (5) years after the date of service of this Order. The mailing required by this paragraph shall occur within thirty (30) days after first purchase by said reseller.

3. Within thirty (30) days after the date of service of this Order distribute a copy of this Order to respondent's operating divisions and subsidiaries in the United States and to all officers, sales personnel, sales agents and sales representatives and secure from each entity or person a signed statement acknowledging receipt of said Order.

4. Upon written request received within six (6) months from the date of service of this Order, reinstate any reseller terminated by respondent since January 1, 1974 for failing to maintain a certain resale price or sale period, provided that such reseller meets the credit requirements applied by respondent in the retention of resellers.

5. Notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

6. For a period of five (5) years from the date of service of this Order maintain complete business records which fully disclose the manner and form of respondent's compliance with the Order, including but not limited to any records referring or relating in whole or in part to:

(a) Any communication between respondent and any reseller or prospective reseller relating to the price at which any reseller or prospective reseller is selling, proposes to sell, is advertising or proposes to advertise any product;

(b) The termination or suspension of any reseller for any reason;

(c) The refusal to deal with any prospective reseller for any reason, including the name and address of the prospective reseller; or

(d) Any request for reinstatement pursuant to Part II Paragraph 4 of this Order. The records required by this paragraph shall be made available to Commission staff upon reasonable notice.

7. File with the Commission within sixty (60) days after service of this Order 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, Jonathan Logan, Inc.

The Federal Trade Commission has accepted an agreement to a proposed consent order from Jonathan Logan, Inc.

The proposed consent order has 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 respondent has unlawfully fixed the retail prices at which its products (women's and men's rainwear) are sold and has engaged in unfair methods of competition or unfair acts or practices in violation of the Federal Trade Commission Act.

The order is designed to foster competition in the sale of all respondent's apparel and encourage retailer independence. Among other things, its various provisions prohibit respondent from:

(1) Fixing or controlling retail prices;

(2) Suggesting or recommending retail prices to its customers for three (3) years;

(3) Issuing price lists after a period of three (3) years, unless the price lists carry a notice that the prices are suggested only.

(4) Pre-ticketing its products with suggested retail prices;

(5) Policing the retail prices of its accounts;

(6) Communicating with any customer concerning a deviation from any retail price;

(7) Threatening or taking any action against customers who do not adhere to certain retail prices.

In addition to the usual prohibitions against price fixing, the order requires respondent to reinstate any former customer who was terminated since January 1, 1974 for failing to maintain retail prices, provided that such customer meets applicable credit requirements. The respondent has to keep records regarding these requests for reinstatement for at least five (5) years, thus enabling the Commission to monitor its compliance.

Another part of the order requires respondent to mail a copy of the order or the press release in this matter to all existing accounts and to any new accounts purchasing products from respondent within the next five (5) years.

The purpose of this analysis is to facilitate public comment on the proposed order and 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.

[File No. 781-0020]
[FR Doc. 79-14793 Filed 5-10-79; 8:45 am]
BILLING CODE 6750-01-M

[16 CFR Part 443]

Health Spas; Publication of Presiding Officer's Report Regarding Proposed Trade Regulation Rule

Correction

In FR Doc. 79-14046 appearing on page 26127 in the issue of Friday, May 4, 1979, the telephone number under "For Further Information Contact" now reading "(202)-724-1054" should have read "(202)-724-1045".

BILLING CODE 1505-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1019]

Procedures for Export of Noncomplying Products; Proposed Notification Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes a rule to implement recently enacted legislation that requires that any person or firm intending to export from the United States any product which does not comply with an applicable Commission standard ban or regulation must notify the Commission at least 30 days before the proposed exportation and must furnish certain information to the Commission. The Commission must then notify the foreign government. The legislation, the Consumer Product Safety Act Authorization Act, became effective November 10, 1978; and the preexport notification requirements have been in effect since that date. The Commission intends this proposed rule to clarify responsibilities of exporters under this legislation.

DATE: Written comments must be submitted by July 10, 1979. The Commission proposes that the rule will become effective 30 days after publication in final form.

ADDRESS: Comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received in response to this proposal and other information concerning the proceeding may be viewed in the Office of the Secretary, Consumer Product Safety Commission, Third Floor, 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Attorney, Division of Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6629.

SUPPLEMENTARY INFORMATION: On November 10, 1978, the Consumer Product Safety Act Authorization Act of 1978 (Pub. L. 95-631) became law. This legislation (referred to below as the export amendments) amends the Consumer Product Safety Act (15 U.S.C. 2051, 2067), the Federal Hazardous Substances Act (15 U.S.C. 1261, 1273), and the Flammable Fabrics Act (15 U.S.C. 1191, 1202) by requiring any person or firm intending to export from the United States any product which is banned or fails to comply with an applicable standard or regulation issued under any of those acts to notify the Commission at least 30 days before exportation. Upon receiving this notification, the Commission must notify the government of the country to which the noncomplying product is being shipped and must inform that government of the basis of the ban, safety standard or regulation applicable to the product being exported. In enacting this legislation Congress intended to assure that foreign countries will be able to make informed choices about whether to permit the entry into their territories of products which do not comply with United States safety requirements.

The statutory language of the amendments might leave open the interpretation that Congress did not intend to require notification for all products which are banned or which fail to comply with an applicable standard or other regulation under any of the three statutes. However, the Commission believes that all such products are within the scope of the export notification amendments and that the legislative history is clear on this point. For example the Report of the House of Representatives, Committee on Interstate and Foreign Commerce states:

> Finally, the committee has been concerned about the export of consumer products, fabrics and related materials, and hazardous substances which have been deemed unsafe for American citizens. Currently, the law permits the export of such items without informing foreign customers of the health and safety risk. It is the belief of the Committee

that the United States government has an obligation to share the results of its safety research with countries which purchase U.S. exports. Such a policy not only affirms this nation's commitment to human rights, but also strengthens U.S. diplomatic relations and long range export prospects. (H.R. Rep. No. 95-1164, accompanying H.R. 12442 (May 15, 1978), p. 7)

The legislative history neither defines nor mentions any category of banned or noncomplying products for which the commission should not share its "safety research." Similarly, there is nothing in the legislative history which could be interpreted as limiting the scope of the notification amendments in any way. Thus, the Commission's proposed regulations provide for advance notification of export of all goods that are banned or fail to comply with an applicable safety standard, regulation or statute.

The three statutes modified by the export amendments have previously-existing provisions that require noncomplying goods intended for export to be labeled to show they are intended only for export. See section 18, Consumer Product Safety Act (15 U.S.C. 2067); sections 5(b)(3) and 6(a) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3) and 1265 (a)); and section 15 of the Flammable Frabrics Act (15 U.S.C. 1202). These labeling requirements continue to apply to any noncomplying goods which are intended for export.

Goods for Which Notification is Required

Proposed § 1019.1(b) describes the products for which notification of intent to export is required. Those products are:

1. Any consumer product which does not comply with an applicable consumer product safety standard issued under the Consumer Product Safety Act, or which has been declared to be banned hazardous product under the Consumer Product Safety Act;

2. Any product which is a misbranded hazardous substance because it fails to comply with an applicable labeling requirement under the Federal Hazardous Substances Act, or which has been declared to be a banned hazardous substance under the provisions of the Act.

Hazardous household substances that fail to comply with applicable standards for child-resistant packaging under the Poison Prevention Packaging Act of 1970 (PPPA) are misbranded under the Federal Hazardous Substances Act (15 U.S.C. 1261(p)). It could be argued, therefore, that notification is required of any intent to export such a substance. However, the export provisions were not made specifically applicable to products failing to comply with a PPPA rule. In addition, the Food, Drug and Cosmetic Act was not amended to require notification of intent to export drugs failing to comply with a PPPA rule. Therefore, the Commission would be faced with the anomaly of requiring notification of exportation of household substances that fail to comply with a PPPA rule, but not of drugs that similarly fail to comply with a PPPA rule. As a result, the Commission does not believe Congress intended to include PPPA noncompliance as a basis for export notification. Consequently, proposed paragraph § 1019.1(b)(2) provides that the regulations do not apply to violations of the PPPA.

3. Any fabric or related material, or any item of wearing apparel or interior furnishing made of fabric or related material, which fails to comply with any flammability standard or regulation issued under the Flammable Fabrics Act.

In addition, Section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) authorizes the Commission to order the repair, replacement or refund of the purchase price of any consumer product which, after opportunity for a hearing, has been determined to present a "substantial product hazard." A product which is not subject to a consumer product safety standard or ban may present a substantial product hazard if it contains a defect which creates a substantial risk of injury to the public. The export amendments do not require the Commission to be notified before export of items that, because of a defect have been determined to present a substantial product hazard. However, as a matter of policy the Commission intends to require notification of intent to export such items in any order issued under section 15, and to seek this notification in any corrective action plan concerning disposition of products presenting a substantial product hazard which it accepts in lieu of an order for corrective action under section 15. The Commission will then promptly notify the foreign government of the intended exportation.

The Commission plans to require this notification because it believes the notification will further assist foreign governments to make informed choices about whether to permit products to enter their territories.

Exemptions

Proposed § 1019.1(c) provides that the notification requirements shall not apply to any product that is noncomplying solely because it is labeled in a language other than English, provided that the required information appears on a label in the language of the country of destination. The Commission has made this exemption because the purpose of a label is to inform the intended user Labeling in the language of the country of destination will have this effect. Therefore, the Commission believes advance notice to the Commission and the foreign country are not needed, and it believes Congress did not intend to require such notice.

An example of how this exemption operates could be under the Standard for the Flammability of Small Carpet and Rugs (16 CFR Part 1631), issued under the Flammable Fabrics Act, which requires that any small carpet or rug which is subject to that standard must either pass a prescribed flammability test, or must be labeled with the following statement: "FLAMMABLE (FAILS U.S. DEPARTMENT OF COMMERCE STANDARD FF 2-70); SHOULD NOT BE USED NEAR SOURCES OF IGNITION." If a small carpet does not pass the prescribed test and is labeled with the cautionary language required by the standard in the Spanish language rather than in English, it would not bear the labeling statement required by the standard. If such a product were exported to Mexico, however, notification is not required because the information required by the standard would appear in the language of the country to which the product is to be sent. On the other hand, notification would be required for the same product if it were to be shipped to Australia, an English-speaking country.

Proposed § 1019.1(d) exempts from the notification requirements any sample exported from the United States if the sample is conspicuously and legibly labeled with the statement, in English: "Sample only. Not for resale." The Commission also encourages exporters to label similarly their samples in the language of the importing country.

The Commission recognizes that the shipment of samples to prospective buyers is a fundamental part of the commercial process, and that samples are not intended to enter into traditional marketing channels in the foreign country. Therefore, the Commission believes Congress did not intend such transactions to be covered and is proposing to exempt samples from the notification requirements. To qualify as a sample shipment exempt from these notification requirements, the quantity of goods involved must be the minimum amount consistent with prevalent trade practices with respect to the specific

product. However, the Commission reminds exporters that if orders are received based on the noncomplying samples, all provisions of the export amendments and these regulations apply to any goods shipped in response to those orders.

The Commission specifically seeks comment on whether it should exempt samples and the scope of any exemption. The Commission is proposing the exemption because it does not want to impose undue paperwork burdens on companies that want to solicit business abroad. However, the Commission wants to limit the exemption to samples, so that it does not result in noncomplying items being shipped to foreign countries and used by their citizens, without advance notice.

Notification Requirements

The export amendments require that the notice of exportation of noncomplying products submitted to the Commission must contain the anticipated date of shipment, the country and port of destination, and the quantity of goods to be shipped. Additionally, this legislation authorizes the Commission to issue regulations to require exporters of noncomplying products to furnish additional information concerning those products in the notice of exportation.

Section 1019.4(d) of the proposed rule sets forth the information exporters must provide in the notification of intent to export noncomplying goods. That information is:

1. The name, address and telephone number of the exporter;

2. The name and address of each consignee to receive the noncomplying goods;

3. The quantity of items to be exported and a description of the goods, including brand or trade names and model number or other identifying numbers;

4. Identification of the statutes, standards or regulations applicable to the goods to be exported and a description of the manner in which the goods do not meet the applicable requirements;

5. The location of the goods to be shipped, if that location is not the same as the exporter's address;

6. The anticipated date of shipment, port of lading and port of destination; and

7. Copies, if available, of any correspondence from the government of the country to which the items are being exported that indicates whether the items may enter its territory.

The Commission believes that the information it is proposing to require from exporters is the minimum which is necessary to fully inform the Commission and foreign government. It will both allow the Commission to monitor compliance and provide foreign governments with information on which to base decisions about items to be imported to their countries.

The Commission is requesting copies of correspondence the exporter has from the foreign government regarding the entry of noncomplying goods. The Commission plans to provide copies of the correspondence with its notification to foreign governments to help the governments process the notification. The Commission hopes that this procedure will assist the foreign governments in evaluating the importation of the noncomplying goods and will enable them to initiate any direct actions they decide to take regarding the entry of noncomplying goods. The Commission believes it is good business practice for exporters to look to the exportability of their goods, and hopes exporters will increasingly provide full information to foreign countries about their goods and will determine whether they will be admitted to the countries before exporting them.

Notification Procedures

Proposed § 1019.4 establishes procedures exporters must follow to notify the Commission. It provides that the notification must be sent to the Associate Executive Director for Compliance and Enforcement. Proposed 1019.4(b) makes clear that a separate notification must be provided for each country to which noncomplying goods are to be shipped. However, it also provides that one notification may include a series of shipments of different kinds of goods to one country for a one year period. The Commission is proposing this provision in the hope that it will make reporting obligations less onerous and, at the same time, that it will provide sufficient information for the Commission and foreign governments.

Proposed § 1019.4(e) provides that the notification shall be signed by the owner of the exporting firm if the exporter is a sole proprietorship; by a partner, if the exporter is a partnership; or by a corporate officer, if the exporter is a corporation. The Commission believes this requirement will help assure that exporters will provide complete and accurate information to the Commission concerning the exportation of products which do not comply with an applicable safety requirement.

Additionally, the Commission observes that the export amendments provide that the failure to give the notification required by that legislation and the regulations proposed below shall be considered a violation of the Consumer Product Safety Act, Federal Hazardous Substances Act, or Flammable Fabrics Act and shall subject the violator to all penalties authorized by the applicable statute. The Commission believes that the potential liability of the exporter for penalties for failure to make the required notification provides further support for the requirements of proposed § 1019.4(e).

Time Notification Must Be Made

Proposed § 1019.5 establishes the time frames for notification to the Commission of intent to export. It provides that exporters may request the Associate Executive Director for Compliance and Enforcement to reduce the usual 30 day advance notification time limitation to a time between 10 and 29 days before the intended exportation. The Associate Executive Director has the authority to grant these requests, for good cause, or deny them.

Proposed § 1019.6 provides that within 2 working days of any change in the information required to be submitted, the exporter must notify the Associate Executive Director for Compliance and Enforcement. This obligation is imposed both before goods leave the U.S. and between the time they leave the U.S. customs territory of the U.S. and enter that of a foreign country. The Commission has included this provision because it believes the exporter retains responsibility for notification to the Commission until the noncomplying goods enter the customs territory of a foreign country. Thus, this notification will allow the Commission to fully inform foreign governments about the export of noncomplying goods to their countries.

Notification To Foreign Governments

The export amendments require the Commission to transmit information it receives about proposed exports of noncomplying goods to the government of the country of destination. These provisions express the concern of the Congress that the government of the United States should bring to the attention of all countries the health and safety risks posed in importing products that are prohibited from sale in the United States so that those countries will be able to make informed judgments with respect to the entry of such goods into their sovereign territories, and to

act accordingly. Proposed § 1019.7 states that promptly after receiving notification from an exporter, the Associate Executive Director for Compliance and Enforcement shall inform the government of the country of destination.

The Commission is in the process of writing to the Washington, D.C. embassies of all countries to learn the branch of their governments that should receive notification of the export of noncomplying goods. In addition to notifying the governments directly, the Commission anticipates it will use other means of notification such as alerting the U.S. Department Subcommittee on Toxic Substances, international organizations, and the embassies in Washington, D.C.

The Commission plans that its notifications will request acknowledgement and will request the governments to inform CPSC whether they plan to permit or prohibit entry of the goods. The Commission wishes to obtain this information so it has full records of action taken in response to notification. If a foreign government intends to prohibit entry of the goods which are the subject of a notification, the Commission urges the foreign government to initiate action to prevent such entry and to notify the exporter directly of that intent. The Commission cannot function as an agent to notify exporters in cases where a foreign government does not desire to allow noncomplying goods to enter its territory.

Confidentiality

Proposed § 1019.8 provides that if an exporter believes that any of the information required by the proposed notification regulations is a trade secret or otherwise confidential, the exported shall identify that information and make any request for confidential treatment under provisions of the Commission's regulations for protection of confidential material from disclosure under the Freedom of Information Act which appear at 16 CFR Part 1015.

Effective Date

The export amendments became law on November 10, 1978, and as of that date any person or firm intending to export any of the noncomplying goods described in the statute have been required to provide the following information to the Commission at least 30 days before exporting the goods: the anticipated date of shipment; the country and port of destination; and the quantity of goods to be shipped. The notification requirements of the export amendments became effective on November 10, 1978, without the necessity for the Commission to issue any implementing regulation. Therefore, while the proposal is pending, exporters must continue to furnish the commission with the required information about any goods they intend to export that do not comply with safety standards or bans issued under the Consumer Product Safety Act, violate standards issued under the Flammable Fabrics Act, or are misbranded or banned hazardous substances under the Federal Hazardous Substances Act.

The export amendments allow the Commission to issue interpretive regulations and regulations to require exporters to furnish any information beyond that required by the amendments. In the proposed regulations the Commission has interpreted the export amendments and has proposed to require exporters to provide additional information in their pre-export notification. After evaluating all comments on the proposal, the Commission will decide whether to issue final regulations. The Commission is proposing that any final regulations become effective 30 days after they are published in the Federal Register.

Delegations and Policy Pending Final Regulations

Pending issuance of final regulations, the Commission delegates to its Associate Executive Director for Compliance and Enforcement the functions of receiving notification of intent to export, receiving requests for reductions of time for filing notice of intent to export, and notifying foreign governments of exports of noncomplying goods in accordance with the export amendments. Additionally, pending issuance of final regulations, the Commission also delegates to the Associate Executive Director for Compliance and Enforcement the authority to grant reductions of time for filing notification of intent to export where an exporter shows good cause for such reduction, and to deny such requests in all other cases. At the time the commission issues final regulations it will consider permanent delegation of this authority, as well as any other appropriate functions, using the Commission's established delegation procedures and directives system.

Additionally, pending the issuance of final regulations, the Commission states as a matter of policy that it will not enforce the notification requirements of the export amendments for the following items:

1. Any product which is a misbranded hazardous substance only because it does not comply with an applicable requirement for child-resistant packaging issued under the Poison Prevention Packaging Act.

2. Any product which fails to comply with an applicable standard or regulation issued under the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act only because it is labeled in a language other than English, provided that the required information appears on a label in the language of the country of destination.

3. A sample which is conspicuously and legibly labeled with the statement, in English: "Sample only. Not for resale."

The Commission adopts this enforcement policy because, as explained earlier in this preamble, the Commission believes Congress did not intend export of these items to be subject to the notification requirements.

Conclusion and Proposal

Therefore, pursuant to sections 5, 6, and 7 of the Consumer Product Safety Act Authorization Act of 1978 (Pub. L. 95-631), sections 18 and 19 of the Consumer Product Safety Act, as amended (15 U.S.C. 2067, 2068), sections 4 and 14 of the Federal Hazardous Substances Act, as amended (15 U.S.C. 1263, 1273), and sections 7 and 15 of the Flammable Fabrics Act, as amended (15 U.S.C. 1196, 1202), the Commission proposes to amend Title 16, Chapter II of the Code of Federal Regulations, by adding a new Part 1019, as follows:

PART 1019—PROCEDURES FOR EXPORT OF NONCOMPLYING PRODUCTS

Sec.

1019.1 Purpose, applicability, and exemptions.
1019.2 Definitions.
1019.3 General requirements for notifying the Commission.
1019.4 Procedures for notifying the Commission; content of notification.
1019.5 Time notification must be made to Commission; reductions of time.
1019.6 Changes to notification.
1019.7 Commission notification of foreign governments.
1019.8 Confidentiality.

Authority: Secs. 5, 6, 7, Pub. L. 95-631; 15 U.S.C. 1196, 1202, 1263, 1273, 2067 and 2068.

§ 1019.1 Purpose, applicability, and exemptions.

(a) *Purpose.* The regulations in this Part 1019 establish the procedures exporters must use to notify the Consumer Product Safety Commission

of their intent to export from the United States products which are banned or fail to comply with an applicable safety standard, regulation or statute. These regulations also set forth the procedures the Commission uses in transmitting the notification of export of noncomplying products to the government of the country to which those products will be sent. The Consumer Product Safety Act Authorization Act of 1978 (Pub. L. 95–631), which became effective November 10, 1978, established these notification requirements and authorizes the Commission to issue regulations to implement them.

(b) *Applicability.* These regulations apply to any person or firm which exports from the United States any item which is:

(1) A consumer product that does not conform to an applicable consumer product safety rule issued under sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056, 2058), or which has been declared to be a banned hazardous product under provisions of sections 8 and 9 of that Act (15 U.S.C. 2057, 2058); or

(2) A misbranded hazardous substance or a banned hazardous substance within the meaning of sections 2(p) and 2(q) of the Federal Hazardous Substances Act (15 U.S.C. 1261) except this does not include any violation of the Poison Prevention Packaging Act; or

(3) A fabric or related material or an item of wearing apparel or interior furnishing made of fabric or related material which fails to conform with an applicable flammability standard or regulation issued under section 4 of the Flammable Fabrics Act (15 U.S.C. 1191, 1193).

(c) *Exemption for Certain Items with Noncomplying Labeling.* The exporter of an item that fails to comply with a standard or regulation only because it is labeled in a language other than English need not notify the Commission prior to export if the product is labeled with the required information in the language of the country to which the product will be sent.

(d) *Exemption for samples.* The exporter of an item that fails to comply with a standard or regulation, but which is intended for use only as a sample and not for resale, need not notify the Commission prior to export, if the item is conspicuously and legibly labeled in English with the statement: "Sample only. Not for resale." (The Commission encourages exporters to provide this label, in addition, in the language of the importing country, but does not require the foreign language labeling.) To qualify as a sample shipment under this exemption, the quantity of goods involved must be the minimum amount consistent with prevalent trade practices with respect to the specific product.

§ 1019.2 Definitions.

As used in this Part 1019:

"consignee" means the person, partnership, corporation or entity in a foreign country to whom noncomplying goods are sent;

"export" means to send goods outside the United States or United States possessions for purposes of trade, except the term does not apply to sending goods to United States installations located outside the United States or its possessions;

"exporter" means the person, partnership, corporation or entity that initiates the export of noncomplying goods. The exporter could be the manufacturer of the goods or a broker;

"noncomplying goods" means any item described in § 1019.1(b), except for items excluded from the requirements of these regulations by § 1019.1(c) and (d).

§ 1019.3 General requirements for notifying the Commission.

Not less than 30 days before exporting any noncomplying goods described in section 1019.1(b), the exporter must file a statement with the Consumer Product Safety Commission, as described in §§ 1019.4 and 1019.5 of this Part. The exporter need not notify the Commission about the export of items described in §§ 1019.1(c) and (d). As described in § 1019.5, the exporter may request the Commission to allow the statement to be filed between 10 and 29 days before the intended export, and the request may be granted for good cause.

§ 1019.4 Procedures for notifying the Commission; content of the notification.

(a) *Where notification must be filed.* The notification of intent to export shall be addressed to the Associate Executive Director for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207.

(b) *Coverage of notification.* An exporter must file a separate notification for each country to which noncomplying goods are to be exported. Each notification may include a variety of noncomplying goods being shipped to one country. The notification may include goods intended to be shipped to one country in any one year, unless the Associate Executive Director for Compliance and Enforcement directs otherwise in writing.

(c) *Form of notification.* The notification of intent to export must be in writing and must be entitled "Notification of Intent to Export Noncomplying Goods to (*indicate name of country*)." The Commission has no notification forms, but encourages exporters to provide the required information in the order listed in paragraph (d) of this section.

(d) *Content of notification.* The notification of intent to export shall contain the listed information. If the notification covers a variety of noncomplying goods the exporter intends to export to one country, the information required below must be clearly provided for each type of goods, and may include an estimate of the information required in paragraphs (d)(3), (5), and (6) of this section.

(1) Name, address and telephone number of the exporter;

(2) Name and address of each consignee;

(3) Quantity and description of the goods to be exported to each consignee, including brand or trade names or model or other identifying numbers;

(4) Identification of the standards, bans, regulations and statutory provisions applicable to the goods being exported, and a comprehensive description of the manner in which the goods fail to comply with applicable requirements;

(5) Precise location of the goods to be shipped, if other than at the address of the exporter;

(6) Anticipated date of shipment, port of lading and port of destination; and

(7) Copies of any correspondence from the government of the country of destination of the goods that indicates whether that the noncomplying goods may be imported into that country.

(e) *Signature.* The notification of intent to export shall be signed by the owner of the exporting firm if the exporter is a sole proprietorship, by a partner if the exporter is a partnership, or by a corporate officer if the exporter is a corporation.

§ 1019.5 Time notification must be made to Commission; reductions of time.

(a) *Time of notification.* The notification of intent to export must be received by the Commission's Associate Executive Director for Compliance and Enforcement at least 30 days before the noncomplying goods are to leave the customs territory of the United States. If the notification of intent to export includes more than one shipment of noncomplying goods to a foreign country, the Associate Executive Director for Compliance and

Enforcement must receive the notification at least 30 days before the first shipment of noncomplying goods is to leave the customs territory of the United States.

(b) *Incomplete notification.* Promptly after receiving notification of intent to export, the Associate Executive Director will inform the exporter if the notification of intent to export is incomplete and will describe which requirements of § 1019.4 are not satisfied. The Associate Executive Director may inform the exporter that the 30 day advance notification period will not begin until the Associate Executive Director receives all the required information.

(c) *Requests for reduction in 30-day notification requirement.* Any exporter may request an exemption from the requirement of 30-day advance notification of intent to export by filing with the Commission's Associate Executive Director for Compliance and Enforcement (Washington, D.C. 20207) a written request that the time be reduced to a time between 10 and 30 days before the intended export. The request for reduction in time must be recieved by the Associate Executive Director for Compliance and Enforcement at least 3 working days before the exporter wishes the reduced time period to begin. The request must:

(1) Be in writing;

(2) Be entitled "Request for Reduction of Time to File Notification of Intent to Export Noncomplying Goods to (*indicate name of country*)";

(3) Contain a specific request for the time reduction to be requested (the notification must be made at least 10 days before the intended export, so the request must be for a reduction of the notification period to a time between 10 and 30 days before the intended export);

(4) Provide reasons for the request for reduction of time; and

(5) Contain the information required in § 1019.4(d).

(d) *Response to requests for reduction of time.* The Associate Executive Director for Compliance and Enforcement has the authority to approve or disapprove requests for reduction of time. The Associate Executive Director will promptly inform the exporter who has requested the reduction of time whether there is good cause to grant the request. If the request is granted, the Associate Executive Director shall indicate the amount of time before export that the exporter must provide the notification. If the request is not granted, the Associate Executive Director shall explain the reasons, in writing.

§ 1019.6 Changes to notification.

(a) If any of the information required in § 1019.4 changes before the noncomplying goods leave the customs territory of the United States, the exporter must notify the Associate Executive Director for Compliance and Enforcement within 2 working days, and must provide the reasons for the changes. The Associate Executive Director will promptly inform the exporter whether the 30 day advance notification period will be discontinued, and what other steps the exporter must take to comply with the advance notification requirement.

(b) If the country of destination or any other information required in § 1019.4 changes after the noncomplying goods leave the customs territory of the United States, the exporter must notify the Associate Executive Director for Compliance and Enforcement within two working days and must provide the reasons for the changes. The Associate Executive Director will promptly inform the exporter what other steps must be taken to comply with the advance notification requirement.

§ 1019.7 Commission notification of foreign governments.

Promptly after receiving notification from the exporter and any changes in notification, the Associate Executive Director for Compliance and Enforcement shall inform the appropriate government agency of the country to which the noncomplying goods are to be sent of the exportation and the basis on which the goods are banned or fail to comply with Commission standards, regulations, or statutes. The Associate Executive Director shall take whatever action is necessary to provide full information to foreign countries and shall also work with and inform the U.S. State Department, foreign embassies and international organizations, as appropriate. The Associate Executive Director shall also seek acknowledgement from the foreign government of the notification. Foreign governments intending to prohibit entry of goods that are the subject of a notification from the Commission should initiate action to prevent such entry and should notify the exporter directly of that intent.

§ 1019.8 Confidentiality.

If the exporter believes any of the information submitted should be considered trade secret or privileged or confidential commercial or financial information, the exporter must request confidential treatment, in writing, within 10 working days of submitting the information. The Commission's regulations under the Freedom of Information Act, 16 CFR 1015, govern confidential treatment of information submitted to the Commission. Section 1015.18(c) establishes the elements of the request for confidential treatment.

Interested persons are invited to submit on or before July 10 written comments regarding these proposed regulations. Written comments and any accompanying materials should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments received in response to this proposal will be available for public inspection in the Office of the Secretary, 3rd floor, 1111 18th Street NW., Washington, D.C., during working hours, Monday through Friday.

Dated: May 8, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-14736 Filed 5-10-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

Table Olives: Intent to Establish Standards; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of Comment Period.

SUMMARY: The agency is extending the comment period provided by an advance notice of proposed rulemaking that invited interested persons to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Table Olives" and to comment on the desirability and need for a U.S. standard for this food. This action is based upon a request from the California Olive Association.

DATE: Comments by May 24, 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: F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 23, 1979 (44 FR 10724), the agency issued an advance

notice of proposed rulemaking that invited interested persons to review the Codex Alimentarius Commission [Codex] "Recommended International Standard for Table Olives" and to comment on the desirability and need for a U.S. standard for this food. Comments were to be filed by April 24, 1979.

Subsequently, FDA received a request from the California Olive Association for a 30-day extension of the comment period. The association stated that the additional time is needed to give them the opportunity to study the implications of the notice because this is the packing season for olives in California and the industry's Technical Advisory Committee will not be available to meet to consider the notice until May 4, 1979.

The FDA concludes that the California Olive Association has given sufficient grounds to support the need for additional time to comment on the notice. Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the comment period on the advance notice of proposed rulemaking for table olives is extended to May 24, 1979.

Interested persons may on or before May 24, 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 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 4, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-0355]

[FR Doc. 79-14684 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-03-M

[21 CFR Part 167]

Virgin and Refined Olive Oil and Refined Olive-Residue Oil; Intent to Establish Standards; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of Comment Period.

SUMMARY: The agency is extending the comment period provided by an advance notice of proposed rulemaking that invited interested persons to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Virgin and Refined Olive Oil and Refined Olive-Residue Oil" and to comment on the desirability and need for a U.S. standard for these foods. This action is based upon a request from the California Olive Association.

DATE: Comments by May 24, 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: Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 23, 1979 (44 FR 10742), the agency issued an advance notice of proposed rulemaking that invited interested persons to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Virgin and Refined Olive Oil and Refined Olive-Residue Oil" and to comment on the desirability and need for U.S. standards for these foods. Comments were to be filed by April 24, 1979.

Subsequently, FDA received a request from the California Olive Association for a 30-day extension of the comment period. The association stated that the additional time is needed to give them the opportunity to study the implications of the notice because this is the packing season for olives in California and the industry's Technical Advisory Committee will not be available to meet to consider the notice until May 4, 1979.

The FDA concludes that the California Olive Association has given sufficient grounds to support the need for additional time to comment on the notice. Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the comment period on the advance notice of proposed rulemaking for virgin and refined olive oil and refined olive-residue oil is extended to May 24, 1979.

Interested persons may, on or before May 24, 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 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 4, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[Docket No. 78N-0364]

[FR Doc. 79-14685 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

Approval and Promulgation of State Implementation Plans; Proposed Rulemaking on Approval of Colorado State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Provisions of the 1977 Clean Air Act Amendments (the Act) require states to revise their State Implementation Plans (SIP) for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The Act requires that states submit the necessary plan revisions to the Environmental Protection Agency (EPA) by January 1, 1979, and that EPA publish a final determination of approvability in the Federal Register by June 30, 1979. The requirements for an approvable SIP are described in a general preamble published in the April 4, 1979, Federal Register (44 FR 20372), and will not be restated in this notice.

In this notice, key events in Colorado nonattainment SIP development are described, the SIP is summarized, and issues that affect SIP approval are discussed. It should be noted that only deficiencies with respect to Part D of the Clean Air Act are discussed. An evaluation report which describes the SIP with respect to each of the Part D requirements is available to any interested persons for inspection.

The Act presented a very complicated set of requirements which had to be met in a short time. While this notice does cite some deficiencies in the SIP, many of these were unavoidable. Further it is anticipated many of these will be corrected prior to final action by this Agency. Colorado was one of only handful of states in the nation which

submitted a SIP by the required date and is to be highly commended for the diligent effort it made in meeting this difficult deadline.

The Act also specifies that many decisions regarding strategy selection are now to be made at the local governmental level. Establishing a process to generate local governmental input to major air quality decisions has been a difficult task. The process established in Colorado has been effective in providing a meaningful method to develop plans that can be supported and advanced by local governments.

The EPA requests comments on:

(1) the approvability of the SIP with respect to those portions for which no specific deficiencies have been identified;

(2) the appropriateness of EPA's findings with respect to issues that affect SIP approval; and

(3) the approvability of the SIP with respect to such issues

This notice does not consider non-part D requirements. EPA plans to address these requirements in a separate notice.

DATES: Comments must be received by June 11, 1979.

ADDRESSES: Comments should be sent to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80295.

Comments received on this proposal, EPA's evaluation report, and the SIP submission itself will be available for review by any interested persons at:

Environmental Protection Agency, Region VIII Library, 1860 Lincoln Street, Denver, CO 80295.

Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80295, (303) 837-3741.

SUPPLEMENTARY INFORMATION:

Introduction

The information in this notice is divided into three sections entitled "Introduction," "Overview," and "Issues." This first section outlines the background relating to the development of the Colorado SIP revision. For the convenience of the reader this section also lists the key organizations participating in the Colorado SIP revision process with their abbreviations and other words and phrases used in the notice. The "Overview" section describes the Colorado SIP revision for each nonattainment area. The "Issues" section contains a discussion of the issues affecting SIP approval which ave been identified to date.

The key organizations and phrases used in this notice are as follows:

"Colorado Air Pollution Control Commission" (the Commission)—The Colorado air pollution rulemaking body.

"Colorado Air Polution Control Division" (APCD)—The technical support organization within the Colorado Department of Health responsible for implementing the SIP.

"Denver Regional Council of Governments" (DRCOG)—The organization of local elected officials designated by the Governor as responsible for developing the locally prepared plan for the Denver Region nonattainment areas.

"Larimer-Weld Regional Council of Governments" (LWRCOG)—the organization of local elected officials designated by the Governor as responsible for developing the locally prepared plan for the larimer-Weld Region nonattainment areas.

"Locally prepared plan"—The portion of the SIP developed by the local organization designated by the Governor as having local jurisdicitional responsibility.

"Pikes Peak Area Council of Governments" (PPACG)—The organization of local elected officials designated by the Governor as responsible for developing the locally prepared plan for the Colorado Springs Region nonattainment areas.

"Pueblo Area Council of Governments" (PACOG)—The organization of local elected officials responsible for developing the locally prepared plan for the Pueblo Region nonattainment area.

"Regional Transportation District" (RTD)—The public transit operator for the Denver metropolitan area.

"Transit Development Plan" (TDP)—A plan prepared by local transit authorities which outlines long-range programs (five year) for transit development. The plan is reviewed and updated annually and guides funding decisions on transit projects.

"Transportation Planning Process"—Urbanized areas that wish to receive federal assistance in planning, building, and maintaining transportation systems must establish a planning process in accordance with Department of Transportation (DOT) requirements. That process is referred to as the "transportation planning process" in this notice.

"SB 231"—The Colorado Senate Bill 231 (codified at CRS 42-4-301 et. seq.) which mandates an inspection/maintenance program for 1977 and later model year vehicles. The Bill requires an annual emission inspection to be conducted by licensed private garages.

The Colorado SIP revision was developed and submitted to EPA in response to the requirements of Part D of the Clean Air Act, as amended in 1977. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated "nonattainment" pursuant to Section 107 of the Clean Air Act. Specific requirements for an approvable SIP are discussed in detail in the April 4, 1979, Federal Register (44 FR 20372), the "EPA/DOT Transportation Planning Guidelines" and the "Transportation SIP Checklist."

On March 3, 1978 (43 FR 8962) and on September 11, 1978 (43 FR 40419), pursuant to Section 107 of the Act, EPA designated certain areas as nonattainment for the criteria air pollutants. The designated nonattainment areas in Colorado are displayed in Table 1.

Table 1.—*Nonattainment Areas in Colorado*

	Carbon Monoxide (CO)	Ozone (O_3)	Total suspended particulates (TSP)	Nitrogen dioxide (NO_2)
Colorado Springs	X	X	X	
Denver Region	X	X	X	X
Grand Junction			X	
Larimer-Weld Region	X	X	X	
Pueblo			X	

In accordance with Section 174 of the Act, primary responsibility for preparing carbon monoxide (CO) and ozone control plans was delegated by the Governor to organizations of local elected officials. These designated organizations are the Pikes Peak Area Council of Governments (PPACG) for the Colorado Springs nonattainment areas, the Denver Regional Council of Governments (DRCOG) for the Denver Region nonattainment areas, and the Larimer-Weld Regional Council of Governments (LWRCOG) for Larimer and Weld Counties. Agreements were developed between the Governor and the Regional planning agencies which generally describe the planning responsibilities of the designated organizations. The State was responsible for technical support to designated agencies as well as for Inspection/Maintenance (I/M) programs, stationary source control, new source review and any other programs encompassing areas beyond the authority of local governments. Designated regional planning agencies were generally responsible for transportation control plan development, which were coordinated with the transportation planning process.

The State also delegated that portion of total suspended particulates (TSP) plan development which involved transportation sources to regional planning agencies. In addition to the three named above, the Pueblo Area Council of Governments and the Grand Junction Air Quality Advisory Committee (in conjunction with the Colorado West Council of Governments) were designated lead planning agencies for TSP.

The locally prepared plans were submitted to the Commission during September 1979. Following a public hearing, the Commission adopted the SIP and submitted it to Governor Lamm. The Governor submitted the SIP to EPA on January 2, 1979.

The submittal was followed by a letter from Governor Lamm on January 5, 1979, requesting time extensions for certain areas in meeting the CO and/or ozone standards.

The Department of Transportation (DOT) has reviewed the SIP and submitted comments to EPA in accordance with the June 16, 1978, EPA–DOT Memorandum of Understanding, and the Region VIII EPA–DOT procedures on SIP review. DOT's comments were considered in preparation of this notice.

In a January 19, 1979, letter to the Governor, EPA identified several items which required clarification and others which appeared to be omitted. EPA wrote to Governor Lamm describing these items, indicating that such clarification was considered necessary to permit substantive review of the SIP.

On January 31, 1979, EPA received a preliminary response from the State, which contained information that was of assistance to EPA in its continuing review. However, the letter indicated that a number of EPA's concerns could not be addressed without substantial effort, and that others probably could not be incorporated into the SIP without formal review and submittal through the Commission and the Governor's office in accordance with State SIP development procedures. Instead, a schedule for submitting these materials was included. The letter also indicated that the State intends to reorganize the SIP by deleting unnecessary information and incorporating all supplemental submissions into a single document for improved simplicity.

In a meeting between EPA and State officials on March 13, 1979, the status of the items discussed in the January 31, 1979, letter from the State was discussed and additional issues were raised by EPA. The State submitted additional materials to EPA on March 15, 1979, as a result of the March 13 meeting. From the submittal, it appears that the State and local agencies are making every effort to respond to the issues raised in this notice while, at the same time, beginning to carry out certain aspects of the plan.

Overview

All of the nonattainment areas identified previously were designated because of existing violations of the NAAQS, which result from a combination of transportation related emissions and stationary source emissions. For this reason, the plan development responsibilities were split between the State and the designated local planning agencies. For the entire SIP to be completely approvable in a particular nonattainment area, the State portion and the locally prepared plan must meet the requirements of Part D of the Clean Air Act. In some cases, the locally prepared plan may meet the Part D requirements. However, the overall nonattainment SIP for the area may not be approvable because the strategy relies upon unacceptable provisions adopted by the State (e.g. Inspection/Maintenance, new source review, or stationary source regulations).

The following discussions describe the nature of the air quality problem, the transportation control strategy selected by the local agency, and EPA's determination of whether the locally prepared plan meets the Part D requirements. In addition, a separate discussion of the segments that were the responsibility of the State is provided.

State Provisions

The State is responsible for the development of state-wide stationary source emission controls, the operation of a new source review program, and the operation of an Inspection/Maintenance program in specific areas. In addition, the Air Pollution Control Commission reviewed each locally prepared plan and adopted them for incorporation into the SIP.

The Air Pollution Control Commission modified each locally prepared plan prior to incorporation into the SIP. The Commission deemed such changes necessary to make the various locally prepared plans consistent with each other, with State policy, or with Federal requirements. In most cases, the changes to locally prepared plans were minor, although several significant changes were made to the Denver Region plan and to the automotive inspection and maintenance program for the Front Range urban corridor (Colorado Springs area, Denver area, and Larimer and Weld Counties). Specifically, the locally prepared plans for the Front Range included a recommendation that the current automotive inspection and maintenance legislation (SB 231) be expanded to include 1968 and later model year vehicles, rather than 1977 and later model year vehicles. The Commission's recommendation calls for the program to cover 1972 and later model year vehicles.

Regulations

The Commission has promulgated eleven (11) air pollution control regulations to date. Some of these regulations respond specifically to requirements of the Clean Air Act. In general, Section 172 of the Act requires that reasonably available control technology (RACT), as defined in guidance documents published by EPA, be applied to existing stationary sources of air pollution in some nonattainment areas. Failure to mandate RACT could result in EPA promulgation and enforcement of necessary controls or, in some cases, disapproval of a SIP with subsequent economic and growth limitations.

The Common Provision Regulation contains definitions and provisions common to the other regulations of the Commission (some definitions revised).

Regulation 1, which controls particulates, visible emissions, and

sulfur oxides from stationary sources was revised for existing sources of sulfur oxides and for existing iron and steel facilities.

Regulation 2, which controls odor emissions, is not considered part of the SIP.

Regulation 3, which includes the new stationary source review program, was revised in an attempt to be consistent with the requirements of Section 173 of the Clean Air Act to the extent that State statutory authority allows.

Regulation 4 contains requirements for the control of existing wigwam waste burners, but the regulation expired on January 1, 1978.

Regulation 5 contains requirements for the control of existing alfalfa dehydration plants.

Regulation 6 contains the provisions for new source performance standards and is consistent with 40 CFR Part 60. However, the regulation included in the SIP is a proposed regulation. State New Source Performance Standards are not treated as SIP revisions, but instead are reviewed with respect to delegations of authority.

Regulation 7, which provides for control of volatile organic compounds, was revised extensively. (See Part III of the Issues section for discussion.)

Regulation 8 includes emission standards for hazardous air pollutants. As with Regulation 6, this regulation is not treated as part of the SIP.

Regulation 9 requires large employers to offer incentives to employees to cummute to and from work in other than single occupant vehicles. The incentives include providing information on bus routes, providing preferential parking to carpools and vanpools, and providing bicycle parking facilities. Some administrative revisions were made.

Regulation 10 establishes criteria that will be used to determine whether transportation projects and programs conform to the SIP as required under Section 176(c) of the Act and pursuant to DOT regulations in 23 USC 109(j) and 23 CFR Part 770. Since this regulation addresses a process for which EPA has not completed its guidance, no official action is being taken on Regulation 10 at this time.

Regulation 11 provides requirements for the licensing and certification of inspectors, inspection facilities and emission measurement equipment for the inspection/maintenance program.

Colorado Springs Area

The Colorado Springs area violates the NAAQS for CO and TSP. When nonattainment areas were initially designated, the area was also marginally in violation of the applicable ozone standard of .08 parts per million (ppm) and the area was designated nonattainment. However, the ozone standard was recently revised from .08 ppm to .12 ppm (February 8, 1979, 44 FR 8202). Based on currently available monitoring data and the revised standard of .12 ppm, and the proposed control measures in the SIP, the ozone standard will be maintained, and the ozone SIP for Colorado Springs can be approved.

I. Carbon monoxide. The Colorado Springs SIP, using an EPA approved dispersion model, predicts attainment of the 8-hour CO standard during 1985 with implementation of the Federal Motor Vehicle Emission Control Program (FMVECP), the I/M program provided by SB 231, the Federal high altitude emission standards in model year (MY) 1981, and the transportation control measures that are currently programmed for implementation. The SIP also predicts sufficient reductions of CO to provide for reasonable further progress (RFP) toward achieving the CO NAAQS by the end of 1982. Transportation control measures currently being implemented include transit improvements, improved carpool locator service, and traffic flow improvements.

In response to the requirement that all the transportation control measures in section 108(f) of the Act be implemented to provide for attainment of the standards as expeditiously as practicable, the PPACG conducted a preliminary screening of those measures, and determined that certain measures required more study before a specific commitment to implement them could be made. Consequently, the plan provides that some of the measures will be analyzed by March 1979, and implemented prior to 1982 if they are found to be feasible for the area. However, the remaining measures will be anlayzed as part of the long term transportation planning process with the completion of the analyses scheduled for February 1980, and implementation expected prior to 1985.

The locally prepared plan for CO appears to meet the Part D requirements. However, deficiencies in the State's portion must be corrected before final approval of the overall SIP.

II. Total suspended particulates. The Colorado Springs plan predicts attainment of the primary TSP standard by 1982 with the implementation of the following particulate control measures:

—Modified street sanding program, initiated first as a pilot program to confirm estimates of effectiveness.

—Control of mud and dirt carryout sources.

—Paving of unpaved alleys and roads.

—Control of construction and grading operations.

While the plan properly provides for attainment of the primary standard for TSP, it does not address attainment of the secondary standard. Before this plan can be approved, as required by Section 110 of the Act, it must demonstrate attainment of the secondary standard, or as discussed below, meet the requirements for an 18-month extension for submittal of the plan addressing that standard.

Commitments to implement the locally prepared plan for TSP are provided in the form of resolutions adopted by the City of Colorado Springs and by PPACG which specifically provide for plan implementation. The City Council and County Commissioners also adopted the CO plan. The schedules for developing and implementing measures that were provided in the locally prepared plan also constitute a commitment to implement the plan and to provide adequate resources.

Denver Area

The Denver area violates the NAAQS for CO, ozone, NO_2 and TSP. The content of the plan prepared by DRCOG and modified by the Commission is presented in the following sections; by pollutant.

I. Nitrogen dioxide. The Denver area plan predicts attainment of the standard by 1982 largely as a result of the FMVECP. The NO_2 prediction was made using a linear rollback model in accordance with EPA approved procedures, and is acceptable.

II. Carbon Monoxide and Ozone. Using an EPA-approved model, the analysis in the Denver plan predicts attainment of the 8-hour CO standard in 1987. This estimate apparently assumes no additional controls beyond the FMVEPC, SB 231, RTD's Transit Development Plan (TDP), and the DRCOG carpool locator service. An additional 43% reduction would be needed to achieve the standard by 1982.

Based on the same assumptions used in the CO modeling, the predicted 1987 ozone concentration exceeds the level of both the previous and the revised standard. Based on the predicted concentration in 1982, an additional reduction of about 19% would be necessary to meet the revised standard.

In response to the requirement that the transportation control measures in section 108(f) be considered and those found feasible be implemented as expeditiously as practicable, the Denver

area plan identified certain of the measures as reasonably available by 1982, and certain measures as unavailable.

Those measures for which the plan includes a commitment to either implement or study are as follows:

—Expanded I/M to MY 1972 and later.
—Possible implementation of retrofit (study).
—EPA implementation of the high altitude standards.
—Smoking vehicle ordinances.
—Implementation of the TDP and analysis by RTD of alternate funding sources.
—Employer based incentives for ridesharing.
—Variable work hours (study and demonstration).
—Vanpool demonstration program.
—Expanded carpool matching service.
—Bicycle plan implementation and demonstration project.
—Revise transportation project programming process to provide priority to air quality projects.
—High Occupancy Vehicle (HOV) lane study and implementation where feasible.
—Sante Fe Drive HOV lane.
—Parking management plan.
—Land use assessment handbook (CO hotspot analysis).

Although not specifically identified in either list, the value of alternate fuels and engines was discussed in the plan and a need for additional work was identified.

However, the plan does not include detailed schedules for implementation or study of the above measures.

The Denver locally prepared plan was adopted by the Commission with several modifications. In addition to the changes in the I/M program, the Commission deleted tax incentives for automobiles equipped with high altitude emission controls, and expanded certain studies to include demonstrations.

Another notable change made by the Commission to the locally prepared Denver plan was to reverse the finding by DRCOG that auto-use restrictions should not be considered for implementation by 1982. The Commission recommended that the legislature establish a no-drive day program which would be voluntary at first becoming mandatory in 1981, if necessary. The Commission considered the action necessary to attain the ozone standard by 1987.

The Commission also made adoption of the Denver plan contingent on DRCOG obtaining resolutions adopting the plan from a majority of its member local governments. As discussed in more detail in the section on issues, the EPA is considering incorporating such conditions into any subsequent EPA approval actions.

There are several deficiencies in the Denver plans for CO and ozone which are discussed later in this notice.

III. Total suspended particulates. The predicted maximum annual average TSP concentration (using the EPA approved model) in 1982 indicates that a 29 percent reduction is necessary to achieve the primary NAAQS. The secondary standard was not addressed. Attainment of the primary standard by 1982 is predicted provided that the following recommended non-traditional particulate control measures are implemented:

Street cleaning practices;
Unpaved road controls;
Control of mud and dirt carry out sources;
Control of construction, grading excavation, and demolition; and
Paving or stablizing unpaved roads and alleys.

Demonstration projects would be conducted to ensure effectiveness prior to full scale implementation.

Schedules for the development and implementation of these measures are contained in supporting documents to the SIP, but evidence of a commitment to implement these schedules by the involved agencies is not provided. This and other deficiencies are discussed later in this notice.

Larimer-Weld Area

The Larimer-Weld area violates the current NAAQS for CO, ozone, and TSP. According to EPA policy, ozone SIPs for areas with populations less than 200,000 are not required to include transportation control measures. Therefore, the locally prepared plan for Larimer-Weld does not address that pollutant. Instead, the SIP consists only of the statewide emission limitations on stationary sources and the State operated permit program.

The plan also does not address TSP. It is EPA's understanding that the Commission is considering a recommendation to propose redesignating the area as attainment for TSP.

I. Carbon monoxide. The Larimer-Weld plan analysis predicts attainment of the CO standard by 1986 and 1984 in Fort Collins and Greeley, respectively, with implementation of the FMVECP, SB 231, and the adopted reasonably available control measures. An EPA-approved model was used.

In response to the requirement that the transportation control measures in Section 108(f) be implemented as expeditiously as practicable, the LWRCOG indicated that certain measures would be implemented while others would require further analysis.

The measures adopted for implementation by the City of Fort Collins by 1982 are improved public transit, expanded carpool locator service, bicyle lanes, and traffic flow improvements at specified locations.

The measures adopted for implementation by the City of Greeley by 1982 are improved public transit, bicycle lanes, staggered work hours, vehicle fleet controls, and traffic flow improvements.

A commitment to implement the adopted control measures and to provide the resources needed to carry out the plan is provided in the form of resolutions adopted by each city and by LRWCOG. However, the submittal lacks schedules and milestones for implementation of adopted measures and analysis of additional measures. In the submittal, LWRCOG indicated that all the necessary schedules would be provided to the Commission by March 31, 1979. It is EPA's understanding that the Commission is currently reviewing a portion of the schedules. This and other deficiencies are discussed later in this notice.

Pueblo Area

The Pueblo area violates the NAAQS for TSP. These violations are caused by a combination of stationary source emissions and transportation related fugitive dust. The plan addresses only the primary annual standard; the secondary standard is not addressed. While both the 24 hour and annual primary standards are exceeded, supporting documentation shows that a greater degree of control is necessary to attain the annual standard. Thus, a plan adequate to attain the annual standard should also attain the short term standard.

The control measures selected for implementation are:

Paving roads in Pueblo;
Paving roads outside the city;
Control mud carryout;
Pave alleys in city;
Double street sweeping/use of vacuum equipment;
Control of construction sites;
Additional emission reductions from specific stationary sources.

Adequate commitments and schedules to undertake the required studies and to develop and implement the transportation-related fugitive dust control measures are contained in the plan. There are several deficiencies in

the plan for Pueblo that are discussed later in this notice.

Grand Junction Area

The Grand Junction area violates the NAAQS for TSP. The plan addresses only the annual primary standard; however, supporting material demonstrates that a greater degree of control is required to meet the annual standard than the 24-hour standard.

Using an EPA-approved model, the plan demonstrates attainment of the primary standard. The control measures included in the strategy are a carpooling program; street cleaning, control of mud and dirt carryout, bikeways, stabilization of cleared areas, and the paving or stabilizing of unpaved roads and alleys.

While the plan properly provides for attainment of the primary standard for TSP, it does not address attainment of the secondary standard. Before this plan can be approved, as required by Section 110, it must demonstrate attainment of the secondary standard, or, as discussed below, meet the requirements for an 18-month extension to submit a plan addressing that standard.

Issues

This section contains a discussion of issues identified by EPA which could affect approval of the Colorado SIP. The discussion includes a general description of the deficiency or issue and, where possible, describes corrective actions. This section also sets forth alternative approaches to final rulemaking action with respect to these issues.

State Portion

As discussed previously, the State was responsible for developing certain statewide programs for implementation in all the nonattainment areas. The responsibilities include an Inspection/Maintenance program, stationary source controls, and a new source review program that meets the requirements of Section 173 of the Clean Air Act. The following discussions address the deficiencies in programs that are the responsibility of the State.

I. Particulate test methods. In Regulation 1 the test methods specified are different from EPA's Method 5 (40 CFR Part 60). Although EPA recognizes that modification to Method 5 may be appropriate in some circumstances, such modifications may be used only after the State has requested and received approval from EPA. In this case, the State's method has not been shown to be equivalent. The State must show equivalence or adopt Method 5.

II. New source review program. Part D of the Clean Air Act requires that permits be issued to new sources or major modifications in nonattainment areas only if specific requirements are met. The State New Source Review Program does not comply with this requirement. The specific deficiencies are:

1. Regulation 3 provides for the automatic granting of a permit without affirmative action by the State. This provision is inconsistent with the requirements of Sections 110 and 173 of the Act.

2. Regulation 3 (Sections 171, 172, 302) provides an exemption for sources increasing emissions by less than 10%. A large source may undergo changes affecting less than 10% of emissions while still incresing emissions by a large enough amount to be considered a major modificaion. This provision must be revised.

3. Regulation 3 provides an exemption from the offset requirements in nonattainment areas for sources with "actual emissions" less than 50 tons per year, 1000 pounds per day and 100 pounds per hour. This must be revised to be "allowable" emissions.

4. Regulation 3 requires new sources affecting a non-attainment area to meet emission limitations which represent the lowest achievable emission rate (LAER). However, the State's definition of LAER is potentially inconsistent with that contained in Section 171 of the Act. The State's intent should be clarified.

III. Volatile organic compounds. According to Sections 172 and 108 of the Clean Air Act and EPA guidance, stationary sources of volatile organic compounds (VOCs) located in the Larimer-Weld and Denver areas must be subjected to reasonably available control technology (RACT). EPA reviewed the State's Regulation 7 and found several major deficiencies in the State's approach to the control of VOCs from stationary sources. The specific deficiencies are:

1. The definition of volatile organic compounds (VOC) is less restrictive than EPA's definition, which could result in no control of some compounds.

2. The controls for surface coating, cutback asphalt and degreasing are less restrictive than EPA requirements as noted in the Evaluation Report.

3. The requirement for an approved balanced vapor-recovery system should specifically refer to the Colorado design criteria. These criteria represent RACT as defined by EPA.

4. The regulation provides an exemption for barometric-type condensers in use at petroleum refineries prior to the effective date of the regulation. The State must provide an evaluation of how this exemption affects the reductions achieved for this source category.

IV. Inspection/maintenance. Section 172(b)(11)(B) requires that plans for areas requiring an extension beyond 1982 for CO or ozone establish a specific schedule for implementing I/M. The Colorado plan indicates that the Larimer-Weld, Denver, and Colorado Springs areas will require such extensions, and that an I/M program will be implemented in these areas. The plan also includes adopted legislation for I/M, Senate Bill 231.

Senate Bill 231 requires that I/M begin in January 1980, for 1977 and later model year vehicles. The Bill does not provide complete authority in that the emission standards must be approved by the legislature. Such standards have not yet been approved. The Colorado plan also indicates that new I/M legislation will be sought in the 1979 session expanding the program to include 1972 and later model year vehicles.

While Regulation 11 provides some of the items specified by EPA guidance, the Colorado I/M program lacks the following:

A. Schedules (milestones, dates, responsible agency) to implement the following I/M program elements:

—A public information program.

—Certification of full legislative authority to carry out the program (including emission standards) by June 30, 1979.

—Initial notification of garages explaining program and schedule of implementation.

—Initiation of construction of referee facilities.

—Completion of construction of referee facilities.

—Adoption of procedures for certification of inspection stations.

—Completion of equipment purchase and delivery of equipment.

—Initiation of hiring and training of inspectors or licensing of garages.

—Initiation of introductory program (voluntary maintenance with either voluntary or mandatory inspection) if not previously initiated.

—Initiation of mechanics training and/or information program.

—Initiation of mandatory inspection.

—Initiation of mandatory repair for failed vehicles.

—Establishment of quality control procedures.

B. Provisions for record keeping and submittal by inspection facilities, periodic and unannounced inspections of facilities.

C. An analysis of the stringency levels and emission reduction to be provided by the emission standards in the proposed or adopted legislation. The program must provide at least a 25% reduction in light duty vehicle exhaust emissions of carbon monoxide and hydrocarbons by December 31, 1987.

V. Pueblo stationary source controls. The Pueblo plan relies upon emission reductions from certain stationary sources in its demonstration of attainment of the NAAQS. However, no legally enforceable emission reductions or compliance schedules were included in the plan. This deficiency should be addressed by the State before that plan can be approved with respect to attainment of the primary standard.

VI. Socio-economic analysis (section 172(b)(9)). The requirement for a socio-economic analysis of the plan has been addressed at least partially in each local element, and in the fiscal impact statement prepared by the State on each Regulation. There is not a summary of public comment on such analyses. However, the State has indicated that hearing transcripts would be provided as soon as they are available.

Denver Area Plan

The following discussions address the deficiencies in the adopted local plan for the Denver area.

I. Carbon monoxide an ozone. The ambient ozone concentration predicted in 1987 is 1.27 ppm, which exceeds both the previous and the revised standards. While information in the submission suggests that the recommended measures are expected to provide additional improvements, estimated 1987 ozone levels which show compliance are not provided.

The reasonable further progress displays provided by the Commission show reductions in CO emissions and reductions in ambient ozone concentrations between 1977 and 1987, and attainment for both in 1987. The plan indicates that the FMVECP, I/M and the recommended measures provide the improvements. It is EPA's view that the emission reductions for both CO and ozone must be quantified and related to the RFP line in order for the plan to be approvable. In particular, EPA considers the ozone improvement between 1982 and 1987 to lack adequate technical justification. Therefore, EPA feels that the State must demonstrate attainment of the ozone standard in the Denver area in order for the plan to be approvable. In addition, the RFP display does not provide for expeditious reduction in ozone levels particularly in the period through the end of 1982. EPA recognizes that efforts are underway which may resolve the deficiencies discussed above.

EPA and DOT consider it necessary to clarify the intent of the SIP with respect to inclusion of the TDP, so that both agencies can review future transportation planning process outputs for conformity in accordance with Section 176(c). From statements in the SIP summary and the Denver plan, it is not clear whether the SIP incorporates a goal of doubling transit ridership by 1982 or whether the SIP includes the list of projects included in the TDP. The DOT agencies have indicated that Federal funding levels in future years may not be sufficient to fully implement the TDP. Therefore, inclusion of such projects in the SIP would indicate that funds will be obtained from other sources, although the Denver plan does not provide the funding commitments for TDP implementation as required by Section 172(b)(7). It should be noted that, if the State's intent is to include all TDP projects in the SIP, federal transportation improvement funds must be applied first to these projects or other projects included in the SIP.

The private motor vehicle use restrictions adopted by the Air Pollution Control Commission are presently unenforceable with no firm schedule for becoming mandatory. The SIP submittal indicated uncertainty as to the reasonableness of this measure. If this measure is considered reasonable, it must be legally enforceable, as required by Section 172 of the Act, and implementation schedules must be provided. On the other hand, if the measure is not considered reasonable, that fact should be demonstrated in the SIP.

The Commission conditionally approved the Denver area plan because the Commission did not consider the commitments in the plan to be adequate. Specifically, the condition requires DRCOG to obtain resolutions from a majority of local governments in its jurisdiction adopting either the locally prepared plan or the adopted SIP. If the Commission were to withdraw approval prior to final EPA action, the locally prepared Denver area plan would no longer be part of the SIP and EPA disapproval would necessarily follow.

As noted previously, the Denver area plan does not, as required by Section 172 of the Act, contain schedules for development and implementation of transportation control measures and, in some cases, the control strategy is inadequately defined. However, DRCOG recognizes the need to prepare and submit such schedules. The EPA considers it of major importance to satisfy this requirement since the agency will evaluate reasonable further progress in future years based on whether such schedules have been met. In addition, specific project descriptions and associated schedules are essential for the DOT to make funding determinations under Sections 176 (c) and (d). The information that an adequate schedule and associated strategy description should contain is:

(1) For projects and programs that are planned for implementation, but for which implementation is not complete.

(a) Strategy description:

—objective of strategy;

—means by which strategy accomplishes that objective;

—application of strategy: where, when and by whom;

—supporting technical data including assumptions used in the analysis;

—relationship to other strategies and overall effort in region to achieve CO and O_x standards.

(b) Strategy operation—actions that must be completed to implement and begin operation of strategy including dates by which those actions will be completed.

(c) Funding level and source(s) including the Federal, state, local matching ratios.

(d) Local and regional effects on CO and O_x and/or TSP concentrations:

—reasons for emission reduction such as increased traffic flow, reduced VMT through increase in transit ridership or vehicle occupancy;

—expected contribution toward reasonable further progress;

—reference to technical support and monitoring data.

(e) Other impacts—social, economic, energy, environmental.

(f) Monitoring and evaluation activities related to strategy including a description and purpose of such activities.

(2) For measures/packages of measures that are currently being evaluated and/or considered for implementation.

(a) Measure (or package) description.

(b) Brief summary of analyses performed to date.

(c) Estimate of potential emissions reductions.

(d) Schedule for comprehensive analysis:

—UPWP status for each study or analysis (e.g., if in current UPWP provide reference; if to be included in UPWP indicate date for inclusion as a milestone under 1(b), if not to be included, an explanation of reasons for exclusion.

—Milestones and outputs of significance through completion of analyses. Include schedule (Month and Year).

—Funding levels and sources, (FHWA, UMTA, EPA, local, etc.) amounts, and status (tentative, agreed).

(3) Justification for exclusion of reasonably available measures that were not adopted.

In summary, the EPA feels that the State must resolve the following issues in order for the Denver locally prepared plan for CO and ozone to be approvable:

1. Attainment of the ozone standard must be demonstrated. Reasonable further progress must be accomplished in the interim particularly by the end of 1982.

2. The relationship of the TDP to the SIP must be clearly described.

3. Detailed schedules for the development and implementation of transportation control measures must be submitted.

II. Total suspended particulates. The EPA finds this portion of the Denver locally prepared plan acceptable with respect to the primary TSP standards with one exception. As with the ozone and carbon monoxide strategies, the TSP strategy lacks the necessary commitments from implementing agencies as required by Section 172 of the Act. To be approvable, evidence of this commitment must be submitted as part of the SIP.

Larimer-Weld Plan

The Larimer-Weld plan lacks, as required by Section 172, adequate schedules for the development and implementation of transportation measures for carbon monoxide. For this plan to be approvable, schedules as well as detailed descriptions of measures must be submitted.

The plan for Larimer-Weld does not address the NAAQS for TSP. EPA understands that the Commission is considering a proposal to redesignate the area under Section 107 of the Act. However, to meet the requirements of Part D, either the area must be redesignated by EPA before July 1, 1979, or a SIP revision for the area must be approved.

Requested Extensions for Carbon Monoxide and Ozone

Under Section 172(a)(2), if the State requests an extension of the attainment dates for CO and ozone beyond the end of 1982, the plan must meet specific requirements. In his letter of January 5, 1979, Governor Lamm requested such extensions for CO in the Denver, Colorado Springs, and Larimer-Weld areas, and for ozone in the Denver area. Therefore, the plan may not be approved unless the following requirements are met.

I. Expeditious attainment. Sections 172(a)(2) and 172(b)(11)(C) require the plan to demonstrate attainment of the standards as expeditiously as practicable, but no later than December 31, 1987. Since most of the local plans demonstrate attainment earlier than 1987, an extension could be granted only until the demonstrated attainment dates. The proposed attainment dates are shown in Table 2. Additionally, the Denver plan fails to provide sufficient measures to demonstrate attainment of the revised ozone standard by 1987 (Section 172(a)(2)). Before the plan or the extension for that area can be approved by EPA, these items must be resolved.

Table 2.—*Potential attainment dates for carbon monoxide and ozone*

Nonattainment area	CO	Ozone
Colorado Springs	1985	N/A
Denver	1987	(1)
Larimer-Weld:		
Fort Collins	1986	N/A
Greeley	1984	N/A

[1] Not demonstrated.

II. Inspection/maintenance. Section 172(b)(11)(B) requires that plans for areas needing an extension beyond 1982 for the CO or ozone attainment dates establish a specific schedule for implementing I/M. As discussed earlier, the Colorado plan does not include an acceptable program for I/M and must be corrected.

III. Analysis of alternative sites (section 172(b)(11)(A)). For an attainment date extension to be approved, the SIP must establish a program that requires, before issuance of any permit for construction or modification or a major emitting facility, an analysis of alternative sites and other factors which demonstrates that the benefits of the proposed source signficantly outweigh any environmental and social costs.

In the SIP, the Commission states that it currently does not have the legislative authority to establish such a program, but that it intends to request such authority. It appears that Colorado House Bill 1109, which is under consideration in the Colorado Legislature, may give the Commission such authority. If such authority is granted, a schedule for establishing the program may be sufficient to satisfy the requirement.

IV. Expanded public transportation (section 110(a)(3)(D)). For an attainment date extension to be approved, the SIP must include a commitment to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as practicable, including a commitment to use necessary federal grants and state and local funds.

The plan noted that there currently are public transit plans in effect for the Colorado Springs and Denver areas and that the plans are being updated. However, the SIP does not include a commitment to submit the updated plans as required by the Act. Additionally, the SIP contains no commitment with regard to the Larimer-Weld area.

V. Reasonable measures. Before an extension can be approved, the plan must demonstrate that all reasonably available control measures are being required of both stationary and transportation sources. As noted previously, the revisions to the State limitations on stationary sources of volatile organic compounds do not represent reasonably available control technology.

Requested extensions for total suspended particulates. Section 110(b) of the Clean Air Act allows up to an 18-month extension for the development of a plan to attain the secondary standards. Such an extension was requested by the State for every TSP nonattainment area in State. Also, as discussed earlier, none of the nonattainment plans demonstrate attainment of the secondary standard for TSP. Before an 18-month extension can be granted, as required by 40 CFR 51.31(c), the State must show that attainment of the secondary standard will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology. Because that demonstration has not been made, EPA cannot grant the 18-month extensions.

Before the TSP plans can be approved, they must either demonstrate attainment of the secondary standard or meet the requirements to received an 18-month extension.

Interested parties are invited to comment on all aspects of the approvability of the Colorado SIP. In particular, comments are requested on the appropriateness of the findings on issues discussed previously, the suggested corrective actions, and the approvability of the SIP with respect to the applicable requirements.

Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by (30 days

following publication) will be considered in EPA's final decision in the SIP. EPA believes the available period for comments is adequate because:

(1) the SIP has been available for inspection for comment since January 25, 1979;

(2) EPA has a responsibility under the Act to take final action by July 1, 1979, if possible, and a longer period for public comments would make that deadline difficult to meet.

All comments received will be available for inspection at the Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80295.

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

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

Dated: April 5, 1979.

Alan Merson,
Regional Administrator.

[FRL 1222-5]
[FR Doc. 79-14814 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 52]

Approval and Promulgation of Implementation Plans; Hawaii State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: A revision to the Hawaii Public Health rules and regulations has been submitted to the Environmental Protection Agency (EPA) by the Governor for the purpose of revising the Hawaii State Implementation Plan (SIP). The intended effect of this revision is to update the rules and regulations in the SIP. The EPA invites public comments on this rule, especially as to its consistency with the Clean Air Act.

DATES: Comments may be submitted by June 11, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105.

Copies of the proposed revision are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Environmental Protection and Health Services Divisions, Hawaii State Department of Health, 1250 Punchbowl Street, Honolulu, HI 96813.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, EPA, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION: The State of Hawaii, on February 22, 1979, submitted a regulation containing a variance from Chapter 43, Section 7(b)(5) of the Public Health Regulations. The variance allows fires to be set in order to train crashcrews in the technique of fighting aircraft fires. The State has submitted an analysis demonstrating that such burning would not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

The revision appears to be consistent with 40 CFR 51.12, and it is EPA's intention to propose approval of the variance as a revision to the SIP.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth this revision as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before June 11, 1979. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the amendment meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a)).)

Dated: April 30, 1979.

Sheila M. Prindiville,
Acting Regional Administrator.

[FRL 1221-7]
[FR Doc. 79-14809 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

[40 CFR Part 52]

Commonwealth of Virginia; Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia has submitted a proposed revision of the State Implementation Plan (SIP) consisting of a variance request (in the form of a Consent Agreement) for Boilers No. 4 and 5 at Avtex Fibers, Inc. Front Royal Plant. The variance would permit Boilers No. 4 and 5 to continue burning coal in excess of the federally-approved Regulations for the Control and Abatement of Air Pollution in the Commonwealth of Virginia as specified in Section IV, Rule 2 (Effective date: March 17, 1972) and Rule 3 (Effective date: March 17, 1972; amended August 11, 1972) which limits visible emissions and particulate matter, respectively. The Consent Agreement requires that Avtex Fibers, Inc. achieve compliance with the above regulations on or before July 1, 1980. Prior to achieving final compliance, Avtex Fibers, Inc. shall not exceed the emission rates identified in the dispersion modeling analysis in support of the revision. Further, compliance with the terms of the Consent Agreement will ensure that, during the period of the consent Agreement before final compliance is achieved, the burning of coal will not result in emissions which will cause or contribute to a violation of the National Ambient Air Quality Standards for particulate matter.

DATE: Comments must be submitted on or before July 10, 1979.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Bernard E. Turlinski.

Commonwealth of Virginia, Virginia State Air Pollution Control Board, Room 1106—Ninth Street Office Building, Richmond, Virginia 23219. ATTN: John Daniel, Jr.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

All comments on the proposed revision submitted within 60 days of

publication of this notice will be considered and should be directed to: Mr. Howard R. Heim, Chief, Air Programs Branch, Air & Hazardous Materials Division, U.S. Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: AH 014VA.

FOR FURTHER INFORMATION CONTACT: Bernard E. Turlinski, Regional Energy Coordinator (3AH13), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Phildelphia, Pennsylvania 19106, telephone (215) 597–9944.

SUPPLEMENTARY INFORMATION: On August 18, 1977, the Secretary of Commerce and Resources, on behalf of the Commonwealth of Virginia, submitted a variance request, in the form of a Consent Agreement, to the Administrator of the Environmental Protection Agency and requested that it be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP). The variance would permit Boilers No. 4 and 5 at the Front Royal Plant of Avtex Fibers, Inc. to continue burning coal in excess of federally-approved Regulations for the Control and Abatement of Air Pollution in the Commonwealth of Virginia as specified in Section IV, Rule 2 (Emission Standards for Visible Emissions) and Rule 3 (Emission Standards for Particulate Emissions from Fuel Burning Equipment).

On August 22, 1977, the Executive Director of the State Air Pollution Control Board transmitted to the EPA six (6) copies of the revision and supporting documentation. Following a review of the information, the EPA advised the Commonwealth in April, 1978, that the variance could not be approved as a revision of the Virginia SIP due to deficiencies in the control strategy demonstration. In a letter dated April 21, 1978, the Commonwealth requested EPA to withhold any formal action until a revised demonstration could be completed to remedy the modeling deficiencies. This revised demonstration was submitted as additional support documentation by the Commonwealth on July 12, 1978. The additional documentation did demonstrate, to the satisfaction of the EPA, that the variance request will not result in violations of either the primary or secondary National Ambient Air Quality Standards for particulate matter.

A public hearing was held on July 14, 1977, in accordance with 40 CFR 51.4, to consider the variance as a revision of the Virginia SIP.

The Consent Agreement was executed on August 3, 1977, on behalf of the State Air Pollution Control Board of the Commonwealth of Virginia and Avtex Fibers, Inc. Key provisions of the Consent Agreement are summarized below:

1. On or before April 1, 1978, Avtex will overhaul and upgrade the existing mechanical collectors on Boilers No. 4 and 5. (completed)

2. On or before November 1, 1978, Avtex will select and initiate procurement of a permanent emission control system. (completed)

3. On or before March 1, 1979, Avtex will commence construction of the permanent emission control installation. (completed)

4. On or before July 1, 1980, Avtex will operate in compliance with Section IV, Rules 2 and 3 of the Regulations for the Control and Abatement of Air Pollution.

5. Avtex will insure that total particulate emissions from the power plant do not exceed 1,425 pounds per hour at any time during the period from September 1, 1977 to July 1, 1980

It is the tentative decision of the Administrator to approve the proposed revision of the Virginia State Implementation Plan.

The public is invited to submit, to the address stated above, comments on whether the variance request should be approved as a revision of the Virginia State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the revision meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans

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

(42 U.S.C. 7401)

Dated: May 2, 1979.

Jack Schramm,
Regional Administrator.

[FRL 1222–1]

[FR Doc. 79–14808 Filed 5–10–79; 8:45 am]
BILLING CODE 6560–01–M

[40 CFR Part 86]

Motor Vehicle Certification and Test Procedures

AGENCY: Environmental Protection Agency.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is preparing to initiate a rulemaking action to establish high-altitude emission standards, and certification and test procedures for assuring compliance with these standards, applicable to new light-duty vehicles (LDV's) and light-duty trucks (LDT's) manufactured for model years 1981 through 1983.

DATES: Interested persons may submit comments on this advanced notice of proposed rulemaking. The Agency anticipates publishing the notice of proposed rulemaking (NPRM) that will formally set out the proposed standards and compliance procedures during June, 1979. The comment period will remain open until the date specified in the NPRM.

ADDRESS: Comments in response to this advanced notice of proposed rulemaking should be submitted to: Central Docket Section (A–130), Room 2903B, U.S. Environmental Protection Agency, Attn: Docket No. A–79–14, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Paul A. J. Wilson, Regulatory Management Staff, Office of Mobile Source Air Pollution Control (AW–455), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202–755–0596.

SUPPLEMENTARY INFORMATION: Uncompensated motor vehicles which demonstrate compliance with emission standards at low altitude produce approximately 50 percent more exhaust hydrocarbons (HC) and nearly 100 percent more carbon monoxide (CO) at elevations greater than 1219 meters (4,000 feet) above sea level. In addition, EPA has found that, in most high-altitude urban areas, light-duty vehicles account for more than half of the total HC emissions and almost 100 percent of the CO emissions. These emission levels combine with summer sunlight and stable winter atmospheric conditions to cause numerous violations of the ambient air quality standards for oxidant and CO in high-altitude metropolitan areas.

During model year 1977, EPA regulations required that new motor vehicles intended for sale at high-

altitude demonstrate compliance with the applicable emission standards at high altitude. One result of this requirement was that some motor vehicle manufacturers chose not to certify or to produce for sale at high altitude all of their product lines. The limitation of the number of models that were available for sale in these areas generated adverse reaction among the affected public and automobile dealerships. With passage of the Clean Air Act Amendments of 1977, the Congress, in Section 213 of those amendments (Section 202(f) of the amended Clean Air Act), (42 U.S.C. 7521(f)) revoked the EPA regulations, prohibited the Agency from establishing any other high-altitude regulations until the 1981 model year, and required that, beginning with the 1984 model year, all new motor vehicles comply with the applicable emission standards regardless of the altitude at which they are sold.

For the interim period between model years 1981 and 1984, the Congress has given EPA authority to promulgate regulations affecting the distribution and sale of new motor vehicles at high altitude, including the establishment of high-altitude emission standards. Such standards, however, may not require a percentage reduction in vehicle emissions at high altitude that exceeds the comparable percent reduction provided by Section 202(b) of the Act for LDV's generally (for HC and CO these standards could represent a 90% reduction from the 1970 high-altitude base-level). In no event, however, may numerically more stringent standards be established for high-altitude areas than are applicable under non-high-altitude conditions.

Issues To Be Resolved

In addition to considering the appropriate high-altitude emission levels, the Agency has undertaken the studies required by Sections 202(f)(3) and 317 of the Act. These include:

An assessment of the economic impact of the proposed regulations (on consumers, on high-altitude vehicle dealerships, and on the automobile industry, including an assessment of the economic impact of the 1977 model year regulations subsequently vacated by the Congress);

An evaluation of the technology, both currently available and anticipated, that is capable of meeting the applicable emission requirements without reducing model availability; and

An assessment of the likelihood that adoption of the proposed high-altitude regulations will result in any significant air quality improvement in the area to which it applies.

The Agency must also decide on a means of implementing the proposed emission standards and of determining compliance with those standards. Three implementation options that the Agency has considered are:

(1) To permit unique high-altitude vehicle configurations to be tested and certified for sale at high altitude;

(2) To require that vehicles meet high-altitude standards at high altitude and low-altitude standards at low altitude; and

(3) To require vehicles to be capable of being modified to meet the high-altitude standards.

Option (1) is similar to the policy which the Agency had in effect for the 1977 model year. This option would pass along the cost of compliance only to the areas which are directly affected by the regulations. However, it is possible that a similar limitation in the number of models made available by the manufacturers for sale at high altitude to that seen in model year 1977 could result from the use of this option.

Option (2) would spread the compliance cost across all vehicles sold nationwide. However, EPA believes that this cost should be reasonable because most feedback-controlled 3-way catalyst systems, which the Agency expects to be used on the majority of LDV's in model year 1981, automatically compensate for changes in altitude. Other emission control systems, though, may require additional altitude compensating devices to be added.

Option (3), like Option (1), would restrict compliance costs to high-altitude areas. By requiring all vehicles to be capable of being modified to meet high-altitude standards, all the models in a manufacturer's product line should be available for sale at high-altitude, but the modifications would be required only on those vehicles which are actually sold at high-altitude. A disadvantage with this option is that cars bought at low altitude and operated at high altitude would have higher emissions. Correction of this situation would require vehicle owner incentives or some state action to assure that all newly-registered cars would have had approved high-altitude modifications performed.

The Agency also has a range of options for certifying vehicles in conformity with the high-altitude standards. These range from manufacturer self-certification to a high-altitude testing program that duplicates the low-altitude certification procedures.

Alternate options would be for the Agency to certify certain vehicles on the basis of a design review of their emission control systems, or by verification checking of a fraction of low altitude certification vehicles at high altitude. This certification program could be augmented by existing in-use compliance mechanisms such as Selective Enforcement Auditing tests at high altitude and recalls carried out under authority of section 207(c) of the Clean Air Act.

This advance notice of proposed rulemaking (ANPRM) is to inform the industry and the interested public that EPA is planning to develop regulations for model years 1981 through 1983 to establish high-altitude emission standards and to implement a program to certify vehicles intended for sale at high altitude in conformity with those standards. The Agency anticipates publishing the notice of proposed rulemaking (NPRM) that will formally set out the proposed standards and compliance procedures in the Federal Register during June, 1979.

Public Participation

In the NPRM, the Agency will formally solicit comments on the proposed rulemaking action and will announce the time and place for a public hearing at which additional information may be presented. In addition, however, any interested party may submit written comments to EPA in response to this ANPRM which address any aspect of the intended rulemaking actions.

Interested parties may also obtain single copies of the EPA document entitled "Development Plan for Promulgation of 1981–1983 Model Year High-Altitude Emission Standards," which sets forth the Agency's initial asessment of the issues involved in this rulemaking and contains the EPA's rationale for moving forward with this regulation. Copies may be obtained by writing the Office of Mobile Source Air Pollution Control at the above address.

In submitting comments, however, note that it is the Agency's intention to assure all interested parties an opportunity to study all information which may become the basis for EPA's final action in this rulemaking. Accordingly, the Agency will not consider in this rulemaking any material which cannot be made available to the public. Parties wishing to submit comments are cautioned that EPA will not consider, but will return to the commentor, any comments that are claimed, in whole or in part, to be confidential.

Comments in response to this ANPRM should be submitted to: Central Docket Section (A–130), Room 2903B, U.S. Environmental Protection Agency, Attn: Docket No. A–79–14, 401 M Street, SW., Washington, D.C. 20460.

Comments and the Public Docket

Copies of materials relevant to this rulemaking action are contained in Public Docket No. A–79–14 at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall Room 2903B (EPA Library), 401 M Street SW., Washington, D.C. 20460. This docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

Statutory Authority: Sections 202, 206, and 301 of the Clean Air Act, as amended (42 U.S.C. 7521, 7525, 7601).

Dated: April 26, 1979.

Douglas M. Costle,
Administrator.

[Docket No. A–79–14; FRL–1032–1]
[FR Doc. 79–14681 Filed 5–10–79; 8:45 am]
BILLING CODE 6560–01–M

[40 CFR Part 762]

Fully Halogenated Chlorofluoroalkanes Toxic Substances Control Act

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: This action proposes an amendment to EPA's chlorofluorocarbon rule in order to provide relief to certain manufacturers of pyrethrin pesticides that use a chlorofluorocarbon aerosol propellant.

DATES: All comments and requests for a public hearing must be received by the Record and Hearing Clerk by June 11, 1979. EPA will hold an informal hearing only if requested. The proposed effective date is the date of publication of the final rules.

ADDRESSES: The official record of rulemaking is located in room 709, WSME, EPA Headquarters, 401 M Street, S.W., Washington, D.C. 20460. The record is available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Send comments and requests for a public hearing to Joni T. Repasch, Record and Hearing Clerk, at the above address. Her telephone number is 202–755–6956.

FOR FURTHER INFORMATION CONTACT: James D. Silverman, Office of Toxic Substances (TS–794), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202–755–0920.

SUPPLEMENTARY INFORMATION: On March 17, 1978, EPA promulgated a rule prohibiting processing of fully halogenated chlorofluoroalkanes (chlorofluorocarbons) for nonessential aerosol propellant uses (40 CFR 762; 43 FR 11318, March 17, 1978). The processing prohibition became effective on December 15, 1978.

Several companies that produce pesticides have requested an exemption from the processing prohibition on the grounds that circumstances beyond their control make compliance with the December 15, 1978 date a severe economic hardship. During 1977 and early 1978 these companies ordered thousands of aerosol cans which they expected to fill with the pyrethrin/chlorofluorocarbon formulation by December 15, 1978.

Note.—Filling the aerosol cans with a pyrethrin/chlorofluorocarbon formulation is equivalent to processing of chlorofluorocarbons within the meaning of 40 CFR 762. All of the companies planned to sonvert to a different propellent or delivery system by December 15, 1978.

Because of a severe drought in Africa, imports of pyrethrin dropped drastically, and the companies were unable to fill all of their aerosol cans by December 15, 1978. It would be prohibitively expensive to modify these cans to use another propellent or to relabel them to use a different product. Therefore, these companies have asked EPA for permission to fill these cans with a pyrethrin/chlorofluorocarbon formulation, so as to be able to use their remaining inventory of cans which were ordered months, and sometimes more than a year, before the effective date of the processing prohibition.

In evaluating this special request, EPA considered both the economic impact on the affected businesses and the impact on the environment that would result if the request were granted. The Agency has determined that the environmental harm from granting a special exemption would be tolerable, Therefore, EPA proposes to grant a special exemption that will enable the affected pesticide companies to avoid the heavy financial loss that would occur if they could not use their existing inventories.

This exemption differs from essential use exemptions. An essential use exemption is open-ended; a processor may continue to fill aerosol cans for the exempted use until EPA amends the rule. This exemption has a built-in limitation. Only a specifically designated group of aerosol cans may be filled under this exemption. Once those aerosol cans are filled, the exemption no longer has any significance.

EPA is aware that the following pyrethrin pesticide manufacturers were unable to fill all of their aerosol cans by December 15, 1978, because of the pyrethrin shortage: Cessco, Inc., Claire Manufacturing Co., the d-Con Company, Inc., Federal Chemical Co., Inc., and the 707 Company. These companies and others similarly situated may fill their cans if they inform EPA of the number of cans, when the cans were ordered from a supplier, any serial numbers used to identify the cans, and the amount of chlorofluorocarbons necessary to fill the cans.

Based on the correspondence submitted by pesticide companies seeking an exemption and on conversations with a pyrethrin importer, EPA has determined that pesticide companies should have been aware of the pyrethrin shortage by June 30, 1978. Therefore, the proposed exemption does not permit filling of aerosol cans ordered after that date.

EPA proposes to make this exemption effective upon Final Promulgation pursuant to 5 U.S.C. § 553(d)(1).

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

Dated: May 7, 1979.

Douglas M. Costle,
Administrator.

EPA proposes to amend 40 CFR Part 762 as follows:

By adding § 762.23 to read as follows:

§ 762.23 Exemption for producers of pyrethrin pesticide formulations.

(a) Producers of pyrethrin pesticide formulations are exempt from § 762.12 for the purpose of processing fully halogenated chlorofluoroalkane aerosol propellants into pyrethrin aerosol propellant articles (containers) if the containers were ordered before June 30, 1978. This exemption is conditional upon notifying EPA before the chlorofluoroalkanes are processed of:

(1) The number of aerosol propellant articles (containers) to be filled,

(2) The date the aerosol containers were ordered from a supplier,

(3) Any serial numbers that can be used to identify these containers, and

(4) The quantity of fully halogenated chlorofluoroalkanes needed to fill the containers.

(b) The information specified in paragraph (a) must be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Office of Enforcement, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

(c) Notwithstanding sections 762.11 and 762.13 any person may manufacture or distribute in commerce fully halogenated chlorofluorocarbon aerosol propellants for processing into pyrethrin pesticide articles as authorized by paragraph (a).

(Toxic Substances Control Act, Section 6, Pub. L. 94-469, 90 Stat. 2020 (15 U.S.C. 2605).)

[FRL 1212-3, OTS-066003]

[FR Doc. 79-14807 Filed 5-10-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Education Division

[45 CFR Parts 100, 100a, 100b, 100c and 100d]

Direct Grant Programs, State-Administered Programs, And General; General Administrative Regulations

Correction

In FR Doc. 79-13552 appearing on page 26297 in the issue for Friday, May 4, 1979, the subagency was inaccurately identified in the headings on both pages 26297 and 26298. The correct subagency is reflected in the heading above.

Other corrections to be made to FR Doc. 79-13552 are as follows:

(1) On page 26298, in the first column, under the heading, "ADDRESSES", the name given should be corrected to read, "Dr. Marcel DuVall".

(2) On page 26298, in the first column, under the heading, "FOR FURTHER INFORMATION CONTACT", the name given should be corrected to read, "Dr. Marcel DuVall".

(3) On page 26332, in the first column, the section heading, "§ 100b The Governor has 45 days to comment on the State plan." Should be corrected to read, "§ 100b.105 The Governor has 45 days to comment on the State plan."

(4) On page 26334, between §§ 100b.562 and 100b.581, insert § 100b.580 which appears out of numerical order on page 26335.

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 44, No. 93
Friday, May 11, 1979

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.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Advisory Committee on Foreign Animal and Poultry Diseases; Intent To Reestablish

Notice is hereby given that the Secretary of Agriculture proposes to reestablish the Advisory Committee on Foreign Animal and Poultry Diseases for a 2-year period. The Secretary has determined that the Committee is in the public interest in connection with duties imposed on the Department by law.

The purpose of the Committee will be to advise the Secretary regarding program operations and measures to prevent, suppress, control, or eradicate an outbreak of foot-and-mouth disease or other destructive foreign animal or poultry diseases in the event such diseases should enter the United States. The Committee will have a balanced membership composed of women, minorities, scientists, farmers, trade association representatives and university and government personnel.

The Chairman of the Committee will be the Assistant Secretary for Marketing and Transportation Services, United States Department of Agriculture, Washington, D.C. 20250. Plans are for the Committee to meet at least annually.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463). Views and comments of interested persons may be submitted to the Administrator, Animal and Plant Health Inspection Service, Room 316-E, United States Department of Agriculture, Washington, D.C. 20250 until May 29, 1979. Such comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of May, 1979.

Joan S. Wallace,
Assistant Secretary for Administration.
[FR Doc. 79-14738 Filed 5-10-79; 8:45 am]
BILLING CODE 3410-35-M

Grain Standards Act Advisory Committee; Intent To Establish

Notice is hereby given that the Secretary of Agriculture proposes to establish a Grain Standards Act Advisory Committee.

The purpose of this Advisory Committee will be to provide advice and factual information to the Administrator, Federal Grain Inspection Service, with respect to implementation of the U.S. Grain Standards Act of 1976. Almost every segment of the grain industry has indicated that the improvements made in the program by the Act—if not implemented with due care for the needs of farmers, grain consumers, and the grain industry—would hinder the orderly and timely marketing of grain. In this regard, the Secretary has determined that establishment of the Committee is necessary and in the public interest in connection with the duties imposed on the Department of Agriculture by law.

Any comments on the establishment of this Advisory Committee may be directed to Dr. Leland E. Bartelt, Administrator, FGIS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 29, 1979. All written submissions made pursuant to this notice shall be made available for public inspection at the Office of the Administrator, FGIS, during regular business hours.

Dated: May 7, 1979.

Joan S. Wallace,
Assistant Secretary for Administration.
[FR Doc. 79-14737 Filed 5-10-79; 8:45 am]
BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

May 7, 1979.

Notice is hereby given that, during the week ended May 4, 1979, the CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Date filed	Docket No.	Description
April 30, 1979	35440	Hughes Air Corp., d/b/a Hughes Airwest, San Francisco International Airport, San Francisco, California 94128. Application of Hughes Air Corp., d/b/a Hughes Airwest requests the Board pursuant to Section 401 of the Act, Parts 201 and 302 of the Board's Economic Regulations, for an amendment of its certificate of public convenience and necessity for Route 76;

Date filed	Docket No.	Description
		(a) so as to authorize nonstop air transportation of persons, property and mail between Orange County-Santa Ana-Anaheim, California, and San Francisco, California, by deleting the one-stop restriction between said pair of points presently contained in condition (4) of its certificate, and; (b) to delete three-stop restriction in the Orange County-Seattle market imposed by condition (6) and substitute in lieu thereof a two-stop restriction between Orange County and Seattle in condition (5). Answers and Conforming Applications are due on May 14, 1979.
May 1, 1979	35455	Braniff Airways, Inc., P.O. Box 35001, Dallas, Texas 75235. Application of Braniff Airways, Inc. requests the Board pursuant to Section 401(e)(7)(B) of the Act for restriction removal under Subpart Q procedures, Condition (7) of Route 153: Flights serving Rio De Janeiro or Sao Paulo, Brazil, shall also serve an intermediate point south of Panama. Answers and Conforming Applications are due on May 15, 1979.
May 3, 1979	35460	Allegheny Airlines, Inc., Washington National Airport, Hangar No. 11, Washington, D.C. 20001. Application of Allegheny Airlines, Inc. requests the Board pursuant to Section 401 of the Act and Part 201 of the Board's Economic Regulations for amendment of its certificate of public convenience and necessity for Route 97 so to authorize it to engage in scheduled nonstop air transportation of persons, property, and mail between the terminal point St. Louis, Missouri, and the terminal points Atlanta, Georgia, Memphis, Tennessee, New Orleans, Louisiana and Philadelphia, Pennsylvania. Answers and Conforming Applications are due on May 31, 1979.
May 3, 1979	35461	Allegheny Airlines, Inc., Washington National Airport, Hangar No. 11, Washington, D.C. 20001. Application of Allegheny Airlines, Inc. requests the Board pursuant to Section 401 of the Act and Part 201 of the Board's Economic Regulations for an amendment of its certificate of public convenience and necessity for Route 97 so as to authorize it to engage in scheduled nonstop air transportation of persons, property, and mail between the terminal point Las Vegas, Nevada, and the terminal point Los Angeles, California. Answers and Conforming Applications are due on May 31, 1979.
May 4, 1979	35472	Western Air Lines, Inc. 6060 Avion Drive, Los Angeles, California 90045. Application of Western Air Lines, Inc. requests the Board pursuant to Section 401 of the Act for amendment of its certificate of public convenience and necessity for Route 19 so as to authorize it to engage in nonstop air transportation between Dallas/Fort Worth, on the one hand, and Hilo or Honolulu, Hawaii, on the other hand, by including Dallas/Fort Worth as a mainland coterminal point on Segment 4. Answers and Conforming Applications are due on June 1, 1979.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 79-14815 Filed 5-10-79; 8:45 am]
BILLING CODE 6320-01-M

Texas International Airlines, Inc., and Trans World Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-5-30, Albuquerque Show-Cause Proceeding.

SUMMARY: The Board is proposing to award to Texas International Airlines, Inc., and Trans World Airlines, Inc., non-stop authority in the Albuquerque, New Mexico-San Diego, California market, as well as new and improved authority to American Airlines Inc., between Albuquerque and 48 other points on its certificate, and to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than June 7, 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.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than May 23, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35466, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Jacob Goldberg, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-6067.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons; American Airlines, Texas Interantional Airlines, Trans World Airlines, the City of Albuquerque, the City of San Diego, Continental Air Lines, Frontier Airlines and Senator Pete V. Domenici.

The complete text of order 79-5-30, is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-5-30, to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428

By the Civil Aeronautics Board, May 3, 1979.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 79-14729 Filed 5-10-79; 8:45 am]
BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:00 p.m. (each day), on June 28-29, 1979, at U.S. Environmental Protection Agency, 26 West St. Clari, Cincinnati, Ohio 45268.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office, 230 South Dearborn, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is administration of justice—Cincinnati Police Department.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1979.

John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 79-14804 Filed 5-10-79; 8:45 am]
BILLING CODE 6335-01-M

Houston Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on June 12, 1979, in Krost Hall, Bates College of Law, University of Houston, 4800 Calhoun Street, Houston, Texas. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, particularly concerning police practices; to appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice,

particularly concerning police practices; and to disseminate information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice, particularly concerning police practices.

Dated at Washington, D.C., May 7, 1979.

Arthur S. Flemming,
Chairman.

[FR Doc. 79-14887 Filed 5-10-79; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Institute of Pathology Scientific Advisory Board; Open Meeting

In order to comply with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, June 7-8, 1979, 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C. 20306. This meeting will be open to the public.

The proposed agenda will include professional discussion of the mission of the Armed Forces Institute of Pathology relating to consultation, education, and research. The Executive Secretary from whom substantive program information may be obtained is LTC Robert A. Bates, Executive Officer, Armed Forces Institute of Pathology, Washington, D.C. 20306, telephone 576-2900.

For the director.

Robert E. Liebmann,
CPT, MSC, USA, Adjutant.

[FR Doc. 79-14713 Filed 5-10-79; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Proposed Remedial Order to Standard Oil Co. of California and Chevron U.S.A., Inc.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Standard Oil Company of California and Chevron U.S.A. Inc. and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to Standard Oil Company of California and Chevron U.S.A. Inc. (Chevron) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Chevron's pricing of crude oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by Chevron during the period September 1973 through March 1979 totals not less than $101,618,243.07, including interest thereon.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 79-14899 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Remedial Order to the Marathon Oil Co., Inc.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to the Marathon Oil Company, Inc. and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to the Marathon Oil Company, Inc. (Marathon) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Marathon's pricing of crude oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by Marathon during the period September 1973 through March 1979 totals not less than $29,063,515.63, including interest thereon.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 79-14900 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Remedial Order to the Standard Oil Co. of Indiana and the Amoco Production Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to the Standard Oil Company of Indiana and the Amoco Production Company and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby

gives Notice that a Proposed Remedial Order was issued to the Standard Oil Company of Indiana and the Amoco Production Company (Amoco) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Amoco's pricing of crude oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by Amoco during the period September 1973 through March 1979 totals not less than $24,139,927.38, including interest thereon.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-14901 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to the Standard Oil Co. of Ohio

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to the Standard Oil Company of Ohio and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to the Standard Oil Company of Ohio (Sohio) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Sohio's pricing of crude oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by Sohio during the period September 1973 through March 1979 totals not less than $16,969,407.47, including interest thereon.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-14902 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to Texaco, Inc.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Texaco Inc. and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to Texaco Inc. (Texaco) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Texaco's pricing of crude oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by Texaco during the period September 1973 through March 1979 totals not less than $888,328,899, including interest thereon.

In accordance with 10 CFR § 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-14903 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to Atlantic Richfield Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Atlantic Richfield Company and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to the Atlantic Richfield Company (ARCO) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning ARCO pricing of crude

oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by ARCO during the period September 1973 through March 1979 totals not less than $42,023,718.03, including interest thereon.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585. Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 79-14904 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Proposed Remedial Order to Gulf Oil Corp. and Gulf Exploration & Production Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Gulf Oil Corporation and Gulf Exploration and Production Company and of Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance (Special Counsel) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that a Proposed Remedial Order was issued to Gulf Oil Corporation and Gulf Production and Exploration Company (Gulf) on May 1, 1979. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Gulf's pricing of crude oil, produced and sold in the United States, in excess of maximum lawful prices, in violation of the Phase IV Petroleum Price Regulations formerly at 6 CFR Part 150 and the Mandatory Petroleum Price Regulations set forth at 10 CFR Parts 210, 211, and 212. The amount of overcharges, continuing overcharges, and projected overcharges by Gulf during the period September 1973 through March 1979 totals not less than $577,959,476.83, including interest thereon.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted, from the ERA.

On or before May 29, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, NW., Washington, D.C. 20461.

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: George W. Young, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., May 7, 1979.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 79-14905 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Alexandria, Minnesota et al. and Otter Tail Power Co.; Complaint

May 4, 1979.

Take notice that on April 17, 1979 the Cities of Alexandria, Barnsville, Benson, Detroit Lakes, Henning, and Warren, Minnesota (Cities), municipal corporations organized and existing under the laws of the State of Minnesota, filed a complaint against Otter Tail Power Company (Otter Tail) located in Fergus Falls, Minnesota, pursuant to Section 306 of the Federal Power Act.

The Cities request that the Commission institute a proceeding in the United States District Court for the District of Columbia, pursuant to Section 314(a) of the Federal Power Act to enjoin Otter Tail from further attempts to bill Cities for alleged transmission service related to the terminated Special Municipal Electric Service Agreement entered into by Cities and Otter Tail. such attempts to bill alleged to be in violation of the Commission's Orders issued December 28, 1976, and June 2, 1977, as affirmed by the United States Court of Appeals for the Eighth Circuit and in violation of Section 205(c) of the Federal Power Act.

The Cities further request that the Commission take all necessary steps to institute proceedings against certain officers and employees of Otter Tail leading to the punishment by fine of not more than $5,000 or by imprisonment for not more than 2 years, or both, of such officers and employees pursuant to Section 316(a) of the Federal Power Act.

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 and 1.10). All such petitions or protests should be filed on or before May 31, 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.

[Docket No. EL 79-16]
[FR Doc. 79-14659 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

A & R Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 3, 1979.

On April 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Ohio Department of Natural Resources Division of Oil and Gas
FERC Control Number: JD79-5551
API Well Number: 3416724173**14
Section of NGPA: 103
Operator: A & R Company

Well Name: John I. Eddy & Steven Bingler No. 1
Field:
County: Washington
Purchaser:
Volume: 8 MMcf

FERC Control Number: JD79-5552
API Well Number: 3401921158**14
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Conotton Land Co. 1A
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 1500 MMcf

FERC Control Number: JD79-5553
API Well Number: 3413321747**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Grace Unit No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5554
API Well Number: 3413321702**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: H. K. Tabler No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5555
API Well Number: 3413321641**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: R. Miller Unit No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5556
API Well Number: 3413321743**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Demczyk Unit No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5557
API Well Number: 3413321640**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: L. C. & M. C. Know No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5558
API Well Number: 3413321730**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Burket Croft Unit No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5559
API Well Number: 3401921074**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Carroll Recreation 6B
Field:
County: Carrol
Purchaser: Bonanza Gas Line
Volume: 7000 MMcf

FERC Control Number: JD79-5560
API Well Number: 3401921153**14
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Korns No. 4
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 2700 MMcf

FERC Control Number: JD79-5561
API Well Number: 3401921052**14
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Korns No. 3
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 2500 MMcf

FERC Control Number: JD79-5562
API Well Number: 3401921118**14
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Carson No. 2
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 18000 MMcf

FERC Control Number: JD79-5563
API Well Number: 3415521158**14
Section of NGPA: 103
Operator: Mash Investment Co., a Partnership
Well Name: Mash Investment No. 1
Field:
County: Trumbull
Purchaser:
Volume: 39 MMcf

FERC Control Number: JD79-5564
API Well Number: 3401921166**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Puskarich No. 4
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 6000 MMcf

FERC Control Number: JD79-5565
API Well Number: 3401921159**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Price No. 1
Field:
County: Carroll
Purchaser: Bonanza Gas Line.
Volume: 2500 MMcf

FERC Control Number: JD79-5566
API Well Number: 3401921195**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Slutz No. 3
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 8000 MMcf

FERC Control Number: JD79-5567
API Well Number: 3401921156**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Slutz No. 1
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 8000 MMcf

FERC Control Number: JD79-5568
API Well Number: 3401921109**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Smith No. 2
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 2500 MMcf

FERC Control Number: JD79-5569
API Well Number: 3401921165**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: D. Eick No. 3
Field:
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 2500 MMcf

FERC Control Number: JD79-5570
API Well Number: 3404520596**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: F. Tribble & H. Miller No. 1
Field:
County: Fairfield
Purchaser: Columbia Gas Transmission Corp.
Volume: 20 MMcf

FERC Control Number: JD79-5571
API Well Number: 3408322489**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: David McMillian No. 1
Field:
County: Knox
Purchaser: Columbia Gas Transmission Corp.
Volume: 3 MMcf

FERC Control Number: JD79-5572
API Well Number: 3408322444**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Edgar Morton No. 1
Field:
County: Knox
Purchaser: Columbia Gas Transmission Corp.
Volume: 5.0 MMcf

FERC Control Number: JD79-5573
API Well Number: 3404520577**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Wingardner Miller No. 1
Field:
County: Fairfield
Purchaser: Columbia Gas Transmission Corp.
Volume: 6 MMcf

FERC Control Number: JD79-5574
API Well Number: 3404520585**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: A. Love-F. Hite No. 1
Field:
County: Fairfield
Purchaser: Columbia Gas Transmission Corp.
Volume: 15 MMcf

FERC Control Number: JD79-5575
API Well Number: 3408322405**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Charles Fauceit No. 1
Field:

County: Knox
Purchaser: Columbia Gas Transmission Corp.
Volume: 8 MMcf

FERC Control Number: JD79-5576
API Well Number: 3411924093**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Virgil Vanden Bark No. 1
Field:
County: Muskingum
Purchaser: Columbia Gas Transmission Corp.
Volume: 20 MMcf

FERC Control Number: JD79-5577
API Well Number: 3413321219**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Fred Kirkhart No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

FERC Control Number: JD79-5578
API Well Number: 3413321561**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: D. Burkey Unit No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 29, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-14678 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Dalport Oil Corp., et al., Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 3, 1979.

On April 20, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of New Mexico

FERC Control Number: JD79-4133
API Well Number:
Section of NGPA: 108
Operator: Dalport Oil Corporation
Well Name: Annie L. Christmas B-1
Field: Jalmat Tansill 7 Rivers Gas
County: Lea
Purchaser: El Paso Natural Gas Co.
Volume: 5 MMcf

FERC Control Number: JD79-4134
API Well Number: 30-025-25658
Section of NGPA: 103
Operator: John Yuronka
Well Name: Thomas #2
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Company
Volume: 19 MMcf

FERC Control Number: JD79-4135
API Well Number: 30-025-25831
Section of NGPA: 103
Operator: John Yuronka
Well Name: Thomas #3
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Company
Volume: 108 MMcf

FERC Control Number: JD79-4136
API Well Number: 30-025-26060
Section of NGPA: 103
Operator: John Yuronka
Well Name: Harrison #1
Field: Langlie Mattix
County: Lea
Purchaser: El Paso Natural Gas Company
Volume: 144 MMcf

FERC Control Number: JD79-4137
API Well Number: 30-045-22684
Section of NGPA: 108
Operator: Manana Gas, Inc.
Well Name: Not Applicable
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: N/A

FERC Control Number: JD79-4138
API Well Number: 30-045-22869
Section of NGPA: 103
Operator: Manana Gas, Inc.
Well Name: Charlie #1
Field: Aztec Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: N/A

FERC Control Number: JD79-4139
API Well Number: 30-045-08931
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: Aztec Com A #4
Field: Aztec
County: San Juan
Purchaser: Northwest Pipeline Corporation
Volume: 5 MMcf

FERC Control Number: JD79-4140
API Well Number: 30-045-22683
Section of NGPA: 103
Operator: Manana Gas, Inc.
Well Name: Annie B #1
Field: Basin Dakota
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: N/A

FERC Control Number: JD79-4141
API Well Number: 30-045-21321
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: SJ 32-7 Unit No. 43
Field: Basin
County: San Juan
Purchaser: Northwest Pipeline Corporation
Volume: 6 MMcf

FERC Control Number: JD79-4142
API Well Number: 30-039-NA
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: Rosa Unit No. 26
Field: Blanco
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 19 MMcf

FERC Control Number: JD79-4143
API Well Number: 30-045-20658
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: Stewart A Com B No. 3
Field: Aztec
County: San Juan
Purchaser: Northwest Pipeline Corporation
Volume: 18 MMcf

FERC Control Number: JD79-4144
API Well Number: 30-045-21533
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: Jacques Com No. 1
Field: Harris Mesa
County: San Juan
Purchaser: Northwest Pipeline Corporation
Volume: 16 MMcf

FERC Control Number: JD79-4145
API Well Number: N/A
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: Davis No. 1
Field: Gavilan
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 11 MMcf

FERC Control Number: JD79-4146
API Well Number: 30-039-06144
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: Highsmith D No. 4
Field: Gavilan
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 2 MMcf.

FERC Control Number: JD79-4147
API Well Number: N/A
Section of NGPA: 108
Operator: Gulf Oil Corporation
Well Name: H. T. Orcutt (NCT-H) Well No. 1
Field: Monument Tubb Drinkard
County: Lea
Purchaser: El Paso Natural Gas Company
Volume: 6 MMcf.

FERC Control Number: JD79-4148
API Well Number: N/A
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: Fee No. 3
Field: Gavilan
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 8 MMcf.

FERC Control Number: JD79-4149
API Well Number: N/A
Section of NGPA: 108
Operator: Northwest Pipeline Corporation

Well Name: Koon No. 1
Field: Gavilan
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 5 MMcf.

FERC Control Number: JD79-4150
API Well Number: 30-045-11453
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: SJ 32-7 Unit No. 3
Field: Los Pinos North
County: San Juan
Purchaser: Northwest Pipeline Corporation
Volume: 9 MMcf.

FERC Control Number: JD79-4151
API Well Number: 30-039-07756
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: S/J 30-5 Unit No. 16
Field: Blanco
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 9 MMcf.

FERC Control Number: JD79-4152
API Well Number: 30-039-82388
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: S/J 31-6 Unit No. 16
Field: Blanco
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 17 MMcf.

FERC Control Number: JD79-4153
API Well Number: 30-039-07929
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: S/J 31-06 Unit No. 10
Field: Blanco
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 12 MMcf.

FERC Control Number: JD79-4154
API Well Number: 30-039-07472
Section of NGPA: 108
Operator: Northwest Pipeline Corporation
Well Name: S/J 29-5 Unit No. 38
Field: Blanco
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 14 MMcf.

FERC Control Number: JD79-4155
API Well Number: 01-057-20107
Section of NGPA: 103
Operator: Enserch Exploration, Inc.
Well Name: T. Rowland No. 1
Field: Fayette West (Carter)
County: Fayette
Purchaser: Coronado Transmission Company
Volume: 40 MMcf.

FERC Control Number: JD79-4156
API Well Number: 47-039-1005
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 12
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 3.6 MMcf.

FERC Control Number JD79-4157
API Well Number: 47-039-1004
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 11
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Corporation
Volume: 8.0 MMcf.

FERC Control Number: JD79-4158
API Well Number: 47-039-0955
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 5
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Supply Corporation
Volume: 6.0 MMcf.

FERC Control Number: JD79-4159
API Well Number: 47-039-0999
Section of NGPA: 108
Operator: Pennzoil Company
Well Name: Black Band Fuel No. 9
Field: Washington
County: Kanawha
Purchaser: Consolidated Gas Corporation
Volume: 14.0 MMcf.

FERC Control Number: JD79-4160
API Well Number: 25-071-21591
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1261 1-1261 Scott
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 120 MMcf.

FERC Control Number: JD79-4161
API Well Number: 25-071-21490
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1370 1-13 Rex Burwell
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 36 MMcf

FERC Control Number: JD79-4162
API Well Number: 25-005-21780
Section of NGPA: 108
Operator: Tricentrol United Stated, Inc.
Well Name: Roberts 15-14-31-19
Field: Tiger Ridge
County: Blaine
Purchaser: Northern Natural Gas Company
Volume: 14.4 MMcf

FERC Control Number: JD79-4163
API Well Number: 25-005-21918
Section of NGPA: 103
Operator: Tricentrol United Stated, Inc.
Well Name: Blackwood 34-9-31-18
Field: Tiger Ridge
County: Blaine
Purchaser: Northern Natural Gas Company
Volume: 187.7 MMcf

FERC Control Number: JD79-4164
API Well Number: 25-071-21590
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 1060 #1 Hellie
Field: Bowdin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 12 MMcf

FERC Control Number: JD79-4165
API Well Number: 25-071-21539
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 0270 1-2 Brown
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 19 MMcf

FERC Control Number: JD79-4166
API Well Number: 25-071-21563
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 0161 No. 1-1 F. Anderson
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 84 MMcf

FERC Control Number: JD79-4167
API Well Number: 25-083-21224
Section of NGPA: 103
Operator: UV Industries, Inc.
Well Name: Obergfell 1-34
Field: Southeast Putnam
County: Richland
Purchaser: Montana-Dakota Utilities Company
Volume: 86.768 MMcf

FERC Control Number: JD79-4168
API Well Number: 25-071-21588
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 2460 No. 1-24 White
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 36 MMcf

FERC Control Number: JD79-4169
API Well Number: 25-071-21586
Section of NGPA: 108
Operator: Midlands Gas Corporation
Well Name: 2271 1-22 Lewis Miller
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 8 MMcf

FERC Control Number: JD79-4170
API Well Number: 25-083-21239
Section of NGPA: 102
Operator: UV Industries, Inc.
Well Name: Obergfell 2-23
Field: Southeast Putnam
County: Richland
Purchaser: Montana-Dakota Utilities Company
Volume: 9.250 MMcf

The applications for determination in these procedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capital Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with

18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 29, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.
[FR Doc. 79-14676 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Florida Power Corp.; Filing

May 4, 1979.

The filing Company submits the following:

Take notice that on May 1, 1979, Florida Power Corporation ("Florida Power") tendered for filing an Interconnection Agreement ("Agreement") between Florida Power and Orlando Utilities Commission entered into on January 24, 1979. The Agreement provides for the following interconnection services: emergency energy, short-term firm capacity and energy, economy energy and long-term firm capacity and energy. Florida Power asks that the Agreement, in accordance with its terms, be permitted to become effective on July 1, 1979.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before May 29, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents filed by Florida Power are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.
[Docket No. ER79-343]
[FR Doc. 79-14660 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Indiana & Michigan Electric Co.; Certification

May 4, 1979.

Take notice that on April 12, 1979, Presiding Administrative Law Judge Michel Levant certified to the Commission a proposed settlement agreement in the above-noted docket.

Judge Levant indicates that the settlement proposal provides that Staff is to withdraw its objections to the filed demand rate in return for the filing of a Notice of Termination of such rate by I&ME pursuant to Section 35.15 of the Commission's Rules and Regulations. Such notice was filed by I&ME on February 2, 1979.

Judge Levant also indicates that all parties support the certification of the Settlement Proposal to the Commission.

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 May 28, 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.
[Docket No. ER78-353]
[FR Doc. 79-14661 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Inland Drilling Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 3, 1979.

On April 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

FERC Control Number: JD79-5601
API Well Number: 34 133 2 1524 ** 14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Drumm #1 #1524
Field: N/A
County: Portage
Purchaser: N/A
Volume: 5,023 MMcf.

FERC Control Number: JD79-5602
API Well Number: 34 133 2 1568 ** 14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: May #1-S #1568
Field: N/A
County: Portage
Purchaser: N/A
Volume: 5,023.

FERC Control Number: JD79-5603
API Well Number: 34 155 2 0616 ** 14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Temple #7 #0616
Field: N/A
County: Trumbull
Purchaser: N/A
Volume: 6,684 MMcf.

FERC Control Number: JD79-5604
API Well Number: 34 155 2 0882 ** 14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Temple #6 #0882
Field: N/A
County: Trumbull
Purchaser: None
Volume: 6,684 MMcf.

FERC Control Number: JD79-5605
API Well Number: 34 155 2 0589 ** 14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Temple #4 #0589
Field: N/A
County: Trumbull
Purchaser: None
Volume: 6,684 MMcf.

FERC Control Number: JD79-5606
API Well Number: 3403123346**14
Section of NGPA: 103
Operator: Toledo Spring Co.
Well Name: Daniel Nisley #1
Field: N/A
County: Coshocton
Purchaser: None
Volume: 28 MMcf.

FERC Control Number: JD79-5607
API Well Number: 3403123345**14
Section of NGPA: 103
Operator: Toledo Spring Co.
Well Name: Daniel Nisley #2
Field: N/A
County: Coshocton
Purchaser: None
Volume: 28 MMcf.

FERC Control Number: JD79-5608
API Well Number: 3401921168**14
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Conotton Land Co. #2
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 1500 Mcf.

FERC Control Number: JD79-5609
API Well Number: 3401921064
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Ericksen #1
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 2000 Mcf.

FERC Control Number: JD79-5610
API Well Number: 3401921065**14
Section of NGPA: 103
Operator: L&M Exploration
Well Name: Ericksen #2
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 2000 Mcf.

FERC Control Number: JD79-5611
API Well Number: 3413321746**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Tabler #2
Field: N/A
County: Portage
Purchaser: None
Volume: 30 MMcf.

FERC Control Number: JD79-5612
API Well Number: 3413321748**14

Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Grace Unit #2
Field: N/A
County: Portage
Purchaser: None
Volume: 30 MMcf.

FERC Control Number: JD79-5613
API Well Number: 3403122955**14
Section of NGPA: 103
Operator: Cyclops Corporation (Haddad & Brooks, Inc., Agent)
Well Name: Lear #1
Field: N/A
County: Coshocton
Purchaser: None
Volume: 30 MMcf.

FERC Control Number: JD79-5614
API Well Number: 3403123114**14
Section of NGPA: 103
Operator: Cyclops Corporation (Haddad & Brooks, Inc., Agent)
Well Name: Lewis #1
Field: N/A
County: Coshocton
Purchaser: None
Volume: 17.5 MMcf.

FERC Control Number: JD79-5615
API Well Number: 3403122947**14
Section of NGPA: 103
Operator: Cyclops Corporation (Haddad & Brooks, Inc., Agent)
Well Name: Kiser #1
Field: N/A
County: Coshocton
Purchaser: None
Volume: 24 MMcf.

FERC Control Number: JD79-5616
API Well Number: 3403123258**14
Section of NGPA: 103
Operator: Cyclops Corporation (Haddad & Brooks, Inc., Agent)
Well Name: Clark Unit #2
Field: N/A
County: Coshocton
Purchaser: None
Volume: 22.5 MMcf.

FERC Control Number: JD79-5617
API Well Number: 3403122942**14
Section of NGPA: 103
Operator: Cyclops Corporation (Haddad & Brooks, Inc., Agent)
Well Name: Miller-Taylor #2
Field: N/A
County: Coshocton
Purchaser: None
Volume: 9 MMcf.

FERC Control Number: JD79-5618
API Well Number: 3403122943**14
Section of NGPA: 103
Operator: Cyclops Corporation (Haddad & Brooks, Inc., Agent)
Well Name: Miller-Taylor #1
Field: N/A
County: Coshocton
Purchaser: None
Volume: 9 MMcf.

FERC Control Number: JD79-5619
API Well Number: 3401921033**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Scott #4
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 4500 Mcf.

FERC Control Number: JD79-5620
API Well Number: 3415520790**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: N/A
Field: Trumbull
County: Chorba-Henry #1 0790
Purchaser: East Ohio Gas Co.
Volume: 0.448 MMcf.

FERC Control Number: JD79-5621
API Well Number: 3415520995**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Amato #1 0995
Field: N/A
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.676 MMcf.

FERC Control Number: JD79-5622
API Well Number: 3415520788**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Spangler #1
Field: N/A
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.676 MMcf.

FERC Control Number: JD79-5623
API Well Number: 3413321308**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: #1 Gatts-Coia 1308
Field: N/A
County: Portage
Purchaser: East Ohio Gas Co.
Volume: 1.212 MMcf.

FERC Control Number: JD79-5624
API Well Number: 3415520881**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: McDivitt-Reder #1 0881
Field: N/A
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.660 MMcf.

FERC Control Number: JD79-5625
API Well Number: 3415520789**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Lippert-Walker-Veres Unit #1 0789
Field: N/A
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.504 MMcf.

FERC Control Number: JD79-5626
API Well Number: 3413321307**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Hulak-Webb Unit #1
Field: N/A
County: Portage
Purchaser: East Ohio Gas Co.
Volume: 1.512 MMcf.

FERC Control Number: JD79-5627
API Well Number: 3415520959**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Stoneman #4 0959
Field: N/A
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.416 Mcf.

FERC Control Number: JD79-5628
API Well Number: 3415520962**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Stoneman #3 0962
Field: N/A
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.416 MMcf.

FERC Control Number: JD 79-5629
API Well Number: 3413321740**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: C. Rufener Jr. Unit #4
Field: N/A
County: Portage
Purchaser: The East Ohio Gas Company
Volume: 30 MMcf.

FERC Control Number: JD 79-5630
API Well Number: 3413321478**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc
Well Name: Martin-Mantua #1 1478
Field: N/A
County: Portage
Purchaser: East Ohio Gas Co.
Volume: 2.308 MMcf.

FERC Control Number: JD 79-5631
API Well Number: 3413321304**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Webb #1 1304
Field: N/A
County: Portage
Purchaser: East Ohio Gas Co.
Volume: 6.708 MMcf.

FERC Control Number: JD 79-5632
API Well Number: 3401921142**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Carson #6
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 20000 Mcf.

FERC Control Number: JD 79-5633
API Well Number: 3401921124**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Carson #5
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 30000 Mcf.

FERC Control Number: JD 79-5648
API Well Number: 3401921124**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Carson #5
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 30000 Mcf.

FERC Control Number: JD 79-5634
API Well Number: 3401921130**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Sharp #4
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line

Volume: 3500 Mcf.

FERC Control Number:JD 79-5635
API Well Number: 3401921077**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Shipley-Warburton #4
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 9000 Mcf.

FERC Control Number:JD 79-5636
API Well Number: 3413321803**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Dickey-Traugh Unit #1
Field: N/A
County: Portage
Purchaser: None
Volume: 30 MMcf.

FERC Control Number:JD 79-5637
API Well Number: 3413322962**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: J. Ellsworth #1
Field: N/A
County: Portage
Purchaser: None
Volume: 30 MMcf.

FERC Control Number: JD79-5638
API Well Number: 3413321799**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Howard #1
Field: N/A
County: Portage
Purchaser: None
Volume: 30 MMcf.

FERC Control Number: JD79-5639
API Well Number: 3413321741**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Arvil Grace Unit #4
Field: N/A
County: Portage
Purchaser: None
Volume: 30 MMcf.

FERC Control Number: JD79-5640
API Well Number: 341921061**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Snider #4
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 15000 Mcf.

FERC Control Number: JD79-5641
API Well Number: 3401921169**14
Section of NGPA: 103
Operator: L&M Exploration, Inc.
Well Name: Raeder #2
Field: N/A
County: Carroll
Purchaser: Bonanza Gas Line
Volume: 3000 Mcf.

FERC Control Number: JD79-5642
API Well Number: 3413321708**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: Rufener Unit #1
Field: N/A
County: Portage
Purchaser: The East Ohio Gas Company
Volume: 30 MMcf.

FERC Control Number: JD79-5643
API Well Number: 3413321710**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: C. & H. Rufener Unit #2
Field: N/A
County: Portage
Purchaser: The East Ohio Gas Company
Volume: 30 MMcf.

FERC Control Number: JD79-5644
API Well Number: 3413321729**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: C. Rufener Jr. Unit #3
Field: N/A
County: Portage
Purchaser: The East Ohio Gas Company
Volume: 30 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 29, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-14675 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Long Island Lighting Co.; Filing

May 4, 1979.

Take notice that on April 20, 1979, Long Island Lighting Company (LILCO) filed as a rate schedule an agreement entitled Transmission Agreement dated June 18, 1976, between LILCO and the Power Authority of the State of New York (PASNY), pursuant to which LILCO transmitted power delivered to LILCO by PASNY for transmission to the three municipal utilities on Long Island: the Incorporated Villages of Freeport, Greenport & Rockville Centre.

The Company states that the Agreement was effective on June 18, 1976 and was superseded by an Agreement dated January 2, 1979, that was submitted for filing on March 1, 1979 in this docket.

The Company requests that the Commission permit this Agreement to be effective as of June 18, 1976.

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 May 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to 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.

[Docket No ER79-230]
[FR Doc. 79-14662 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Michigan Wisconsin Pipe Line Co.; Tariff Filing

May 4, 1979.

Take notice that on May 3, 1979 Michigan Wisconsin Pipe Line Company tendered for filing Substitute Original Sheet No. 49 to its F.E.R.C. Gas Tariff, Original Volume No. 1 to be effective May 1, 1979. Michigan Wisconsin states that Substitute Original Sheet No. 49 replaces Original Sheet No. 49 filed on April 12, 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 or protests should be filed on or before May 11, 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 proceedings. 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.

[Docket No. RP79-43]
[FR Doc. 79-14663 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Natural Gas Pipeline Co. of America, et al.; Application

May 1, 1979.

Take notice that on april 11, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603,

Columbia gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Trunkline Gas Company (Trunkline), 3000 Bissonnet, Houston, Texas 77005, (Applicants), filed in Docket No. CP79–263 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of three 1100 horseposer compressors and other appurtenant facilities on the Exxon Company, U.S.A. (Exxon) production platform in West Cameron Block 616 field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicants state that through separate gas purchase contracts between Natural, Columbia Gas, Northern, Trunkline and Exxon, 100 percent of the natural gas production from the Block 616 Field, West Cameron Area, offshore Louisiana, is dedicated by Exxon in the following interest percentages; Natural 20 percent, Columbia Gas 25 percent, Northern 30 percent, Trunkline 25 percent.

Applicants state that they and Exxon have determined that compression on the West Cameron Block 616 producer platform is required to produce certain reservoirs against the line pressure required by Applicants for the natural gas to enter Applicants' joint pipeline systems. Pursuant to the gas purchase contracts, Exxon is not obligated to deliver any production which cannot be delivered by natural wellhead pressure, it is said. Applicants state that they have elected to have the necessary compression installed and estimate that the total remaining deliverability of proved natural gas reserves from the West Cameron Block 616 field is 112,000,000 Mcf without additional compression facilities; therefore, by installing the proposed three 1100 hp compressor units, Applicants estimate that the total remaining deliverability of proved reserves would be 135,000,000 Mcf, an increase of 23,000,000 Mcf.

Applicants request authorization to install or cause to be installed three 1100 hp compressor units and appurtenant facilities on the existing producer platform in West Cameron Block 616, offshore Louisiana, which platform is owned and operated by Exxon, it is said. The proposed facilities would be maintained and operated for applicants by Exxon, it is further said. The installation of the proposed compression would permit significant volumes of natural gas to be delivered into Applicants' respective pipeline systems which otherwise would not be available; thus substantially benefiting Applicants' customers.

It is stated that the installation of compression is in the public interest because it is essential to the delivery of dedicated gas to Applicants, and would significantly increase the deliverability of proved reserves. Applicants further state that in light of recent Commission orders in Docket Nos. CP77–558 and CP77–577, it is an integral part of this application that the Commission authorize the Applicants to reflect their proportionate share of the proposed compression in their jurisdictional rates.

It is said that the estimated cost of the proposed compression and appurtenant facilities is $3,618,000 and would be financed initially through revolving credit arrangements, short-term loans and from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79–263]
[FR Doc. 79–14664 Filed 5–10–79; 8:45 am]
BILLING CODE 6450–01–M

Northern Natural Gas Co.; Application

May 1, 1979.

Take notice that on April 5, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79–259 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the utilization of its capacity entitlement in the Great Lakes Gas Transmission Company pipeline system, to transport gas for the account of Midwestern Gas Transmission Company (Midwestern), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that Applicant has entered into a contract to purchase, on a best efforts basis, volumes of gas Midwestern proposes to purchase from TransCanada Pipeline and Great Lakes Gas Transmission Company (Great Lakes). The application further states that such gas would be delivered by Midwestern to Northern at Emerson and transported through Great Lakes' system and delivered into Applicant's pipeline at an existing delivery point at Carlton, Minnesota pursuant to a transportation agreement between Northern and Great Lakes, which is on file with the Commission as Great Lakes' T–5 Rate Schedule.

Applicant states that to the extent that other volumes transported by Great Lakes for Applicant, plus the volumes purchased by Applicant from Midwestern as proposed in Midwestern's application filed in Docket No. CP79–161, do not utilize the entire daily entitlement of Applicant of 120,000 Mcf in the Great Lakes system, such unused capacity is available to transport, for the account of Midwestern, volumes sold by Midwestern to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Natural Gas Pipeline Company of America. Consequently Applicant requests authorization to utilize its unused capacity entitlement in the Great Lakes system to transport gas for the account of Midwestern in order for Applicant to file a rate schedule covering the transportation charges payable by Midwestern to Applicant for such transportation.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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.

[Docket No. CP79-259]
[FR Doc. 79-14665 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Oklahoma Natural Gas Gathering Corp.; Proposed Changes In FERC Gas Tariff

May 4, 1979.

Take notice that Oklahoma Natural Gas Gathering Corporation (Gathering Corporation), on May 1, 1979, tendered for filing proposed changes in its FERC Tariff, Original Volume No. 1, consisting of the following tariff sheets.

Seventeenth Revised Sheet PGA-1
Fifth Revised Sheet No. 4
Fifth Revised Sheet No. 59

The proposed changes would increase the level of its jurisdictional rates by 6.71 cents per Mcf, which would provide an increase in revenues from jurisdictional sales of $635,864 based on the 12-month period ending December 31, 1978, as adjusted. Gathering Corporation states that this increase amounts to a 7.5 percent increase over revenues which would result from rates that are in effect at this time.

Gathering Corporation states that this filing is being made in compliance with § 154.63(b)(3) of the Commission's regulations and does not seek to change the 9 percent rate of return originally authorized in Docket No. RP75-92; only to adjust the base sales rate to enable it to earn that rate of return. Gathering Corporation states that declining sales due to diminishing production in the contract area and increased cost of service (labor, supplies, expenses, and construction) have caused its earned rate of return to decline to a negative 4.94 percent.

Gathering Corporation proposes an effective date of June 1, 1979, and states that copies of this filing were served on each of its customers and affected 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, Washington, DC 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 petitons or protest should be filed on or before May 18, 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.

[Docket No. RP79-70]
[FR Doc. 79-14666 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

South Columbia Basin Irrigation District; Application for Preliminary Permit

May 4, 1979.

Take notice that on May 12, 1978, the South Columbia Basin Irrigation District filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)-825(r)] for a proposed water power project, to be known as the Main Canal Headworks and Summer Falls Project, FERC No. 2849, located in Grant County, Washington on the Main Canal of the Bureau of Reclamation's (BOR) Columbia Basin Irrigation Project which conveys water diverted from the Columbia River. The proposed project would utilize waters diverted from a navigable waterway (Columbia River) and would occupy lands over which the BOR holds an easement.

Correspondence with the Applicant should be directed to Mr. Russell D. Smith, Secretary-Manager, South Columbia Basin Irrigation District, P.O. Box 1006, Pasco, Washington 99301 and Mr. James Leavy, Leavy, Taber, Schultz, Bergdhal & Sweeny, Attorneys at Law; P.O. Box 891, Pasco, Washington 99301.

Description of Project—The project that would be studied during the term of the permit would consist of two developments as follows:

(a) the proposed Main Canal Headworks Powerplant would have an installed capacity of approximately 14,500 kW, would be located at the outlet works of BOR's Dry Falls Dam, and would utilize water released into the Main Canal; and

(b) The proposed Summer Falls Powerplant would have an installed capacity of 72,000 kW, would be located on the north end of BOR's Billy Clapp Lake, and would utilize water diverted from the Main Canal at a point 1400 feet before the canal enters Billy Clapp Lake, and conveyed to the powerplant via a proposed lined power tunnel.

The estimated average annual output of such a project would be 327 million kWh.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 3-year permit to prepare a definitive project report, including preliminary designs, geological explorations, and collection of environmental data. The cost of the foregoing activities, together with preparation of an environmental impact report or environmental assessment, obtaining agreements with various Federal, state and local agencies, preparing a license application, final geologic exploration and field survey, is estimated by Applicant to be about $150,000.

Proposed Use of Project Power—Project energy would be utilized by the Applicant in the operation of irrigation facilities with excess energy being marketed within the State of Washington to publicly owned utilities, rural electric cooperatives, municipalities, or investor-owned utilities.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of

application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary informaion for inclusion in an application for license.

Agency Comments—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. A copy of the application may be obtained directly from the Applicant.

Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made.

If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests, Petitions to Intervene, and Agency Comments— Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protests does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before July 10, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb
Secretary.

[Project No. 2849]
[FR Doc. 79-14667 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Tenneco Oil Co., et al.; Petition for Extraordinary Relief

May 4, 1979.

In the matter of Tenneco Oil Company (Docket No. CI75-45); Placid Oil Company (CI75-59); Hunt Petroleum Corporation (CI75-66); Hunt Industries (CI75-67); Hunt Oil Company (CI75-68); Kewanee Oil Company (CI75-69); Tenneco Oil Company (CI75-105); Shell Oil Company (CI75-684, CI75-107); Ashland Oil, Inc. (CI75-122); TransOcean Oil, Inc. (CI75-138); Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (CP73-339); Trunkline Gas Company (CP75-330, CP75-19); Tennessee Gas Pipeline Company (CP75-23, CP75-119, CP75-120); Trunkline Gas Company (CP75-149); Southern Natural Gas Company (CP75-316, CP75-151); Southern Natural Gas Company, United Gas Pipe Line Company and Florida Gas Transmission Company (CP75-153); Southern Natural Gas Company (CP75-163); Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Tenneco Chemicals, Inc. (CP75-258); Highland Resources (CI75-733).

Take notice that on April 23, 1979, First Mississippi Corporation filed an "emergency petition for extraordinary relief" in the above consolidated proceeding. The petition asks that the Commission sever from the proceeding the certificate applications in Dockets No. CP75-330, CP75-316, CP75-59, CI75-66, CI75-67, and CI75-68 and reconsider its disapproval of interstate pipeline transportation of specified volumes of offshore natural gas for feedstock and process gas requirements of First Mississippi's AMPRO fertilizer plant at Donaldsonville, Louisiana.

Among other things, First Mississippi alleges that the AMPRO plant is deteriorating as a result of its not being operated since its construction in 1977. First Mississippi also alleges that other than its contracted for supply of offshore gas, there are no other viable sources of gas for operating its plant. Consequently, First Mississippi asks the Commission to authorize the transportation of offshore natural gas pursuant to the related applications for certificates of public convenience and necessity.

In further support of its petition, First Mississippi says that its situation has changed since FERC Opinion No. 10 was issued, because the U.S. Department of Agriculture has certified the feedstock and process gas as an essential agricultural use within the meaning of section 401 of the Natural Gas Policy Act. Furthermore, says First Mississippi, it is economically impossible to purchase natural gas on the open market and operate an ammonia plant.

First Mississippi says that its production interests in the Green Creek Field are entirely committed to the interstate market. It says that permitting onshore gas to flow to the AMPRO plant will have a *de minimis* effect on the interstate market, that the gas at issue would otherwise go to low priority uses served by interstate pipelines, that denying access to the offshore gas will not preserve competition in the industry, and that First Mississippi committed its resources to the AMPRO facility at a time when the Commission's policy permitted the use of reserved gas by producers. Finally, First Mississippi alleges that the relief sought would have no precedential value and would have an almost exclusive effect only on the AMPRO plant.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 18, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol St. NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[Docket Nos. CI75-45, et al.]
[FR Doc. 79-14668 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Texas Eastern Transmission Corp.; Application

May 1, 1979.

Take notice that on April 5, 1979, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-258 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Northern has the right to purchase from Amerada Hess Corporation a portion of the gas reserves underlying West Cameron Block 606, offshore Louisiana (WC606), which reserves are produced from the production platform in the adjacent Block 620 and from which Applicant currently purchases gas for transportation through its own pipeline facility (WC620 Pipeline) extending from the Block 620 platform to an interconnection with the CGT-NNG 80-

inch pipeline, in which Northern has capacity entitlements, in West Cameron Block 606. The application further states that Applicant has agreed to utilize available capacity in its WC620 pipeline to assist Northern in bringing its WC606 gas supplies to market, and that pursuant to an agreement dated April 2, 1979, between Applicant and Northern, Applicant would transport for Northern from the point of receipt at the WC620 platform up to a maximum daily quantity of 2,000 Mcf, less 1.5 percent for gas used as fuel in providing such transportation, and redeliver such quantity at the interconnection of the WC620 Pipeline and the CGT–NNG line. Northern would pay Applicant for such transportation service a monthly charge of $8,967, it is stated.

It is indicated that Northern would utilize its capacity entitlement in the CGT–NNG pipeline to transport the WC606 supplies from the redelivery point in WC606 to the termination of the CGT–NNG line in the Vermilion Block 245 and has made arrangements with other companies for further transportation and/or exchange onshore under certificated agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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.

[Docket No. CP79-258]
[FR Doc. 14669 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp.; Application

May 1, 1979.

Take notice that on April 23, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79–282, 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 8,700 Mcf of natural gas per day from Block 331, Vermilion Area (Vermilion), offshore Louisiana, to points of delivery in Louisiana for Northern Natural Gas Company (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Northern would purchase from Amerada Hess Corporation, 25 percent of the total reserves in Block 331, Vermilion. Applicant further states that it was granted authority in Docket No. CP77–453 to construct and operate an extension of its Southeast Louisiana Gathering System from Block 66, South Marsh Island Area (SMI) to Block 106, SMI and beyond to Blocks 130 and 132, SMI and Block 331, Vermilion, and that Applicant stated in its application in said docket that such 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.

Applicant proposes, pursuant to a transportation agreement dated March 30, 1979 between it and Northern, to transport up to 8,700 Mcf of natural gas per day for Northern from a point of receipt in Block 331, Vermilion, for a primary term of ten years. Applicant would deliver quantities thermally equivalent to those received in Block 331 (less fuel and line loss make-up and less reduction in volume and Btu due to processing, if any) to Columbia Gulf Transmission Company (Columbia Gulf) and/or Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for the account of northern, at the following points of delivery:

(1) the interconnection of the pipeline systems of Applicant and Columbia Gulf in Terrebonne Parish, Louisiana (Terrebonne);

(2) the interconnection between Applicant and Tennessee at mile post 489.73 on Applicant's mainline near Kinder, Allen Parish, Louisiana;

(3) the interconnection between Applicant and Tennessee at mile post 26.53 on Applicant's Central Louisiana Lateral near Crowley, Acadia Parish, Louisiana;

(4) the terminus of the Western Leg of the Blue Water Project of Columbia Gulf and Tennessee;

(5) the outlet of Continental Oil Company's Acadia Plant, Acadia Parish, Louisiana; and

(6) any other existing authorized points of interconnection between the systems of Transco and Tennessee which are mutually agreed upon from time to time.

Applicant states that the estimated initial monthly demand charge for the proposed firm transportation service for Northern would be $96,570 and a commodity charge of 1.75 cents per Mcf delivered at points of delivery other than Terrebonne. The demand charge is based, in part, on preliminary estimates of the cost of completing the facilities authorized in Docket No. CP77–453 and a daily contract demand of 8,700 Mcf per day, it is said. Applicant further states that such demand charge subsequently would be adjusted to reflect actual costs of such facilities.

Applicant states that in the event additional facilities are required to transport gas owned by Applicant and others and maintain capacity for the contract demand quantity for Northern, Northern has the option of (1) terminating the transportation service, (2) reducing the contract demand quantity to a level that would 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 Northern's contract demand quantity. If Northern exercises the latter option then Applicant would, at its option, either install such facilities to be jointly owned by Applicant and Northern, whereupon Northern would reimburse Applicant for Northern's proportionate share of the cost of such facilities and the monthly demand charge would be adjusted to reflect transportation through Northern'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 alleged.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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.

[Docket No. CP79-282]
[FR Doc. 79-14670 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

United Gas Pipe Line Co. and Southern Natural Gas Co.; Application

May 1, 1979.

Take notice that on April 3, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP79-252 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline and related facilities necessary to connect gas supples in Block 331, West Cameron Area, offshore Louisiana (West Cameron 331), to the pipeline system of High Island Offshore System (HIOS), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that Sea Robin Pipeline Company (Sea Robin) has acquired a right to purchase Transocean Oil, Inc.'s (Transocean) 100 percent ownership interest of gas produced in West Cameron 331, and that subsequently, under an agreement dated January 28, 1979, Sea Robin assigned to United and Southern each a 50 percent interest in gas supplies in West Cameron 331. Proven and potential reserves in West Cameron 331 are presently estimated to be 8,400,000 Mcf and 8,500,000 Mcf respectively, and the average day deliverability is currently estimated to be 15,000 Mcf, it is asserted.

United and Southern propose to construct, own and operate approximately 11.20 miles of 12-inch pipeline and related facilities (West Cameron 331 Facilities) commencing in West Cameron 331 and connecting to a sub-sea tap to be installed on the HIOS 42-inch pipeline in Block 342, High Island Area, West Addition, offshore Louisiana, to effectuate deliveries to HIOS. It is stated that the total estimated cost of the proposed facilities is $4,051,234, which cost United and Southern would finance from funds on hand.

Any person desiring to be heard or to make any protests with reference to said application should on or before May 23, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79-252]
[FR Doc. 79-14671 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

United Gas Pipe Line Co.; Application

May 1, 1979.

Take notice that on April 10, 1979, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP79-261 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of additional facilities to serve the Town of Tenaha (Tenaha), a municipal corporation in Shelby County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it has provided natural gas service to Tenaha through a 2-inch lateral off of Applicant's Waskom-Goodrich 22-inch line, and that attached to this lateral was a single well which supplemented the supply on the Waskom-Goodrich 22-inch line utilized to serve Tenaha. Such well has watered out and is no longer available as a source of supply for Tenaha, it is said. It is stated that there is also insufficient pressure in the Waskom-Goodrich 22-inch line to meet Tenaha's peak hour requirements, which has caused pressure problems on the Tenaha system. In order to alleviate these problems and provide Tenaha with reliable natural gas service, Applicant proposes to construct and operate approximately 3.0 miles of 4-inch pipeline to loop partially the existing 2-inch pipeline from a point on Applicant's 22-inch Waskom-Goodrich line extending in a southeasterly direction for a distance of approximately 3 miles. The proposed facilities would be located in Panola

County, Texas, it is said. Applicant states that the total estimated cost of the proposed facilities is $205,049, which cost Applicant would finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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 proceding 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.

[Docket No. CP79-261]

[FR Doc. 79-14672 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Viking Resources Corp., et al.; by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 3, 1979.

On April 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Ohio Department of Natural Resources Division of Oil and Gas

FERC Control Number: JD 79-5579
API Well Number: 3413321574**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: George A. Burkey Jr. No. 3
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.

FERC Control Number: JD 79-5580
API Well Number: 3413321543**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: William & Erma Benton No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.

FERC Control Number: JD 79-5581
API Well Number: 3413321571**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: George A. Burkey Jr. No. 2
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.

FERC Control Number: JD 79-5582
API Well Number: 3415520806**14
Section of NGPA: 103
Operator: Morain Coating and Construction Inc.
Well Name: Mills No. 1
Field:
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 25 MMcf.

FERC Control Number: JD 79-5583
API Well Number: 3415722847**14
Section of NGPA: 103
Operator: Cyclops Corporation, et al
Well Name: Scheffer No. 2
Field:
County: Tuscarawas
Purchaser: East Ohio Gas Company
Volume: 30 MMcf.

FERC Control Number: JD 79-5584
API Well Number: 3415722844**14
Section of NGPA: 103
Operator: Cyclops Corporation, et al
Well Name: Reeves Bank Realty No. 2
Field:
County: Tuscarawas
Purchaser: East Ohio Gas Company
Volume: 40 MMcf.

FERC Control Number: JD 79-5585
API Well Number: 3403123002**14
Section of NGPA: 103
Operator: Cyclops Corporation, et al
Well Name: Peabody No. 1
Field:
County: Coshocton
Purchaser:
Volume: 12.5 MMcf.

FERC Control Number: JD 79-5586
API Well Number: 3403122977**14
Section of NGPA: 103
Operator: Cyclops Corporation, et al
Well Name: Cullison No. 1
Field:
County: Coshocton
Purchaser:
Volume: 20 MMcf.

FERC Control Number: JD 79-5587
API Well Number: 34167123914**14
Section of NGPA: 103
Operator: A & R Company
Well Name: Dean E. & Bonnie J. Abicht No. 1
Field:
County: Washington
Purchaser:
Volume: 15 MMcf.

FERC Control Number: JD 79-5588
API Well Number: 3415520739**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Maitino No. 3
Field:
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.387 MMcf.

FERC Control Number: JD 79-5589
API Well Number: 340312332**14
Section of NGPA: 108
Operator: Jerry Moore, Inc.
Well Name: Franklin G. Limbacher No. 1
Field: Baltic
County: Coshocton
Purchaser: East Ohio Gas Co.
Volume: 8.4 MMcf.

FERC Control Number: JD 79-5590
API Well Number: 3415520954**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Miceli No. 2-A
Field:
County: Trumbull
Purchaser:
Volume: 6,684 MMcf.

FERC Control Number: JD 79-5591
API Well Number: 3413321701**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: L. D. & D. L. Haenftling No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.

FERC Control Number: JD79-5592
API Well Number: 3413321419**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: G. Krichbaum No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.

FERC Control Number: JD79-5593
API Well Number: 3413321662**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: E. Pittrman No. 3
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.

FERC Control Number: JD79-5594
API Well Number: 3413321660**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: E. Pittrman No. 2
Field:
County: Portage
Purchaser:

Volume: 30 MMcf.
FERC Control Number: JD79-5595
API Well Number: 3413321661**14
Section of NGPA: 103
Operator: Viking Resources Corporation
Well Name: E. Pittrman No. 1
Field:
County: Portage
Purchaser:
Volume: 30 MMcf.
FERC Control Number: JD79-5596
API Well Number: 3413321552**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Dekome No. 1
Field:
County: Portage
Purchaser:
Volume: 5,023 MMcf.
FERC Control Number: JD79-5597
API Well Number: 3413321569**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Heeter No. 1
Field:
County: Portage
Purchaser:
Volume: 5,023 MMcf.
FERC Control Number: JD79-5598
API Well Number: 3413321503**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Pochedly No. 1
Field:
County: Portage
Purchaser:
Volume: 5,023 MMcf.
FERC Control Number: JD79-5599
API Well Number: 3413321582**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Pochedly No. 4
Field:
County: Portage
Purchaser:
Volume: 5,023 MMcf.
FERC Control Number: JD79-5600
API Well Number: 3413321703**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: L & P Investments No. 1
Field:
County: Portage
Purchaser:
Volume: 5,023 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 29, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-14679 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

West Texas Utilities Co.; Initial Rate

May 4, 1979.

The filing Company submits the following:

Take notice that West Texas Utilities Company on May 2, 1979, tendered for filing an Initial Electric Rate to the City of Brady, a municipal corporation of the State of Texas. The proposed wholesale contract rate for electric service to the City of Brady provides for a minimum monthly purchase by the City of 1,500 kW and 687,500 kWh for a monthly charge of $18,462.50 plus fuel adjustment. The estimated annual revenue for the period ending June 30, 1980, will be $254,765.88 on this wholesale service to the City of Brady.

West Texas Utilities Company states that the proposed service to the City of Brady will provide the power and energy required to supplement the City's generating facilities and enable the City to meet its growing demand for electric service in the most practical and economic manner available.

West Texas Utilities Company also states that a copy of the complete filing was served upon the City of Brady, Brady, Texas.

Any person desiring to be heard or to protest that 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 May 29, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party 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.

[Docket No. ER79-344]
[FR Doc. 79-14673 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Western Transmission Corp.; Proposed Changes

May 4, 1979.

Take notice that Western Transmission Corporation (Western), on April 30, 1979, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following sheet:

Eleventh Revised Sheet No. 3-A, superseding Tenth Revised Sheet No. 3-A.

The proposed changes would decrease the monthly charges for purchased gas to Colorado Interstate Gas Company, Western's sole jurisdictional customer, pursuant to the provisions of Section 18 of Western's FPC Gas Tariff, Original Volume No. 1.

The proposed effective date of the above tariff sheet is June 1, 1979.

Copies of this filing have been served upon Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *May 21, 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 proceedings. 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.

[Docket Nos. RP72-41 (PGA 79-2)]
[FR Doc. 79-14674 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Wray Petroleum Corp. of Ohio et. al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

May 3, 1979.

On April 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Ohio Department of Natural Resources Division of Oil and Gas

FERC Control Number: JD79-5501
API Well Number: 3405320154**14
Section of NGPA: 102
Operator: Wray Petroleum Corp. of Ohio
Well Name: Waugh No. 1

Field:
County: Gallia
Purchaser:
Volume: 36 MMcf

FERC Control Number: JD79-5502
API Well Number: 3405320167**14
Section of NGPA: 102
Operator: Wray Petroleum Corp. of Ohio
Well Name: Walker No. 2
Field:
County: Gallia
Purchaser:
Volume: 36 MMcf

FERC Control Number: JD79-5503
API Well Number: 3405320165**14
Section of NGPA: 102
Operator: Wray Petroleum Corp. of Ohio
Well Name: Walker No. 1
Field:
County: Gallia
Purchaser:
Volume: 36 MMcf

FERC Control Number: JD79-5504
API Well Number: 3405320158**14
Section of NGPA: 102
Operator: Wray Petroleum Corp. of Ohio
Well Name: Rutherford No. 1
Field:
County: Gallia
Purchaser:
Volume: 36 MMcf

FERC Control Number: JD79-5505
API Well Number: 3415520764**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Maitino No. 2
Field:
County: Trumbull
Purchaser: East Ohio Gas Company
Volume: 0, 210 MMcf

FERC Control Number: JD79-5506
API Well Number: 3407521840**14
Section of NGPA: 108
Operator: Killbuck Oil Field Service
Well Name: Gairy & Jackie Lamp No. 1B
Field: Killbuck
County: Holmes
Purchaser: Columbia Gas Transmission Corp.
Volume: 1.899 MMcf

FERC Control Number: JD79-5507
API Well Number: 3415520741**14
Section of NGPA: 103
Operator: Inland Drilling Co., Inc.
Well Name: Maitino No. 4
Field:
County: Trumbull
Purchaser: East Ohio Gas Co.
Volume: 0.387 MMcf

FERC Control Number: JD79-5508
API Well Number: 3416724253**14
Section of NGPA: 103
Operator: Wynn Oil Company
Well Name: Buckeye Drywall, Inc. No. 1
Field:
County: Washington
Purchaser: East Ohio Gas Co.
Volume: 10 MMcf

FERC Control Number: JD79-5509
API Well Number: 3408322556**14
Section of NGPA: 103
Operator: Guardian Management, Inc.
Well Name: Charles and Helen McKee No. 1-A
Field:
County: Knox
Purchaser:
Volume: 8 MMcf

FERC Control Number: JD79-5510
API Well Number: 3407522096**14
Section of NGPA: 103
Operator: Lomak Petroleum Inc.
Well Name: Goughman No. 1
Field:
County: Holmes
Purchaser:
Volume: 11 MMcf

FERC Control Number: JD79-511
API Well Number: 3407522089**14
Section of NGPA: 103
Operator: Lomak Petroleum Inc.
Well Name: Snow No. 1
Field:
County: Holmes
Purchaser:
Volume: 11 MMcf

FERC Control Number: JD79-5512
API Well Number: 3407522095**14
Section of NGPA: 103
Operator: Lomak Petroleum Inc.
Well Name: Brumme No. 1
Field:
County: Holmes
Purchaser:
Volume: 7 MMcf

FERC Control Number: JD79-5513
API Well Number: 3403123364**14
Section of NGPA: 103
Operator: Lomak Petroleum Inc.
Well Name: Botson No. 1
Field:
County: Coshocton
Purchaser:
Volume: 7 MMcf

FERC Control Number: JD79-5514
API Well Number: 3403123368**14
Section of NGPA: 103
Operator: Lomak Petroleum, Inc.
Well Name: Schonauer No. 1
Field:
County: Coshocton
Purchaser:
Volume: 7 MMcf.

FERC Control Number: JD79-5515
API Well Number: 3407522116**14
Section of NGPA: 103
Operator: Lomak Petroleum, Inc.
Well Name: A. K. Taylor No. 1
Field:
County: Holmes
Purchaser:
Volume: 10 MMcf.

FERC Control Number: JD79-5516
API Well Number: 3407522097**14
Section of NGPA: 103
Operator: Lomak Petroleum, Inc.
Well Name: Hoxworth No. 1
Field:
County: Holmes
Purchaser:
Volume: 15 MMcf.

FERC Control Number: JD79-5517
API Well Number: 3415722921**14
Section of NGPA: 103
Operator: Phoenix National Petroleum
Well Name: Burdette No. 1
Field:
County: Tuscarawas
Purchaser: Barmet Aluminum Company
Volume: 69 MMcf.

FERC Control Number: JD79-5518
API Well Number: 3415722922**14
Section of NGPA: 103
Operator: Phoenix National Petroleum
Well Name: Tusco Land Company No. 1
Field:
County: Tuscarawas
Purchaser: Barmet Industries, Inc.
Volume: 90 MMcf.

FERC Control Number: JD79-5519
API Well Number: 3411924320**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Harry Kearns No. 2
Field:
County: Muskingum
Purchaser: Newzane Gas Co.
Volume: 10 MMcf.

FERC Control Number: JD79-5520
API Well Number: 3408923489**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: William Killworth No. 1
Field:
County: Licking
Purchaser: Newzane Gas Co.
Volume: 20 MMcf.

FERC Control Number: JD79-5521
API Well Number: 3411923965**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: C. A. Murrey No. 1
Field:
County: Muskingum
Purchaser: Newzane Gas Co.
Volume: 5 MMcf

FERC Control Number: JD79-5522
API Well Number: 3408923513**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: St. Johns Church H1A
Field:
County: Licking
Purchaser: Newzane Gas Co.
Volume: 15 MMcf.

FERC Control Number: JD79-5523
API Well Number: 3411924097**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Paul Moran No. 1
Field:
County: Muskingum
Purchaser: National Gas & Oil Corp.
Volume: 5 MMcf.

FERC Control Number: JD79-5524
API Well Number: 3407322120**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Sunday Creek Coal Co. No. 43-R
Field:
County: Hocking
Purchaser: Columbia Gas Transmission Corp.
Volume: 10 MMcf.

FERC Control Number: JD79-5525
API Well Number: 3403123057**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Forrest Mercer No. 7
Field:
County: Coshocton

Purchaser: National Gas & Oil Corp.
Volume: 6 MMcf.

FERC Control Number: JD79-5526
API Well Number: 3408322471**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: Glen Kiowell No. 1
Field:
County: Knox
Purchaser: National Gas & Oil Corp.
Volume: 8 MMcf.

FERC Control Number: JD79-5527
API Well Number: 3412724145**14
Section of NGPA: 103
Operator: Reliance Management Co.
Well Name: J. Russel No. 1
Field:
County: Perry
Purchaser: National Gas & Oil Corp.
Volume: 5 MMcf.

FERC Control Number: JD79-5528
API Well Number: 3415122684**14
Section of NGPA: 103
Operator: Zenith Exploration Company
Well Name: Harry C. Eckroate No. 2
Field:
County: Stark
Purchaser: East Ohio Gas Company
Volume: 4 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 29, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-14677 Filed 5-10-79; 8:45 am]
BILLING CODE 6450-01-M

Office of Hearings and Appeals

Notice of Cases Filed; Week of March 23 through March 30, 1979

Notice is hereby given that during the week of March 23, 1979 through March 30, 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 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. 29461.

May 3, 1979.

Melvin Goldstein,
Director, Office of Hearings and Appeals.

Date	Name and location of applicant	Case No.	Type of submission
If granted: The following firms would receive a temporary stay, a stay, and/or exception from the activation of the Standby Petroleum Product Allocation regulations with respect to motor gasoline.			
3/23/79	Billy Ray Conner, Paducah, Kentucky	DEE-2918	Allocation Exception.
3/23/79	Boss Oil Company, Jonesboro, Louisiana	DEE-2928 and DST-2928.	Allocation Exception and Request for Temporary Stay.
3/23/79	Brook Plaza Exxon Service Center, Brooksville, Florida.	DEE-2938, DES-2938, and DST-2938.	Allocation Exception, Request for Stay and Request for Temporary Stay.
3/23/79	Capitol Insulating Company, Raleigh, North Carolina.	DEE-2952	Allocation Exception.
3/23/79	Chase Oil Company, Ulysses, Pennsylvania	DEE-2953 and DES-2953.	Allocation Exception and Request for Stay.
3/23/79	Cheatham Oil Company, Wewoka, Oklahoma	DST-0043	Request for Temporary Stay.
3/23/79	Clete's 66, Fort Lauderville, Florida	DEE-2930 and DST-2930.	Allocation Exception and Request for Temporary Stay.
3/23/79	Colesville Citgo, Silver Spring, Maryland	DEE-2956	Allocation Exception.
3/23/79	College Park Shell, Miami, Florida	DEE-2985	Allocation Exception.
3/23/79	Conlee Oil Company, Clio, Michigan	DEE-2955	Allocation Exception.
3/23/79	Fast & Friendly Market, Knoxville, Tennessee	DEE-2957	Allocation Exception.
3/23/79	Frederick St. Sunoco Service, Hagerstown, Maryland.	DEE-2961	Allocation Exception.
3/23/79	Gaston Merchants Oil Company, Gastonia, North Carolina.	DEE-2963	Allocation Exception.
3/23/79	Grier's Kwik Stop, Deatsville, Alabama	DEE-2964	Allocation Exception.
3/23/79	H & H Gulf, Dallas, Texas	DEE-2926, DST-2926, and DES-2926.	Allocation Exception, Request for Temporary Stay.
3/23/79	Hilltop Services, Inc., West Bend, Wisconsin	DEE-2978	Allocation Exception.
3/23/79	Jim Wilkie Oil Company, Sarasota, Florida	DEE-2970	Allocation Exception.
3/23/79	John's Chevron, Olala, Florida	DEE-2971	Allocation Exception.
3/23/79	Kenneth Johnston, Dearborn Heights, Michigan	DEE-2973	Allocation Exception.
3/23/79	Johnson Oil Company, Gaylord, Michigan	DEE-2972	Allocation Exception.
3/23/79	Lakewood Oil Co., Inc., Lakewood, New Jersey	DEE-2974	Allocation Exception.
3/23/79	Millers Standard Service, Mukwonago, Wisconsin	DEE-2976	Allocation Exception.
3/23/79	Mowery Oil Co., Inc., Strasburg, Virginia	DEE-2979	Allocation Exception.
3/23/79	Sallie L. Nance, Detroit, Michigan	DEE-2977	Allocation Exception.
3/23/79	North Country Gulf, Rocky Point, New York	DEE-2980	Allocation Exception.
3/23/79	Oasis Petro Energy Corp., Washington, D.C.	DST-0042	Request for Temporary Stay.
3/23/79	Paul's Exxon, Daytona Beach Shores, Florida	DEE-2936 and DST-2936.	Allocation Exception and Request for Temporary Stay.
3/23/79	Phillips & Munzel Shell, Ruskin, Florida	DEE-2925, DES-2925, and DST-2925.	Allocation Exception, and Request for Stay and Temporary Stay.
3/23/79	Pollard Gulf Station, Greenville, North Carolina	DEE-3162	Allocation Relief.
3/23/79	Quick Car Wash & Gas Mart, Jacksonville, North Carolina.	DEE-2946 and DES-2946.	Allocation Exception, Request for Stay.

Date	Name and location of applicant	Case No.	Type of submission
3/23/79	Ronsick's Shell Service, Florissant, Missouri	DES-0190 and DST-0190.	Request for Temporary Stay.
3/23/79	Rose Hill Gulf, Rose Hill, Virginia	DEE-2948 and DES-2948.	Allocation Exception and Request for Stay.
3/23/79	Rusher Oil Company, Salisbury, North Carolina	DEE-2982	Allocation Exception.
3/23/79	C. V. Sangaree, Marianna, Florida	DEE-3088 and DES-3088.	Allocation Exception and Request for Stay.
3/23/79	Sears Oil Company, Somerville, New Jersey	DEE-2947 and DES-2947.	Allocation Exception and Request for Stay.
3/23/79	Sunny Service Oil Company, Perrysburg, Ohio	DEE-2984	Allocation Exception.
3/23/79	Uranich Coal & Oil, LaSalle, Illinois	DEE-2986	Allocation Exception.
3/23/79	Van Handel Oil Company, Kaukauna, Wisconsin	DEE-2987	Allocation Exception.
3/23/79	W. J. Fletcher Arco 70, Medford, New Jersey	DEE-2960	Allocation Exception.
3/23/79	Walnut Cash & Carry, Marshall, North Carolina	DEE-2937, DES-2937, and DST-2937.	Allocation Exception, Request for Temporary Stay and Stay.
3/24/79	Bonus International Corp., Carson City, Nevada	DES-2927 and DST-2927.	Request for Temporary Stay and Stay.
3/26/79	Airport Exxon, Birmingham, Alabama	DEE-2939, DES-2939, and DST-2939.	Allocation Exception, Request for Stay and Request for Temporary Stay.
3/26/79	Amerson Bowman Company, Niles, Michigan	DEE-3086	Allocation Relief.
3/26/79	B & K Johnson, Westland, Michigan	DEE-3172 and DES-3172.	Allocation Relief.
3/26/79	Bob's Station, Dallas, Texas	DEE-2959	Allocation Exception.
3/26/79	Brabham Oil Company, Inc., Bramberg, South Carolina.	DEE-2951	Allocation Exception.
3/26/79	Branyon Oil Company, Fayette, Alabama	DEE-2929 and DST-2929.	Allocation Exception, Request for Temporary Stay.
3/26/79	Clark Gas and Oil Co., Inc., Stuart, Virginia	DEE-2931 and DST-2931.	Allocation Exception, Request for Temporary Stay.
3/26/79	Corondolet Corporation, Memphis, Tennessee	DEE-2943 and DES-2943.	Allocation Exception and Request for Stay.
3/26/79	Davis Oil Company, Fort Lauderdale, Florida	DEE-2932 and DST-2932.	Allocation Exception, Request for Temporary Stay.
3/26/79	Eden Oil Company, Eden, North Carolina	DEE-3023 and DES-3023.	Allocation Exception and Request for Stay.
3/26/79	Emerald Hills Citgo, Hollywood, Florida	DEE-2940, DES-2940, and DST-2940.	Allocation Exception, Request for Temporary Stay and Stay.
3/26/79	G. D. Armstrong Company, Inc., Laytonsville, Maryland.	DEE-2962	Allocation Exception.
3/26/79	Garrott Oil Company, Memphis, Arkansas	DEE-2965 and DES-2965.	Allocation Exception and Request for Stay.
3/26/79	Gibson's Exxon, St. Pete, Florida	DEE-2966	Allocation Exception.
3/26/79	Goodall Shell Service, Dearborn, Michigan	DEE-2967	Allocation Exception.
3/26/79	Growth Industries, Inc., Old Greenwich, Connecticut	DEE-2968	Allocation Exception.
3/26/79	Preston B. Hall, Dothan, Alabama	DEE-2969	Allocation Exception.
3/26/79	Hall's Grocery, Eclectic, Alabama	DEE-2934 and DST-2934.	Allocation Exception, Request for Temporary Stay.
3/26/79	Hilltop Grand, Reno, Nevada	DEE-2944 and DES-2944.	Allocation Exception and Request for Stay.
3/26/79	Hitex Industries, Inc., Linden, New Jersey	DEE-2988	Allocation Exception.
3/26/79	Johnson's Shell, Westland, Michigan	DEE-2945 and DES-2945.	Allocation Exception and Request for Stay.
3/26/79	L. J. Wood Oil Company, Gardena, California	DST-2933 and DEE-2933.	Allocation Exception and Request for Temporary Stay.
3/26/79	Martin Petroleum Corporation, Port Everglades, Florida.	DEE-2935 and DST-2935.	Allocation Exception and Request for Temporary Stay.
3/26/79	Mid-City Exxon, Midland City, Alabama	DEE-2975	Allocation Exception.
3/26/79	Nelson Oil Company, Long Beach, California	DEE-2950	Allocation Exception.
3/26/79	Peter Carbone and Sons, Inc., Woburn, Massachusetts.	DEE-2981	Allocation Exception.
3/26/79	James W. Rowland, Harrison, Arkansas	DEE-3075	Allocation Exception.
3/26/79	State of Montana, Montana	DEE-2949 and DES-2949.	Allocation Exception and Request for Stay.
3/26/79	Tom's Standard Service, Manitowoc, Wisconsin	DEE-2958	Allocation Exception.
3/26/79	Trans-Texas Petroleum Corp., Forth Worth, Texas	DEE-2942, DES-2942, and DST-2942.	Allocation Exception, Request for Stay and Request for Temporary Stay.
3/26/79	Tuckahoe Exxon, Tuckahoe, New Jersey	DEE-2941, DES-2941, and DST-2941.	Allocation Exception, Request for Temporary Stay and Stay.
3/26/79	Vickers Petroleum Corporation, Washington, D.C.	DST-0045 and DEA-0351.	Appeal of Economic Regulatory Administration's Decision and Order and Request for Temporary Stay.
3/27/79	Al's Servicenter II, Coral Gables, Florida	DEE-3009	Allocation Exception.
3/27/79	Apex Oil Company, Bonita Springs, Florida	DEE-2992 and DST-2992.	Allocation Exception, Request for Temporary Stay.
3/27/79	Arnie's Arco Mini-Market, Junior, Boulder City, Nevada.	DEE-3003	Allocation Exception.
3/27/79	B-C Enterprises, Fullerton, California	DEE-3001 and DES-3001.	Allocation Exception and Request for Stay.
3/27/79	Bauserman Oil Company, Winchester, Virginia	DEE-2915, DES-2915, and DST-2915.	Allocation Exception, Request for Temporary Stay and Stay.
3/27/79	Cal's Chevron, Miami, Florida	DEE-3017	Allocation Exception.
3/27/79	Caledonia Oil Company, Inc., Caledonia, Michigan	DEE-3020	Allocation Exception.
3/27/79	Camp Bellton Plaza Gulf, Atlanta, Georgia	DEE-3010	Allocation Exception.

Date	Name and location of applicant	Case No.	Type of submission
3/27/79	Carlos A. Monreal Exxon Service, Lawndale, California.	DEE-3158	Allocation Exception.
3/27/79	Castro Valley Enterprises, Castro Valley, California	DEE-3049	Allocation Exception.
3/27/79	Central Service Station, Owosso, Michigan	DEE-2993 and DST-2993.	Allocation Exception, Request for Temporary Stay.
3/27/79	Chevron Island Car Wash, Albuquerque, New Mexico.	DEE-3018	Allocation Exception.
3/27/79	Combs Grocery, Reidsville, North Carolina	DEE-3011	Allocation Exception.
3/27/79	Douglas Gulf and Mower Service, Dallas, Texas	DEE-2998 and DES-2998.	Allocation Exception and Request for Stay.
3/27/79	Edward's Auto Service, Richmond, Virginia	DEE-2994, DES-2994, and DST-2994.	Allocation Exception, Request for Stay and Request for Temporary Stay.
3/27/79	Evans Oil Company, Lancaster, South Carolina	DEE-3005	Allocation Exception.
3/27/79	Fountain Hills Service Station, Fountain Hills, Arizona.	DEE-2995, DES-2995, and DST-2995.	Allocation Exception, Request for Stay and Request for Temporary Stay.
3/27/79	Golfair Exxon, Jacksonville, Florida	DEE-2990 and DST-2990.	Allocation Exception and Request for Temporary Stay.
3/27/79	Gonzales Truck Stop, Prairieeville, Louisiana	DEE-3002 and DES-3002.	Allocation Exception and Request for Stay.
3/27/79	Green Valley Auto Service, Monrovia, Maryland	DEE-3007	Allocation Exception.
3/27/79	Gregg Self-Serv No. 1, Palestine, Texas	DEE-3000 and DES-3000.	Allocation Exception.
3/27/79	H. L. Mills Petroleum Products, Washington, D.C.	DEE-2997 and DES-2997.	Allocation Exception, Request for Stay.
3/27/79	Harry's 66, Fort Myers, Florida	DEE-2989 and DST-2989.	Allocation Exception and Request for Temporary Stay.
3/27/79	Highway Oil, Inc., Topeka, Kansas	DEE-3076	Allocation Exception.
3/27/79	Malone Oil Company, Memphis, Tennessee	DEE-3019, DES-3019, and DST-3019.	Allocation Exception, Request for Temporary Stay and Stay.
3/27/79	Manet Shell Inc., Quincy, Massachusetts	DES-0191	Request for Stay.
3/27/79	Ovid Oil Company, Ovid, Michigan	DEE-3006	Allocation Exception.
3/27/79	Palmyra Standard Service, Palmyra, Wisconsin	DEE-3008	Allocation Exception.
3/27/79	Park Caldwell & Sons, Inc., Tooele, Utah	DES-0193	Request for Stay.
3/27/79	Port Petroleum, Inc., Washington, D.C.	DST-0044	Request for Temporary Stay.
3/27/79	Richard Oil Corporation, West Palm Beach, Florida	DEE-3022	Allocation Exception.
3/27/79	Ruthinowski & Warner Auto Service, Riverhead, New York.	DEE-2983	Allocation Exception.
3/27/79	Sam Ammari Arco, Ingelwood, California	DEE-3012	Allocation Exception.
3/27/79	Sam's Gulf Service, West Monroe, Louisiana	DEE-2999 and DES-2999.	Allocation Exception, Request for Stay.
3/27/79	Scott's Arco Station Compton, California	DEE-3015,	Allocation Exception.
3/27/79	Smith-Rogers Oil Company, Mullins, South Carolina	DEE-3013	Allocation Exception.
3/27/79	Stophers Standard Service, Greenfield, Wisconsin	DEE-3014	Allocation Exception.
3/27/79	Suburban Sunoco Service, Cottage City, Maryland	DEE-3166	Allocation Exception.
3/27/79	Sure Enterprises, Inc., East Islip, New York	DEE-3173	Allocation Exception.
3/27/79	Tuloil, Inc., Tulsa, Oklahoma	DEE-2996, DES-2996 and DST-2996.	Allocation Exception, Request for Stay and Request for Temporary Stay.
3/27/79	W. Broward Phillips "66" Service, Fort Lauderdale, Florida.	DEE-2991 and DST-2991.	Allocation Exception, Request for Temporary Stay.
3/27/79	Walworth Standard Carwash, Walworth, Wisconsin	DEE-3165	Allocation Exception.
3/27/79	Williamson Exxon, Duncanville, Texas	DEE-3016	Allocation Exception.
3/28/79	A & M Petroleum Company, Hudsonville, Michigan	DEE-3032 and DST-3032.	Allocation Exception, Request for Temporary Stay.
3/28/79	Allison Oil Company, Ardmore, Oklahoma	DEE-3034 and DST-3034.	Allocation Exception and Request for Temporary Stay.
3/28/79	American Air Filter, Lousiville, Kentucky	DEE-3070	Allocation Relief.
3/28/79	Bakers Standard Service, Hales Corner, Wisconsin	DEE-3072	Allocation Relief.
3/28/79	Fazlollah Bazarganan, Los Angeles, California	DEE-3082	Allocation Relief.
3/28/79	Beck Distributing Company, Vacaville, California	DEE-3087	Allocation Exception.
3/28/79	Berwyn Fuel, Inc., Laurel, Maryland	DEE-3061	Allocation Exception.
3/28/79	Big Stone Oil Company, Inc., Big Stone Gap, Virginia.	DEE-3024, DES-3024, and DST-3024.	Allocation Exception, Request for Temporary Stay and Stay.
3/28/79	Bouquet Exxon, Saugus, California	DEE-3074	Allocation Exception.
3/28/79	Brockbridge Exxon, Laurel, Maryland	DEE-3046	Allocation Exception.
3/28/79	Brooks Circle Exxon, Kingsport, Tennessee	DEE-3063	Allocation Exception.
3/28/79	Butch's Standard, Milwaukee, Wisconsin	DEE-3083	Allocation Exception.
3/28/79	Cascade Stop & Shop, Grand Rapids, Michigan	DEE-3064	Allocation Exception.
3/28/79	Edward Cebula, Dellflower, California	DEE-3041	Allocation Exception.
3/28/79	Charles L. Luttrell, Inc., San Leandro, California	DEE-3029 and DST-3029.	Allocation Exception, Request for Temporary Stay.
3/28/79	Clark's Ferry Auto/Truck Stop, Duncannon, Pennsylvania.	DEE-2954 and DES-2954.	Allocation Exception and Request for Stay.
3/28/79	Commerce & Hiller Shell, West Bloomfield, Michigan.	DEE-3079	Allocation Exception.
3/28/79	Crites Oil Co., Inc., Fort Worth, Texas	DEE-3025, DES-3025 and DST-3025.	Allocation Exception, Request for Temporary Stay and Stay.
3/28/79	Dundalk Exxon, Baltimore, Maryland	DEE-3026, DES-3026, andDST-3026.	Allocation Exception, Request for Temporary Stay and Stay.
3/28/79	E-Z-GO Service Gasoline, Green Bay, Wisconsin	DEE-3157	Allocation Relief.
3/28/79	Foster Oil Company, Boise, Idaho	DEE-3054	Allocation Exception.

Date	Name and location of applicant	Case No.	Type of submission
3/28/79	Gough Oil Company, Inc., Chester, South Carolina	DEE-3038 and DES-3038.	Allocation Exception and Request for Stay.
3/28/79	Gregory's Exxon, Lebanon, Tennessee	DEE-3038	Allocation Exception.
3/28/79	Griffin Station & Marina, Galliano, Louisiana	DEE-3156 and DES-3156.	Allocation Exception, Request for Stay.
3/28/79	H. H. Elder Oil Company, Inc., Siler City, North Carolina.	DEE-3035 and DST-3035.	Allocation Exception and Request for Temporary Stay.
3/28/79	Hall Oil Company, Sulphur Springs, Texas	DEE-3059	Allocation Exception.
3/28/79	Homestead Gulf Tire Store, Homestead, Florida	DEE-3085	Allocation Exception.
3/28/79	Hood Oil Co., Inc., Amite, Louisiana	DEE-3031 and DST-3031.	Allocation Exception, Request for Temporary Stay.
3/28/79	I-20 & Industrial Drive Gulf, Bossier City, Louisiana	DEE-3077	Allocation Exception.
3/28/79	Jim's Chevron, Battle Mountain, Nevada	DEE-3045	Allocation Exception.
3/28/79	Jim's Skelly Service, Cannon City, Colorado	DEE-3048	Allocation Exception.
3/28/79	Koester Chevron, Sherman Oaks, California	DEE-3073	Allocation Exception.
3/28/79	LeBlanc Oil Company, Rayne, Louisiana	DEE-3033 and DST-3033.	Allocation Exception and Request for Temporary Stay.
3/28/79	Martin Automotive, Inc., Milwaukee, Wisconsin	DEE-3057	Allocation Exception.
3/28/79	James F. McDevitt, Kenosha, Wisconsin	DEE-3052	Allocation Exception.
3/28/79	McKelvey Oil Company, Harrisonville, Pennsylvania.	DEE-3068	Allocation Exception.
3/28/79	Moe Oil Company, Watertown, South Dakota	DEE-3163	Allocation Exception.
3/28/79	Mohr's Standard Station, Mukwonago, Wisconsin	DEE-3047	Allocation Exception.
3/28/79	Molnar's Standard, Milwaukee, Wisconsin	DEE-3069	Allocation Relief.
3/28/79	Jesse Morales, Jr., Uvalde, Texas	DEE-3084	Allocation Relief.
3/28/79	Morlan's DX Service, El Dorado Springs, Missouri	DEE-3028 and DST-3028.	Allocation Exception, Request for Temporary Stay.
3/28/79	N. E. Vincent Oil Company, Sulphur, Louisiana	DEE-3067	Allocation Exception.
3/28/79	Newark Intermodal Truck Stop, Inc., Newark, New Jersey.	DEE-3062	Allocation Exception.
3/28/79	North Central Oil Company, Gaylord, Michigan	DEE-3080	Allocation Exception.
3/28/79	North River Gulf, Atlanta, Georgia	DEE-3043	Allocation Exception.
3/28/79	Pasadena Freeway Shell Service, Pasadena, Texas	DEE-3044	Allocation Exception.
3/28/79	Pawley Oil Company, Inc., Manistique, Missouri	DEE-3042	Allocation Exception.
3/28/79	Pensacola Petroleum Company, Pensacola, Florida.	DEE-3030 and DST-3030.	Allocation Exception, Request for Temporary Stay.
3/28/79	Petroleum Products Company, Salida, Colorado	DEE-3053	Allocation Exception.
3/28/79	Pfluger Service Station, Eden, Texas	DEE-3040 and DES-3040.	Allocation Exception and Request for Stay.
3/28/79	Purolator Courier Corp., Albuquerque, New Mexico	DEE-3161	Allocation Relief.
3/28/79	Pyramid Oil Company, Salt Lake City, Utah	DEE-3027 and DST-3027.	Allocation Exception, Request for Temporary Stay.
3/28/79	Ramsey's Gulf, Burnsville, North Carolina	DEE-3065	Allocation Exception.
3/28/79	Rice Street Car Wash, St. Paul, Minnesota	DEE-3050	Allocation Exception.
3/28/79	Ron's Agoura Chevron & Towing, Agoura, California.	DEE-3078	Allocation Exception.
3/28/79	Rudolphs, Inc., Yoakum, Texas	DEE-3056	Allocation Exception.
3/28/79	Southeast Oil & Development Corp., Tampa, Florida.	DEE-0192	Allocation Exception.
3/28/79	Stewart Oil Company, Urbana, Illinois	DEE-3051	Allocation Exception.
3/28/79	Strickland Oil Company, Inc., Warsaw, North Carolina.	DEE-3167 and DST-3167.	Allocation Exception and Request for Temporary Stay.
3/28/79	T. C. Williams Oil Co., Inc., Memphis, Tennessee	DEE-3035	Allocation Exception.
3/28/79	Thornton Oil Corporation, Louisville, Kentucky	DEE-3081	Allocation Exception.
3/28/79	Tiger Petroleum Products, Lebanon, Illinois	DEE-3066	Allocation Exception.
3/28/79	Tyler Petroleum Company, Tyler, Texas	DEE-3071	Allocation Relief.
3/28/79	Van's Amoco, Sturteuvant, Wisconsin	DEE-3060	Allocation Relief.
3/28/79	Waterbury Petroleum Products, Inc., Waterbury, Connecticut.	DEE-3037 and DES-3037.	Allocation Exception and Request for Stay.
3/28/79	Weekly's Exxon Service Center, Montclair, California.	DEE-3036 and DST-3036.	Allocation Exception and Request for Temporary Stay.
3/28/79	White Oil Distributors, Inc., Dallas, Texas	DST-0046	Request for Temporary Stay.
3/28/79	Young Oil Company, Piedmont, Alabama	DEE-3171	Allocation Exception.
3/29/79	A.A. Grocery No. 2, Delvalle, Texas	DEE-3113	Allocation Exception.
3/29/79	A-1 Standard Service, Clinton, Mississippi	DEE-3131	Allocation Exception.
3/29/79	Ashland Oil Company, Los Angeles, California	DEE-2896	Allocation Exception.
3/29/79	Astro Oil & Gas Company, Irving, Texas	DST-0047	Request for Temporary Stay.
3/29/79	Blomstrom Oil Company, Winner, South Dakota	DEE-3114	Allocation Exception.
3/29/79	Boggs Exxon, Jacksonville, Florida	DEE-3105	Allocation Exception.
3/29/79	Thomas L. Bowman, Los Angeles, California	DEE-3092 and DES-3092.	Allocation Exception and Request for Stay.
3/29/79	Browing's Exxon, Waynesville, North Carolina	DEE-3126	Allocation Exception.
3/29/79	California 5 Minute Car Wash, Modesto, California	DEE-3107 and DES-3107.	Allocation Exception and Request for Stay.
3/29/79	Carolina Oil Company of Bishopville, Inc., Bishopville, South Carolina.	DEE-3100 and DST-3100.	Allocation Exception and Request for Temporary Stay.
3/29/79	Dodson's Texaco Service, Rockville, Maryland	DEE-3108	Allocation Exception.
3/29/79	Don's Chevron Service, Burbank, California	DEE-3106	Allocation Exception.
3/29/79	Enterprise Oil Company, Cartersville, Georgia	DEE-3134	Allocation Exception.
3/29/79	Ernest J. Short & Son, Inc., Lordsburg, New Mexico	DEE-3093 and DST-3093.	Allocation Exception and Request for Temporary Stay.
3/29/79	Fitzgerald Chevron, Roswel, Georgia	DEE-2862	Allocation Exception.
3/29/79	Food, Inc., Texas	DEE-3094 and DST-3094.	Allocation Exception and Request for Temporary Stay.
3/29/79	Foust Oil Company, Mebane, North Carolina	DEE-3089, DES-3089, and DST-3089.	Allocation Exception, Request for Stay and Temporary Stay.
3/29/79	Givan's Exxon, Watertown, Tennessee	DEE-3116	Allocation Exception.
3/29/79	Golls Standard, Milwaukee, Wisconsin	DEE-3128	Allocation Exception.
3/29/79	Grambling State University, Grambling, Louisiana	DEE-3132	Allocation Exception.
3/29/79	Haywood Oil Company, Inc., Waynesville, North Carolina.	DEE-3160	Allocation Relief.
3/29/79	I & J Gulf, Dallas, Texas	DES-0194	Request for Stay.
3/29/79	I-275 Shell, Plymouth, Michigan	DEE-3124	Allocation Exception.

Date	Name and location of applicant	Case No.	Type of submission
3/29/79	Ideal Oil Company, Smithfield, North Carolina	DEE-3097 and DST-2097.	Allocation Exception and Request for Temporary Stay.
3/29/79	J. T. Hassell Oil Company, Savannah, Tennessee	DEE-3098 and DST-3098.	Allocation Exception and Request for Temporary Stay.
3/29/79	Jackson Oil Company, Baltimore, Maryland	DEE-3164	Allocation Exception.
3/29/79	B. J. Johns, Sonora, Texas	DEE-3102 and DST-3102.	Allocation Exception and Request for Temporary Stay.
3/29/79	Jones Oil Company, Inc., Fort Smith, Arkansas	DEE-2835	Allocation Relief.
3/29/79	M & R Getty, Magnolia, New Jersey	DEE-3129	Allocation Exception.
3/29/79	Magee General Store, Terry, Mississippi	DEE-3130	Allocation Exception.
3/29/79	McCord's Exxon, Levelland, Texas	DEE-3039 and DES-3039.	Allocation Exception and Request for Stay.
3/29/79	McPhillips Exxon, Wheaton, Maryland	DEE-3121	Allocation Exception.
3/29/79	Midland Oil Company, St. Louis, Missouri	DEE-3169	Allocation Exception.
3/29/79	Robert R. L. Molkentine, Milwaukee, Wisconsin	DEE-3123	Allocation Exception.
3/29/79	Paul Newman, Memphis, Tennessee	DEE-3155	Allocation Relief.
3/29/79	Oaks Food Store, West Monroe, Louisiana	DEE-3110	Allocation Exception.
3/29/79	Oliver's Exxon, Lafayette, Tennessee	DEE-3109	Allocation Exception.
3/29/79	Oswald's Thiensville Standard, Thiensville, Wisconsin.	DEE-3122	Allocation Exception.
3/29/79	Parker Oil Company, Des Moines, Iowa	DEE-3117	Allocation Exception.
3/29/79	Pope's Exxon & Pope Oil Company, Winnsboro, South Carolina.	DEE-3168	Allocation Exception.
3/29/79	Powell Oil Co., Inc., Austell, Georgia	DEE-3120	Allocation Exception.
3/29/79	R. F. White Co., Inc., Upland, California	DEE-3119	Allocation Exception.
3/29/79	Red & Jack Oil Company, Augusta, Georgia	DEE-2502	Allocation Exception.
3/29/79	Red Bluff Mobil Service Center, Pasadena, Texas	DEE-3111	Allocation Exception.
3/29/79	Riverland "66", Fort Lauderdale, Florida	DEE-3101 and DST-3101.	Allocation Exception and Request for Temporary Stay.
3/29/79	Robert's Exxon, Sumter, South Carolina	DEE-3125	Allocation Exception.
3/29/79	Roy's Standard Service, Milwaukee, Wisconsin	DEE-3112	Allocation Exception.
3/29/79	Royal Oil Company, Johnson City, Tennessee	DEE-3096 and DST-3096.	Allocation Exception and Request for Temporary Stay.
3/29/79	Silvio A. Simi, Alameda, California	DEE-3118	Allocation Exception.
3/29/79	Sissie Car Wash, Inc., Glendale, Arizona	DEE-3135	Allocation Exception.
3/29/79	South Vienna Exxon, South Vienna, Ohio	DEE-3090, DES-3090, and DST-3090.	Allocation Exception, Request for Temporary Stay and Stay.
3/29/79	Southland Corporation, Cupertino, California	DEE-3154 and DES-3154.	Allocation Exception and Request for Stay.
3/29/79	Stanley Cooper & Sons, McKittrick, California	DEE-3099 and DST-3099.	Allocation Exception and Request for Temporary Stay.
3/29/79	Stanton's Standard Service, Whitewater, Wisconsin.	DEE-3129	Allocation Exception.
3/29/79	The Country Store (Poole), Conroe, Texas	DEE-3103 and DST-3103.	Allocation Exception and Request for Temporary Stay.
3/29/79	Williams-Lopez Corp., Salado, Texas	DEE-3133	Allocation Exception.
3/29/79	White Oil Company, North Platte, Nebraska	DEE-3095 and DST-3095.	Allocation Exception and Request for Temporary Stay.
3/29/79	Lyle Whitman, Sanford, Michigan	DEE-3115	Allocation Exception.
3/30/79	Charles & 20th Exxon, Baltimore, Maryland	DST-0024	Allocation Exception.
3/30/79	Edmond's Oil Company, Statesville, North Carolina.	DEE-3136 and DST-3136.	Allocation Exception and Request for Temporary Stay.
3/30/79	Mr. Grocer, Hollywood, Florida	DEE-3104 and DST-3104.	Allocation Exception and Request for Stay.
3/30/79	Yates Store, Inc., Laredo, Texas	DEE-3091, DST-3091 and DES-3091.	Allocation Exception Request for Stay and Temporary Stay.
3/26/79	United States Stove Company, Chattanooga, Tennessee.	DEE-3140	Exception to Test Procedures. If granted: United States Stove Company would be granted an exception to the requirements of the Test Procedures with respect to Vented Gas-Fired Space Heaters.
3/26/79	Western Petroleum Company, Minneapolis, Minnesota.	DEE-3137	Exception to the Entitlements Program. If granted: Western Petroleum Company would be granted an exception to the provisions of 10 CFR 211.67, the Domestic Crude Oil Entitlements Program.
3/27/79	Cities Service Company, Tulsa, Oklahoma	DEE-3138	Price Exception 212.73. If granted: Cities Service Company would be permitted to sell the crude oil produced from the Howell A Lease, located in Grant County, Oklahoma, at upper tier ceiling prices.
3/27/79	D & J Oil Company, Vernal, Utah	DEE-3159	Price Exception 212.73. If granted: D & J Oil Company would be permitted to sell the crude oil produced from the Roosevelt Unit, at upper tier ceiling prices.
3/27/79	J. M. Huber Corporation, Houston, Texas	DEE-3004	Price Exception 212.73. If granted: Huber would be permitted to increase its sales prices for crude oil produced from the Pure-State No. 1 Well located in Lea County, New Mexico.
3/27/79	Sun Company, Inc., Pennsylvania	DEA-0352	Appeal of ERA Decision and Orders issued on February 16, 1979 and February 21, 1979. If granted: The Economic Regulatory Administration's Decision and Order issued on February 16, 1979 and February 21, 1979 would be rescinded and Sun Company would not be required to supply certain companies.
3/28/79	Industrial Fuel & Asphalt of Indiana, Inc., Chicago, Illinois.	DEE-3129	Exception. If granted: Industrial Fuels & Asphalt of Indiana, Inc., would be permitted to import Canadian Light Crude Oil from the Dome Petroleum Company.
3/28/79	Kalama Chemical, Inc., Kalama, Washington	DPI-0035	Exception to License Fee Requirements. If granted: Kalama Chemical, Inc., would be permitted to import toluene on a fee-exempt basis.
3/28/79	Tresler Oil Corporation, Cincinnati, Ohio	DSG-0050	Petition for Special Redress. If granted: The Office of Special Counsel for Compliance would issue an Interim Remedial Order in regard to violations of the Mandatory Petroleum Allocation and Price Regulations, by Champlin Petroleum Company.
3/29/79	Crown Central Petroleum Corporation	DED-0020	Motion for Discovery. If granted: Discovery would be granted to Crown Central Petroleum Corporation in connection with an Application for Stay and Exception which Pilot Petroleum Associates, Inc. has filed.
3/29/79	James M. Forgotson, Sr., Washington, D.C.	DEE-3142	Price Exception 212.73. If granted: James M. Forgotson, Jr. would be permitted to sell the crude oil produced from the Iota Field, located in Acadia Parish, Louisiana, at upper tier ceiling prices.
3/29/79	Galaxy Oil Company, Williston, North Dakota	DEE-3149	Price Exception 212.73. If granted: Galaxy Oil Company would be permitted to sell the crude oil produced from Glenburn Field, located at Renville County, North Dakota, at upper tier ceiling prices.

Date	Name and location of applicant	Case No.	Type of submission
3/29/79	Mobil Oil Corporation, New York, New York	DEA-0353, DES-0353, DEA-0354, DES-0354, DEA-0355, and DES-0355.	Appeal of ERA's D&O on March 20 and March 23, 1979 and Request for Stay of the above orders. If granted: The Economic Regulatory Administration's March 20 and March 23, 1979, Decision and Orders would be rescinded and Mobil Oil Corporation would not be required to supply Farmland Industries, Midland Cooperatives, Inc. and Land-O-Lakes, Inc. with motor gasoline.
3/30/79	R. W. Tyson Producing Company, Inc., Jackson, Mississippi.	DEE-3143, DEE-3144, DEE-3145, DEE-3146, and DEE-3147.	Price Exception 212.73. If granted: R. W. Tyson Producing Company, Inc. would be permitted to sell the crude oil produced from the Carter No. 3, Federal Land Bank No. 3, McClellan No. 1, McClellan-Vickers No. 1 and Vickers No. 2 leases, at upper tier ceiling prices.
3/30/79	Union Carbide Caribe, Inc., New York, New York	DEE-3148	Exception to the Entitlements Program. If granted: Union Carbide Caribe, Inc. would be granted an exception to the provisions of 10 CFR 211.67 with respect to its entitlements purchase obligations.

Notices of Objection Received

[Week of Mar. 23, 1979 to Mar. 30, 1979]

Date	Name and location of applicant	Case No.
3/29/79	Charter Oil Company, Washington, D.C.	DXE-2108
3/29/79	Energy Development of California, Inc., Beverly Hills, California	DXE-1310
3/29/79	Allied Chemical Corporation, Washington, D.C.	DEE-1470
3/27/79	Husky Oil Company, Denver, Colorado	DEE-1437
		DEE-1438
		DEE-1439
3/19/79	Beacon Oil Company Washington, D.C.	DEE-2141
3/23/79	El Paso Natural Gas Co., Washington, D.C.	DEE-1362
3/29/79	Sabo Oil Company, Washington, D.C.	DEE-2467
3/29/79	Little America Refining Co., Washington, D.C.	DXE-2110
3/26/79	Skelton Oil Company, Midland, Texas	DEE-1661
3/27/79	Tiguex Oil Company, Inc., Albuquerque, New Mexico	DEO-0187
3/26/79	Laketon Asphalt Refining, Inc., Washington, D.C.	DEX-0145

[FR Doc. 79-14696 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Notice of Cases Filed; Week of April 6 through April 13, 1979

Notice is hereby given that during the week of April 6, 1979 through April 13, 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 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.

Dated: May 3, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Apr. 6 Through Apr. 13, 1979]

Date	Name and location of applicant	Case No.	Type of submission
4/6/79	Getty Oil Company, Oklahoma City, Oklahoma	DEE-3709	Price Exception (Section 212.73). If granted: Getty Oil Company would be permitted to sell the crude oil produced from the E.N. Ainsworth Well No. 4, located in Oklahoma County, Oklahoma, at upper tier ceiling prices.
4/6/79	Martin Exploration Company, Metairie, Louisiana	DEE-3707	Exception to the Reporting Requirements. If granted: Martin Exploration Company would no longer be required to file Form EIA-23, Annual Survey of Domestic Oil & Gas Reserves.
4/6/79	Norristown Heat & Fuel Company, Norristown, Pennsylvania.	DEE-3720	Exception to the Reporting Requirements. If granted: Norristown Heat & Fuel Company would no longer be required to file Form EIA-9.
4/6/79	Sun Company, Inc., Washington, D.C.	DEE-3704, DES-3704.	Allocation Exception, Request for Stay. If granted: Sun Company, Inc. would receive a new allocation level of unleaded gasoline for the month of March 1979, to be distributed in the Oklahoma area. A stay would be granted pending a final determination on the Application for Exception.
4/9/79	General Electric Company, Fairfield, Connecticut	DEE-3711	Exception to the Reporting Requirements. If granted: General Electric Company would receive an exception to the Financial Reporting System with respect to Form EIA-28.
4/9/79	Irving Oil Corporation, Boston, Massachusetts	DFA-0366	Appeal of Information Request Denial. If granted: The DOE's March 5, 1979 Information Request Denial would be rescinded and Irving Oil Corporation would receive access to certain DOE documents related to an Interpretation and an Audit Notification Letter issued to the firm.
4/9/79	Texaco, Inc., White Plains, New York	DFA-0365	Appeal of Information Request Denial. If granted: The DOE's March 8, 1979 Information Request Denial would be rescinded and Texaco, Inc. would receive access to certain DOE documents concerning a draft Environmental Impact Statement prepared for the Office of Coal Utilization by Dames & Moore.
4/9/79	Texaco, Inc., White Plains, New York	DRH-0166	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened with respect to the Statement of Objections submitted by Texaco in response to a Proposed Remedial Order issued to the firm by the Office of Special Counsel on December 14, 1978.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Apr. 6 Through Apr. 13, 1979]

Date	Name and location of applicant	Case No.	Type of submission
4/10/79	Bonham, Carrington & Fox, Houston, Texas	DFA-0364	Appeal of Information Request Denial. If granted: The DOE's March 9, 1979 Information Request Denial would be rescinded and Bonham, Carrington & Fox would receive access to certain DOE documents.
4/10/79	Charter Oil Company, Jacksonville, Florida	DEX-0152	Supplemental Order. If granted: The DOE would review the level of exception relief from the provisions of 10 CFR 211.67 granted to Charter Oil Company during its fiscal year ended December 31, 1978 in light of the firm's actual financial results in order to determine whether that level of relief was appropriate.
4/10/79	Fields Field Company, Houston, Texas	DEE-3706	Price Exception (Section 212.165). If granted: Fields Field Company would be granted an exception from the provisions of 10 CFR, Part 212, Subpart K with respect to natural gas liquids which it produces.
4/10/79	Gulf Oil Corporation, Houston, Texas	DEE-3705	Price Exception (Section 212.73). If granted: Gulf Oil Corporation would be permitted to sell the crude oil produced from the E. G. Robinson Unit Well No. 1 located in Liberty County, Texas, at upper tier ceiling prices.
4/10/79	Johnson Oil Company, Inc., Salt Lake City, Utah	DEE-3708	Exception from the Entitlements Program. If granted: Johnson Oil Company, Inc. would receive an exception to the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations for the month of December 1978.
4/10/79	Laketon Asphalt Refining, Inc., Laketon, Indiana	DEX-0155	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Laketon Asphalt Refining, Inc. during its fiscal year ended December 31, 1978 in light of the firm's actual financial results in order to determine whether that level of relief was appropriate.
4/10/79	Mohwak Petroleum Corporation, Inc., Los Angeles, California.	DXE-3174	Exception from the Entitlements Program. If granted: Mohwak Petroleum Corporation, Inc. would receive an exception from the provisions of 10 CFR 211.67 with respect to its prospective entitlement purchase obligations.
4/10/79	Vickers Petroleum Corporation, Washington, D.C	DES-0351	Request for Stay. If granted: Vickers Petroleum Corporation would receive a stay of the Economic Regulatory Administration's March 23, 1979 Decision and Order pending a final determination on an Appeal filed by the firm.
4/11/79	Fain Porter Production Company, Oklahoma City, Oklahoma.	DRX-0154	Supplemental Order. If granted: The Decision and Order issued to Fain Porter Production Company (DRA-0096) would be modified to allow the DOE Regional Office additional time to issue a revised Remedial Order.
4/11/79	Warrior Asphalt Company of Alabama, Inc., Washington, D.C.	DXE-3715	Exception from the Entitlements Program. If granted: Warrior Asphalt Company of Alabama, Inc. would receive an exception from the provisions of 10 CFR 211.67 with respect to its prospective entitlement purchase obligations.
4/12/79	Baker & Botts, Washington, D.C	DFA-0362	Appeal of an Information Request Denial. If granted: The DOE's March 14, 1979 Information Request Denial would be rescinded and Baker & Botts would receive access to certain DOE doucments relating to the definitions of "first sale" and "netback sale" in 10 CFR 212.162.
4/12/79	Commonwealth Oil & Refining Company, Puerto Rico.	DPI-0037	Exception to Base Fee Requirements. If granted: Commonwealth Oil & Refining Company would be permitted to import crude and unfinished oils on a fee exempt basis.
4/12/79	Commonwealth Oil & Refining Company, San Antonio, Texas.	DMR-0045	Request for Modification/Rescission. If granted: The DOE's October 17, 1978 Decision and Order to Phillips Puerto Rico Core, Inc. would be modified with respect to the exception relief granted regarding Commonwealth Oil & Refining Company's use of fee-exempt licenses.
4/12/79	Continental Oil Company, Houston, Texas	DEE-3710	Price Exception (Section 212.73). If granted: Continental Oil Company would be permitted to sell the crude oil produced from the Southeast Eureka Unit, located in Alfalfa County, Oklahoma, at upper tier ceiling prices.
4/12/79	Navajo Refining Company, Dallas, Texas	DXE-3716	Exception from the Entitlements Program. If granted: Navajo Refining Company would recieve an exception from the provisions of 10 CFR 211.67 with respect to its prospective entitlement purchase obligations.
4/13/79	Beacon Oil Company, Washington, D.C	DEX-0153	Supplemental Order. If granted: The DOE would review the level of entitlement exception relief granted to Beacon Oil Company during its fiscal year ended December 31, 1978 in light of the actual financial results achieved by the firm in order to determine whether that level of relief was appropriate.
4/13/79	Texaco, Inc., Los Angeles, California	DEX-0158	Supplemental Order. If granted: The DOE would provide Texaco with assurances that certain emergency expenditures it must incur would be included in the level of exception relief extended to the Alaska State Lease.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

Date	Name and location of applicant	Case No.
4/11/79	Doussan Shell Inc., New Orleans, Louisiana	DST-0054.
4/6/79	Fronk's Self Serve Shell Station, Lindale, California	DEE-3487 and DST-3487.
4/6/79	L. J. Bonnaffons, New Orleans, Louisiana	DST-0053.
4/6/79	Quality State Oil Co. Inc., Sheboygan, Wisconsin	DEE-3488 and DST-3488.
4/6/79	St. Romain Oil Co., Inc., Mansura, Louisiana	DEE-3486 and DST-3486.
4/6/79	Jay Paul Roussel, New Orleans, Louisiana	DEE-3481 and DES-3481.
4/6/79	Northlake Oil Co., Inc., Hammond, Louisiana	DEE-3480 and DES-3480/
4/6/79	San Bruno Carwash, Burlingame, California	DEE-3479 and DES-3479.
4/6/79	Vandaveer Oil Co., Inc., Shawnee, Oklahoma	DEE-3478 and DES-3478.
4/6/79	Rush Oil Co., Phoenix, Arizona	DEE-3477 and DES-3477.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Continued

Date	Name and location of applicant	Case No.
4/6/79	Marina Carwash, Redondo Beach, California	DEE-3476 and DES-3476.
4/6/79	Watson Chevron, Ojai, California	DEE-3529.
4/6/79	Pinion Truck Stop, Pueblo, Colorado	DEE-3464.
4/6/79	Al Neary's Texaco, Nipomo, California	DEE-3463.
4/6/79	Don's Standard Service, Milwaukee, Wisconsin	DEE-3462.
4/6/79	Gillis Tire & Auto, Macon, Georgia	DEE-3461.
4/6/79	Cactus Exxon, Phoenix, Arizona	DEE-3467.
4/6/79	Gary's Standard Service, Milwaukee, Wisconsin	DEE-3460.
4/6/79	Twin Oaks Mobil, Austin, Texas	DEE-3459.
4/6/79	Mallard Oil Co., Kinston, North Carolina	DEE-3458.
4/6/79	J. E. Sharber Oil Co., Bainbridge, Georgia	DEE-3457.
4/6/79	First Avenue Conoco, Denver, Colorado	DEE-3456.
4/11/79	Sewell's Party Pak, Smithfield, North Carolina	DEE-3395.
4/6/79	Southern States Cooperative, Inc., Cambridge, Maryland	DEE-3454.
4/9/79	Snyder's 66 Service, Orange City Florida	DEE-3527 and DST-3527.
4/6/79	Redding Oil Company, Redding, California	DEE-3453.
4/9/79	South Sheridan Conoco, Denver, Colorado	DEE-3528 and DST-3528.
4/6/79	Bob's 66 Service, Indianapolis, Indiana	DEE-3452.
4/9/79	Tresler Oil Company, Washington, D.C.	DEE-3523, DES-3523, and DST-3523.
4/9/79	Saveway Super Service Stations, Washington, D.C.	DEE-3522, DES-3522 and DST-3522.
4/6/79	Gettlefinger Service Stations, Louisville, Kentucky	DEE-3451.
4/9/79	Acree Oil Co. Inc., DeLand, Florida	DEE-3525 and DST-3525.
4/9/79	West Texas Gas, Inc., Austin, Texas	DEE-3521, DES-3521, and DST-3521.
4/9/79	Yousef Safiedine, Detroit, Michigan	DEE-3628, DES-3628, and DST-3628.
4/9/79	Scroggins Gulf Service Station, Shreveport, Louisiana	DEE-3516 and DES-3516.
4/9/79	Salathe Oil Company Inc., Harvey, Louisiana	DEE-3519.
4/9/79	Tulane Avenue Gulf, New Orleans, Louisiana	DEE-3517 and DST-3517.
4/9/79	Don Elder, Healdsburg, California	DEE-3513 and DES-3513.
4/9/79	Louk Oil Co., Topeka, Kansas	DEE-3514 and DES-3514.
4/9/79	Landmark Inc., Columbus, Ohio	DEE-3515 and DES-3515.
4/9/79	Doug's Distributing Co., Gilbertsville, Kentucky	DEE-3512 and DES-3512.
4/9/79	Bob's Mini Mart, Colonie, New York	DEE-3510 and DES-3510.
4/9/79	Moore Petroleum, Banta, California	DEE-3507.
4/9/79	J. E. Meintzer & Sons, Easton, Maryland	DEE-3509.
4/9/79	Park Forest Mobil, Baton Rouge, Louisiana	DEE-3508.
4/9/79	Weaver Oil Co., Fremont, Michigan	DEE-3500.
4/9/79	William C. McClellan, Dallas, Texas	DEE-3505.
4/9/79	Ken Ruby Construction Co., Los Angeles, California	DEE-3504.
4/9/79	J. F. Wilkerson Co., Inc., Morrisville, North Carolina	DEE-3502.
4/9/79	Active Heating & Air Conditioning, Santee, California	DEE-3500
4/9/79	Siesta Shell Service, Sarasota, Florida	DEE-3501.
4/9/79	Milt's Hess Station, Cantonsville, Maryland	DEE-3499.
4/10/79	Fulton Industrial Shell, Atlanta, Georgia	DEE-3496.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Continued

Date	Name and location of applicant	Case No.
4/9/79	Gordon Mathews Chevron, Palm Springs, California	DEE-3494.
4/9/79	Franklin Park Sunoco, Dorchester, Massachusetts	DEE-3491.
4/9/79	Saint George Oil Corp., Los Angeles, California	DEE-3489.
4/12/79	Fed-Mart Stores, Inc., Washington, D.C	DEE-3702 and DST-3702.
4/10/79	Blue Grass Oils, Inc., North Tazewell, Virginia	DEE-3620 and DST-3620.
4/10/79	Shelnutt, Howard L., Newman, Georgia	DEE-3919 and DST-3919.
4/6/79	Nickerson Farms, Omaha, Nebraska	DEE-3466.
4/10/79	Loethen Oil Co., Inc., Jefferson City, Missouri	DEE-3618 and DES-3618.
4/9/79	Applegate, Edward, South Orange, New Jersey	DEE-3526.
4/9/79	Pinhurst Citgo, Baltimore, Maryland	DEE-3524 and DES-3524.
4/9/79	James R. Bradshaw, Grand Prairie, Texas	DEE-3518 and DST-3518.
4/10/79	Lisi Oil Company, Millerburg, Pennsylvania	DEE-3617 and DST-3617.
4/10/79	Don Shell #2, Manhattan Beach, California	DEE-3615 and DST-3615.
4/10/79	Page Bus Company, Inc., Bartonville, Illinois	DEE-3614 and DST-3614.
4/9/79	Kingsport Fuels, Inc., Kingsport, Tennessee	DEE-3530 and DST-3530.
4/10/79	Ramrod Auto Clinic, Summerland Key, Florida	DEE-3610 and DST-3610.
4/10/79	Mountain Empire Oil Co., Johnson City, Tennessee	DEE-3612 and DES-3612.
4/10/79	Kalbow Service Center, Brenham, Texas	DEE-3611 and DES-3611.
4/10/79	R. A. Pool Oil Company, Inc., Clinton, North Carolina	DEE-3610 and DES-3610.
4/10/79	Creek Golf & Country Club, Daytona Beach, Florida	DEE-3606, DES-3606, and DST-3606.
4/10/79	Franks' Chevron, Winsted, Connecticut	DEE—3597.
4/10/79	Cypress Shell Service, Redding, California	DEE-3596.
4/10/79	Russell Cave Oil Co., Lexington, Kentucky	DEE-3595.
4/10/79	Call Carl, Washington, D.C	DEE-3698.
4/6/79	Jenkins Construction Corp., Baton Rouge, Louisiana	DEE-3599.
4/10/79	Cotton's Bakery, Inc., West Monroe, Louisiana	DEE-3600.
4/6/79	Astro, Inc., Camden, North Carolina	DEE-3601.
4/6/79	Southland Oil Co., Savannah, Georgia	DEE-3607, DES-3607, and DST-3607.
4/10/79	Sunglo Service Inc., Austin, Texas	DEE-3605, DES-3605, and DST-3605.
4/9/79	Sav-more Oil Co., Los Angeles, California	DEE-3703 and DST-3703.
4/10/79	Patterson Oil Company, Kings Mountain, North Carolina	DEE-3701 and DST-3701.
4/11/79	St. John's Oil Company, Alexandria, Virginia	DEE-3699 and DST-3699.
4/11/79	Jim's Exxon, Auburn, Massachusetts	DEE-3700 and DST-3700.
4/10/79	Crossroads Corner Store, Greensboro, North Carolina	DEE-3693.
4/9/79	Crossroads Oil Co., Lenoir, North Carolina	DEE-3694 and DES-3694.
4/11/79	Marshall Distributing Company, Inc., Sequin, Texas	DEE-3697, DES-3697, and DST-3697.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Continued

Date	Name and location of applicant	Case No.
4/12/79	Wheaton Manor Amoco, Wheaton, Maryland	DEE-3665.
4/9/79	Norman Harris, Atlanta, Georgia	DEE-3667.
4/10/79	The Whistle Stop, Alexandria, Virginia	DEE-3696, DES-3696, and DST-3696.
4/10/79	Quest Petroleum Co., Inc., Oklahoma City, Oklahoma	DEE-3695 and DES-3695.
4/11/79	Monarch Products Ltd., Milwaukee, Wisconsin	DEE-3668.
4/6/79	Berrell Auto Service, Abington, Pennsylvania	DEE-3675.
4/6/79	American Auto Wash, Southhampton, Pennsylvania	DEE-3674.
4/6/79	Whiz Fast Car Wash, Baltimore, Maryland	DEE-3672.
4/6/79	Jerry Hill's Amoco, Baltimore, Maryland	DEE-3671.
4/6/79	George R. Houck's Amoco, North Wales, Pennsylvania	DEE-3673.
4/6/79	Don's Exxon, Upper Darby, Pennsylvania	DEE-3670.
4/6/79	B & R Sunoco, Philadelphia, Pennsylvania	DEE-3669.
4/6/79	Strictland Exxon, Bryn Mawr, Pennsylvania	DEE-3668.
4/6/79	DelSordo's Amoco, Mitmont Park, Pennsylvania	DEE-3678.
4/6/79	Nickolas Baldin, Wilmington, Delaware	DEE-3679.
4/6/79	William Cazenza Amoco, Philadelphia, Pennsylvania	DEE-3681.
4/6/79	Robert Pleasant Amoco, Philadelphia, Pennsylvania	DEE-3680.
4/6/79	Cordingley's Amoco, Chester, Pennsylvania	DEE-3677.
4/6/79	Ernie's Sunoco, New Castle, Delaware	DEE-3690.
4/6/79	Gebbie's Exxon, Lansdale, Pennsylvania	DEE-3691.
4/6/79	Sunoco of Exton, Exton, Pennsylvania	DEE-3689.
4/6/79	Auto Bath Amoco, Norristown, Pennsylvania	DEE-3676.
4/6/79	Northgate Mobil, York, Pennsylvania	DEE-3692.
4/6/79	Krewstown Amoco, Philadelphia, Pennsylvania	DEE-3687.
4/6/79	Bill's Amoco, Lima, Pennsylvania	DEE-3685.
4/6/79	Orleans Amoco, Baltimore, Maryland	DEE-3686.
4/6/79	Nicholas Spano Amoco, Philadelphia, Pennsylvania	DEE-3684.
4/6/79	Midiri's Amoco, Philadelphia, Pennsylvania	DEE-3683.
4/6/79	Gayles & Gayles Enterprises, Inc., Philadelphia, Pennsylvania	DEE-3682.
4/10/79	Kansas City-East Union Auto/Truck Stop, Oak Grove, Missouri	DEE-3622.
4/10/79	D&D Shell Service, Hawthorne, California	DEE-3712.
4/13/79	Petroleum Service Company, Wilkes-Bare, Pennsylvania	DEE-3472.
4/12/79	John Bogley, Rockville, Maryland	DEE-3630.
4/9/79	James W. & Paul A. McArthur, Alexandria, Virginia	DEE-3498.
4/10/79	Don's Shell, Culver City, California	DEE-3616 and DST-3616.
4/6/79	Nick Baldini Amoco, Christianna, Delaware	DEE-3688.
4/12/79	Dilworth's American, Rockville, Maryland	DEE-3629.
4/10/79	Stechschulte Gas & Oil Co., Alexandria, Virgina	DEE-3621.
4/12/79	James Jackson, Washington, D.C	DEE-3664
4/12/79	Walter Abney, Washington, D.C	DEE-3663.
4/12/79	Cost Plus Amoco, Seabrook, Maryland	DEE-3662.
4/12/79	Kenilworth Amoco, Washington, D.C	DEE-3661
4/12/79	Mt. Vernon Amoco, Alexandria, Virginia	DEE-3660.
4/9/79	Malf Mart, Redding, California	DEE-3492.
4/10/79	T & M Arco Mini Mart, San Jose, California	DEE-3710.
4/9/79	Cunningham Oil Co., Inc., Columbus, Georgia	DEE-3490.
4/9/79	Seals Tilly Mill Chevron, Doraville, Georgia	DEE-3511 and DST-3511
4/9/79	Nimocks Oil Co., Inc., Forrest City, Arkansas	DEE-3503.
4/6/79	L.B.M. Distributors, Inc., Louisiana	DEE-3622 thru DEE-3626.
4/12/79	Cookson's Amoco, Mitchellville, Maryland	DEE-3659.
4/12/79	Roy M. Morauer, Camp Springs, Maryland	DEE-3658.
4/12/79	Consumers Gasoline Stations, Inc., Nashville, Tennessee	DEE-3698, DES-3698, and DST-3698.
4/12/79	L. E. Patrick, Jr., Washington, D.C	DEE-3657
4/12/79	Herb's Amoco, Washington, D.C	DEE-3656.
4/12/79	Jim's Amoco, Oxon Hill, Maryland	DEE-3655.
4/12/79	James D. Rembold, Seat Pleasant, Maryland	DEE-3654.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Continued

Date	Name and location of applicant	Case No.
4/12/79	Amoco Service Station, Homestead, Pennsylvania	DEE-3653.
4/12/79	Fletcher's Amoco, Olney, Maryland	DEE-3651.
4/12/79	Dawson's Amoco, Arlington, Virginia	DEE-3650.
4/12/79	Savilles Amoco, Sterling, Virginia	DEE-3649.
4/12/79	Gill's Amoco, Herndon, Virginia	DEE-3648.
4/12/79	Samuel A. Captain, Rockville, Maryland	DEE-3647.
4/12/79	Wallace W. Harris, Silver Springs, Maryland	DEE-3646.
4/6/79	Robert E. Pleasant Amoco, Philadelphia, Pennsylvania	DEE-3723.
4/12/79	Ashland Oil Co., Ashland, Kentucky	DES-0199.
4/12/79	James P. Burns, Virginia Beach, Virginia	DEE-3641.
4/12/79	Holmes Amoco, Portsmouth, Virginia	DEE-3640.
4/12/79	Sonny's Amoco, Norfolk, Virginia	DEE-3642.
4/12/79	N. E. Stephenson, Norfolk, Virginia	DEE-3643.
4/12/79	Edward M. Worth, Sr., Virginia Beach, Virginia	DEE-3644.
4/12/79	Montgomery Village Service, Inc., Gaithersburg, Maryland	DEE-3645.
4/12/79	American Car Wash Corp., Landover, Maryland	DEE-3639.
4/10/79	Springfield Manor Shell, Springfield, Virginia	DEE-3693.
4/10/79	W. E. Jersey & Sons Inc., Benton Harbor, Michigan	DEE-3694.
4/12/79	JAW Inc., Fredericksburg, Virginia	DEE-3635.
4/12/79	University Amoco, Adelphi, Maryland	DEE-3636.
4/12/79	Andrew D. Ramey, Charlottesville, Virginia	DEE-3639.
4/12/79	Patrick's Amoco, Inc., Washington, D.C	DEE-3638.
4/10/79	Wiler's Exxon & Towing Service, Vallejo, California	DEE-3592.
4/10/79	Omega Oil Company, Dayton, Ohio	DEE-3586.
4/10/79	Brown's Kerr-McGee, Tulsa, Oklahoma	DEE-3591.
4/12/79	George's Amoco, Bowie, Maryland	DEE-3633.
4/11/79	Clinton Oliver, Glenmville, Georgia	DEE-3632.
4/12/79	Glyde Green, Gaithersburg, Maryland	DEE-3631.
4/10/79	Rodney E. Havens, Porterville, California	DEE-3587.
4/12/79	O.D.R. Amoco, Richmond, Virginia	DEE-3634.
4/10/79	Daniel S. Boschert, Dallas, Texas	DEE-3588.
4/10/79	Kerr-McGee Service Station, Nevada, Missouri	DEE-3589.
4/10/79	South Huntington Chevron, Huntington Beach, California	DEE-3590.
4/10/79	Mrohs City Gas Inc., Crisfield, Maryland	DEE-3578.
4/10/79	Walter G. Mitchell, Dalton, Georgia	DEE-3584.
4/12/79	King Petroleum Corp., Bridgeview, Illinois	DEE-3609 and DES-3609.
4/10/79	Bruce Dudley, New Castle, Indiana	DEE-3585.
4/10/79	Lincoln Land Oil Co., Springfield, Illinois	DEE-3583.
4/10/79	Rail Petroleum Co., Gallatin, Tennessee	DEE-3580.
4/10/79	Walters Distributing Co., Marshall, Michigan	DEE-3582.
4/10/79	A&J Mini Market, Keyport, New Jersey	DEE-3579.
4/10/79	L. S. Riggins Oil Company, Millville, New Jersey	DEE-3603, DES-3603, and DST-3603.
4/10/79	Keck, Inc., Des Moines, Iowa	DEE-3577.
4/6/79	Moo Tae Kim, Monterey, California	DEE-3573.
4/6/79	Mobile Car Repair, Inc., Phoenix, Arizona	DEE-3570.
4/6/79	Ron's Mobil Service Center, Vallejo, California	DEE-3569.
4/6/79	Gilroy Mobil, Gilroy, California	DEE-3572.
4/10/79	Krikor Chouchanian, Santa Monica, California	DEE-3564.
4/6/79	Svetomir Kojic, Phoenix, Arizona	DEE-3571.
4/6/79	Spanish Trail Resort, Tuscon, Arizona	DEE-3574.
4/10/79	The Hollar Company, Inc., Gadsden, Alabama	DEE-3575.
4/10/79	Stoltz, Wagner & Brown, Midland, Texas	DEE-3576.
4/6/79	Jerry Lantzy Standard, Dearborn Heights, Michigan	DEE-3724.
4/6/79	Leonard Perry, Raleigh, North Carolina	DEE-3725.
4/10/79	Perry Hall Mini Market, Baltimore, Maryland	DEE-3563.
4/10/79	M.R.S. Markets, Redding, California	DEE-3562.
4/10/79	S. Nuccio & W. Gebhardt, Chicago, Illinois	DEE-3559.
4/10/79	Al Whitmore's Auto & U-Haul, Bueno Park, California	DEE-3560.
4/10/79	Beacon Oil Company, Hanford, California	DEE-3561.
4/10/79	Onan Oil Company, Oklahoma City, Oklahoma	DEE-3722.
4/10/79	Hoover Oil Company, Pine Bluff, Arkansas	DEE-3565.
4/10/79	T. R. Sibley, Shreveport, Louisiana	DEE-3566.
4/10/79	Paul Marchi, Rancho Cordova, California	DEE-3567.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Continued

Date	Name and location of applicant	Case No.
4/6/79	Curt Roth, Glendale, Arizona	DEE-3568.
4/10/79	Spartan Oil Corp., Lansing, Missouri	DEE-3557.
4/10/79	Metro Servicenter, Inc., Detroit, Michigan	DEE-3558.
4/10/79	L. G. Armstrong & K. W. Davis, Campbell, California	DEE-3556.
4/10/79	Carol Davis' Mini Market, Whittier, California	DEE-3555.
4/10/79	Sam's Service Station & Grocery, Sacramento, California	DEE-3554.
4/10/79	Tate Service Center, Whittier, California	DEE-3553.
4/10/79	Danny's 66 Service Center, Miami, Florida	DEE-3552.
4/10/79	Golden Rule Oil Company, Eau Claire, Wisconsin	DEE-3551.
4/10/79	Roy W. Reeves, McDonough, Georgia	DEE-3550.
4/10/79	Murry's Mini Market, Sharon, Pennsylvania	DEE-3581.
4/10/79	Leo's Exxon, Cohasset, Massachusetts	DEE-3549.
4/10/79	Gillett Cement Products, Inc., Gillett, Wisconsin	DEE-3548.
4/10/79	A & P Mobil, Oakland, California	DEE-3547.
4/10/79	Various & Sundry Drive-Thru, Jackson, Mississippi	DEE-3546.
4/10/79	Jamison Oil Company, Boulder, Colorado	DEE-3545.
4/10/79	Vic's Shell Service, Los Angeles, California	DEE-3544.
4/10/79	Choi's Shell, Los Angeles, California	DEE-3543.
4/10/79	Seibt Shell Service, Monroe, Michigan	DEE-3542.
4/10/79	Manchester Shell, Inglewood, California	DEE-3541.
4/10/79	Vaskin's Shell Service, Torrance, California	DEE-3540.
4/6/79	Gene's Texaco Service, Norwalk, California	DEE-3539.
4/6/79	Poway Texaco Service, Poway, California	DEE-3538.
4/6/79	Greentree Exxon, Victorville, California	DEE-3537.
4/6/79	Temp Rite Engineering Co., Tucson, Arizona	DEE-3536.
4/6/79	Al Haddix Chevron USA, Santa Barbara, California	DEE-3535.
4/6/79	Jim Bowers Exxon, Wittmann, Arizona	DEE-3534.
4/6/79	Ramon Malache, Glendale, Arizona	DEE-3533.
4/6/79	Herco, Inc., Hershey, Pennsylvania	DEE-3532.
4/6/79	Mid-West Steel Building Co., Inc., Houston, Texas	DEE-3531.
4/10/79	S&S Oil Co., Lamar, Colorado	DEE-3927.

Proposed Remedial Orders

Notices of Objection Received

4/10/79	William J. O'Connor, Oklahoma City, Oklahoma	DRO-0191.
4/9/79	Brock Exploration Company, New Orleans, Louisiana	DRO-0190.
4/9/79	Bob Parker's Mobil Station, Dallas, Texas	DEO-0189.
4/10/79	Home-Stake Production Company, Tulsa, Oklahoma	DEE-1003.

[FR Doc. 79-14695 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Notice of Objections Filed

Notice is hereby given that on March 12, 1979, a Notice of Objection to a Proposed Remedial Order listed in the Appendix to this notice was filed with the Office of Hearings and Appeals of the Department of Energy.

On or before May 31, 1979, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Order described in the Appendix to this notice must file a request to participate, pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before June 11, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C., May 3, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Appendix

A. Tarricone, Inc., Yonkers, N.Y. DRO-0182, Crude Oil

On March 12, 1979, A Tarricone, Inc. filed a Notice of Objection to a Proposed Remedial Order that the ERA Office of Enforcement issued to the firm on February 16, 1979. In the Proposed Remedial Order the ERA found that A. Tarricone, Inc. received $115,785 in entitlements for crude oil imports reported by the firm in November 1974 to which it was not entitled pursuant to 10 CFR 211.66(j) and 211.67. Accordingly, A. Tarricone, Inc. is required by the Proposed Remedial Order to pay $115,785 plus interest to the United States Treasury.

[FR Doc. 79-14694 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves the shipment of spent enriched uranium/thorium fuel from the Dutch KSTR Research Reactor to the DOE Oak Ridge facility for storage. The shipment contains approximately 6.6 kg Uranium, enriched to 90% U-235 and 19.7 kg Thorium.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the acceptance of the nuclear material will not be inimical to the common defense and security. This arrangement for returning highly enriched uranium (HEU) to the U.S. is consistent with U.S.

non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than May 29, 1979.

Dated: May 8, 1979.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc 79-14693 Filed 5-10-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of April 30, to May 4, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from May 11, 1979 and will end on June 25, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathi Weaver Wilson, Office of Environmental Review A-104, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of April 30 to May 4, 1979 the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: May 8, 1979.

Thomas R. Sheckells,

Acting Director, Office of Environmental Review.

Appendix I.—EIS's Filed With EPA During the Week of April 30 to May 4, 1979

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Skagit River flood control, Sedro Woolley, Skagit County, Wash., May 1: Proposed is an improved levee system within the Skagit-Samish River Basin from the mouth of the Skagit River to the vicinity of Sedro Woolley, Skagit County, Washington. The length of the proposed project is approximately 50 miles, 5 miles of which turn away from the Skagit River and extend through farmland to form a ring dike around Burlington Landscaping, Low Development Recreation, Habitat Restoration, and Fish and Wildlife Mitigation are included as project features. Approximately seven alternatives are considered. (Seattle District) (EIS Order No. 90454).

Final

Muskegon Lake, dredging/diking, permit, Muskegon County, Mich., May 4: Proposed is the issuance of a permit to the Westran Corporation for a proposed project concerning the Muskegon Lake located in Muskegon County, Michigan. The project includes diking, dredging and filling along the southside of the lake and would be completed in three stages. In the first stage a perimeter dike would be constructed between two existing dikes. The second stage would be removal of a portion of the western spit extending beyond the dike and the final stage includes filling of the area within the perimeter, landscaping, and development of a water-management program. (Detroit District) Comments made by: EPA, USDA, DOI, DOT, DOC, State, and local agencies. (EIS Order 90462.)

Cazenovia Creek Watershed, flood management (2), New York, May 4: Proposed is a flood control project for the Cazenovia Creek Watershed located in Erie County, New York, nonstructural measures include flood plain management and participation in the national flood insurance program. Such measures are recommended for reaches 1 through 3, areas along the main stem of Cazenovia Creek between the ice retention structure and confluence of east and west branches, Tunnery Brook, and the east and west branches of Cazenovia Creek. The draft EIS concerning this project, No. 41802, filed 12-3-74 was replaced by a revised draft, No. 61181, filed 8-12-76. (Detroit District). Comments made by: DOT, USDA, DOI, EPA, HUD, HEW, State agencies, groups (EIS Order No. 90464.)

Pembilier Lake and Dam (2) Pembina, Cavalier Counties, N. Dak., April 30: The proposed project calls for the construction of a rolled earth type dam across the Pembina River about 2 miles southwest of Walhalla, North Dakota, near the Cavalier-Pembina County line. The reservoir would have a controlled storage capacity of 147,000 acre-feet of which 15,000 acre-feet would be in an 800 foot surface area conservation pool. Storage within the conservation pool would be allocated to water supply, recreation, and sedimentation, discharges during normal operation would utilize a mutiple-gated intake structure. The original draft EIS No. 51143, Filed 8-4-75 was replaced by a revised draft, No. 70570, filed 5-9-77, (St. Paul District). Comments made by: EPA, USDA, DOC, HEW, DOT, FPC, STAT, State and Local Agencies (EIS Order No. 90449.)

Muskingum R. Basin, Water Resources Development, Holmes and Richland Counties, Ohio, May 2: Proposed are two local protection projects for the village of Killbuck, Holmes County and the city of Mansfield, Richland County, both within the state of Ohio. The Killbuck project will consist of a levee-flood wall 7,000 feet in length and day use recreation. The Mansfield project will include modification of the existing channel of Rocky Fork and Touby Run for a total distance of 12,040 feet and day use recreation. The draft EIS concerning this

project, No. 40444, filed 3–25–74 was replaced by a revised draft EIS, No. 70375, filed 3–22–77 (Huntington District). Comments made by: EPA, DOI, USDA, HUD, DOC, DOT, AHP, State agencies. (EIS Order No. 90456.)

Final Supplement

Sun River Flood Protection Project (FS), Cascade County, Mont., May 1: This statement supplements a final EIS, No. 20558, filed August 1971. Proposed is the construction of: A levee, drainage structures, channel modification, placement of riprap, buried conduits to carry runoff from Watson Coulee (an interior drainage area) into the Sun River, and project beautification. The purpose of the project is to provide flood protection from the Sun River for the Great Falls area of Cascade County, Montana. The levee will be 31,800 feet long and will vary in height from 6 to 15.5 feet (Omaha District). Comments made by: EPA, DOI, HEW, DOT, HUD, USDA, FERC, State and local agencies, groups and individuals. (EIS Order No. 90453.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

National Oceanic and Atmospheric Administration

Draft

Elkhorn Slough Estuarine Sanctuary, Grant, Monterey County, Calif., May 4: Proposed is the awarding of a grant to the state of California for the acquisition of approximately 1,510 acres of wetlands and uplands at Elkhorn Slough, Monterey County, California. The acquired lands will be used for research and education as an estuarine sanctuary. Other uses could include low-intensity recreation, hunting, fishing, and wildlife observation. The alternatives considered address boundaries and management structures. (EIS Order No. 90461.)

Reef Fish Resources of the Gulf of Mexico, FMP, Gulf of Mexico, May 1: Proposed is a fishery management plan for the reef fish fishery of the Gulf of Mexico. The basic objective will be to manage these stocks for their optimum yield to domestic user groups. Specific objectives are to: 1) Rebuild the declining reef fish stocks wherever they occur within the fishery, 2) establish a fishery reporting system, 3) increase habitat for reef fish to increase population and provide protection for juveniles, while protecting existing and new habitats, and 4) minimize resource and space conflicts between user groups. (EIS Order No. 90342.)

Note.—The EIS listed above has been retracted (see Appendix IV). The review period for this DEIS will terminate on June 15, 1979.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Bureau of Land Management

Final

West-Central Colorado Coal Resources Development, several counties, Colo., April 30: The proposed actions of this statement are the review and consideration for approval of the needed leases and applications associated with six mining and reclamation plans to mine Federal and private coal on existing leases by 1980, 1985 and 1990. The statement contains a two-level analysis of regional impacts associated with the proposed mining and reclamation plans and site-specific analyses of the plans. Seven alternatives are considered which include a no-build and an alternative which involves a different rate of production. (USDI–FES–79–20). Comments made by: AHP, USDA, COE, EPA, HEW, HUD, DOI, State and local agencies, groups, individuals and businesses. (EIS Order No. 90450.)

Federal Coal Management Program, Programmatic, April 30: The purpose of this statement is to address various alternatives for a Federal coal management program, including a preferred program alternative, and to assess the possible impacts from the various alternatives. The statement is programmatic in scope and discusses the national and interregional impacts associated with the Federal coal management program. Included is the assessment of 12 coal supply regions, 3 production levels, 7 alternative management strategies, 2 projection periods, 5 coal production and use cycle, and 27 impact categories (FES–79–19). Comments made by: DOI, DOC, USDA, State and local agencies, groups, individuals and businesses. (EIS Order No. 90430.)

National Park Service

Draft

Lake Mead National Recreation Area, Nevada, Mohave, and Clark Counties Ariz., April 30: Proposed is the designation as wilderness of 25 units totaling 418,655 acres of land within the Lake Mead National Recreational Area in Clark County, Nevada and Mohave County, Arizona. In addition, 262,125 acres are proposed as potential wilderness additions, to be added to the wilderness system at such time as the lands qualify as such. The alternatives considered include: 1) no action, 2) less-wilderness designation, and 3) additional special provisions. This revised statement replaces a draft EIS, No. 40132, filed 8–21–72 (DES–79–12). (EIS Order No. 90291.)

Note.—The EIS listed above was retracted in the notice published in the May 4, 1979 FR. The document has been refiled and the review period is scheduled to terminate on June 29, 1979.

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Highway Administration

Draft

CA–192, Shoulder widening and bridge replacement, Santa Barbara County, Calif., April 30: Proposed is the widening of CA–192 for a distance of 2.2 miles in the city and county of Santa Barbara, California, also included is replacement of the existing bridge over San Roque Canyon. The project will begin at CA–154 and end at Calle Laureles, which is a city street within Santa Barbara. Generally widening will be on both sides of the existing highway to provide for bicycle lanes, a sidewalk and an equestrian trail. Left turn lanes and traffic signals will be added at certain cross streets. The existing two-lane capacity would be retained (FHWA–CA–EIS–79–02–D). (EIS Order No. 90445.)

Circle Boulevard, improvement-extension, Benton County, Oreg., April 30: Proposed is the improvement and extension of Circle Boulevard in the city of Corvallis, Benton County, Oregon. The route will extend from NW Harrison Boulevard to US 20. Two build alternatives are considered in addition to no build. The build alternatives consider routes of two lanes for 0.35 miles and four lanes for 4.5 miles. Both build alternatives include features such as bikepaths and left turn lanes. This statement also addresses two other projects concerning construction of 0.7 miles of NW Circle Boulevard, and the widening and improvement of 0.71 miles of NW Circle Boulevard (FHWA–OR–EIS–79–04–D). (EIS Order No. 90446.)

Walnut Boulevard, Kings Blvd. to Highland Drive, Benton County, Oreg., April 30: Proposed is completion of development of Walnut Boulevard as a continuous arterial route in the city of Corvallis, Benton County, Oregon. The project begins at Harrison Boulevard and extends to NW 9th street. The project length is 0.75 miles. The alternatives considered are build and no build. Features of the build alternative include four traffic lanes throughout its length, additional left-turn lanes at intersections with major cross streets, a bike path, and a walkway. (FHWA–OR–EIS–79–05–D). (EIS Order No. 90447.)

WY–130 (Snowy Range Road), reconstruction, Albany and Carbon Counties, Wyo., April 30: Proposed is the reconstruction of WY–130 beginning at a point 1½ miles west of Headquarters Park Access Road and continuing 13 miles eastward to the Green Rock Picnic Ground in the counties of Albany and Carbon, Wyoming. Reconstruction will include grading, installation of new drainage structures, and hot bituminous pavement. Scenic overlooks and off-road parking will be developed at various locations along this section. Existing culverts at stream crossings will be replaced and a 300-foot section of the existing channel of North French Creek will be relocated (FHWA–FPWY–EIS–79–1–D). (EIS Order No. 90448.)

Final

Keaau-Pahoa Road, Pahoa Bypass, project RS–0130 (17, Hawaii County, Hawaii, May 3: The proposed project is located in the Puna District in the vicinity of Pahoa Village on the island of Hawaii. The existing roadway under consideration is a portion of the Keaau-Pahoa-Kalapana Road (Route FAS 130), starting from the vicinity of Kahakai Boulevard, 2.8 miles, to south of the Pahoa-Kapoho-Kalapana Junction. Two concepts were considered: (1) an improved through

Pahoa town and (2) a bypass of the town. A route through town would continue to route all traffic through town along a limited right-of-way (FHWA-HI-EIS-78-01-F). Comments made by: COE, DOI, EPA, USDA, HUD, State and local agencies, groups and businesses.

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 566-1416.

Final

Federal office building and parking, Savannah, Chatham County, Ga., May 4: The proposed action involves the construction of a Federal office building and parking facility in Savannah, Chatham County, Georgia. The new facility would provide space for the COE and 10 other Government agencies presently housed in 10 general-purpose leased locations. The proposed building would provide approximately 173,000 occupiable square feet and about 99,000 square feet for parking, including motor pool space. The facility would be located in or near Savannah's central business district. A site has not yet been selected. (EGA 78000). Comments made by: DOI, COE, HUD, EPA, State agencies. (EIS Order No. 90463.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6306.

Draft

Argyle Forest New Town, Mortgage Insurance, Duval and Clay Counties, Fla., May 4: Proposed is the issuance of HUD home mortage insurance for Argyle Forest New Town. The town consists of 9610 acres and is located southwest of Jacksonville in Duval and Clay Counties, Florida. Completion is expected over a 20 year period with an ultimate occupancy of approximately 80,000 to 100,000 people in 11 village clusters around a community center. (HUD-R04-EIS-77-09-D.) (EIS Order No. 90460.)

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.

Rural Electrification Administration

Draft

New Madrid-Blytheville 500KV transmission line Arkansas, New Madrid, and Mississippi Counties, Mo., April 30: Proposed is the awarding of financing assistance for the construction of a portion of the 55 mile New Madrid-Blytheville 500KV transmission line and related facilities. The transmission line would begin in New Madrid County, Missouri, pass through Pemiscott County and possibly (depending on the alternative chosen) Dunklin County, and ending at Blytheville, Mississippi County, Arkansas. The facilities include construction of a new substation in Blytheville and expansion of the existing 354KV substation at New Madrid. Assistance would apply only to the Missouri portion of the project. (USDA-REA-EIS-(ADM)-79-2-D.) (EIS Order No. 90444.)

Soil Conservation Service

Draft

Hoffa Creek Watershed, Multipurpose Project, Grenada and Tallahatchie Counties, Miss., May 3: Proposed is a multipurpose project located in Grenada and Tallahatchie Counties, Mississippi. The purpose of the project is to provide watershed protection, prevention of flooding, and drainage. The planned works include conservation land treatment and 18.2 miles of channel work. The channel work will involve enlargement and realignment by excavation of 9.8 miles of ephemeral streams and 8.4 miles of intermittent streams. Land treatment will include timber management of 400 acres under one program; and timber management on 1,250 acres and planting on 50 acres under another program. (USDA-SCS-WS-(ADM)-79-1-(D)-MS). (EIS Order No. 90459.)

Final

South Branch-Park River Watershed, Hartford County, Conn., May 3: Proposed is the completion of work remaining to be done on the South Branch-Park River Watershed in Hartford County, Connecticut. The remaining work includes a total of 3.7 miles of channel: 1.9 miles of channel on Trout Brook and Asylum Avenue Branch, including 1,200 feet of enclosed conduit in the area of Farmington Avenue and Four Bridges in West Hartford; in Mill Brook, 1.1 miles of channel work will be done, and; Piper Brook, 0.7 miles of channel work is anticipated. The modification of a total of six bridges will be required. (USDA-SCS-EIS-WS-(ADM)-79-1-F-CT.) Comments made by: USDA, HEW, EPA, State agencies. (EIS Order No. 90458.)

Lower Bayou Teche Watershed, Vermilion and Lafayette Counties, La., May 2: This statement concerns a project for the watershed protection, flood prevention, and drainage in Lafayette and Vermilion Parishes, Louisiana. The action involved will consist of adding 10 miles of channel enlargement, 3 miles of clearing and shaping, 5 miles of clearing only, and appurtenant structures for erosion control. The 18 miles of additional channel work includes 15 miles of channels with ephemeral flow and 3 miles with ponded water. (USDA-SCS-EIS-WS-ADM-78-3-F-LA). Comments made by: COE, DOI, OEO, EPA, HEW, AHP, State agencies. (EIS Order No. 90455.)

National Capitol Planning Commission

Contact: Ms. Patricia Spillenkothen, Chief, Office of Environmental Affairs, National Capitol Planning Commission, Washington, D.C. 20576, (202) 382-7200.

Final Supplement

Washington, D.C., Civic Center, Site Location, District of Columbia, May 1: This statement supplements a final EIS filed in November 1977. Proposed are site locations and the program for the Washington District of Columbia Civic Center and the transfer of jurisdiction over Reservation 174 from the National Park Service to the District of Columbia. The basic purpose of the Civic Center will be to provide a large meeting and exhibition facility. Amendments to the final EIS include: (1) Air quality, (2) natural features, (3) transportation, (4) energy/resource conservation, (5) the physical/economic character, and (6) social/demographic character. Comments made by: EPA, DOI, HUD, local agencies, businesses. (EIS Order No. 90452.)

Nuclear Regulatory Commission

Contact: Mr. Voss Moore, Assistant Director for Environmental Projects, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-8446.

Draft

Palo Verde Nuclear Generating Station Units 4 and 5, Maricopa County, Ariz., April 20: Proposed is the issuance of a construction permit for the Palo Verde Generating Stations, units 4 and 5 located in Maricopa County, Arizona. These pressurized water reactors will produce up to 3817 megawatts thermal each. A steam turbine generator will use this heat to provide 1270 megawatts electric each of electrical power capacity. The exhaust steam will be cooled by circular mechanical-draft cooling towers with make-up water obtained by treating piped sewage effluent from the city of Phoenix. No cooling system effluents will be discharged from the station. (NUREG-0522.) (EIS Order No. 90451.)

The above EIS should have been published in a previous issue of the Federal Register. See Appendix VI.

Statement Title Index-By State and County

State	County	Status	Statement title	Accession number	Date filed	Orig. agency number
Arizona		Draft	Lake Mead National Recreation Area	90291	04-30-79	DOI
Arkansas		Draft	New Madrid-Blytheville 500KV Transmission Line	90444	04-30-79	USDA
California	Monterey	Draft	Elkhorn Slough Estuarine Sanctuary, Grant	90461	05-04-79	DOC
	Santa Barbara	Draft	CA-192, Shoulder Widening and Bridge Replacement.	90445	04-30-79	DOT
Colorado	Several	Final	West-Central Colorado Coal Resources Development.	90450	04-30-79	DOI
Connecticut	Hartford	Final	South Branch-Park River Watershed	90458	05-03-79	USDA
District of Columbia		Final Supp	Washington D.C. Civic Center, Site Location	90452	05-01-79	NCPC
Florida	Clay	Draft	Argyle Forest New Town, Mortgage Insurance	90460	05-04-79	HUD
	Duval	Draft	Argyle Forest New Town, Mortgage Insurance	90460	05-04-79	HUD
Georgia	Chatham	Final	Federal Office Bldg and Parking, Savannah	90463	05-04-79	GSA
Gulf of Mexico		Draft	Reef Fish Resources of the Gulf of Mexico, FMP	90342	05-01-79	DOC
Hawaii	Hawaii	Final	Keaau-Pahoa Road, Pahoa Bypass, Project RS-0130017.	90457	05-03-79	DOT
Louisiana	Lafayette	Final	Lower Bayou Teche Watershed	90455	05-02-79	USDA
	Vermilion	Final	Lower Bayou Tech Watershed	90455	05-02-79	USDA
Michigan	Muskegon	Final	Muskegon Lake, Dredging/Diking, Permit	90462	05-04-79	COE
Mississippi	Grenada	Draft	Hoffa Creek Watershed, Multipurpose Project	90459	05-03-79	USDA
Mississippi	Tallahatchie	Draft	Hoffa Creek Watershed, Multipurpose Project	90459	05-03-79	USDA
Missouri		Draft	New Madrid-Blytheville 500KV Transmission Line	90444	04-30-79	USDA
Montana	Cascade	Final Supp	Sun River Flood Protection Project	90453	04-01-79	COE
Nevada		Draft	Lake Mead National Recreation Area	90291	04-30-79	DOI
New York		Final	Cazenovia Creek Watershed, Flood Management (2).	90464	05-04-79	COE
North Dakota	Cavalier	Final	Pembilier Lake and Dam (2)	90449	04-30-79	COE
	Pembina	Final	Pembilier Lake and Dam (2)	90449	04-30-79	COE
Ohio	Holmes	Final	Muskingum River Basin, Water Resources Development.	90456	05-02-79	COE
	Richland	Final	Muskingum River Basin, Water Resources Development.	90456	05-02-79	COE
Oregon	Benton	Draft	Circle Boulevard, Improvement/Extension	90446	04-30-79	DOT
		Draft	Walnut Boulevard, Kings Blvd. to Highland Drive	90447	04-30-79	DOT
Programmatic		Final	Federal Coal Management Program	90430	04-30-79	DOI
Washington	Skagit	Draft	Skagit River Flood Control, Sedro Woolley	90454	05-01-79	COE
Wyoming	Albany	Draft	WY-130 (Snowy Range Road), Reconstruction	90448	04-30-79	DOT
	Carbon	Draft	WY-130 (Snowy Range Road), Reconstruction	90448	04-30-79	DOT

Appendix II.—*Extension/waiver of review penods on EIS's filed with EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Data review terminates
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Coordinator, Environmental Quality Activities, Office of the Secretary, Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.	New Madrid-Blytheville 500 kV transmission facilities.	Draft 90444	05/11/79 (see appendix I).	Extension	07/10/79

Appendix III.—*EIS's filed with EPA which have been officially withdrawn by the onginating agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
DEPARTMENT OF TRANSPORTATION				
Mr. Martin Convisser, Director, Office of Environmental Affairs, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.	Knife River Crossing North of Stanton, North Dakota.	Draft 90379	04/20/79	04/23/79
	Pulaski Highway (LR 1078) Philadelphia, Pennsylvania.	Draft 60442	04/02/79	03/23/79
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6306.	Eagle-Market Street Development Project, Asheville, Buncombe County, North Carolina.	Draft 80777	12/22/78	04/25/79

Appendix IV.—*Notice of official retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in published in "Federal Register"	Reason for retraction
DEPARTMENT OF COMMERCE				
Dr. Signey R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230.	Reef Fish Resources of the Gulf of Mexico.	Draft 90342	4-13-79	Distribution of the draft was not made when the notice of availability was published in FR 04/13/79 and it is refiled as of 04/02/79. See appendix I. Comments are due 06/15/79.

Appendix V.—*Availability of reports/additional information relating to EIS's previously filed with EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official correction*

Federal agency contact	Title of EIS	Filing status/ accession No.	Date notice of availability published in "Federal Register"	Correction
DEPARTMENT OF INTERIOR				
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	Phosphate Leasing, Osceola National Forest, Florida.	Draft supplement 90351	05/04/79	Special note below should have appeared in appendix IV of FR 05/04/79, along with the retraction notice.
SPECIAL NOTE.—In view of the newly established review period, the bureau of Land Management requests comments be received by June 5 if at all possible to enable the scheduled environmental review team to coordinate comments in accordance with established timeframes. However, the BLM will accept and consider all comments until June 12, 1979.				
NUCLEAR REGULATORY COMMISSION				
Mr. Voss Moore, Assistant Director for Environmental Projects, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-8446.	Palo Verde Nuclear Generating Station, Units 4 and 5, Maricopa County, Arizona.	Draft 90451		Should have appeared in FR 04/27/79. Comments are due by 06/11/79. See appendix I.

[FRL 1223-1]

[FR Doc. 79-14816 Filed 5-10-79; 8:45 am]

BILLING CODE 6560-01-M

Pesticide Programs; Establishment of Temporary Tolerances; 3-Phenoxyphenylmethyl 4-chloro-0-(1-methylethyl)benzeneacetate

Shell Chemical Co., 1025 Connecticut Ave., NW, Washington, DC 20036, submitted a pesticide petition (PP 8G2105) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for residues of the insecticide 3-Phenoxyphenylmethyl 4-chloro-*0*-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities fat of milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.02 part per million (p.p.m.) These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (201-EUP-64) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide

Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerances were adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerances would protect the public health. The temporary tolerances have been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 9, 1981. Residues not in excess of 0.02-p.p.m. remaining in the fat of milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Franklin D. R. Gee, Product Manager 17, Registration Division (TS-767), Office of Pesticide Programs, East Tower, 401 M St., SW, Washington, DC 20460 (202/426-9425).

Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: May 7, 1979.

Douglas D. Campt,
Director, Registration Division.

[FRL 1222-4; PP 6G2105/T202]
[FR Doc. 79-14812 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

Pesticide Programs; Renewal of Temporary Tolerance; Methyl 2-[4-(2',4'-dichlorophenoxy)phenoxy]propanoate

On April 18, 1978, the Environmental Protection Agency (EPA announced (43 FR 16404) the renewal of a temporary tolerance for combined residues of the herbicide 2-[4-(2',4'[dichlorophenoxy)-phenoxy propanoate and its metabolite methyl 2-[4-(2',4'-dichlorophenoxy) phenoxy]propionic acid (determined as the parent compound) in or on the raw agricultural commodity soybeans (beans only) at 0.05 part per million (ppm). This tolerance was established (42 FR 6885) in response to a pesticide petition (PP 6G1839) submitted by American Hoechst Corp., Agricultural Chemicals Dept., Route 202-206, North Sommerville, NJ 08876. This renewal expired February 23, 1979.

American Hoechst Corp. requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit 8340-EUP-2 that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Hoechst Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires March 21, 1980. Residues not in excess of 0.05 ppm remaining in or on soybeans (beans only) after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Ms. Willa Garner, Product Manager 23, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460 (202/755-1397).

Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: May 7, 1979.

Douglas D. Campt,
Director, Registration Division.

[FRL 1222-3; PP 6G1839/T204]
[FR Doc. 79-14811 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

Science Advisory Board; Environmental Health Advisory Committee; Study Group on Pesticide Tolerances; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Study Group on Pesticide Tolerances of the Science Advisory Board's Environmental Health Advisory Committee will be held at 9:00 a.m. on June 1, 1979 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The principal purpose of the meeting will be (1) to work on the Study Group's report to the Environmental Health Advisory Committee; and (2) to develop an appropriate response to the Agency's request for consideration and comment on a report titled, "Cancer-Causing Chemicals in Food." The Agenda will also include follow-up presentations and discussions of items relevant to completion of the Study Group's report.

Pertinent background information follows. In response to an Agency request to the Science Advisory Board, the Board's Environmental Health Advisory Committee established a Study Group on Pesticide Tolerances and charged it with assisting the Committee in an evaluation of the scientific Basis of the Agency's system for establishing tolerances for pesticide residues in agricultural crops. This is the eighth meeting of the Study Group. At a meeting on April 5, 1978, the Study Group was briefed on and discussed various aspects of the legislative authority and mandate directly or indirectly relating to the Agency's tolerance setting system. At a meeting on May 11 and 12, 1978, the Study Group was briefed on and discussed scientific issues relating to estimates of exposure. At a meeting on June 27-28, 1978, the Study Group was briefed on and discussed scientific issues relating to toxicology data and hazard evaluation. At a meeting on October 23 and 24, 1978, the Study Group heard statements from members of the public, identified and discussed issues to be addressed in the Study Group's report to the Environmental Health Advisory Committee, and began to develop positions with regard to these issues. At a meeting on December 4 and 5, 1978, the Study Group continued to identify and discuss issues to be addressed in

the Study Group's report and to develop positions with regard to these issues. At a meeting on February 26, 1979, the Study Group worked on a first draft of its report to the Environmental Health Advisory Committee, was briefed on conditional registration, and began to discuss the report titled, "Cancer-Causing Chemicals in Food," referred to above.

At a subsequent meeting on March 21, 1979, the Study Group worked on a second draft of its report to the Environmental Health Advisory Committee and discussed, in particular, tolerance setting as it relates to oncogenic and mutagenic substances, and tolerance setting as it relates to conditional registration of pesticides.

The meeting will be open to the public. Any member of the public wishing to attend or present or submit a paper should contact the Secretariat, Science Advisory Board (A-101C), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. May 29, 1979. Please ask for Mr. Kenneth B. Goggin or Mrs. Ilene Stein. The telephone number is (703) 557-7720.

Dated: May 7, 1979.

Lloyd T. Taylor,

Acting Staff Director, Science Advisory Board.

[FRL 1221-6]

[FR Doc. 79-14810 Filed 5-10-79; 8:45 am]

BILLING CODE 6560-01-M

Westmoreland Resources and Amax Coal Co.; Petition To Vacate Approval

Westmoreland Resources and Amax Coal Company ("petitioners") have petitioned me to vacate my approval of the Northern Cheyenne Class I redesignation. I approved the redesignation on August 5, 1977, and notice of the approval was published at 42 FR 40695 (August 11, 1977).

Petitioners make two arguments. First, they object that, in approving the redesignation, it was improper for me to rely on the fact that PSD permits were not then required for strip mines. Instead, they argue, I should have taken account of the fact that under the bill then in Congress which became the 1977 Clean Air Act Amendments, PSD permits might be required for strip mines in the future. Second, they object that the Northern Cheyenne Air Quality Redesignation Report and Request was inadequate.

Petitioners raised substantially the same arguments in their briefs in the pending litigation challenging my approval of the redesignation. *Nancy* v. *EPA*. Nos. 77-3058 etc. (9th Cir.). My response to these arguments is the same as that presented in EPA's brief in that litigation. Briefly, the response may be summarized as follows.

On the first point, the redesignation was handled and approved under the then-established PSD regulations. Under those regulations, PSD permits were not required for strip mines. Moreover, the 1977 Amendments show that it was Congress' intent that reclassifications made or proposed under those regulations should remain valid.

On the second point, petitioners have offered no new consideration to justify changing my original decision that the Tribe "considered all of the relevant factors and have not arbitrarily and capriciously disregarded them." 42 FR 40697.[1]

The petitions are denied.

Dated: April 13, 1979.

Douglas M. Costle,

Administrator.

[FRL 1222-6]

[FR Doc. 79-14813 Filed 5-10-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (Stat. 422 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Lido International (John E. Diaz, dba), 2734 NW 183rd Street, #210, Miami, FL 33055.

Richmond Export Services (Richmond Transfer & Storage Co., dba), 1015 Market Avenue, Richmond, CA 94806. Officers: Bill Bottoms, President/Partner; Al Burda, Vice President; John Morken, Secretary/Treasurer; Ralph Johnson, Partner/Director.

Total Transportation Services, Inc., 802 E. Irving Park Road, Bensenville, IL 60106. Officers: Thomas P. Nolan, Jr., President/Director; Bonnie Bissett Nolan, Secretary/Director; Thomas P. Nolan, Sr., Vice President; Thomas L. Lynch, Second Vice President.

H. K. International Forwarding, Inc., P.O. Box 60929, 5717 Jetero Blvd., #4, Houston, TX 77205. Officers: Hans Knickrehm, President/Director; Wilfred Hering, Vice President/Director; John Teed, Secretary/Director.

Billie Ione Crtalic, 2215 N. Broadway, Suite 101, Santa Ana, CA 92706.

Rafiha F. Sahliyeh, dba Sea Land Air Co., 4415 Livingston Street, Dallas, TX 75205.

Continental Cargo Corp., 7074 N.W. 77th Court, Miami, FL 33166. Officers: Jose A. Roblejo, President/Director; Rosa L. Roblejo, Vice President/Director; Oscar Varona, Secretary/Treasurer/Director.

Cougar International Corporation, P.O. Box 52-3356, Miami, FL 33152. Officers: Hector A. Ferrer, President/Treasurer; Miguel A. del Pino, Vice President/Secretary; Ymalina Rosell, Director.

Rijbatainer, Inc., 124 Fairfield Road, Fairfield, NJ 07006. Officers: Jean-Pierre Gerber, President/Director; Daniel Aubry, Vice President/Director; Claude R. Carbot, Vice President/Treasurer; Michael J. Hubert, Vice President; Margaret Vartany, Secretary; Breck P. Benja, Assistant Vice President; Roger Delorme, Director; Russell S. McNeil, Director.

Sergio E. Vasquez, 1524 W. 7th Street, Los Angeles, CA 90017.

Inter-Cargo, Inc., 100 South Biscayne Blvd., #1000, Miami, FL 33131. Officers: Flora B. Bofill, President; Maria A. Rodriguez, Vice President; Ariana M. Kumpis, Secretary/Treasurer.

Kronos International Shippers, Inc., 14814 S. Drexel Avenue, Dolton, IL 60419. Officers: Dimitrios Kouklakis, President; Rosemarie Loesher, Vice President; Haridimos Kouklakis, Secretary.

Reed Ocean Freight Forwarding (Catherine C. Reed, dba), 3724 Bancroft Street, San Diego, CA 92104.

Dated: May 8, 1979.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 79-14656 Filed 5-10-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Arapahoe County Funding Co.; Formation of Bank Holding Company

Arapahoe County Funding Company, Englewood, Colorado, 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 Arapahoe Bank and Trust, Englewood, Colorado. 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 Secretary, Board of

[1] Both petitioners style their petitions "Petition to Vacate Approval * * * or, in the Alternative, for a Stay of the Approval * * *." Neither, however, specifically argues for a stay. I deny a stay for the same reasons that I deny the petitions to vacate the approval.

Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 7, 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, May 7, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 14749 Filed 5-10-79; 8:45]

BILLING CODE 6210-01-M

Citizens Bancorp.; Acquisition of Bank

Citizens Bancorporation, Sheboygan, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Two Rivers Savings Bank, Two Rivers, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 US.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 not later than June 7, 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, May 7, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc.79-14750 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

First Security Corp.; Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, 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 99.67 percent of the voting shares of the First Security State Bank of American Fork, American Fork, Utah County, Utah, a proposed *de novo* bank. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 4, 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, May 3, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-14753 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

First Bancorp, Inc.; Acquisition of Bank

FirstBancorp, Inc., New Haven, Connecticut, 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 of New Britain Bank and Trust Company, New Britain, Connecticut, and The Terryville Trust Company, Terryville, Connecticut. 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 Boston. 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 June 7, 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, May 5, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-14754 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

Morris State Bancorporation, Inc.; Formation of Bank Holding Company

Morris State Bancorporation, Inc., Morris, Minnesota, 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 Morris State Bank, Morris, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 4, 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, May 4, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-14755 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

Pacific Bancorp.; 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 and 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 June 7, 1979.

A. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

Pacific Bancorporation, Bakersfield, California (investment advisory activities; national): to engage, through its subsidiary, Pacific Bancorporation Advisory, in an investment advisory service offering specific recommendations regarding cash bonds and financial futures transactions, entry and exit timing, and implementation of hedging strategies appropriate to individual risk exposure over a complete interest rate cycle. These activities would be conducted from an office in Bakersfield, California, serving the United States.

B. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, May 7, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-14752 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

Peoples Holding Corp.; Formation of Bank Holding Company

Peoples Holding Corp., Winfield, Iowa, 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 83.9 per cent or more of the voting shares of the Peoples State Bank, Winfield, Iowa. 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 Reserve Bank, to be received not later than June 1, 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, May 3, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board

[FR Doc. 79-14758 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

Trust Co. of Georgia; Proposed Acquisition of Mortgage Banking Business of Fickling & Walker, Inc.

Trust Company of Georgia, Atlanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the mortgage banking operations of Fickling & Walker, Inc., Macon, Georgia.

Applicant states that the proposed subsidiary would engage in the activities of servicing residential and commercial mortgage loans; originating residential mortgage loans and placing them with permanent investors; and originating commercial mortgage loans, including construction loans, and placing them with permanent investors. These mortgage servicing activities would be performed from offices of Applicant's subsidiary in Atlanta, Georgia, while the loan origination and construction lending business would be conducted in, and the geographic areas to be served are the Standard Metropolitan Statistical Areas of Atlanta, Macon, Augusta, Columbus and Savannah, Georgia and Bradenton, St. Petersburg, Tampa, and Winter Park, Florida, and Chatanooga, Tennessee. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

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 June 4, 1979.

Board of Governors of the Federal Reserve System, May 4, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-14757 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

United Virginia Bankshares, Inc. and Old National Bancorp.; 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 June 4, 1979.

A. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

United Virginia Bankshares Incorporated, Richmond, Virginia (finance and insurance activities; Florida): to engage, through its subsidiary, United Virginia Mortgage Corporation (doing business in Florida as United Virginia Financial Service), in originating loans as principal or agent; servicing loans for the applicant's affiliates and for non-affiliated individuals, partnerships, and corporations; selling as agent life, disability, mortgage redemption and mortgage cancellation insurance directly related to its extensions of credit; and such other activities as may be incidental to the business of a mortgage corporation. These activities would be conducted from offices in Jacksonville and Tampa, Florida, serving Florida, with primary emphasis on the greater Jacksonville and greater Tampa areas.

B. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

Old National Bancorporation, Spokane, Washington (finance and insurance activities; Oregon): 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 extensions of credit of Old National Financial Services, Inc. These activities would be conducted from an office in Portland, Oregon, serving Oregon.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 4, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-14751 Filed 5-10-79; 8:45 am]

BILLING CODE 6210-01-M

Akron Financial, Inc.; Formation of Bank Holding Company

Akron Financial, Inc., Akron, Indiana, 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 Akron Exchange State Bank, Akron, Indiana. 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 June 8, 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, May 8, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.

[FR Doc. 79-14732 Filed 5-10-79; 8:45 am]

BILLING CODE 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 section 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 May 31, 1979.

A. *Federal Reserve Bank of Cleveland*, 1455 East Sixth Street, Cleveland, Ohio 44101:

Mellon National Corporation, Pittsburgh, Pennsylvania (mortgage and insurance activities; Louisiana): to engage, through its subsidiary, Carrouth Mortgage Corporation, in general mortgage banking including acting as insurance agent with respect to the sale of life, accident and health, mortgage redemption, and certain lines of property and casualty insurance directly related to its extensions of credit. These activities would be conducted from an office in Lafayette, Louisiana, serving Lafayette Parish, Louisiana.

B. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

Merchants National Corporation, Indianapolis, Indiana (mortgage activities; Indiana): to engage, through its subsidiary, Merchants Mortgage Corporation, in originating mortgages on single- and multi-family residential and commercial nonresidential properties; selling the mortgages to permanent investors; servicing the loans; and assisting developers and builders in obtaining construction loans and other types of development loans. These activities would be conducted from an office in Indianapolis, Indiana, serving Indiana.

C. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

Kansas Bank Corporation, Liberal, Kansas (insurance activities; Kansas): to act as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by its subsidiaries, First National Bank of Liberal and First Agricultural Finance Corporation, and in the sale of any insurance for the applicant's subsidiary bank. These activities would be conducted from the subsidiary bank's premises in Liberal, Kansas, and the geographic areas to be served are Seward County, Kansas, and contiguous and adjacent counties with a 100-mile radius of Liberal, Kansas.

D. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Franscisco, California 94120:

1. Patagonia Corporation, Tucson, Arizona (finance and leasing activities; Western United States): to engage, through its subsidiary, Patagonia Leasing Company, in making or acquiring loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortgage, finance, credit card, or factoring company; and leasing personal property or acting as agent, broker, or adviser in leasing such property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Newport Beach, California, serving Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

2. Wells Fargo & Company, San Francisco, California (finance and leasing activities; Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, New York, Pennsylvania, West Virgina, Virginia, North Carolina, South Carolina, Georgia, Florida, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia): to engage through its subsidiary, Wells Fargo Business Credit, in making or acquiring loans and other extensions of credit, including commercial loans secured by a borrower's inventory, accounts receivable, or other assets; servicing loans; and making full payout leases of personal property to the extent permitted by the Board's Regulation Y. These activities would be conducted from an office in Atlanta, Georgia, serving the 24 states listed in the caption to this notice and the District of Columbia for the following types of accounts: finance companies, banks and other lending institutions, manufacturers, distributors, and other corporations or businesses.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 2, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-14731 Filed 5-10-79; 8:45 am]
BILLING CODE 6210-01-M

Center Bancshares, Inc.; Formation of Bank Holding Company

Center Bancshares, Inc., Center, 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 per cent or more of the voting shares of First National Bank in Center, Center, 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 June 6, 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, May 8, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-14733 Filed 5-10-79; 8:45 am]
BILLING CODE 6210-01-M

GSB Bancshares, Inc.; Formation of Bank Holding Company

GSB Bancshares, Inc., Gruver, 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 per cent or more of the voting shares of Gruver State Bank, Gruver, 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 June 7, 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, May 8, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-14734 Filed 5-10-79; 8:45 am]
BILLING CODE 6210-01-M

NB Corp.; Acquisition of Bank

NB Corporation, Charlottesville, Virginia, 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)) acquire 100 percent of the voting shares of Jefferson Bank of the Valley, Fishersville, Virginia. 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 Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 7, 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, May 8, 1979.

Edward T. Mulrenin,
Assistant Secretary of the Board.
[FR Doc. 79-14735 Filed 5-10-79; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory bodies scheduled to assemble during the month of June 1979:

Basic Behavioral Processes Research Review Committee (formerly Experimental Psychology Research Review Committee), June 6-9; 9:00 a.m., Suite 505, Holiday Inn, 2505 Wisconsin Avenue, NW., Washington, D.C. 20007. Open—June 6; 9:00-9:30 a.m. Closed—Otherwise. Contact: John T. Hammack, Parklawn Building, Room 10-95, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3936.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to basic behavioral processes research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-9:30 a.m., June 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the

Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Basic Psychopharmacology and Neuropsychology Research Review Committee (formerly Preclinical Psychopharmacology and Neuropsychology Research Review Committees), June 7-8; 9:00 a.m., Connecticut Inn Motel, 4440 Connecticut Avenue, NW., Washington, D.C. 20008. Open—June 7; 9:00-9:30 a.m. Closed—Otherwise. Contact: Allyson Rowell, Room 9-97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3454.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and neuropsychology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-9:30 a.m., June 7, the meeting will open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Treatment Development and Assessment Research Review Committee (formerly Clinical Program Projects Research Review Committee and Clinical Psychopharmacology Research Review Committee), June 10-11; 9:00 a.m., Conference Rooms K, L, and P, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open—June 10; 9:00-10:00 a.m. Closed—Otherwise. Contact: Eileen Nugent, Room 10C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3367.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., June 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Community Processes and Social Policy Committee (formerly Metropolitan Mental Health Problems Review Committee), June 13-15; 9:00 a.m., Conference Room E-130, Shoreham Americana, Connecticut Avenue at Calvert Street, Washington, D.C. 20008. Open—June 13; 9:00-9:30 a.m. Closed—Otherwise. Contact: Phyllis Pinzow, Room 15-99, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3373.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to community mental health issues from an ecological-social systems perspective, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-9:30 a.m., June 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Cognition, Emotion, and Personality Research Review Committee (formerly Personality and Cognition Research Review Committee), June 15-17; 9:00 a.m., Connecticut Inn Motel, 4400 Connecticut Avenue, NW., Washington, D.C. 20008. Open—June 15; 9:00-10:00 a.m. Closed—Otherwise. Contact: Shirley Maltz, Room 10C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3942.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., June 15, the meeting will be open for discussions of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Epidemiologic and Services Research Review Committee (formerly Epidemiologic Studies Review and Mental Health Services Research Review Committees), June 18-20; 9:00 a.m., Holiday Inn—Chevy Chase, Adams and Franklin Rooms; 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015. Open—June 18; 9:00-10:00 a.m. Closed—Otherwise. Contact: Shirley R. Margolis, Ph. D., Room 10C-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3774.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-10:00 a.m., June 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Criminal and Violent Behavior Review Committee (formerly Crime and Delinquency Review Committee), June 20-22; 9:00 a.m., Sheraton Inn, 8727 Colesville Road, Silver Spring, Maryland 20910. Open—June 20; 9:00-11:00 a.m. Closed—Otherwise. Contact: Arthur Leabman, Room 18C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3728.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, related law and mental health interactions, individual violent behavior, and sexual assault, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00-11:00 a.m., June 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Mental Health Small Grant Review Committee (formerly Mental Health Small Grant Committee), June 21-23; 1:00 p.m., Club Rooms A and B, The Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008. Open—June 21; 1:00-2:00 p.m. Closed—Otherwise. Contact: Mary E. Enyart, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4337.

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in all disciplines relevant to the National Institute of Mental Health and for small grant projects submitted for support to the other Institutes

of the Alcohol, Drug Abuse, and Mental Health Administration, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:00–2:00 p.m., June 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Life Course Review Committee (formerly Developmental Problems Research Review and Social Problems Research Review Committees), June 27–29; 9:00 a.m., Lobby Room & Hancock Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015. Open—June 27; 9:00–10:00 a.m. Closed—Otherwise. Contact: Diana Souder, Room 10–104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–3566.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the fields of child and family and aging and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., June 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact persons listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the Committee members is Mr. Paul Sirovatka, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–4536.

Dated: May 7, 1979.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 79-14648 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Johnson, District Director, Philadelphia District Office, Philadelphia, PA.

DATE: The meeting will be held from 1:30 p.m. to 4 p.m., Wednesday, May 23, 1979.

ADDRESS: The meeting will be held at the Federal Building, Rm. 2218, 1000 Liberty Ave., Pittsburgh, PA 15220.

FOR FURTHER INFORMATION CONTACT: Louise Nestico, Consumer Affairs Technician, Food and Drug Administration, 3 Parkway Center, Suite 206, Pittsburgh, PA 15220, 412–644–2858.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 4, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-14649 Filed 5-8-79; 10:59 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Henry Roberts, District Director, Minneapolis District Office, Minneapolis, MN.

DATE: The meeting will be held at 2 p.m., Tuesday, May 15, 1979.

ADDRESS: The meeting will be held at Northwest Health Center, Conference Room; 7630 W. Mill Road, Milwaukee, WI 53209.

FOR FURTHER INFORMATION CONTACT: Blanche L. Erkel, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612–725–2121.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Minneapolis District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 4, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-14650 Filed 5-8-79; 10:59 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Johnson, District Director, Philadelphia District Office, Philadelphia, PA.

DATE: The meeting will be held from 9:30 a.m. to 12 m., Wednesday, May 16, 1979.

ADDRESS: The meeting will be held at the Federal Building, Rm. 6310, 600 Arch St., Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Bob Lockett, Consumer Affairs Officer, Food and Drug Administration, Rm. 900, U.S. Customhouse, Philadelphia, PA 19106, 215–597–0837.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 7, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-14651 Filed 5-8-79; 10:59 am]

BILLING CODE 4110-03-M

Medical Device Classification Panels; Request for Nominations for Voting Members on Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for voting members to serve on certain public advisory committees of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and those that will or may occur on the panels or sections during the next 12 months. The Food and Drug Administration (FDA) has a special interest in ensuring that women and minority groups are adequately represented on advisory committees and, therefore, extends particular

encouragement to nominations for appropriately qualified female and minority candidates.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESS: All nominations for the voting members of the respective advisory committee must be sent to Kay A. Levin, Bureau of Medical Devices (HFK-50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910 (301-427-7076).

FOR FURTHER INFORMATION CONTACT: Robert S. Kennedy, Bureau of Medical Devices (HFK—410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7900.

SUPPLEMENTARY INFORMATION: FDA requests nominations for voting members for the following committees:

1. Circulatory Devices Panel: one vacancy immediately; two vacancies on June 30, 1979.

2. Gastroenterology and Urology Section of the General Medical Devices Panel: one vacancy on June 30, 1979; two vacancies on December 31, 1979.

3. Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel:

a. Ophthalmic Section: two vacancies on October 31, 1979.

b. Ear, Nose, and Throat Section: two vacancies on October 31, 1979.

c. Dental Section: two vacancies immediately.

4. Respiratory and Nervous System Devices Panel:

a. Anesthesiology Section: one vacancy immediately; two vacancies on November 30, 1979.

b. Neurological Section: one vacancy immediately; two vacancies on November 30, 1979.

5. Surgical and Rehabilitation Devices Panel:

a. Orthopedic Section: one vacancy immediately.

b. Physical Medicine Section: one vacancy immediately; one vacancy on August 31, 1979.

6. Clinical Chemistry and Hematology Devices Panel:

a. Clinical Chemistry Section: one vacancy immediately.

b. Clinical Toxicology Section: three vacancies immediately.

7. Radiologic Section of the Obstetrics-Gynecology and Radiologic Devices Panel: one vacancy immediately.

FDA also requests nominations for nonvoting consultants for the panels and sections listed above as well as for the following:

1. General Hospital and Personal Use Section of the General Medical Devices Panel.

2. Obstetrics-Gynecology Section of the Obstetrics-Gynecology and Radiologic Devices Panel.

3. General and Plastic Surgery Section of the Surgical and Rehabilitation Devices Panel.

4. Hematology Section of the Clinical Chemistry and Hematology Devices Panel.

5. Immunology and Microbiology Devices Panel:

a. Immunology Section;

b. Microbiology Section.

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 539-583), the functions of the committees listed above are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Persons nominated for membership must have adequately diversified experience appropriate to the work of the committee in such fields as clinical and administrative medicine, engineering, biological and physical science, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee. The term of office is 3 years.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. To permit evaluation of possible sources of conflict of interest, FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, consultancies, and research grants and/or contracts.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: May 2, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-14377 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-03-M

Medical Device Classification Panels; Request for Nominations for Nonvoting Representatives of Consumer and Industry Interests on Public Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document requests nominations for nonvoting consumer and industry representatives to serve on certain public advisory committees of the Bureau of Medical Devices. Nominations will be accepted for current vacancies and for those that will or may occur on the panels or sections during the next 12 months. The Food and Drug Administration (FDA) has a special interest in ensuring that women, minority groups, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female and minority candidates and nominations from small businesses that manufacture medical devices subject to the regulations.

DATES: Nominations should be received on or before June 11, 1979, for vacancies listed in this notice.

ADDRESSES: All nominations for consumer representatives must be submitted in writing to the Special Assistant to the Commissioner for Consumer Affairs (HF-7), Office of Consumer Affairs, Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857.

All nominations for industry representatives must be submitted in writing to Kay A. Levin, Bureau of Medical Devices (HFK–50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT:

For Consumer Interests:

Naomi Kulakow, Office of Consumer Affairs (HF–70), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

For Industry Interests:

Robert S. Kennedy, Bureau of Medical Devices (HFK–401), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–724–7900.

SUPPLEMENTARY INFORMATION: FDA requests nominations for nonvoting members representing consumer and industry interests for the following panels or sections:

Device panel/section	Approximate date representative needed	
	Consumer	Industry
1. Circulatory Systems Devices Panel	N/A	6/30/79
2. Ophthalmic Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel	10/31/79	N/A
3. Obstetrics-Gynecology Section of the Obstetrics-Gynecology and Radiologic Devices Panel	N/A	1/31/80
4. Clinical Chemistry and Hematology Devices Panel:		
a. Clinical Chemistry Section	2/28/80	N/A
b. Clinical Toxicology Section	2/28/80	N/A
5. Immunology and Microbiology Devices Panel:		
a. Immunology Section	2/28/80	N/A
b. Microbiology Section	2/28/80	N/A

In accordance with the Medical Device Amendments of 1976 (Pub. L. 94–295, 90 Stat. 539–583), the functions of the committees and sections listed above are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices, (4) advise on any possible risks to health associated with the use of the devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Section 513 of the act (21 U.S.C. 360c) provides that each medical device panel include as nonvoting members one representative of consumer interests and one representative of interests of the device manufacturing industry. Each of the sections identified in this notice will also have a representative of consumer interests and a representative of industry interests.

Any interested person may, on or before June 11, 1979, nominate one or more qualified persons as a nonvoting member of a particular advisory committee or section to represent consumer interests as identified in this notice. Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate nonvoting member of a particular committee or section may nominate one or more qualified persons to represent industry interests.

Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of an advisory committee, and, in the case of consumer representatives, appears to have no conflict of interest. If a nominee is interested only in a particular advisory committee or section, the nomination shall so state. If a nominee is interested in becoming a member of any advisory committee or section, the nomination shall also so state. A complete curriculum vitae of each nominee shall be included. The term of office is 3 years.

Regarding nominations for members representing consumer interests, the curriculum vitae for each of the selected nominees will be sent to FDA's voting consumer organizations, together with a ballot that must be filled out and returned within 30 days to the Office of Consumer Affairs (address above). Under § 14.84 (21 CFR 14.84), the selection of the consumer representative will be determined from the ballots submitted.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, together with a complete list of all such organizations and the nominees. This letter will state that it is each organization's responsibility to consult with the others in selecting a single nonvoting member representing industry interests for that particular committee within 30 days after receipt of the letter.

Consistent with the President's directive of June 14, 1978, FDA has a special interest in ensuring equitable representation by small business on its advisory committees and therefore extends particular encouragement to nominations from small businesses engaged in the manufacture of devices subject to the Medical Device Amendments of 1976. The agency also has a special interest in ensuring that women and minorities are adequately represented on the committees and encourages nominations for appropriately qualified female and minority candidates.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: May 21, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-14378 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-03-M

National Institute of Education

State Dissemination Grants Program—fiscal year 1979; Closing Date for Receipt of Applications

Notice is given that applications are being accepted from State education agencies (SEAs) for grants under the State Dissemination Grants Program according to the authority contained in Section 405 of the General Education Provisions Act, as amended (20 USC 1221e) and 45 CFR Part 1460.

This notice covers applications for awards that will be made for new special purpose or capacity building dissemination grants and for continuation of capacity building grants made in fiscal 1975, 1976 or 1978.

Closing date for new grant applications: July 12, 1979. The deadline for submitting applications for continuation grants is 90 days before the expiration date of the existing capacity building grant.

This is the final round for *new* State dissemination capacity building applications.

A. *Applications delivered by mail.* An application sent by mail must be addressed to the Proposal Clearinghouse, National Institute of Education, Attention: State Dissemination Grants Program, Room 813, 1200 19th Street, N.W., Washington, D.C., 20208. Applications will be accepted only if they are mailed on or before the closing date *and* the following proof of mailing is provided:

Proof of mailing must consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with 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 the late application will not be considered in the current competition.

B. *Applications delivered by hand.* An application that is hand-delivered must be taken to the Proposal Clearinghouse, National Institute of Education, Room 813, 1200 19th Street, N.W., Washington, D.C. The proposal Clearinghouse will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications for new awards that are hand-delivered will not be accepted after 4:30 p.m., July 12, 1979.

C. *Program information and forms.* Information and application forms may be obtained from the Regional Program Division, Dissemination and the Improvement of Practice, National Institute of Education, Room 602, 1200 19th Street, N.W., Washington, D.C., 20208; telephone 202-254-5470.

D. *Estimated distribution of program funds.* The program has a proposed funding allocation of $600,000. It is expected that there will be about 5–8 project awards. The program will support only projects of the highest quality. Funded projects normally will not exceed 12 months in duration. Further, nothing in the announcement will commit the Institute to award any specific amount. The actual total of funds awarded may change because of a need to reserve funds for continuation of projects begun earlier, for contract or in-house research, or because of budget or staffing restrictions.

E. *Applicable regulations.* The regulations applicable to this program include the National Institute of Education General Provisions Regulations, 45 CFR Part 1400, published in the Federal Register on November 4, 1974, 39 FR 38992, and regulations for the State Dissemination Grants Program published in the Federal Register on June 16, 1975, 40 FR 2454. When the presently proposed Education Division General Administrative Regulations (EDGAR) are adopted, they will replace NIE's General Provisions and will apply to this program, as appropriate.

(Catalog of Federal Domestic Assistance Program Number 13.950, Educational Research and Development)

Dated: May 7, 1979.

Patricia Albjerg Graham,
Director, National Institute of Education.

[FR Doc. 79-14718 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-39-M

Public Health Service

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (35 FR 3962, February 25, 1970, as amended in pertinent part at 43 FR 16421, April 18, 1978) is amended to reflect significant changes within the Bureau of Radiological Health. The changes include: (1) The disestablishment of the Division of Radioactive Materials and Nuclear Medicine and transfer of the laboratory functions of the division to the Division of Electronic Products and the remaining functions to the Division of Training and Medical Applications, and (2) Transfer of the Nuclear Medicine liaison function to the Office of the Director; and (3) Minor editorial changes in the statements for the Office of the Director and the remaining two divisions.

Section HF-B, Organization and Functions, is amended as follows:

Delete the functional statements for the Bureau of Radiological Health in their entirety and substitute the following:

(s) *Bureau of Radiological Health (HFH).* Develops and carries out a national program designed to control unnecessary exposures of man to, and assure the safe and efficacious use of, potentially hazardous ionizing and nonionizing radiation.

Conducts an electronic product radiation control program, including the development and administration of performance standards.

Plans, coordinates, and evaluates surveillance and compliance programs relating to radiation exposure.

Plans, conducts, and supports research on the health effects of radiation exposure through contracts and grants; provides institutional support through training grants.

Develops criteria, recommendations, and standards relative to radiation use and exposure. Develops and promotes improved procedures, techniques, and users' qualifications for reducing unnecessary radiation exposure.

Provides technical and scientific support, including training, to other bureaus within FDA and to other agencies having radiological health responsibilities.

Participates in development of model codes and recommendations for guidance of industry and national, State, and local radiation-control and standard-setting agencies in order to optimize radiation control practices.

Maintains appropriate liaison with other Federal, State, and international agencies, with industry, and with consumer and professional organizations.

Serves as the coordinating and consulting point for Agencywide consumer safety statistical information.

(s-1) *Office of the Director (HFH1).* Provides leadership and direction for, and evaluation and coordination of, the total activities of the Bureau. Provides advice and consultation to the Commissioner and other FDA officials on policy matters concerning radiological health activities.

Recommends to the Office of the Commissioner changes in legislative authority.

Serves as the Bureau coordinator and liaison for health affairs (e.g., nuclear medicine, dentistry and clinical radiology).

Maintains liaison with other FDA components, other Federal, State and international agencies, industry, and consumer and professional organizations.

Directs the Bureau administrative management, program planning, and policy formulation services.

Coordinates and provides consultation for Agencywide efforts for consumer safety statistics.

(s-2) *Division of Electronic Products (HFHA).* Studies and evaluates emissions of, and conditions of exposure to, electromagnetic radiation, particles, magnetic fields, and acoustic energy emitted from electronic products or radioactive materials.

Conducts or supports research, development, tests, training, and inspections to evaluate, control, and minimize radiation emissions.

Develops, tests, and evaluates effectiveness of procedures and devices and/or components for minimizing radiation exposure.

Develops physical criteria and recommends performance standards and regulations to control radiation emissions from electronic products.

(s-3) *Division of Biological Effects (HFHB).* Plans, conducts, and supports experimental and epidemiological research on the biological effects of exposure to electromagnetic radiation, magnetic fields, and acoustic energy with special reference to emissions from electronic products.

Through workships, symposia, research, and literature review, studies and evaluates experimental, epidemiological, and clinical research to assess the health effects resulting from exposure.

Develops scientifically based biological criteria in support of exposure standards and/or performance standards to control radiation emissions.

Studies and develops techniques for the measurement of energy distribution in biological tissues in order to provide quantitative dose-effect information.

(s-4) *Division of Compliance (HFHC).* Advises the Bureau Director and other FDA officials on legal, administrative and regulatory problems and administrative policies concerning FDA's regulatory responsibilities relating to radiological health.

Develops, for FDA clearance, surveillance and compliance programs covering radiation-emitting products and materials; issues approved programs; and coordinates the establishment of priorities for compliance activities involved in such programs.

Conducts tests and inspections when necessary for regulatory purposes and evaluates industry quality control and testing programs to assure compliance with regulations.

Directs, designs, and monitors Bureau studies to develop facts necessary to support regulatory action on radiation-emitting products and materials.

Develops, or assists and provides coordination for the development of proposed criteria, standards, and related regulations for protecting the public health from injurious radiation.

Provides advice to the field/district offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops proposals for new or revised regulatory policy; serves as Bureau liaison point for regulatory affairs; develops and recommends regulations and standards for publication in the Federal Register.

Coordinates Bureau and industry programs leading to the development of voluntary electronic product standards, and provides interpretations and guidance designed to improve compliance by industry.

(s-5) *Division of Training and Medical Applications (HFHE).* Plans and conducts a nationwide program to reduce unnecessary exposure resulting from the use of radiation in the healing arts.

Identifies specific problems in medical radiation exposure through field surveillance; designs corrective action programs to reduce exposure; if appropriate, implements these programs on a national scale through education of users and consumers, setting proficiency standards and guidelines for regulation of medical radiation practice; and evaluates the impact of these programs on radiation reduction.

Provides continuing education and other training services to FDA, other Federal agencies with radiation protection responsibilities, and State and local radiation control programs.

Plans and conducts research and use control programs to assure the safe and effective use of radioactive materials in medicine, industry, and consumer products.

Plans, initiates, and coordinates all Bureau activities related to staff development and upward mobility.

Dated: May 4, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget

[FR Doc. 79-14717 Filed 5-10-79; 8:45 am]

BILLING CODE 4110-03-M

Social Security Administration

Mental Health Projects for Indochinese Refugees; Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

ACTION: Notice of availability of funding.

SUMMARY: This document governs the award in fiscal year 1979 of grants to public and private nonprofit agencies for the purpose of operating mental health projects for Indochinese refugees in order to assist refugees in resettling in the United States and in becoming self-reliant.

FOR FURTHER INFORMATION CONTACT: Gerard R. Wynne, 202-472-2417.

DATE: Applications must be received by the Regional Commissioner, Social Security Administration, by 5 p.m. (local time) on June 25, 1979. No grant application will be accepted after this date.

I. Purpose and Scope

This notice describes the availability of national funding for special projects and programs designed to assist Indochinese refugees in coping with mental health problems. The objective of such projects and programs is to assist refugees in resettling in the United States and in gaining self-reliance.

Funding will be made available through the Special Programs Staff, Office of Family Assistance, Social Security Administration, HEW, for project grant awards to public and nonprofit private agencies.

A. Background

The Indochinese refugees, having undergone the traumas of emergency evacuation from their homelands and relocation in this (to them) alien culture, suffered considerable stress. The Refugee Task Force (now the Special Programs Staff) received in the spring and summer of 1976 consistent warnings, from Regional Refugee Coordinators and agencies involved in the resettlement program, of growing evidence of behavioral problems attributed generally to the trauma of resettlement.

In fiscal years 1976 and 1977, the Task Force approved six small grants to deal with mental health problems of the refugees. Reports from the projects confirmed the informal body of information already available. The projects found cases of depression, anxiety, alcohol and drug abuse, and wife and child abuse. The psychosomatic ailments they found

included headaches, dizziness, and nausea.

In addition to the findings of the mental health projects, refugee employment and training projects reported that emotional problems were preventing significant numbers of enrolled refugees from securing or holding gainful employment.

It became apparent that the national objective of refugee self-sufficiency could not be achieved for those refugees suffering from mental health problems unless those problems were addressed. It also became apparent that the existing mental health services delivery system in most localities was not able to respond adequately to the problems of the refugee community.

On October 1, 1978, Special Programs, Staff, Office of Family Assistance, issued thirty-seven grant awards for mental health services to Indochinese refugees. Reports from the grantees clearly indicate a continuing need for these services.

B. Scope of Projects

To bridge the gap between existing facilities and the needs of Indochinese refugees, assuring that refugees are afforded the same mental health services available to the general population, the Special Programs Staff proposes to fund approved programs and projects as outlined in this notice. There are three major objectives of this effort:

1. To impact the existing mental health services delivery system. Included under this objective would be projects designed, through inservice training and other means, to alert mental health officials and practitioners to the scope and special nature of the refugee problems in their localities. The results of such efforts should include, both qualitatively and quantitatively, an increase of services to refugees.

2. To increase the opportunities for employment in the mental health field for the Indochinese. Included under this objective would be projects to provide on-the-job training for Indochinese as mental health workers, competent to work independently at counseling, interviewing, and rendering other direct services to Indochinese under supervision of certified or licensed professionals. (Long-term training of psychiatrists, psychologists, or other professionals is not envisioned.)

3. To create community comprehensive support systems. Included under this objective would be projects designed to work with mental health systems, to train paraprofessionals, to establish linkages among social service deliverers, and to facilitate the understanding within the refugee population of the American approach to mental health and mental health services.

It is recognized that prospective applicants for the grants may not choose to respond to all three objectives; therefore, it is allowable under this notice to propose projects which respond to one or more of the objectives. Consideration for funding will take into account the expected permanence of the change the projects will effect and the amount of direct service generated. Applications should clearly indicate which objectives the proposal will address, and in what way.

Because of funding limitations, it is not envisioned that these grants will provide direct clinical services to refugees except as that provision relates to on-the-job training.

II. Authorization

Funds for the activities listed below are authorized under section 2(c) of the Indochina Migration and Refugee Assistance Act of 1975, Pub. L. 94-23, as amended by Pub. L. 95-145 and Pub. L. 95-549. It is intended that the grants be for up to 12 months from the date of award.

III. Eligible Grantees

Section 2(c) of Pub. L. 95-145 states that special projects and programs are to be "administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina refugee assistance program, to assist refugees in resettling and in gaining skills and education necessary to become self-reliant."

Eligible grantees are State and local governments, public and incorporated nonprofit private agencies, or any combination of these. Private for-profit agencies or firms are not eligible for grants.

In its FY 1979 appropriation action Congress directed that special project funds "* * * be administered primarily by the private voluntary resettlement agencies." At least fifty-one percent (51%) of FY 1979 special project funds will be awarded to private, nonprofit agencies.

IV. Allotment of Funds

Approximately $2,200,000 will be made available for the purpose of this announcement. The allocation of funds nationwide will be based on the need to generate quality mental health services for the maximum number of refugees.

V. Eligible Projects

Projects are expected to advance the mental health of the Indochinese refugee population. Such projects are to be designed primarily with the goal of placing needy refugees into effective contact with the existing mental health systems, and of enhancing the responsiveness and effectiveness of the systems in providing services to the refugees.

Allowable activities. It is allowable to propose projects which respond to one or more of the objectives listed in section I, "Purpose and Scope." The allowable activities listed here are grouped under the objectives for guidance; however, the listings are not mutually exclusive and, where warranted, a mix of activities may be proposed.

Objective 1. Impacting mental health services delivery systems.

(1) Activities designed to inform appropriate State, local, and private mental health officials and practitioners of the needs of the refugees. These could include the utilization or adaptation of resource materials and the development of training packages on such topics as Indochinese perceptions of and attitudes toward Western mental health practices and modalities of treatment for this population.

(2) Training sessions, conferences, and workshops aimed at improving mental health services provided to refugees.

(3) Short-term research to identify the scope and nature of refugee mental illness and the availability of treatment within the existing systems.

Objective 2. Increasing opportunities for employment in the mental health field for the Indochinese.

(1) Development of training projects for Indochinese individuals. These should include a reasonable mix of classroom training and on-the-job training and supervision by certified or licensed professionals designed to enable the trainees to secure employment in the mental health field.

(2) Career planning for trainees. This should include the development of career ladders leading to permanent positions and upward job mobility in the field.

Objective 3. Creating community comprehensive support systems.

(1) Development of interagency mental health forums, task forces, or committees, which include representation from the public and voluntary sectors and the refugee community to coordinate activities.

(2) Training and supervision for Indochinese paraprofessionals to function as outreach workers, counselors, or facilitators.

(3) Creation of devices, such as referral systems and public education, designed to familiarize the refugee population with services and facilities available to them, to encourage use of such services and facilities when warranted, and to carry out community mental health work in the refugee community.

Project plans must show how the proposed activities will support one or more of the objectives outlined in section I, "Purpose and Scope." A range of services and a mix of activities that reflect the individual needs of each area to be served are encouraged.

Also encouraged is concurrent and coordinated use of additional funding and support, such as State, local, or private funds, and other program participation.

Proposed projects may be regionwide, statewide, countywide, or smaller. Because of the limitation of funds, a multijurisdictional approach and consortia arrangements are permitted.

Creation of advisory boards, made up of equal numbers of representatives from among the refugee commmunity, mental health clinicians, and social services agencies, is required for all projects.

Project activities may be carried out by third parties (including profitmaking organizations) under contract from the grantee; however, the grantee may not contract out 100 percent of the services, and must in any case retain full administrative control. Intent to contract with third parties must be fully described in the grant application. If, subsequent to the grant, the grantee desires to enter into a contract with a third party, a request for prior approval must be submitted through the Regional Commissioner, SAA, and approved by the Director, Special Programs Staff, as outlined in chapter I-430 of the HEW Grants Administration Manual.

VI. Definition of a Refugee

For the purpose of participation in these projects, refugees are defined as "Aliens who: (A) Because of persecution or on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion."

To be eligible a refugee must have status as described by one of the following:

(1) An individual with parole, voluntary departure, or conditional entry status as indicated by an Immigration and Naturalization Service (INS) form I-94; (2) and individual admitted to the United States with permanent residence status on or after April 8, 1975, or an individual who has permanent residence status under Pub. L. 95-145, as indicated by INS form I-151 or I-551.

VII. Application Submission and Approval Procedures

Eligible applicants may request grant applications and information from the HEW regional offices listed at the end of this notice, or from the Special Programs Staff, Office of Family Assistance, Social Security Administration, Room 1124, Donohoe Building, HEW, 330 Independence Avenue S.W., Washington, D.C. 20201.

An original application and two copies must be received by the Regional Commissioner, Social Security Administration, by 5 p.m. (local time), June 25, 1979. No grant application will be accepted after this date.

Regional panels to be convened by the Regional Commissioners, Social Security Administration, will review, evaluate, and rank the proposals received, based on (1) the criteria outlined in Item IX of this notice; (2) the needs of the refugee population within the region; and (3) existing resources available to refugees in the target area. The review panels' recommendations and the Regional Commissioners' concurrence and/or comments will be forwarded to the Director, Special Programs Staff, Office of Family Assistance, for review and approval.

All applications are subject to the Project Notification and Review procedures required by OMB Circular A-95 part I. This circular requires applicants to notify State and area wide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application. The effective date of grant awards under this announcement will be October 1, 1979.

VIII. Application Content

All applicants will use standard Form 424, "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

(1) Description of the applicant organization. Description of the proposer (public agency, private nonprofit, consortium). If other than a public agency, description of its organizational mandate, funding sources, principal officers, address, and telephone number. A description of the makeup of the project's advisory board, the selection process used for its members, and the board's function must be included. If the applicant is a unit of a larger institution or government entity, assurances must be provided that the operation and objectives of the project will not be subordinated to other objectives.

(2) Applicant experience with Indochinese refuges. Description of other projects or experience which the applicant has had in serving the Indochinese refugee population.

(3) Identification of the target population. Specify the total Indochinese population in the project area, identified, where possible, by native language (Vietnamese, Cambodian, Lao, H'mong).

(4) Existing mental health systems. Brief overview of existing systems for delivery of mental health services to the general public in the area to be served by the project.

(5) Existing deliverers of services to Indochinese. Brief overview of existing services to Indochinese refugees which have bearing upon the proposed project. (Where such services are in operation, proposer should provide assurances that coordinative linkages have been arranged, or that the proposed project is not in competition with nor duplicative of, the existing services.)

(6) Project scope and objectives. A statement of the mental health needs of the target population, the objective(s) outlined in item I, "Purpose and Scope" which the project addresses, and the project's specific goals. Proposer must describe the efforts planned to assure provision of mental health services to Indochinese refugees beyond the grant period.

(7) Project description. A detailed description of a work plan designed to achieve the objectives specified in item (6) above. Describe fully the overall project approach, proposed components of the program activities, staffing, and how linkages with other service providers will be insured.

Applications proposing training projects under objective 2 should state what steps will be taken to insure the employment of the trainees in the mental health field.

IX. Criteria for Evaluating Applications

Applicants must specify how they meet the statutory requirement of "participating in the Indochina Refugee Assistance Program." It is recognized that not all applications will address themselves to all three major objectives; therefore, ratings based on the criteria

will be made selectively according to the objectives addressed.

Project grant applications will be evaluated on the following criteria:

1. Familiarity and experience of the applicant organization with Indochinese refugee resettlement, including knowledge of the needs of the people to be served and local conditions; understanding of the cultural and institutional barriers which inhibit the normal delivery of services; understanding of the differing needs, where relevant, of the Vietnamese, Cambodian, Lao, and H'mong refugee communities.

2. Qualifications of the applicant organization in meeting the selected objectives. Applicants addressing objectives 1 or 2 should indicate their professional competence in the mental health field and in staff training, and should include the qualifications of individual professional personnel. Applicants addressing objective 3 should indicate their experience in community-based programs, especially those which cut across traditional service delivery lines.

3. The extent to which the application addresses the identified mental health needs of the target population and outlines a clear and achievable plan to interface with existing systems of service delivery. This will include the specifics of utilization of services and facilities and plans to mobilize, coordinate, and expand existing resources and activities which are providing, or could provide, services to refugees.

4. Projected impact of the proposed program. Where direct services are to be provided, the extent to which proposer quantifies anticipated results.

5. Reasonableness of estimated cost in relation to anticipated results (cost/benefit ratio).

6. Comprehensiveness and coordination of proposed project components. The extent to which proposed linkages with other institutions and agencies are supported by such evidence as proposed subcontracts, letters of commitment, or working agreements.

7. Adequacy and accessibility of facilities and other resources.

X. Records and Reports

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grants:

(1) Quarterly program progress reports, due 10 days after the last calendar day of each quarter.

(2) Fiscal reports; and

(3) Additional reports as required for effective Federal monitoring.

XI. Conditions of Award

All grants made under this announcement will be subjected to: (1) The following HEW regulations in 45 CFR, as amended: part 16, "Department Grants Appeals Process;" part 74, "Administration of Grants;" part 75, "Informal Grant Appeals Procedures;" and parts 80, 84, and 85 relating to non-discrimination, and (2) the HEW Grants Administration Manual.

Copies of these documents may be inspected in the offices of Regional Commissioners, SSA, or of the Special Programs Staff, Office of Family Assistance, HEW, Room 1124, Donohoe Building, 400 Sixth Street, S.W., Washington, D.C. 20201.

XII. Additional Information:

Additional information and grant applications can be obtained from the following persons in the HEW regional offices:

Region I

Tran Phuc Truong, Social Security Administration, HEW, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02003, telephone 617–223–6833, FTS 223–6833.

Region II

Georgianna Gleason, Social Security Administration, HEW, 26 Federal Plaza, New York, N.Y. 10007, telephone 212–264–7202, FTS 264–7202.

Region III

Robert T. Clifford, Office of Family Assistance, Social Security Administration, HEW, P.O. Box 8788, Philadelphia, Pa. 19101, telephone 215–596–6615, FTS 596–6615.

Region IV

Hoang T. Phan, Social Security Administration, HEW, Marietta Tower, 101 Marietta Street N.W., Atlanta, GA 30323, telephone 404–221–2466, FTS 242–2466.

Region V

Gene Niewoehner, Social Security Administration, HEW, 300 South Wacker Drive, Chicago, Ill, 60606, telephone 312–353–5182, FTS 353–5182.

Region VI

Carol Sedanko, Social Security Administration, HEW 1200 Main Tower Building, Dallas, Texas 75202, telephone 214–767–4301, FTS 729–4301.

Region VII

Don Belknap, Social Security Administration, HEW, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816–374–6127, FTS 758–6127.

Region VIII

Vo Van Ha, Social Security Administration, HEW, 1961 Stout Street, Denver, Colo. 80202, telephone 303–837–5591, FTS 327–5591.

Region IX

Robert Harberson, Social Security Administration, HEW, 100 Van Ness Avenue, San Francisco, Calif. 94102, telephone 415–556–8582, FTS 556–8582.

Region X

Ray Naperkowski, Social Security Administration, HEW, Arcade Plaza, 131 Second Avenue, Seattle, Wash. 98101, telephone 206–442–5734, FTS 399–5734.

(Catalog of Federal Domestic Assistance No. 13.814—Refugee Assistance—Indochinese Refugees, previously Catalog No. 13.769—Special Assistance to refugees from Cambodia, Vietnam, and Laos in the United States.)

Dated: May 7, 1979.

Stanford G. Ross,
Commissioner of Social Security.

[FR Doc. 79-14712 Filed 5-10-79; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

Alabama; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Alabama (FDAA–578–DR), dated April 18, 1979.

DATED: April 25, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634–7825).

NOTICE: This Notice of major disaster for the State of Alabama dated April 18, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 18, 1979.

For Individual Assistance only: Etowah County, Hale County, and Montgomery County.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket No. NFD-6977; FDAA-578-DR]

[FR Doc. 79-14702 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

Arkansas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of the major disaster for the State of Arkansas (FDAA-574-DR), dated April 11, 1979.

DATED: April 30, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: This Notice of a major disaster for the State of Arkansas dated April 11, 1979, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration April 11, 1979.

In addition to Individual Assistance under Pub. L. 93-288, as designated previously on April 24, 1979, now designated also for Federal assistance to disaster-damaged public schools under Pub. L. 81-815 and Pub. L. 81-874, as appropriate: Jackson County.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance; No. 13.477, School Construction, and No. 13.478, School Mantenance and Operation Assistance.

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket No. NFD-693; FDAA-574-DR]

[FR Doc 79-14697 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

Arkansas; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Arkansas (FDAA-574-DR), dated April 11, 1979.

DATED: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7825).

NOTICE: This Notice of major disaster for the State of Arkansas dated April 11, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 11, 1979.

For Individual Assistance Only: Nevada County and Jackson County.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket No. NFD-694; FDAA-574-DR]

[FR Doc. 79-14699 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

Mississippi; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of Mississippi (FDAA-577-DR), dated April 16, 1979.

DATED: April 25, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202/634-7325).

NOTICE: This Notice of major disaster for the State of Mississippi dated April 16, 1979, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 16, 1979.

For Public Assistance in addition to Individual Assistance: Clark County, Lauderdale County, and Simpson County.

For both Individual and Public Assistance: Montgomery County.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket No. NFD-692; FDAA-577-DR]

[FR Doc. 79-14693 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of North Dakota (FDAA-581-DR), dated April 26, 1979.

DATED: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 644-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat., 143); notice is hereby given that, in a letter of April 26, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Dakota resulting from severe storms, snowmelt and flooding beginning on or about April 11, 1979, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therfore declare that such a major disaster exists in the State of North Dakota.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secreatary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. John D. Swanson of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of North Dakota to have been affected adversely by this declared major disaster.

The Counties of: Barnes, Benson, Bottineau, Burke, Burleigh, Cass, Cavalier, Dickey, Divide, Eddy, Emmons, Foster, Grand Forks, Griggs, Kidder, LaMoure, Logan, McHenry, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pambina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, Wells, Ward, and Williams.

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance.)

William H. Wilcox,

Federal Disaster Assistance Administration.

[Docket No. NED-696; FDAA-581-DR]

[FR Doc. 79-14701 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

Texas; Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Texas (FDAA-580-DR), dated April 26, 1979, and related determinations.

DATED: April 26, 1979.

FOR FURTHER INFORMATION CONTACT: John L. Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-265; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter on April 26, 1979 to the Secretary, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms, tornadoes and flooding beginning on or about April 18, 1979, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Texas.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster.

The following Counties for Individual Assistance Only: Hardin, Harris, Jefferson, Liberty, Montgomery, and Orange.

(Catalog of Federal Domestic Asst. No. 14,701, Disaster Assistance.)

William H. Wilcox,

Federal Disaster Assistance Administration.

[Docket No. NFD-695; FDAA-580-DR]

[FR Doc. 79-14700 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

New Mexico; Notice of Application

May 1, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 15 S., R. 29 E.,
Sec. 22, NW¼SW¼.

This pipeline will convey natural gas across 0.076 of a mile of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[NM 36678]

[FR Doc. 79-14714 Filed 5-10-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Notice of Application

May 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 26 S., R. 26 E.,
Sec. 30, lots 3, 4 and SW¼SE¼;
Sec. 31, lot 3 and NE¼NW¼.

These pipelines will convey natural gas across 0.875 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[NM 36556]

[FR Doc. 79-14715 Filed 5-10-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Application

May 1, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 28 E.,
Sec. 13, W½NE¼.

This pipeline will convey natural gas across 0.351 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[NM 36545]

[FR Doc. 79-14652 Filed 5-10-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Application

May 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma filed an application for a right-of-way to construct a 6⅝ inch O.D. pipeline and anodes for the purpose of transporting

nautral gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 20 N., R. 93 W.,
Sec. 26 SW¼SW¼;
Sec. 34, N½NE¼.

The proposed pipeline will transport natural gas from the Federal 1–26 well located in the SW¼SW¼ of section 26 to a point of connection with existing pipeline facilities located in the NW¼NE¼ of section 34, all within T. 20 N., R. 93 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[Wyoming 67632]
[FR Doc. 79-14654 Filed 5-10-79; 8:45 am]
BILLING CODE 4310-84-M

Wyoming; Application

May 2, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a meter station site with related facilities and an access road and will affect the following described public lands:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 96 W.,
Sec. 5, lot 3.

The proposed 50' x 120' meter station site will consist of metering facilities and equipment, regulation facilities, 4½ inch O.D. pipeline and a 4' x 6' metering building. The proposed access road will serve to provide access to the proposed meter station site. All of the proposed facilities applied for in this application will be located entirely within lot 3, section 5, T. 24 N., R. 96 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[Wyoming 67639]
[FR Doc. 79-14653 Filed 5-10-79; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Cape Code National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, June 1, 1979, at 1:30 p.m. at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The Commission will consider the following matters: 1) Proposal for an exchange of land with Eastham; and 2) Provinceton Airport Commission's request for expanded parking areas at the Airport.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, telephone 617–349–3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Dated: May 1, 1979.

Herbert Olsen,
Superintendent, Cape Cod National Seashore.

[FR Doc. 79-14655 Filed 5-10-79; 8:45 am]
BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, June 16, 1979, at 1:00 p.m. at the Brunswick Town Hall, 20 East A Street, Brunswick, Maryland.

The Commission was established by Pub. L. 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Bonnie Troxell, Cumberland, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mr. Vladimir A. Wahbe, Baltimore, Maryland
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Mrs. Minnie Pohlmann, Dickerson, Maryland
Mr. William H. Ansel, Jr., Romney, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Silas F. Starry, Shepherdstown, West Virginia
Mr. Rockwood H. Foster, Washington, D.C.
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John C. Frye, Gapland, Maryland

Matters to be discussed at this meeting include:

1. Palisades wayside interpretive exhibit plan
2. Access to Town of Brunswick campground
3. Great Falls development concept plan
4. Relocation of Lander maintenance shop
5. Future status of Commission (terms)
6. Sewer treatment pipeline for Rock Run (site 15)
7. Rockwood tract
8. Radio towers off Esworthy Road
9. Bridge to Olmstead Island
10. Rattling Springs Development

The meeting will be open to the public. Any member of the public may file with the Committee, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact William R. Failor, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301–948–5641 or 301–432–2231.

Minutes of the meeting will be available for public inspection four (4)

weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: May 4, 1979.

Lowell V. Sturgill,

Acting Regional Director, National Capital Region.

[FR Doc. 79-14727 Filed 5-10-79; 8:45 am]

BILLING CODE 4310-70-M

Gateway National Recreation Area; Public Discussion

Notice is hereby given that a series of public discussions concerning access improvements to Gateway National Recreation Area will be conducted at a series of meetings, the time and location listed below.

Pub. L. 95-344, Title III, approved on August 15, 1978, authorizes the National Park Service to develop plans and projects to improve access to units of the National Park System.

The series of meetings will be scheduled to receive public comment on improving access to Gateway National Recreation Area located in New York and New Jersey. Two sets of meetings will be held in each state in accordance with the law.

The first set of meetings will be held to inform the public on the intentions of the National Park Service and give the public an opportunity to respond and recommend plans. The schedule for this set of public discussions will take place as follows: In New York, the meetings will be held at 7:00 p.m. on Tuesday, May 29, 1979, at the Jamaica Bay Unit Conference Room, Building 272, Floyd Bennett Field, Brooklyn, New York, and at 7:00 p.m., Thursday, May 31, 1979, Restoration Complex, Community Room, 1368 Fulton Street, Brooklyn, New York.

In New Jersey, the meetings will be held at 7:00 p.m. on Tuesday, May 15, 1979, at the Sandy Hook Unit Chapel, Sandy Hook, New Jersey, and at 7:00 p.m. on Thursday, May 17, 1979, Robert Treat Hotel, 50 Park Place, Newark, New Jersey.

The second set of meetings will inform the public on proposed National Park Service plans with an additional chance for public involvement and response. The schedule for this set of public discussions will take place as follows: In New York, the meetings will be held at 7:00 p.m. on Wednesday, June 13, 1979, at the Jamaica Bay Unit Conference Room, Building 272, Floyd Bennett Field, Brooklyn, New York, and 7:00 p.m. on Thursday, June 14, 1979, Restoration Complex, Community Room, 1368 Fulton Street, Brooklyn, New York.

In New Jersey, the meetings will be held at 7:00 p.m. on Wednesday, June 6, 1979, at the Sandy Hook Unit Chapel, Sandy Hook, New Jersey, and at 7:00 p.m. on Thursday, June 7, 1979, Robert Treat Hotel, 50 Park Place, Newark, New Jersey.

All interested persons are invited to attend and participate in the discussions. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first served basis.

Individuals and/or groups who wish to speak or make a presentation, should contact the Office of External Affairs by telephone (212) 630-0393 or postcard, stating the date of the meeting they will attend. Persons wishing further information concerning these various meetings, or wish to submit written statements, may contact Herbert S. Cables, Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, New York 11234. Area Code (212) 630-0353.

Dated: April 30, 1979.

Herbert S. Cables, Jr.,

Superintendent.

[FR Doc. 79-14726 Filed 5-10-79; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

The Anaconda Co.; Petition for Modification of Application of Mandatory Safety Standards

The Anaconda Company, R.F.D. #1, Box 79, Tooele, Utah 84074, has filed a petition to modify the application of 30 CFR 57.19-54 (rope guides) to its Carr Fork Mine located in Tooele County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner requests permission to use 1⅛" Diameter 18 x 7 non-rotating guide ropes during mine development work from the fresh air shaft at the 970 level of its mine.

2. The four guide ropes were installed new in June 1976, or later, and non-destructive tests are performed on them on a regular basis.

3. The maximum suspended load on the guide ropes is 73,154 pounds. The minimum break-test strength of one rope is 118,497 pounds for an overall static safety factor of 6.48.

4. The four ropes will be replaced with lock coil ropes when development work from the fresh air shaft is completed; the change to the permanent system will be made by the end of 1979.

5. The petitioner states that the alternative will achieve no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 11, 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: May 7, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-7-M]

[FR Doc. 79-14766 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-43-M

Island Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Island Creek Coal Company, P.O. Box 11430, Lexington, Kentucky 40575, has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Guyan No. 1-C Mine, located in Logan County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner has encountered water in the return air course of the No. 3 section of its mine during retreat mining.

2. The water is found in almost the entire length of the return air course and ranges in depth from two to twelve feet.

3. Because of the depth of the water, the return air course can be inspected in its entirety only by use of a boat.

4. The return air course is not a designated escapeway.

5. The petitioner states that the inspection of the entire length of the return air course is hazardous due to the water and would result in a diminution of the safety of the examiner.

6. As an alternative method of determining that the return air course is free of obstructions or hazardous conditions that would prevent proper ventilation of its No. 3 section, the petitioner proposes, in addition to daily fan inspections, to test and verify the free flow of air through the return air course at the beginning of each shift by use of a smoke producing device.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 11, 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: May 7, 1979.

6Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-62-C]

[FR Doc. 79-14767 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-43-M

J & M Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

J & M Coal Company, Post Office Box 1153, Lafollette, Tennessee 37766, has filed a petition to modify the application of 30 CFR 75.1719 (illumination), to its No. 2 Mine, located in Campbell County, Tennessee. This petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the installation of lighting on the petitioner's mining machines.

2. The petitioner is mining coal seams 24 to 26 inches in height.

3. The petitioner's cutting machine is. 18 inches in height.

4. Due to the low ceiling, it is neither feasible nor practical to install lights on the petitioner's mining machines or on stationary fixtures.

5. The petitioner states that the installation of such lights would result in a diminution of safety because the lights would be blinding to miners and would create additional heat in the close areas in which the miners work.

6. For these reasons, the petitioner requests relief from the application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 11, 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: May 7, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-60-C]

[FR Doc. 79-14768 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

A. D. Management, Inc. et al.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations, at least one of the criteria has not been met.

A. D. Management, Inc., Brooklyn, N.Y.

The investigation was initiated on March 21, 1979 in response to a worker petition received on March 16, 1979 which was filed on behalf of workers and former workers producing women's evening wear at A. D. Management, Incorporated, Brooklyn, New York. The investigation revealed that the plant produces women's long evening dresses. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey conducted with the manufacturers that contracted work with A. D. Management, Incorporated revealed that the manufacturers did not employ any foreign contractors nor did the manufacturers import any women's long evening dresses from 1976 through 1978. Total sales of the manufacturers increased from 1977 to 1978.

Conclusion

After careful review, I determine that all workers of A. D. Management, Incorporated, Brooklyn, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

A. O. Smith Corp., Automotive Division, Milwaukee, Wis.

The investigation was initiated on January 22, 1979 in response to a worker petition received on January 15, 1979 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing front suspension control arms at the Automotive Division of A. O. Smith Corporation, Milwaukee, Wisconsin. The investigation revealed that the fixtures (tools, dies, jigs) used in the production of control arms are also produced at the plant. 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 customers of A. O. Smith. The survey revealed that customers which purchased car frames and truck frames from A. O. Smith did not purchase imported car and truck frames. The survey also revealed that customers which reduced purchases of control arms from A. O. Smith and increased purchases of imported control arms represented an insignificant proportion of the firm's decline in sales.

Conclusion

After careful review, I determine that all workers of the Automotive Division of A. O. Smith Corporation, Milwaukee, Wisconsin are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Bethlehem Steel Corp., Lebanon, Pa.

The investigation was initiated on March 20, 1979 in response to a worker petition received on March 15, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing industrial fasteners at the Lebanon, Pennsylvania plant of Bethlehem Steel Corporation. 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 separately.

On August 18, 1976 the Department issued a certification of eligibility to apply for worker adjustment assistance applicable to all workers of the Lebanon, Pennsylvania plant of Bethlehem Steel Corporation (TA-W-867). That certification expired on August 18, 1978, two years after its date of issuance.

Average total employment at the Lebanon, Pennsylvania plant of

Bethlehem Steel Corporation increased during August–December 1978 compared to August–December 1977 and increased during January–February 1979 compared to January–February 1978. Compared to the previous month, average monthly employment of all workers increased or remained the same during each month from August 1978 through February 1979. No layoffs occurred at the Lebanon, Pennsylvania plant during this period.

Conclusion

After careful review, I determine that all workers of the Lebanon, Pennsylvania plant of Bethlehem Steel Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Experimental Mining of West Virginia, McDowell County, W. Va.

The investigation was initiated on March 5, 1979 in response to a worker petition received on February 23, 1979 which was filed by the United Mine Workers of America, District 29, on behalf of workers formerly producing metallurgical coal at Experimental Mining of West Virginia, Richmond, Virginia. The investigation revealed that the mine is located in Roderfield, McDowell County, West Virginia. 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 Experimental Mining of West Virginia had been in operation for less than six months at the time that it was permanently closed. Due to the short term of operation of Experimental Mining of West Virginia, it is not possible to determine trends of sales and production or to statistically measure the impact of imports. In addition, worker qualifying requirements in Section 231 of the Act would not be met by any employees of Experimental Mining of West Virginia.

Conclusion

After careful review, I determine that all workers of Experimental Mining of West Virginia, McDowell County, West Virginia 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 30th day of April 1979.

James F. Taylor,
Director, Office of Management, Administration and Planning.

[TA-W-5004 etc.]

[FR Doc. 79-14780 Filed 5-10-79; 8:45 am]
BILLING CODE 4510-28-M

American Motors Corp., Kenosha, Wis.; Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, the Department of Labor issued on July 12, 1978, a Certification Regarding Eligibility to Apply for Adjustment Assistance that applied to workers and former workers producing Pacer cars in Final Assembly and Body Assembly and stampings and forgings at the Kenosha, Wisconsin plant of the American Motors Corporation.

Pursuant to that notice, workers at the Kenosha, Wisconsin, plant were certified eligibility to apply for trade adjustment assistance. The Notice of Determinations was published in the Federal Register on July 21, 1978 (43 FR 31462).

Subsequent to the publication of the Certification Regarding Eligibility to Apply for Worker Adjustment Assistance, the Office of Trade Adjustment Assistance, on its own motion and in the light of additional information, reopened the investigation into the following petition of the American Motors Corporation: the Kenosha, Wisconsin plant (TA–W–3250). In the original determination issued on July 12, 1978, all workers producing the Pacer car in final assembly and body assembly and stamping and forgings were certified as eligible to apply for adjustment assistance for the following reasons: (1) The Pacer car is classified as a compact car and Pacer car production decreased during Model Year (MY) [1] 1977 compared with MY 1976 while U.S. imports of compact cars increased both absolutely and relative to domestic production during the same period; (2) workers in stamping and forging supplied a significant proportion of their output for use in the subcompact Gremlin, the compact Pacer and Hornet/Concord, and the intermediate Matador cars while U.S. imports of these car categories increased.

In other determinations relating to the Kenosha plant, the following groups of workers were certified as eligible to apply for adjustment assistance: workers in final and body assembly, except for Pacer cars (TA–W–999, expired on October 28, 1978 for final assembly and expired on November 17, 1978 for body assembly) and workers producing engines and axles and gears (TA–W–1930, revised to expire on June 27, 1980).

Corporate officials of AMC stated that AMC reduced sharply its car production capacity during 1978 and this reduction prompted most workers in each department at the Kenosha plant to exercise their union contract bumping clause so as to maintain their employment either within a particular job classification or in another capacity at the plant. The consequence of this production reduction and bumping activity was a mixing of most workers among the different production phases of all car models so that all workers are substantially employed in production importantly impacted by increased imports.

The additional information makes it possible to expand the original certification of TA–W–3250 to include all production and support workers who are engaged in employment related to the production of all cars in both Final and Body Assemblies at the Kenosha plant, not just Pacer workers. From the data in the investigation, compact cars represent over 65 percent of the output from both Final and Body Assemblies. As a car category, U.S. imports of compact cars increased both absolutely and relative to domestic production during MY 1977 compared to MY 1976 and further increased in MY 1978. Since workers are not separately identifiable and a significant proportion of the output from these departments involves compact cars, all workers in Final and Body Assemblies at the Kenosha plant are affected by increased imports of compact cars. The original certification of workers producing stampings and forgings remains unchanged.

Conclusion

Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I make the following revised determinations:

All production and support workers at the Kenosha, Wisconsin plant of the American Motors Corporation engaged in employment related to the production of the Pacer car in Final Assembly and Body Assembly, and in stamping and forging, who became totally or partially separated from employment on or after February 9, 1977, but before June 27, 1980; and all production and support workers engaged in employment related to the

[1] Model Year (MY) runs from October 1 of one year to September 30 of the following year.

production of all automobiles (except the Pacer) in Final Assembly who became totally or partially separated from employment on or after October 28, 1978 but before June 27, 1980 and in Body Assembly on or after November 17, 1978, but before June 27, 1980 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

It is further concluded that workers engaged in employment related to the production of engines and axles and gears at the Kenosha, Wisconsin plant are excluded from this certification, since they continue to be covered under TA-W-1930.

Signed at Washington, D.C. this 4th day of May 1979.

Herbert N. Blackman,
Associate Deputy Under Secretary for International Affairs.

[TA-W-3250]
[FR Doc. 79-14783 Filed 5-10-79; 8:45 am]
BILLING CODE 4510-28-M

Amherst Coal Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following case, it is concluded that all of the requirements have been met.

Amherst Coal Co., Inc., Amherst No. 1 Preparation Plant, Fanco, W. Va.

The investigation was initiated on February 26, 1979 in response to a worker petition received on February 22, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers cleaning metallurgical coal at the Amherst No. 1 Preparation Plant in Fanco, West Virginia of the Amherst Coal Company, Incorporated. The investigation revealed that the plant cleans coal only for the Buffalo Creek Division. It is concluded that all of the requirements have been met.

U.S. imports of metallurgical coal are negligible. However, in accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. U.S. imports of coke increased in quantity and relative to domestic production from 1976 to 1977 and from 1977 to 1978. Imports of coke were higher in quantity in January and February, 1979, compared with the same months in 1978.

A sample survey of major customers of the Amherst Coal Company revealed that customers decreased their purchases of metallurgical coal while increasing purchases of coke during 1978 as compared with purchases during 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 metallurgical coal cleaned at the Amherst No. 1 Preparation Plant of the Amherst Coal Company, Incorporated 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 at the Amherst No. 1 Preparation Plant in Fanco, West Virginia of the Amherst Coal Company, Incorporated who became totally or partially separated from employment on or after January 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of April 1979.

Michael Aho,
Director, Office of Foreign Economic Research.

[TA-W-4840]
[FR Doc. 79-14771 Filed 5-10-79; 8:45 am]
BILLING CODE 4510-28-M

Armstrong Rubber Co., et al.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following cases, it is concluded that all of the requirements have been met.

Armstrong Rubber Co., Pacific Coast Division, Hanford, Calif.

The investigation was initiated on January 10, 1979 in response to a worker petition received on January 8, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing tires for passenger cars, campers and pickup trucks at Armstrong Rubber Company, Pacific Coast Division, Hanford, California. The investigation revealed that the plant also produces commercial truck tires. It is concluded that all of the requirements have been met.

U.S. imports of passenger car tires increased absolutely from 1976 to 1977 and increased relative to domestic production from 1977 to 1978. Imports through Western ports of entry represented nearly 25 percent of total imports in 1977 and 1978.

U.S. imports of truck and bus tires increased absolutely from 1976 to 1977 and from 1977 to 1978.

The preponderance of production at the Hanford plant is of bias ply passenger tires, which are sold in the replacement market. Virtually all of the passenger car tires produced at the Hanford plant are sold in the Western sales region of the company.

In the national tire market, especially the original equipment market, radials are rapidly replacing traditional bias ply tires. This is reflected both in increased production of radials and increased imports which are believed to be predominantly (over 90 percent) radials. Radial tires are directly competitive with bias ply tires.

The Hanford plant is used to supply the Western region market of Armstrong. With regard to import competition, the Western market differs significantly from other markets in the United States. With respect to passenger tire imports, there appears to be a significantly higher proportion of imported articles on the West Coast than the national average. Not only are these imported passenger car tires predominantly of radial construction, they are primarily targeted for the replacement market. This impacts on the Hanford plant in two ways: the longer life of radials and the preference by consumers for imported radials which replace both domestically produced bias and radial passenger car tires.

The decline in production of passenger car tires at the Hanford plant from 1977 to 1978 can be attributed to the loss of sales to major customers on the West Coast, where imports have had a significant impact on the market.

With respect to truck tires, major customers of the Pacific Coast Division decreased purchases from the subject plant in the second half of 1978 compared to the second half of 1977 and significantly increased their purchases of imported truck tires.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with passenger car tires and truck tires produced at the Armstrong Rubber Company, Pacific Coast Division, Hanford, California 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 the Armstrong Rubber Company, Pacific Coast Division, Hanford, California, who became totally or partially separated from employment on or after May 13, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Granarja Novelty Corp., Brooklyn, N.Y.

The investigation was initiated on March 15, 1979 in response to a worker petition received on March 12, 1979 which was filed by a company official on behalf of workers and former workers at Granarja Novelty Corporation. The investigation revealed that the company manufactures costume and novelty jewelry. It is concluded that all of the requirements for certification under the Trade Act of 1974 have been met.

Imports of costume jewelry increased in 1977 as compared to 1976, and again in 1978 as compared to 1977.

Results of a U.S. Department of Labor survey indicated that Granarja's only customer, a producer of costume and novelty jewelry, had increased purchases of jewelry from all direct and indirect foreign sources in 1977 and 1978 as compared to 1976. In addition, the customer stated that it planned to discontinue orders with Granarja and to increase its reliance on imports in 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with costume and novelty jewelry produced at Granarja Novelty Corporation, Brooklyn, New York 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 Granarja Novelty Corporation, Brooklyn, New York who became totally or partially separated from employment on or after March 5, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Jo-Gal Shoe, Inc., Lawrence, Mass.

The investigation was initiated on March 7, 1979 in response to a worker petition received on March 1, 1979 which was filed on behalf of workers and former workers producing infants', childrens' and misses' novelty shoes at Jo-Gal Shoe, Lawrence, Massachusetts. The investigation revealed that the correct name of the firm is Jo-Gal Shoe, Incorporated and that it produces infants', children's, misses' and women's non-athletic footwear. It is concluded that all of the requirements have been met.

U.S. imports of infants' and babies' nonrubber footwear children's nonrubber, non-athletic footwear, and misses' nonrubber, non-athletic footwear, increased either absolutely or relative to domestic production in 1978 compared to the average level for 1974 through 1977.

Major customers of Jo-Gal Shoe, Incorporated which reduced their purchases in the first quarter of 1979 compared with the first quarter of 1978 were surveyed regarding their total purchases of infants', children's and misses' non-athletic footwear. Several of these customers decreased purchases from domestic sources and increased purchases of imported infants', children's and misses' non-athletic footwear in the first quarter of 1979 compared with the same period in 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with infants', children's and misses' non-athletic footwear produced at Jo-Gal Shoe, Incorporated, Lawrence, Massachusetts 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 Jo-Gal Shoe, Incorporated, Lawrence, Massachusetts who became totally or partially separated from employment on or after April 22, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Ronay Co., New York, N.Y.

The investigation was initiated on March 19, 1979 in response to a worker petition received on March 12, 1979 which was filed by the Leather Goods, Plastics, Handbags, and Novelty Workers Union on behalf of workers and former workers producing handbags at Ronay Company, New York, New York. It is concluded that all of the requirements have been met.

Imports of ladies' handbags increased absolutely and relative to domestic production in 1978 compared to 1977.

Several of Ronay's customers who were surveyed increased purchases of imported handbags from 1977 to 1978 while decreasing purchases from Ronay Company.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' handbags produced at Ronay Company, New York, New York 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 Ronay Company, New York, New York who became totally or partially separated from employment on or after March 7, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

S & S Garments, Brooklyn, N.Y.

The investigation was initiated on March 7, 1979 in response to a worker petition received on February 27, 1979 which was filed on behalf of workers and former workers producing ladies' leather coats at S and S Garments, Brooklyn, New York. It is concluded that all of the requirements have been met.

Imports of men's, women's, and children's leather coats and jackets increased absolutely in 1977 compared to 1976 and in 1978 compared to 1977. Imports relative to domestic production increased in 1978 compared to 1977.

From 1976 through 1978 S and S Garments worked exclusively as a contractor for one manufacturer. Several of that manufacturer's customers who were surveyed reduced purchases from the manufacturer while increasing purchases of imported leather coats from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' leather coats produced at S and S Garments, Brooklyn, New York 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 S and S Garments, Brooklyn, New York who became totally or partially separated from employment on or after February 21, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Warren Shirt Co., Lebanon, Pa.

The investigation was initiated on March 15, 1979 in response to a worker petition received on March 12, 1979 which was filed on behalf of workers and former workers producing men's and boys' jackets and ski coats at Warren Shirt Company, Lebanon, Pennsylvania. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' non-tailored outer jackets increased absolutely and relative to domestic production in 1977 compared to 1976 and increased absolutely in 1978 compared to 1977.

Warren Shirt produced exclusively for one firm. Customers of the firm for which Warren produced were surveyed concerning their purchases of men's and boys' outer jackets. The survey revealed that several surveyed customers increased purchases of imported outerwear in 1978 compared to 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 and boys' jackets and ski coats produced at Warren Shirt Company, Lebanon, 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 Warren Shirt Company, Lebanon, Pennsylvania who became totally or partially separated from employment on or after March 6, 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 4th day of May 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-4643 etc.]

[FR Doc. 79-14776 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Brown Shoe Co., Mountain Grove, Mo.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 4, 1979 in response to a worker petition received on March 30, 1979 which was filed by the Footwear Division of the Retail Clerks International Union, on behalf of workers and former workers producing women's shoes at the Mountain Grove, Missouri plant of Brown Shoe Company.

The petitioning group of workers in this case was included in a determination (TA-W-2376) issued April 7, 1978 which certified as eligible to apply for adjustment assistance all workers engaged in the production of women's shoes. Since all workers separated, totally or partially, from the Mountain Grove, Missouri plant of Brown Shoe Company, on or after December 1, 1976 (impact date) and before April 7, 1980 (expiration date of the determination) are covered by an existing determination, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 2nd day of May 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[TA-W-5014]

[FR Doc. 79-14784 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Chafin Coal Co., et al.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In each of the following cases, it is concluded that all of the requirements have been met.

Chafin Coal Co., Logan, W. Va.

The investigations were initiated on March 21, 1979, in response to a worker petition received on March 19, 1979, which was filed by the United Mine Workers of America, Local 9553, in part on behalf of workers and former workers mining metallurgical coal at the No. 2A Mine (TA-W-5009), the No. 4 Mine (TA-W-5010), the No. 5 Mine (TA-W-5011), the No. 6 Mine (TA-W-5012), the No. 7 Mine (TA-W-5013) and the No. 10 Mine (TA-W-5014), and in part on behalf of workers and former workers cleaning metallurgical coal at the Chafin Preparation Plant (TA-W-5015) of Chafin Coal Company, Logan, West Virgina. The petition was expanded to cover workers and former workers providing personnel and other administrative support services at the Logan, West Virginia field office of Chafin Coal Company (TA-W-5015A). It is concluded that all of the requirements have been met.

U.S. imports of metallurgical coal are negligible. However, in accordance with Section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. Therefore, imports of coke as well as imports of metallurgical coal should be considered in determining import injury to workers producing metallurgical coal.

U.S. imports of coke increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

A Department survey established that several major customers had reduced their purchases from Chafin Coal Company in 1978 compared to 1977 as a result of a decline in their own sales of metallurgical coal to U.S. steel producers. These customers accounted for the preponderance of the decline in Chafin Coal Company's sales from 1977 to 1978. Further investigation revealed that those steel producers who decreased purchases of metallurgical coal from Chafin's customers had increased imports of coke in 1978 compared to 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 metallurgical coal produced at the No. 2A Mine, the No. 4 Mine, the No. 5 Mine, the No. 6 Mine, the No. 7 Mine, the No. 10 Mine, and the Chafin Preparation Plant of Chafin Coal Company, Logan, West Virginia, contributed importantly to the decline in sales or production and to the total or partial separation of workers at the above facilities and at the Company's field office in Logan, West Virginia. In accordance with the provisions of the Act, I make the following certifications:

All workers at the No. 2A Mine, the No. 4 Mine, the No. 5 Mine, the No. 6 Mine, the No. 7 Mine, the No. 10 Mine, and the Chafin Preparation Plant of Chafin Coal Company, Logan, West Virginia, who became totally or partially separated from employment on or after November 25, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All workers at the Logan, West Virginia field office of Chafin Coal Company who became totally or partially separated from

employment on or after January 20, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Daisy's Originals, Inc., Miami, Fla.

The investigation was initiated on March 8, 1979 in response to a worker petition received on March 5, 1979 which was filed on behalf of workers and former workers producing women's pant suits, dresses, blouses and slacks at Daisy's Originals, Incorporated, Miami, Florida. The investigation revealed that the plant also produced women's skirts and jackets. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's suits increased absolutely in 1978 compared to 1977.

U.S. imports of women's, misses' and children's dresses increased absolutely in 1978 compared to 1977.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to the preceding year.

U.S. imports of women's, misses' and children's slacks and shorts increased absolutely in each year from 1975 through 1978 compared to the preceding year, and increased relative to domestic production in each year from 1975 through 1977 compared to the preceding year. The import-to-domestic production ratio for 1978 is not yet available.

U.S. imports of women's, misses' and children's skirts increased absolutely in 1978 compared to 1977.

U.S. imports of women's, misses' and children's coats and jackets increased absolutely in each year from 1975 through 1978 compared to the preceding year and increased relative to domestic production in each year from 1975 through 1977 compared to the preceding year. The import-to-domestic production ratio for 1978 is not yet available.

The investigation revealed that Daisy's Originals, Incorporated produced two categories of sportswear—a "Tall" line and a regular-size line. Each line constituted a substantial proportion of the firm's total production.

A Departmental survey was conducted with retail customers of Daisy's Original's, Incorporated. The survey revealed that several customers decreased their purchases of regular-sized women's sportswear from Daisy's Originals, Incorporated and increased their purchases of imported women's sportswear from 1977 to 1978 and in the first quarter of 1979 compared to the first quarter of 1978. In aggregate, the surveyed customers increased their reliance on foreign sources for their ladies' sportswear demand in 1978 as compared to 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 women's pant suits, dresses, blouses, slacks, skirts and jackets produced at Daisy's Originals, Incorporated, Miami, Florida 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 Daisy's Originals, Incorporated, Miami, Florida, engaged in employment related to the production of regular-sized women's sportswear, who became totally or partially separated from employment on or after February 27, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

International Playtex, Inc., Lafayette, Ala.

The investigation was initiated on March 8, 1979 in response to a worker petition received on March 5, 1979 which was filed on behalf of workers and former workers producing ladies' foundation garments at the Lafayette, Alabama plant of International Playtex, Incorporated. The investigation revealed that the plant primarily produces brassieres. It is concluded that all of the requirements have been met.

U.S. imports of brassieres, bralettes and bandeaux increased in 1977 from 1976 and increased in 1978 from 1977.

Although imports of brassieres by International Playtex, Incorporated increased in fiscal year 1978 from fiscal year 1977, they declined in the first quarter of fiscal year 1979 compared to the first quarter of fiscal year 1978. The primary reason for the closure of the Lafayette plant was a decline in company sales in fiscal year 1978 from fiscal year 1977 and in the first quarter of fiscal year 1979 compared to the first quarter of fiscal year 1978.

Customers of Playtex who decreased purchases of brassieres from Playtex in fiscal year 1978 from fiscal year 1977 indicated in a Department survey that they had increased purchases of imported brassieres from sources other than Playtex.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with brassieres produced at the Lafayette, Alabama plant of International Playtex, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Lafayette, Alabama plant of International Playtex, Incorporated who became totally or partially separated from employment on or after February 28, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of May 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-5009-5015, 5015A etc.]

[FR Doc. 79-14778 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Chrysler Corp., Trenton, Mich., Engine Plant; 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-4734: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1979 in response to a worker petition received on January 15, 1979 which was filed by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing engines for Chrysler cars and light trucks at the Trenton, Michigan Engine Plant of the Chrysler Corporation, Highland Park, Michigan.

The Notice of Investigation was published in the Federal Register on January 30, 1979 (44 FR 5952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Chrysler 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. 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 in order to meet the U.S. Government's fuel economy standards, Chrysler decided in 1978 to downsize its automobile fleet, to discontinue production of the large V–8 engine, and to offer only the mid and small size V–8 engines on 1979 model year car lines. At the same time Chrysler opted to undertake full production of a fuel efficient 4 cylinder engine. As a result of this decision, all production of large 8 cylinder engines was phased out at Trenton in the second half of 1978, causing significant layoffs at the plant. Trenton was the only Chrysler facility producing the large size 8 cylinder engines.

Chrysler began production of the 4 cylinder engines at Trenton in September 1977. Prior to that period, Chrysler did not produce these engines at any of its domestic or foreign plants. Chrysler produces the 4 cylinder engines only at its Trenton plant. To satisfy its immediate 4 cylinder engine requirements, Chrysler is purchasing semi-finished, 4 cylinder engine blocks from Volkswagen in Germany for processing at Trenton. In April 1978 Chrysler announced long-term plans to refit the Trenton plant for production of a new, Chrysler designed 4 cylinder engine. By mid-1980, when initial production is expected to start, Trenton will manufacture all parts for and perform full assembly on the new 4 cylinder engine. Chrysler does not produce 4 cylinder engines at its foreign plants in Canada and Mexico and does not import any finished 4 cylinder engines for automotive assembly in the U.S.

The 6 cylinder engine produced at Trenton is also manufactured at Chrysler's plants in Windsor, Canada and Toluca, Mexico. During the 1976–1978 period, Chrysler imported 6 cylinder engines from both foreign plants for automotive assembly in the U.S. In July 1978, however, all production of 6 cylinder engines stopped at Windsor, and this production was transferred to Trenton. After that imports of 6 cylinder engines ceased from Windsor.

Chrysler's total imports of 6 cylinder engines decreased in quantity from 1976 to 1977 and from 1977 to 1978. The ratio of these imports to domestic 6 cylinder engine production decreased from 1977 to 1978. Production of 6 cylinder engines at Chrysler's foreign plants compared to Chrysler's domestic plants decreased from 1977 to 1978.

During the 1976–1978 period, Chrysler produced large size V–8 engines at Trenton, mid-size V–8 engines at Windsor and Toluca, and small size V–8 engines at Mound Road, Michigan. Chrysler imports the mid-size 8 cylinder engines from Windsor and Toluca for automotive assembly in the U.S. Chrysler's imports of mid-size 8 cylinder engines decreased in quantity from 1976 to 1977 and from 1977 to 1978. When compared with the same quarter of the previous year, Chrysler's imports of 8 cylinder engines declined steadily for five consecutive quarters from the third quarter of 1977 through the third quarter of 1978. Imports increased in the fourth quarter of 1978 compared to the fourth quarter of 1977.

The phaseout of the 8 cylinder engine line at Trenton was planned to coincide with the conversion of the Trenton plant to 4 cylinder engine production. These developments, plus the transfer of 6 cylinder engine production from Windsor to Trenton, resulted in higher engine production but fewer workers at Trenton in 1978 compared to 1977.

Conclusion

After careful review, I determine that all workers of the Trenton, Michigan Engine Plant of the Chrysler 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 4th day of May 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[TA–W–4734]

[FR Doc. 79-14785 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Cities Service Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following case, it is concluded that all of the requirements have been met.

Cities Service Co. Copperhill Operations, Copperhill, Tenn.

The investigation was initiated on April 6, 1979 in response to a worker petition received on April 3, 1979 which was filed on behalf of workers and former workers producing iron oxide pellets at the Copperhill Operations of Cities Service Company, Copperhill, Tennessee. The investigation revealed that the petition was filed by the International Chemical Workers Union, the International Brotherhood of Electrical Workers, the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers of America, and the International Association of Machinists and Aerospace Workers. It is concluded that all of the requirements have been met.

U.S. imports of iron ore, pellets and sinter increased in terms of quantity during the first quarter of 1979 compared with the first quarter of 1978.

Cities Service contracted to sell all pellet production to a single customer until early 1979, when the firms negotiated early termination of the contract. The customer had begun purchasing imported pellets at a price lower than the contract price, and it was determined that Cities Service was unable to supply the pellets at the lower competitive price.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with iron oxide pellets produced at the Copperhill Operations of Cities Service Company, Copperhill, Tennessee, 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 the Cooperhill Operations of Cities Service Company, Copperhill, Tennessee who were engaged in employment related to the production of iron oxide pellets who became totally or partially separated from employment on or after August 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 1st day of May 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[TA-W-5166]

[FR Doc. 79-14774 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Cluett, Peabody & Co., Inc.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In each of the following cases, it is concluded that all of the requirements have been met.

Cluett, Peabody & Co., Inc., the Arrow Co. Division, Virginia, Minn., Eveleth, Minn. (Eveleth I)

The investigation was initiated on March 7, 1979 in response to a worker petition received on March 5, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's dress shirts at the Virginia, Minnesota (TA-W-4903) and Eveleth, Minnesota (TA-W-4904) plants of the Arrow Company Division of Cluett, Peabody and Company, Incorporated. A petition for eligibility to apply for adjustment assistance benefits has also been filed on behalf of workers producing men's underwear at a second Arrow plant in Eveleth, Minnesota (TA-W-5035). The plant which produced primarily men's dress shirts (TA-W-4904) has been designated Eveleth I, and the plant which produced men's underwear (TA-W-5035) has been designated Eveleth II. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' woven dress and business shirts increased in quantity and relative to domestic production from 1976 to 1977, and increased in quantity from 1977 to 1978.

The Department of Labor conducted a survey of the customers of the Arrow Company. From 1976 to 1977 and from 1977 to 1978, many of the customers surveyed increased purchases of imported men's dress shirts and decreased purchases of men's dress shirts from Arrow.

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 dress shirts produced at the Virginia, Minnesota and Eveleth I, Eveleth, Minnesota plants of the Arrow Company Division of Cluett, Peabody and Company, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers at those plants. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Virginia, Minnesota plant of The Arrow Company Division of Cluett, Peabody and Company, Incorporated who became totally or partially separated from employment on or after April 1, 1978, and all workers at the Eveleth I plant, Eveleth, Minnesota of The Arrow Company Division of Cluett, Peabody and Company, Incorporated who became totally or partially separated from employment on or after August 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 4th day of May 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[TA-W-4903, 4904]

[FR Doc. 79-14773 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Florsheim Shoe Co. et al.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following cases, it is concluded that all of the requirements have been met.

Florsheim Shoe Co., Cape Sole Leather Plant, Cape Girardeau, Mo.

The investigation was initiated on March 19, 1979 in response to a worker petition received on March 13, 1979 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's leather shoe soles at the Cape Sole Leather Plant (North Main Street), Cape Girardeau, Missouri of the Florsheim Shoe Company. The investigation revealed that the plant primarily produces leather outsoles, insoles, heels, unit bottoms and tops. It is concluded that all of the requirements have been met.

U.S. imports of men's dress and casual footwear increased absolutely and relative to domestic production in 1977 compared to 1976 and increased relative to domestic production in 1978 compared to 1977. Imports as a percentage of domestic production exceeded 75 percent during 1976, 1977, and 1978.

The Cape Sole Leather Plant performs part of the integrated operation for production of men's shoes by Florsheim Shoe plants. Total Florsheim Shoe Company imports of men's footwear increased in 1977 compared to 1976 and in 1978 compared to 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 leather outsoles, insoles, heels, unit bottoms, and tops produced at the Cape Sole Leather Plant, Cape Girardeau, Missouri of the Florsheim Shoe 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 the Cape Sole Leather Plant (North Main Street) Cape Girardeau, Missouri of the Florsheim Shoe Company who became totally or partially separated from employment on or after March 8, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Guyan Eagle Mining Co., Lyburn, West Va.

The investigation was initiated on April 4, 1979 in response to a worker petition received on April 3, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers producing metallurgical coal at Guyan Eagle Mining Company, Lyburn, West Virginia. It is concluded that all of the requirements have been met.

While U.S. imports of metallurgical coal have been negligible, U.S. imports of coke increased in 1977 compared to 1976 and in 1978 compared to 1977.

Coke is metallurgical coal at a later stage of processing. Since a domestic article may be "directly competitive"

with an imported article at a later stage of processing, imports of coke can be considered in determining import injury to workers producing metallurgical coal at Guyan Eagle Mining Company.

Guyan Eagle Mining Company sells all its coal through a sales broker. A survey of the customers of this broker revealed that a significant customer stopped purchasing metallurgical coal from Guyan Eagle in December, 1978 and increased purchases of imported coke in 1978 compared to 1977. This customer continued to increase its purchases of imported coke in the first quarter of 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallugical coal produced at Guyan Eagle Mining Company, Lyburn, West Virginia 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 Guyan Eagle Mining Company, Lyburn, West Virginia who became totally or partially separated from employment on or after November 5, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Leggio Coat Co., Brooklyn, N.Y.

The investigation was initiated on March 13, 1979 in response to a worker petition received on March 8, 1979 which was filed on behalf of workers and former workers producing ladies' coats at Leggio Coat Company, Brooklyn, New York. The investigation revealed that the coats produced at the firm included raincoats. It is concluded that all of the requirements have been met.

Imports of women's, misses', and children's coats and jackets, increased in terms of quantity in 1977 compared with 1976, and increased in 1978 compared with 1977. Imports of women's, girls', and infants' raincoats increased in terms of quantity in 1978 compared with 1977.

The Department conducted a survey of manufacturers who contract coat production with Leggio Coat Company. The survey revealed some manufacturers decreased contract work with Leggio Coat Company and increased purchases of imported all weather coats, including raincoats, during the period 1976 through 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' coats and raincoats produced at Leggio Coat company, Brooklyn, New York 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 Leggio Coat company, Brooklyn, New York who became totally or partially separated from employment on or after July 29, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Malden Knitting Mills, Inc., Malden, Mass., Lawrence, Mass.

The investigation was initiated on March 19, 1979 in response to a worker petition received on March 12, 1979 which was filed on behalf of workers and former workers producing men's and women's sweaters and shirts at the Malden, Massachusetts (TA-W-4976) and Lawrence, Massachusetts (TA-W-4977) plants of Malden Knitting Mills. The investigation revealed that the Malden plant primarily produces men's sweaters and the Lawrence plant produces primarily men's knit shirts and sweaters. It is concluded that all of the requirements have been met.

Imports of men's and boys' sweaters, knit cardigans, and pullovers increased absolutely in quantity in 1978 compared to 1977. Imports of men's and boys' knit sport and knit dress shirts increased absolutely in quantity in 1978 compared to 1977.

The Department conducted a survey of customers of Malden Knitting Mills. The results of this survey revealed that some customers had decreased purchases of men's sweaters and shirts in 1978 compared to 1977 from Malden Knitting Mills and increased purchases from foreign sources during the same time period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sweaters and shirts produced at Malden Knitting Mills, Malden Massachusetts (TA-W-4976) and Lawrence, Massachusetts (TA-W-4977) 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 Malden Knitting Mills, Malden, Massachusetts (TA-W-4976) and Lawrence, Massachusetts (TA-W-4977) who became totally or partially separated from employment on or after March 7, 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 30th day of April 1979.

James F. Taylor,
Director, Office of Management Administration and Planning.

[TA-W-4975 etc.]

[FR Doc. 79-14781 Filed 5-10-79; 8:45 am]
BILLING CODE 4510-28-M

Ginny Jones, Inc., et al.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following cases, it is concluded that all of the requirements have been met.

Ginny Jones, Inc., Brooklyn, N.Y.

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed by the knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear and men's and ladies' sweaters at Ginny Jones, Incorporated, Brooklyn, New York. The investigation revealed that the plant produces men's and ladies' sweaters. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's sweaters increased both absolutely and relative to domestic production from 1975 to 1976. Imports of sweaters increased in 1977 as compared to the average level of imports for the years 1974 through 1976. The ratio of imports of sweaters to domestic production exceeded 140 percent in 1976 and in 1977. The IP ratio in 1977 was higher than the average IP ratio for the period 1974 through 1976.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased on an absolute basis in 1977

compared to 1976 and in 1978 compared to 1977.

The Office of Trade Adjustment Assistance conducted a survey of manufacturers who contracted ladies' and men's sweater production with Ginny Jones, Incorporated. The survey indicated that some manufacturers who accounted for the majority of Ginny Jones' decline in contracts, were also faced with declining company sales. A survey of the manufacturers' retail customers revealed that major customers decreased their purchases of ladies' sweaters from domestic sources and increased their purchases from foreign sources in 1978 as compared to 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 ladies' sweaters produced at Ginny Jones, Incorporated, Brooklyn, New York 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 Ginny Jones, Incorporated, Brooklyn, New York, engaged in employment related to the production of ladies' sweaters, who became totally or partially separated from employment on or after November 4, 1978 and before March 15, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Rola Co., Punxsutawney, Pa., Du Bois, Pa., Hawthorne, Pa.

The investiation was initiated on February 15, 1979 in response to worker petitions received on February 9, 1979 which were filed by the United Steelworkers of America on behalf of workers and former workers producing electronic loudspeakers at the Punxsutawney (TA–W–4820) and Hawthorne (TA–W–4821) Pennsylvania plants of the Rola Company. The investigation was expanded to include workers and former workers producing electronic loudspeakers at the Du Bois, Pennsylvania (TA–W–4820A) plant of the Rola Company. It is concluded that all of the requirements have been met.

Imports of non-enclosed loudspeakers increased in quantity and value in 1978 compared to 1977. A survey conducted of customers of the Rola Company indicated that some surveyed customers reduced purchases from Rola Company while increasing purchases of imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with electronic loudspeakers produced at the Punxsutawney, Du Bois, and Hawthorne, Pennsylvania plants of Rola 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 Rola Company, Punxsutawney, Pennsylvania, Du Bois, Pennsylvania and Hawthorne, Pennsylvania, who became totally or partially separated from employment on or after June 3, 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 30th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[TA–W–4865 etc.]

[FR Doc. 79–14775 Filed 5–10–79; 8:45 am]

BILLING CODE 4510–28–M

International Knits, Inc., et al.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations at least one of the criteria has not been met.

International Knits, Inc., A.N.A. Knits International; Los Angeles, Calif.

The investigation was initiated on March 20, 1979 in response to a worker petition received on March 15, 1979 which was filed by the Southern California District Council, International Ladies' Garment Workers' Union on behalf of workers and former workers producing knit fabric at International Knits Incorporated, A/N/A Knits International, Los Angeles, California. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey was conducted with manufacturers for whom International knits, Incorporated produced knit fabric. The survey revealed that manufacturers did not purchase imported knit fabric in 1976, 1977 or 1978.

Conclusion

After careful review, I determine that all workers of International Knits, Incorporated, A/N/A Knits International, Los Angeles California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Mitey Miss, Inc., New York, N.Y.

The investigation was initiated on March 8, 1979 in response to a worker petition received on February 27, 1979 which was filed by the International Ladies garment Workers Union on behalf of workers and former workers proucing children's clothing at Mitey Miss, Incorporated, New York, New York. 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 investigation revealed that Mitey Miss, Incorporated manufactured original samples of children's clothing. The majority of the corporation's sales were of girls' jeans which were produced offshore. The remainder of the company's sales were of girls' knit blouses which were manufactured by Sol Enterprises of Pennsylvania, an affiliate of Mitey Miss, Incorporated and by outside contracts.

Sales of blouses by Mitey Miss, and production by Sol Enterprises and outside contractors, increased in 1978 compared to 1977. The cessation of operations by Mitey Miss was due to the lack of management staff to continue operations of the firm.

Conclusion

After careful review, I determine that all workers of Mitey Miss, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Opelika Manufacturing Corp., Opelika, Ala.

The investigation was initiated on August 22, 1978 in response to a worker petition received on August 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers of America on behalf of workers and former workers producing aprons at plant 1 and pants, shirts, coats, dresses and children's jeans and shirts at plant 2. both plants are in Opelika, Alabama and are operated by the M. Snower Division of the Opelika Manufacturing Corporation. The investigation revealed that plant 1 also produces napkins and tablecloths and that the majority of products produced at both plants are designed for institutional kitchen use. Plant 2 also produces a line of shirts which are designed for retail consumer sales.

With respect to workers engaged in the production of napkins, tablecloths, institutional kitchen apparel and aprons, 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 some customers which purchased napkins and tablecloths from the M. Snower Division of the Opelika Manufacturing Corporation. The survey indicated that customers which decreased purchases of napkins and tablecloths from the M. Snower Divison and increased purchases of imported napkins and tablecloths represented an insignificant proportion of the Divison's decline in sales of napkins and tablecloths.

Imports of institutional kitchen apparel and aprons are not separately identifiable in the official trade statistics. The Department of Labor conducted a survey of the major importers, manufacturers and distributors of institutional kitchen apparel and of the major importers of aprons. The surveys indicated that the imports of both of these items are negligible. The quality of the imported items is generally inferior to the domestically produced articles yet the price differences are insignificant.

With respect to workers engaged in the production of shirts designed for retail consumer sales, without regard to whether any of the 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.

Evidence developed during the course of the investigation revealed that production at plant 2 of shirts designed for retail sale increased in 1977 compared to 1976 and continued to increase in the first ten months of 1978 compared to the like 1977 period. Plant production approximates plant sales.

Conclusion

After careful review, I determine that all workers of plant 1 and 2 of the M. Snower Division of the Opelika Manufacturing Corporation, Opelika, Alabama are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Pioneer Tanning Co., Salem, Mass.

The investigation was initiated on March 12, 1979 in response to a worker petition received on March 6, 1979 which was filed on behalf of workers and former workers performing contract tanning of sheepskin for hat leathers at Pioneer Tanning Company, Salem, Massachusetts. 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 Pioneer Tanning Company tanned sheepskins for manufacturers on a contract basis. None of the customers of Pioneer Tanning Company (manufacturers of hat sweatbands) use imported tanned sheepskins to manufacture hat sweatbands, nor do they purchase imported hat sweatbands. Imports of hat sweatbands are negligible.

In addition, sales of hat sweatbands to hat manufacturers by the customers of Pioneer have been increasing over the past year. Reduced orders for tanning to Pioneer Tanning Company by hat sweatband manufacturers were the result of the decreased use of sheepskin and the increased use of materials such as vinyl and cowhide splits to manufacture hat sweatbands.

Conclusion

After careful review, I determine that all workers of Pioneer Tanning Company, Salem, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of May 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[TA-W-4993 etc.]

[FR Doc. 79-14777 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Joffery Manufacturing, et al.; Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations at least one of the criteria has not been met.

Joffery Manufacturing, New Brunswick, N.J.

The investigation was initiated on March 28, 1979 in response to a worker petition received on March 16, 1979 which was filed by the International Ladies' Garment Workers Union on behalf of former workers producing women's coats for Joffery Manufacturing, New Brunswick, New Jersey. The investigation revealed that the plant produces women's raincoats as well. 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 average employment for February through October of 1978 increased when compared with the same period of 1977. The company was sold in November of 1978.

All production operations were suspended for a two-week period during April of 1978 while all company equipment, records and raw materials were moved to a new location.

Company sales (in adjusted value figures) increased in the first ten months of 1978 compared with the same period of 1977.

Conclusion

After careful review, I determine that all workers of Joffery Manufacturing.

New Brunswick, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Interpace Corp., Lock Joint Pipe Division, East Brunswick, N.J.

The investigation was initiated on March 30, 1979 in response to a worker petition received on March 28, 1979 which was filed by the International Brotherhood of Teamsters on behalf of workers and former workers producing concrete sewer pipe at the East Brunswick, New Jersey plant of Interpace Corporation, Lock Joint Pipe Division. 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 large-diameter concrete sewer pipe were negligible during the period 1974 to date. Also, imports of articles directly competitive with concrete sewer pipe, ductile iron pipe asbestos cement pipe and clay pipe, were negligible during the same period.

Conclusion

After careful review, I determine that all workers of the East Brunswick, New Jersey plant of Interpace Corporation, Lock Joint Pipe Division are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Melitta Inc., Cherry Hill, N.J.

The investigation was initiated on March 7, 1979 in response to a worker petition received on February 28, 1979 which was filed by the Amalgamated Food Processors Union on behalf of workers and former workers producing coffee makers, coffee filters, and ground roast coffee at Melitta, Incorporated, Cherry Hill, New Jersey. 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.

Layoffs that occurred at the Cherry Hill, New Jersey plant were due to the termination of eight to twelve cup electric coffeemaker production. U.S. imports of eight to twelve cup electric coffeemakers are negligible.

Sales and production of coffee and paper filters increased in quantity in 1978 compared to 1977 and in the first two months of 1979 compared to the first two months of 1978. Sales and production of manual coffeemakers increased in quantity in 1978 compared to 1977 and in the first four months of 1979 compared to the first four months of 1978.

The U.S. coffeemaker market is dominated by a domestically produced, six to twelve cup electric coffeemaker model. Melitta found it could not produce eight to twelve cup electric coffeemakers at its Cherry Hill, New Jersey plant that could compete with the dominant domestically produced coffeemaker. Melitta ceased eight to twelve cup electric coffeemaker production in 1978. In 1977, Melitta began to import one and two cup electric coffeemakers which had never been produced at the Cherry Hill, New Jersey plant.

Conclusion

After careful review, I determine that all workers of Melitta, Incorporated, Cherry Hill, 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 4th day of May 1979.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[TA-W-5046 etc.]
[FR Doc. 79-14779 Filed 5-10-79; Filed 8:45 am]
BILLING CODE 4510-28-M

Paul Hats, Inc., et al.; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following cases, it is concluded that all of the requirements have been met.

Paul Hats, Inc., Worcester, Mass.

The investigation was initiated on January 24, 1979, in response to a worker petition received on January 19, 1979, which was filed on behalf of workers and former workers producing women's hats at Paul Hats, Incorporated, Worcester, Massachusetts. It is concluded that all of the requirements have been met.

Imports of men's, boys', women's and girls' cloth hats and caps, increased in 1977 compared to 1976 and in 1978 compared to 1977. Imports of straw hats increased absolutely in 1978 compared to 1977.

A survey conducted by the Department of Paul Hats' customers revealed that customers representing a significant proportion of the subject firm's sales in 1977 increased purchases of imported women's hats and decreased purchases from the subject firm in 1978 compared to 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 women's hats produced at Paul Hats, Incorporated, Worcester, Massachusetts 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 provision of the Act, I make the following certification:

"All workers of Paul Hats, Incorporated, Worcester, Massachusetts who became totally or partially separated from employment on or after August 26, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Ralph Edwards Sportswear, Inc., Sikeston, Mo., Puxico, Mo., Cape Girardeau, Mo.

The investigation was initiated on March 13, 1979 in response to a worker petition received on March 5, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing leather outerwear for men at the Sikeston, Missouri plant of Ralph Edwards Sportswear, Inc. The investigation was expanded to include workers and former workers producing leather outerwear for men at the Puxico (TA-W-4931A) and Cape Girardeau (TA-W-4931B), Missouri plants of Ralph Edwards Sportswear, Inc. It is concluded that all of the requirements have been met.

Imports of men's, women's, and children's leather coats and jackets increased absolutely from 1976 to 1977 and from 1977 to 1978. Imports relative to domestic production increased from 1977 to 1978.

Imports of coats by Ralph Edwards' major customers increased from January-September 1978 compared to

the same period in 1977. These customers reduced purchases from Ralph Edwards in 1978 compared with 1977 and in the first quarter of 1979 compared to the same period 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's leather coats produced at the Sikeston, Puxico and Cape Girardeau, Missouri plants of Ralph Edwards Sportswear, Inc. 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 Sikeston, Puxico and Cape Girardeau, Missouri plants of Ralph Edwards Sportswear, Inc, who became totally or partially separated from employment on or after August 4, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Volunteer Leather Co., Whitewall Leather Co., Whitehall, Mich.

The investigation was intitated on February 22, 1979, in response to worker petitions received on February 12, 1979, and February 16, 1979 which were filed on behalf of workers and former workers of the Volunteer Leather Company, Milan, Tennessee, and the Whitehall Leather Company, Whitehall, Michigan. The investigation revealed that the Volunteer Leather Company and the Whitehall Leather Company comprise the Gentan Division of the Footwear Sector of Genesco, Incorporated.

Imports of women's nonrubber footwear, except athletic, increased relative to U.S. production in 1977 compared to 1976 and increased absolutely and relatively in 1978 compared to 1977.

Imports of men's dress and casual footwear, except athletic, increased absolutely and relatively in 1977 compared to 1976 and increased relative to U.S. production in 1978 compared to 1977.

Imports of athletic footwear increased absolutely and relatively in 1977 compared to 1976 and then decreased absolutely and relatively in 1978 compared to 1977.

Company imports of men's and women's footwear by Genesco increases in 1978 compared to 1977.

A Departmental survey of Genesco's customers indicated an increasing reliance on imported footwear by respondents. Some respondents indicated that they had increased their purchases of imported footwear while decreasing their purchases from Genesco from 1976 to 1977 and in the first nine months of 1978 compared to the first nine months of 1977.

Workers engaged in employment related to the production of men's and women's footwear at 32 facilities to the Footwear Sector of Genesco were certified eligible to apply for adjustment assistance by the Department on December 19, 1978. (TA-W-4166-4168, 4171-4181, 4330-4347).

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, women's, and children's footwear produced at the Footwear Sector of Genesco, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of the Volunteer Leather Company, Milan, Tennessee, and the Whitehall Leather Company, Whitehall, Michigan. In accordance with the provisions of the Act, I make the following certification:

"All workers of the volunteer Leather Company, Milan, Tennessee, and all workers of the Whitehall Leather Company, Whitehall, Michigan who became totally or partially separated from employment on or after February 5, 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 30th day of April, 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[TA-W-4739 etc.]

[FR Doc. 79-14782 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Richmond Clothing Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. In the following case, it is concluded that all of the requirements have been met.

Richmond Clothing Co., Richmond, Va.

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed on behalf of workers and former workers producing men's suits, top coats, slacks and sportcoats. The investigation revealed that slacks are produced only as parts of suits and are not sold as separate items. Men's suits and sportcoats comprise the major portion of the company's production. The investigation also revealed that the petition was filed by the Amalgamated Clothing and Textile Workers' Union. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored suits increased both absolutely and relative to domestic production from 1976 to 1977 and then declined absolutely from 1977 to 1978. The absolute level of imports in 1978 was higher than the average level of imports for the 1973-1977 period.

Imports of men's and boys' tailored dress coats and sportcoats decreased absolutely and relative to domestic production in 1977 compared to 1976 and then increased absolutely in 1978 compared to 1977.

The Department of Labor conducted a survey of the customers of Richmond Clothing Co. The survey revealed that customers reduced purchases of men's suits and sportcoats from Richmond Clothing Co. and increased purchases from foreign sources in 1978 compared with 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 suits and sportcoats produced at Richmond Clothing Company, Richmond, Virginia 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 Richmond Clothing Company, Richmond, Virginia who became totally or partially separated from employment on or after September 30, 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 27th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[TA-W-4871]

[FR Doc. 79-14772 Filed 5-10-79;8:45 am]

BILLING CODE 4510-28-M

Sterling Smokeless Coal Co. Inc., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations, at least one of the criteria has not been met at those plants or by those products identified below. In all other enumerated below, all of the criteria have been met.

Sterling Smokeless Coal Co., Inc., Whitby, W. Va., Mine No. 10, Mine No. 12, Mine No. 17, Mine No. 13, Preparation Plant

The investigation was initiated on March 5, 1979 in response to a worker petition received on February 23, 1979 which was filed filed by the United Mine Workers of America on behalf of workers and former workers producing metallurgical coal at Mine #10, Mine #12, Mine #17, Mine #13 and the Preparation Plant of Sterling Smokeless Coal Company, Incorporated, Whitby, West Virginia.

With respect to Mine #10 and Mine #12, 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 United Mine Workers of America, which represents all workers at Sterling Smokeless Coal Company, was on strike from December 6, 1977 to March 27, 1978. When the period from April to November, 1978, when the miners were not on strike, is compared with the same period in 1977, sales or production at Mine #10 and Mine #12 increased. Thus, the only decreases in sales or production during 1978 were caused by the strike. During the first two months of 1979, combined production for the two mines increased compared to the same period in 1977.

With respect to Mine #17, 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 number of production workers at Mine #17 increased in the period from April to November, 1978, compared with the same period in 1977. There were no layoffs at the mine during 1978 and the first two months of 1979. The average monthly hours worked per employee did not change significantly during this period. There is no immediate threat of separation of workers at this mine.

With respect to Mine #13 and the Preparation Plant, it is concluded that all of the requirements have been met.

Imports of metallurgical coal are negligible. However, in accordance with section 222 of the Trade Act of 1974 and 29 CFR 90.2, a domestic article may be "directly competitive" with an imported article at a later stage of processing. Coke is metallurgical coal at a later stage of processing. U.S. imports of coke increased in quantity and relative to domestic production from 1976 to 1977 and from 1977 to 1978. Imports of coke increased in quantity in January and February, 1979 compared to the same two months of 1978.

Major customers of Sterling Smokeless Coal Company that were surveyed decreased purchases of metallurgical coal from Sterling and increased purchases of coke from foreign sources.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metallurgical coal produced at Mine #13 and the Preparation Plant of Sterling Smokeless Coal Company, Incorporated, Whitby, West Virginia 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 at Mine #13 of Sterling Smokeless Coal Company, Incorporated, Whitby, West Virginia who became totally or partially separated from employment on or after March 27, 1978, and all workers at the Preparation Plant of Sterling Smokeless Coal Company, Incorporated, Whitby, West Virginia, who became totally or partially separated from employment on or after February 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

I further determine that workers at Mine #10, Mine #12, and Mine #17 of Sterling Smokeless Coal Company, Incorporated, Whitby, West Virginia 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 30th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[TA-W-4883-7]

[FR Doc. 79-14770 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

Employee Benefit Plans; Exemption From the Prohibitions for Certain Transactions Involving the Penn Dairies Retirement Plan

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of shares or preferred stock of Penn Dairies, Inc. by the Penn Dairies Retirement Plan (the Plan) to Penn Dairies, Inc. (Penn Dairies), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Charles Humphrey of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 2, 1979, notice was published in the Federal Register (44 FR 11862) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a)(1)(A) and (D) and 406(b)(1) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A), (D) and (E) of the Code, for the transaction described in an application filed by the Retirement Plan Committee of the Penn Dairies Retirement Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested

persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transactions provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(a)(1)(B), (C) and (E), 406(b)(2) and (3), and 407 of the Act and section 4975(c)(1)(B), (C) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption of transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

The restrictions of section 406(a)(1)(A) and (D) and 406(b)(1) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A), (D) and (E) of the Code shall not apply to the sale of shares of preferred stock of Penn Dairies, Inc. by the Penn Dairies Retirement Plan in response to a tender offer by Penn Dairies, Inc. to purchase 50 percent of its outstanding preferred stock. The exemption shall be subject to the following conditions:

1. The tender offer must be a bona fide offer on a uniform basis to the Penn Dairies Retirement Plan and every person holding the preferred stock of Penn Dairies, Inc.

2. The Penn Dairies Retirement Plan must receive no less than the fair market value for the shares of the preferred stock of Penn Dairies, Inc. tendered, and in any event, not less than the value indicated by an independent appraisal.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 3rd day of May, 1979.

Ian D. Lanoff,

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

[Prohibited Transaction Exemption 79-18; Application No. D-595]

[FR Doc. 79-14722 Filed 5-10-79; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Amendment to the Charters of Two NSF Advisory Committees

This notice is to announce an amendment to the Advisory Committee for Environmental Biology and the Advisory Committee for Physiology, Cellular and Molecular Biology. The Committees were established on October 1, 1977, to provide advice, recommendations, and oversight concerning support for research and research-related activities in their respective areas. Both charters are being amended to increase the total authorized number of members allowed to serve on each committee and the total annual operating costs of each committee.

The charters of the two committees have been modified to reflect the revisions described above. Copies of the charter addendums are being filed with the standing committees of Congress having legislative jurisdiction of the Foundation and copies are being forwarded to the Library of Congress for public inspection and use.

Richard C. Atkinson,

Director.

May 8, 1979.

[FR Doc. 79-14782 Filed 5-10-79; 8:45 am]

BILLING CODE 7555-01-M

Mathematical Sciences Subcommittee of the Advisory Committee for Mathematical and Computer Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee of the Advisory Committee for Mathematical and Computer Sciences.

Date and time: May 31, 1979—9:00 a.m. to 4:30 p.m.; June 1, 1979—9:00 a.m. to 3:00 p.m.

Place: National Science Foundation, Room 642, 1800 G Street, N.W., Washington, D.C. 20550.

Type meeting: *Part Open*—5/31/79, 9:00 a.m. to 2:30 p.m.; *Closed*—2:30 p.m. to 4:30 p.m.; *Open*—6/1/79, 9:00 a.m. to 3:00 p.m.

Contact person: Dr. William G. Rosen, Head, Mathematical Sciences Section, Room 304, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 632-7377.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in the Mathematical Sciences.

Agenda:

Thursday, May 31, 1979

9:00 a.m.—Introductions and Opening Remarks—Dr. William G. Rosen, Head, Mathematical Sciences Section.

9:15 a.m.—Discussion of FY 1979 Section Activities—Dr. Rosen and Staff.

10:15 a.m.—Overview of the FY 1980 Budget—Prospects for Mathematical Sciences—Dr. John R. Pasta, Director, Division of Mathematical and Computer Sciences.

11:00 a.m.—Research Needs of the Mathematical Sciences for the 1980's—Dr. Richard D. Anderson, Department of Mathematics, Louisiana State University.

12:15 p.m.—Lunch.

1:30 p.m.—Trends in Employment and Graduate Enrollment—Dr. Wendell H. Fleming, Brown University.
2:30 p.m.—Review and comparison of declined proposals with successful awards under the Division of Mathematical and Computer Sciences, Mathematical Sciences Section. (Closed)
3:30 p.m.—Long Range Plan discussion—including proposed budget figures for FY 81–85. (Closed)

Friday, June 1, 1979

9:00 a.m.—Address by Retiring Committee Member Paul Sally: the Langlands Conjecture.
10:00 a.m.—Address by Retiring Committee Member Karen Uhlenbeck: Recent Work of Yau.
11:00 a.m.—Alternative Modes of Support—Dr. James A. Krumhansl, Assistant Director for Mathematical and Physical Sciences, and Engineering.
12:15 p.m.—Lunch.
1:30 p.m.—Address by Retiring Committee Member James Stansheff: Algebra in Algebraic Topoloty—Rational Homotopy Theory.
2:30 p.m.—Recommendations for New Members.
3:00 p.m.—Adjourn.

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. In addition the Subcommittee will be discussing long range plans for the Section which will include proposed budget figures for FY 1981 through 1985. These matters are within exemptions 4, 6, and 9(B) of 5 U.S.C. 552(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 Pub. L. 92–463.

Dated: May 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-14790 Filed 5-10-79; 8:45 am]
BILLING CODE 7555-01-M

President's Committee on the National Medal of Science; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Science Foundation announces the following meeting:

Name: President's Committee on the National Medal of Science.
Date: May 29, 1979.
Time: 9:00 a.m.
Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Richard S. Nicholson, Director, Division of Chemistry, MPE, National Science Foundation, Washington, D.C. (202) 632–4262.
Purpose of award committee: To provide recommendations to the President concerning recipients of the National Medal of Science.
Agenda: To review nominations as part of the selection process for the Award(s).
Reason for closing: The committee will be discussing private and confidential matters in its consideration of an individual's contribution to knowledge in a particular science. Premature disclosure to the public would defeat the purposes of the Committee and the law. These discussions fall within exemption (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act, which is concerned with personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
Authority to close meeting: The determination made by the Director of the National Science Foundation pursuant to provisions of Section 19(d) of Pub. L. 92–463.

Dated: May 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-14786 Filed 5-10-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Developmental 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 Developmental Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: May 31, June 1 and 2, 1979; From 9 til 5 Each Day.
Place: Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Mary E. Clutter, Program Director, Developmental Biology Program, Room 326. National Science Foundation, Washington, D.C. 20550, telephone (202) 632–4314.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in developmental 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.

Dated: May 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-14787 Filed 5-10-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Economics; 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 economics of the Advisory Committee for Social Sciences.
Date and time: June 1st and 2nd, 1979; 9:00 a.m. to 5:00 p.m. each day.
PLACE: Room 1224, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. James H. Blackman, Program Director, Economics Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–5968.
Purpose of subcomittee: To provide advice and recommendations concerning support for research in economics.
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, inlcuding 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.

Dated: May 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-14791 Filed 5-10-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Metabolic 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 Metabolic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: May 31, and June 1, 1979; 9:00 a.m. each day.
Place: National Science Foundation, 1800 G Street, N.W., Washington, D.C., Room 338.
Type of meeting: Closed.
Contact person: Dr. Elijah B. Romanoff, Program Director for Metabolic Biology, Room 331, National Science Foundation, Washington, D.C. 20550, (202) 632–4312.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Metabolic Biology.
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 Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: May 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-14789 Filed 5-10-79; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Social and Developmental Psychology; 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 Social and Developmental Psychology of the Advisory Committee for Behavioral and Neural Sciences.
Date and time: May 31, 1979–June 1, 1979; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 628, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Kelly G. Shaver, Program Director, Social and Developmental Psychology, Room 317, National Science Foundation, Washington, D.C. 20550, telephone (202) 632–5714.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Social and Developmental Psychology.
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 exemption (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.

Dated: May 8, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
[FR Doc. 79-14788 Filed 5-10-79; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Safeguards and Security; Meeting

The ACRS Subcommittee on Safeguards and Security will hold a meeting on May 23, 1979 in Room 1046, 1717 H St., NW, Washington, DC 20555 to discuss recent safeguards events, advice from its consultants, and the 1979 Review and Evaluation of the NRC Safety Research Program. Notice of this meeting was published March 23 and April 20, 1979, (44 FR 17837 and 44 FR 23609, respectively).

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for the subject meeting shall be as follows:

Wednesday, May 23, 1979, 8:30 a.m. Until the Conclusion of Business

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendation to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to this review. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Richard K. Major, (telephone 202–634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC 20555.

Dated: May 8, 1979.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 79-14703 Filed 5-10-79; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Evaluation of Licensee Event Reports; Meeting

The ACRS Subcommittee on Evaluation of Licensee Event Reports will hold an open meeting on May 24 and 25, 1979 in Room 1046, 1717 H St., NW, Washington, DC 20555. Notice of this meeting was published March 23 and April 20, 1979 (44 FR 17837 and 44 FR 23609, respectively).

In accordance with the procedures outlined in the Federal Register on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made

to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Thursday and Friday, May 24 and 25, 1979, 8:30 a.m. Until the Conclusion of Business Each Day

The Subcommittee will meet, with any of its consultants who may be present, and with representatives of the NRC Staff and their consultants, to continue its review of Licensee Event Reports submitted during the period 1976–1978.

The Subcommittee will also hold one or more open Executive Sessions to discuss Licensee Event Reports and a planned Subcommittee report to the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW, Washington, DC 20555.

Dated: May 8, 1979.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 79-14704 Filed 5-10-79; 8:45 am]
BILLING CODE 7590-01-M

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 49 and 46 to Facility Operating License Nos. DPR–39 and DPR–48 issued to Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Zion Station, Unit Nos. 1 and 2, located Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications to require actuation of safety injection based on 2 out of 3 channels of low pressurizer pressure.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action see (1) the applications for amendments dated April 30, 1979, (2) Amendment Nos. 49 and 46 to License Nos. DPR–39 and DPR–48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of May 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket Nos. 50–295 and 50–304]
[FR Doc. 79-14705 Filed 5-10-79; 8:45 am]
BILLING CODE 7590-01-M

Duke Power Co.

In the matter of Duke Power Company, Oconee Nuclear Station, Units Nos. 1, 2 and 3.

Order

I

The Duke Power Company (the licensee), is the holder of Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55 which authorize the operation of the nuclear power reactors known as Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facilities, or Oconee 1, 2 and 3), at steady state power levels not in excess of 2568 megawatts thermal (rated power) for each unit. The facilities are Babcock & Wilcox (B&W) designed pressurized water reactors (PWR's) located at the licensee's site in Oconee County, South Carolina.

II

In the course of its evaluation to date of the accident at the Three Mile Island Unit No. 2 facility, which utilizes a B&W designed PWR, the Nuclear Regulatory Commission staff has ascertained that B&W designed reactors appear to be unusually sensitive to certain off-normal transient conditions originating in the secondary system. The features of the B&W design that contribute to this sensitivity are: (1) The design of steam generators to operate with relatively small liquid volumes in the secondary side; (2) The lack of direct initiation of reactor trip upon the occurrence of off-normal conditions in the feedwater system; (3) Reliance on an integrated control system (ICS) to automatically regulate feedwater flow; (4) Actuation before reactor trip of a pilot-operated relief valve on the primary system pressurizer (which, if the valve sticks open, can aggravate the event); and (5) A low steam generator elevation (relative to the reactor vessel) which provides a smaller driving head for natural circulation.

Because of these features, B&W designed reactors place more reliance on the reliability and performance characteristics of the auxiliary feedwater system, the ICS, and the emergency core cooling system (ECCS) performance to recover from frequent anticipated transients, such as loss of offsite power and loss of normal feedwater, than do other PWR designs. This, in turn, places a large burden on the plant operators in the event of off-normal system behavior during such anticipated transients.

As a result of a preliminary review of the Three Mile Island Unit No. 2 accident chronology, the NRC staff initially identified several human errors that occurred during the accident and contributed significantly to its severity. All holders of operating licenses were subsequently instructed to take a number of immediate actions to avoid repetition of these errors, in accordance with bulletins issued by the Commission's Office of Inspection and Enforcement (IE). In addition, the NRC staff began an immediate reevaluation of the design features of B&W reactors to determine whether additional safety corrections or improvements were necessary with respect to these reactors. This evaluation involved numerous meetings with B&W and certain of the affected licensees.

The evaluation identified design features as discussed above which indicated that B&W designed reactors are unusually sensitive to certain off-

normal transient conditions originating in the secondary system. As a result, an additional bulletin was issued by IE which instructed holders of operating licenses for B&W designed reactors to take further actions, including immediate changes to decrease the reactor high pressure trip point and increase the pressurizer pilot-operated relief valve setting. Also, as a result of this evaluation, the NRC staff identified certain other safety concerns that warranted additional short-term design and procedural changes at operating facilities having B&W designed reactors. These were identified as items (a) through (e) on page 1–7 of the Office of Nuclear Reactor Regulation Status Report to the Commission on April 25, 1979.

After a series of discussions between the NRC staff and the licensee concerning possible design modifications and changes in operating procedures, the licensee agreed in letters dated April 25, 26, and May 4, 1979 to perform promptly the following actions:

(a) Install automatic starting of the interconnected emergency feedwater system so that all three pumps will receive a start signal from any affected unit, and test the system for stability. The emergency feedwater pump discharge flow will be connected to the interconnection headers such that each or all emergency feedwater pumps can supply water to any unit. Until these modifications and tests are completed, operating personnel have been stationed at each emergency feedwater pump with a direct communication link to that unit's control room. In addition, the following procedural changes, put into effect on April 25, 1979 to enhance the reliability of the emergency feedwater system, will remain in force:

(1) The discharges of these pumps have been tied together by alignment of manual valves such that each and all of the pumps can supply emergency feedwater to any Oconee Unit requiring it.

(2) Administrative controls have been established so that in the event of loss of both main feedwater pumps on an affected unit, that unit's emergency feedwater pump will start automatically, backed up by remote manual start from the contol room. If the pump fails to start automatically, the operator stationed at that pump will start the pump locally, and has been trained to do so. In addition, the other two available emergency feedwater pumps will be started remotely from their unit's control room or locally if required to provide two more redundant sources of feedwater to the affected unit.

(3) Emergency feedwater flow to the steam generators will be assured by the control room operator who has been trained to maintain the necessary level.

(b) Develop and implement operating procedures for initiating and controlling emergency feedwater independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip on loss of main feedwater and/or turbine trip.

(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) All licensed reactor operators and senior reactor operators will have completed the TMI–2 simulator training at B&W.

(f) Station in the control room an additional full-time Senior Reactor Operator (SRO) (or previously licensed SRO) with Three Mile Island training for each operating unit to assist with guidance and possible manual action in case of transients until items (a) through (e) are completed.

In its letters the licensee also stated that (1) Oconee 3 would be shut down on April 28, 1979, and remain shutdown until (a) through (e) above are completed (the facility was shut down on April 28, 1979 as stated); (2) a second Oconee unit would be shut down on May 12, 1979, if items (a) through (e) have not been previously accomplished and ramain shut down until items (a) through (e) have been completed; and, (3) a third Oconee unit would be shut down on May 19, 1979, if items (a) through (e) have not been previously accomplished and will remain shut down until completion of items (a) through (e).

In addition to these modifications to be implemented promptly, the licensee has also proposed to carry out certain additional long-term actions to increase the capability and reliability of the reactors to respond to various transient events. These are:

The licensee will install two motor driven pumps for each Oconee unit, as more particularly described as Part III of a letter from W. O. Parker to the NRC of April 25, 1979, to provide greater assurance of emergency feedwater supply. The licensee will submit this system concept and analysis to the NRC staff for review.

The licensee will submit a failure mode and effects analysis of the Integrated Control System to the NRC staff as soon as practicable. The licensee states that this analysis is now underway with high priority by B&W.

The reactor trip on loss of the main feedwater and/or trip of the turbine to be installed promptly pursuant to this Order will thereafter be upgraded so that the components are safety grade. The licensee will submit this design to the NRC staff for review.

The licensee will continue reactor operator training and drilling of response procedures to assure a high state of preparedness.

The Commission has concluded that the prompt actions set forth as (a) through (e) above are necessary to provide added reliability to the reactor system to respond safely to feedwater transients and should be confirmed by a Commission order. The immediate procedural changes to assure redundant sources of auxiliary feedwater that were put into effect on April 25 at the two operating Oconee units, as described in paragraph (a) above, and the immediate additions to the operating staff, as described in paragraph (f) above, provide the bases for continued safe operation of those facilities during the interim period until May 12 and May 19, 1979, respectively. The Commission finds, however, that operation of all units should not be resumed or continued on an indefinite basis until actions described in paragraphs (a) through (e) above have been satisfactorily completed.

For the foregoing reasons, the Commission has found that the public health, safety and interest require that this Order be effective immediately.

III

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Oconee County Library, 201 South Spring, Walhalla, South Carolina 29691:

(1) Office of Nuclear Reactor Regulation Status Report on Feedwater Transients in B&W Plants, April 25, 1979.

(2) Letter from W. S. Lee (Duke Power Company) to Harold Denton (NRR), dated April 25, 1979.

(3) Two letters from W. O. Parker, Jr. (Duke Power Company) to Harold Denton (NRR), dated April 25, 1979.

(4) Letter from W. H. Owens (Duke Power Company) to Roger J. Mattson (NRR), dated April 25, 1979.

(5) Letter from W. S. Lee (Duke Power Company) to Harold Denton (NRR), dated April 26, 1979.

(6) Letter from W. O. Parker, Jr. (Duke Power Company) to James P. O'Reilly (IE), dated May 4, 1979.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the

Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is hereby ordered that:*

(1) The licensee shall take the following actions with respect to Oconee 1, 2 and 3:

(a) Install automatic starting of the interconnected emergency feedwater system so that all three pumps will receive a start signal from any affected unit, and test the system for stability. The emergency feedwater pump discharge flow will be connected to the interconnection headers such that each or all of the emergency feedwater pumps can supply water to any unit. Until these modifications and tests are completed, operating personnel will be stationed at each emergency feedwater pump with a direct communication link to that unit's control room. In addition, the following procedural changes, put into effect on April 25, 1979 to enhance the reliability of the emergency feedwater system, will remain in force:

(1) The discharges of these pumps have been tied together by alignment of manual valves such that each and all of the pumps can supply emergency feedwater to any Oconee Unit requiring it.

(2) Administrative controls have been established so that in the event of loss of both main feedwater pumps on an affected unit, that unit's emergency feedwater pump will start automatically, backed up by remote manual start from the control room. If the pump fails to start automatically, the operator stationed at that pump will start the pump locally, and has been trained to do so. In addition, the other two available emergency feedwater pumps will be started remotely from their unit's control room or locally if required to provide two more sources of feedwater to the affected unit.

(3) Emergency feedwater flow to the steam generators will be assured by the control room operator who has been trained to maintain the necessary level.

(b) Develop and implement operating procedures for initiating and controlling emergency feedwater independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip on loss of main feedwater and/or turbine trip.

(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) All licensed reactor operators and senior reactor operators assigned to the Oconee control rooms will have completed the TMI-2 simulator training at B&W.

(f) Station in the control room an additional full-time Senior Reactor Operator (SRO) (or previously licensed SRO) with Three-Mile Island training for each operating unit to assist with guidance and possible manual actions unit items (a) through (e) are completed.

(2) The licensee shall maintain Oconee 3 in a shut down condition (the facility was shut down on April 28, 1979) until items (a) through (e) in paragraph (1) above are satisfactorily completed and such completion has been confirmed by the Director, Office of Nuclear Reactor Regulation.

(3) The licensee shall shut down a second of the three Oconee units on May 12, 1979, unless items (a) through (e) in paragraph (1) above have been satisfactorily completed and the completion has been confirmed by the Director, Office of Nuclear Reactor Regulation, before that date. In the event the second unit is shut down on May 12, 1979, it will remain shutdown until items (a) through (e) in paragraph (1) above are satisfactorily completed and such completion has been confirmed by the Director, Office of Nuclear Reactor Regulation.

(4) The licensee shall shut down the third of the three Oconee units on May 19, 1979, unless items (a) through (e) in paragraph (1) above have been satisfactorily completed and the completion has been confirmed by the Director, Office of Nuclear Reactor Regulation, before that date. In the event the third unit is shut down on May 19, 1979, it shall remain shut down until items (a) through (e) in paragraph (1) above are satisfactorily completed and such completion has been confirmed by the Director, Office of Nuclear Reactor Regulation.

(5) The licensee shall as promptly as practicable also accomplish the long-term modifications set forth in Section II of this Order.

Satisfactory completion of items (a) through (e) in paragraph (1) and in paragraphs (2) through (4) above will require confirmation by the Director, Office of Nuclear Reactor Regulation, that the actions specified have been taken, the specified analyses are acceptable, and the specified implementing procedures are appropriate.

V

Within twenty (20) days of the date of this Order, the licensee or any person whose interest may be affected by this Order may request a hearing with respect to this Order. Any such request shall not stay the immediate effectiveness of this Order.

Dated at Washington, D.C. this 7th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,
Secretary of the Commission.

[Dockets Nos. 50-269, 50-270, and 50-287]
FR Doc. 79-14706 Filed 5-10-79; 8:45 am]
BILLING CODE 7590-01-M

Indiana & Michigan Electric Co., and Indiana & Michigan Power Co.; Notice of Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 28 and 10 to Facility Operating License Nos. DPR-58 and DPR-74 issued to Indiana and Michigan Electric Company, which revised the Appendix A Technical Specifications for operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities), located in Berrien County, Michigan.

These changes authorize the removal of part-length control rods in place of the part-length rods (PLR) for Unit 1 and installation of permanent anti-rotational devices on the PLR lead screws for both Units 1 and 2. Also, part-length rods will not be installed for operation in Unit 2. All provisions for PLRs have been removed from the Unit 2 Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 23, 1979 and related letters dated December 20, 1978 and April 4, 1979, (2) Amendment Nos. 28 and 10 to Facility Operating License Nos. DPR-58 and DPR-74, and (3) the Commission's Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude

Reston Palenske Memorial Library, 500 Market Street, St. Josephs, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 2nd day of May 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket Nos. 50-315 and 50-316]

[FR Doc. 79-14707 Filed 5-10-79; 8:45 am]

BILLING CODE 7590-01-M

Sacramento Municipal Utility District

In the matter of Sacramento Municipal Utility District, Rancho Seco Nuclear Generating Station.

Order

I

The Sacramento Municipal Utility District (the licensee or SMUD) is the holder of the Facility Operating License No. DPR-54 which authorizes the operation of the nuclear power reactor known as the Rancho Seco Nuclear Generating Station (the facility or Rancho Seco), at steady state power levels not in excess of 2,772 megawatts thermal (rated power). The facility is a Babcock & Wilcox (B&W) designed pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California.

II

In the course of its evaluation to date of the accident at the Three Mile Island Unit No. 2 facility, which utilizes a B&W designed PWR, the Nuclear Regulatory Commission staff has ascertained that B&W designed reactors appear to be unusually sensitive to certain off-normal transient conditions originating in the secondary system. The features of the B&W design that contribute to this sensitivity are: (1) design of the steam generators to operate with relatively small liquid volumes in the secondary side; (2) the lack of direct initiation of reactor trip upon the occurrence of off-normal conditions in the feedwater system; (3) reliance on an integrated control system (ICS) to automatically regulate feedwater flow; (4) actuation before reactor trip of a pilot-operated relief valve on the primary system pressurizer (which, if the valve sticks open, can aggravate the event); and (5) a low steam generator elevation (relative to the reactor vessel) which provides a smaller driving head for natural circulation.

Because of these features, B&W designed reactors place more reliance on the reliability and performance characteristics of the auxiliary feedwater system, the integrated control system, and the emergency core cooling system (ECCS) performance to recover from frequent anticipated transients, such as loss of offsite power and loss of normal feedwater, than do other PWR designs. This, in turn, places a large burden on the plant operators in the event of off-normal system behavior during such anticipated transients.

As a result of a preliminary review of the Three Mile Island Unit No. 2 accident chronology, the NRC staff initially identified several human errors that occurred during the accident and contributed significantly to its severity. All holders of operating licenses were subsequently instructed to take a number of immediate actions to avoid repetition of these errors, in accordance with bulletins issued by the Commission's Office of Inspection and Enforcement (IE). In addition, the NRC staff began an immediate reevaluation of the design features of B&W reactors to determine whether additional safety corrections or improvements were necessary with respect to these reactors. This evaluation involved numerous meetings with B&W and certain of the affected licensees.

The evaluation identified design features as discussed above which indicated that B&W designed reactors are unusually sensitive to certain off-normal transient conditions originating in the secondary system. As a result, an additional bulletin was issued by IE which instructed holders of operating licenses for B&W designed reactors to take further actions, including immediate changes to decrease the reactor high pressure trip point and increase the pressurizer pilot-operated relief valve setting. Also, as a result of this evaluation, the NRC staff identified certain other safety concerns that warranted additional short-term design and procedural changes at operating facilities having B&W designed reactors. These were identified as items (a) through (e) on page 1-7 of the Office of Nuclear Reactor Regulation Status Report to the Commission of April 25, 1979.

After a series of discussions between the NRC staff and the licensee concerning possible design modifications and changes in operating procedures, the licensee agreed in a letter dated April 27, 1979, to perform promptly the following actions:

(a) Upgrade the timeliness and reliability of delivery from the Auxiliary Feedwater System by carrying out actions as identified in Enclosure 1 of the licensee's letter of April 27, 1979.

(b) Develop and implement operating procedures for initiating and controlling auxiliary feedwater independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or turbine trip.

(b) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) Provide for one Senior Licensed Operator assigned to the control room who has had Three Mile Island Unit No. 2 (TMI-2) training on the B&W simulator.

In its letter the licensee also stated that Rancho Seco would be shut down on April 28, 1979 and would remain shut down until (a) through (e) above are completed (The facility was shut down on April 28, 1979 as stated).

In addition to these modifications to be implemented promptly, the licensee has also proposed to carry out certain additional long-term modifications to further enhance the capability and reliability of the reactor to respond to various transient events. These are:

The licensee will provide to the NRC staff a proposed schedule for implementation of identified design modifications which specifically relate to items 1 through 9 of Enclosure 1 to the licensee's letter of April 27, 1979, and would significantly improve safety.

The licensee will submit a failure mode and effects analysis of the Integrated Control System to the NRC staff as soon as practicable. The licensee stated that this analysis is now underway with high priority by B&W.

The reactor trip following loss of main feedwater and/or trip of the turbine to be installed promptly pursuant to this Order will thereafter be upgraded so that the components are safety-grade. The licensee will submit this design to the NRC staff for review.

The licensee will continue operator training and have a minimum of two licensed operators per shift with TMI-2 simulator training at B&W by June 1, 1979. Thereafter, at least one licensed operator with TMI-2 simulator training at B&W will be assigned to the control room. All training of licensed personnel will be completed by June 28, 1979.

The Commission has concluded that the prompt actions set forth as (a) through (e) above are necessary to provide added reliability to the reactor

system to respond safely to feedwater transients and should be confirmed by a Commission order.

The Commission finds that operation of Rancho Seco should not be resumed until the actions described in paragraphs (a) through (e) above have been satisfactorily completed.

For the foregoing reasons, the Commission has found that the public health, safety and interest require that this Order be effective immediately.

III

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and are being placed in the Commission's local public document room in the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California 95814:

(1) Office of Nuclear Reactor Regulation Status Report on Feedwater Transients in B&W Plants, April 25, 1979.

(2) Letter from J. J. Mattimoe (SMUD) to Harold Denton (NRR) dated April 27, 1979.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that:*

(1) The licensee shall take the following actions with respect to Rancho Sec:

(a) Upgrade the timeliness and reliability of delivery from the Auxiliary Feedwater System by carrying out actions as identified in Enclosure 1 of the licensee's letter of April 27, 1979.

(b) Develop and implement operating procedures for initiating and controlling auxiliary feedwater independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or turbine trip.

(d) Complete analyses for potential small breaks and develop and implement operating instructions to define operator action.

(e) Provide for one Senior Licensed Operator assigned to the control room who has had Three Mile Island Unit No. 2 (TMI-2) training on the B&W simulator.

(2) The licensee shall maintain Rancho Seco in a shutdown condition (the facility was shut down on April 28, 1979) until items (a) through (e) in paragraph (1) above are satisfactorily completed. Satisfactory completion will require confirmation by the Director, Office of Nuclear Reactor Regulation, that the actions specified have been taken, the specified analyses are acceptable, and the specified implementing procedures are appropriate.

(3) The licensee shall as promptly as practicable also accomplish the long-term modifications set forth in Section II of this Order.

V

Within twenty (20) days of the date of this Order, the licensee or any person whose interest may be affected by this Order may request a hearing with respect to this Order. Any such request shall not stay the immediate effectiveness of this Order.

Dated at Washington, D.C. this 7th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[Docket No. 50-312]

[FR Doc. 79-14708 Filed 5-10-79; 8:45 am]

BILLING CODE 7590-01-M

Stone & Webster Engineering Corp.; Reference Safety Analysis Report for SWESSAR-P1 Balance-of-Plant Standard Design and Its Relationship to the RESAR-41 Standard Design; Issuance of Amendment to Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission has issued Amendment No. 2 to Preliminary Design Approval No. PDA-4, dated May 4, 1979, for the reference system design of a balance-of-plant portion of a pressurized water reactor nuclear power plant utilizing the Westinghouse RESAR-41 nuclear steam supply system design, and as described in the application by Stone & Webster Engineering Corporation (SWESSAR-P1). Preliminary Design Approval No. PDA-4 was issued by the staff of the Nuclear Regulatory Commission on May 5, 1976.

The amendment extends the expiration date for Preliminary Design Approval No. PDA-4 from May 5, 1979 to June 5, 1979. This change was made as a result of the Nuclear Regulatory Commission's policy statement on standardization of nuclear power plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. The August 1978 policy statement identified certain types of safety matters that PDA holders would be required to address prior to the granting of PDA extensions. The policy statement requested prospective applicants for extension to submit their responses to the safety matters identified to them early enough " * * * so that staff review can be completed prior to the expiration date of the existing PDA or as soon thereafter as is practical."

The safety matters were identified in an NRC staff letter to the Stone & Webster Engineering Corporation, R. Boyd to W. J. L. Kennedy, dated January 24, 1979. By letter dated May 3, 1979, W. J. L. Kennedy to R. Boyd, the Stone & Webster Engineering Corporation submitted material addressing each of these matters. The staff has concluded that the time required to conduct a completeness review of the applicant's submittal will exceed the remaining time to the current PDA-4 expiration date of May 5, 1979. Accordingly, the staff has concluded that an interim administrative extension of PDA-4 to June 5, 1979 is appropriate and warranted, in order for the staff to complete its initial review of these matters prior to a decision on further extension of PDA-4 in accordance with the Commission's August 1978 policy statement.

Amendment No. 2 to PDA-4 is effective as of its date if issuance and shall expire on June 5, 1979 unless extended by the NRC staff. The expiration of PDA-4 as amended, should not affect use of PDA-4, Amendment No. 2 for reference in any construction permit application filed prior to such date.

A copy of Preliminary Design Approval No. PDA-4, Amendment No. 2 dated May 4, 1979 is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 4th day of May 1979.

For the Nuclear Regulatory Commission.

C. J. Heltemes, Jr.,

Chief, Standardization Branch, Division of Project Management, Office of Nuclear Reactor Regulation.

[Docket No. STN-50-495]

[FR Doc. 79-14709 Filed 5-10-79; 8:45 am]

BILLING CODE 7590-01-M

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 50 to Facility Operating License No. DPR-33, Amendment No. 44 to Facility Operating License No. DPR-52, and Amendment No. 22 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised

Technical specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1 and 2 and the license and Technical Specifications for operation of Browns Ferry Unit No. 3, (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to delete the interim, compensatory requirements on the Standby Gas Treatment System (SGTS) and clarify a test requirement for the SGTS. These amendments also (1) delete the existing condition in paragraph 2.E.(1) of License DPR-68 which required TVA to modify the electrical controls and instrumentation for the SGTS, since this modification has been satisfactorily completed, and (2) delete existing conditions in paragraph 2.E.(2) and 2.E.(3) relating to fire protection requirements, since these conditions have also been satisfactorily completed.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated August 3, 1978 and January 10, 1979 and supplemental information dated June 28, 1978, (2) Amendment No. 50 to License No. DPR-33, Amendment No. 44 to License No. DPR-52, and Amendment No. 22 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 4th day of May 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[Docket Nos. 50-259, 50-260 and 50-296]
[FR Doc. 79-14710 Filed 5-10-79; 8:45 am]
BILLING CODE 7590-01-M

Virginia Electric & Power Co. (North Anna Unit No. 1 Surry Unit Nos. 1 and 2); Request for Revocation of Operating Licenses for North Anna and Surry Units

Notice is hereby given that by letter dated April 5, 1979, June Allen on behalf of the North Anna Environmental Coalition requested that the Commission revoke the operating licenses issued to the Virginia Electric & Power Company for operation of North Anna Unit 1 and Surry Units 1 and 2. The basis of the request is alleged nonconformance of estimated peak fuel cladding temperatures with the requirements of 10 CFR 50.46(b) of the Commission's regulations and allegedly inadequate capacity of the refueling water storage tank at North Anna. The letter also requests that the Commission investigate the role of condenser defects in causing steam generator deterioration.

This request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the request within a reasonable time. Copies of the request are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the local public document rooms for the North Anna (Alderman Library, University of Virginia, Charlottesville, Virginia 22901 and Louisa County Courthouse; Post Office Box 27, Louisa, Virginia 23093) and Surry (Swem Library, College of William and Mary, Williamsburg, Virginia 23185) units.

Dated at Bethesda, Maryland, this 4th day of May 1979.

For the Nuclear Regulatory Commission.

Roger S. Boyd,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-14711 Filed 5-10-79; 8:45 am]
BILLING CODE 7590-01-M

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Correction to Meeting Notice

This is to correct the meeting notice which appeared in the Federal Register on Monday, May 7, 1979 (44 FR 26823).

The correction involves the meeting location.

The Select Commission on Immigration and Refugee Policy will meet on Tuesday, May 22, 1979, at 2:30 p.m. in Room 318 of the Russell Senate Office Building, Washington, D.C.

Inquiries may be directed to the Commission offices at (202) 724-7482.

Date: May 10, 1979.

Joan Arrowsmith,

Interim Coordinator.

[FR Doc. 79-15023 Filed 5-10-79; 9:51 am]
BILLING CODE 4510-23-M

SECURITIES AND EXCHANGE COMMISSION

Advance Investors Corp.; Application

May 4, 1979.

In the matter of Advance Investors Corporation, 125 High Street, Boston, Massachussets 02110.

Notice of application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company.

Notice is hereby given that Advance Investors Corporation ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 14, 1979, and an amendment thereto on May 2, 1979, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on July 2, 1976, and when its registration statement for the public offering of its common stock was declared effective on August 30, 1976, Applicant commenced a public offering of such stock.

Applicant states that its Board of Directors approved the Articles of Transfer and Agreement and Plan of Reorganization ("Plan") between Applicant and Windsor Fund, Inc. ("Windsor"), a registered open-end, management investment company, whereby substantially all of Applicant's assets were to be exchanged for shares

of Windsor and Applicant was to be dissolved. According to the application, Applicant's shareholders approved the plan at a special meeting held on December 27, 1978, by the majority vote of shareholders required by law. The application states that the exchange was made on the basis of the net asset values of Windsor and Applicant computed as of the close of business on the New York Stock Exchange on December 27, 1978. On December 28, 1978, Applicant asserts, the shares of Windsor received in exchange for Applicant's assets were distributed to Applicant's shareholders.

Applicant further states that its only assets consist of approximately $21,000 of cash retained to pay certain unpaid expenses in connection with winding up its business affairs. Applicant asserts that it no longer has any security holders, is not a party to any litigation or administrative proceeding, and does not propose to engage in any activity other than that necessary for winding up its business affairs.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 29, 1979 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Investment Co. Act of 1940; Release No. 10683]
FR Doc. 79-4728 Filed 5-10-79; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Louisiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the following 7 parishes; Ascension, Assumption, Catahoula, East Baton Rouge, Iberville, Livingston, St. Tammany and adjacent parishes within the State of Louisiana, constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about April 20, 1979. Applications will be processed under the provisions of Pub. L. 94-305. Interest rate is 7⅜ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 2, 1979, and for economic injury until close of business on February 4, 1980, at:

Small Business Administration, District Office, Plaza Tower—17th Floor, 1001 Howard Avenue, New Orleans, Louisiana 70113,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 7, 1979.

William H. Mauk, Jr.,
Acting Administrator.

[Disaster Loan Area No. 1631]
[FR Doc. 79-14796 Filed 5-10-79; 8:45 am]
BILLING CODE 8025-01-M

Mississippi; Declaration of Disaster Loan Area

The above-numbered Declaration (See 44 FR 24179) and amendment #1 (See 44 FR 26232) are amended in accordance with the President's declaration of April 16, 1979, to include Montgomery County in the State of Mississippi. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named county, and adjacent counties within the State of Mississippi. All other information remains the same; i.e., the termination dates for filing applications for physical damage is close of business on June 15, 1979, and for economic injury until the close of business on January 15, 1980.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.

Dated: May 2, 1979.

A. Vernon Weaver,
Administrator.

[Disaster Loan Area No. 1616, Amdt. No. 2]
[FR Doc. 79-14795 Filed 5-10-79; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

Certain Ferroalloys From Brazil; Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: This notice is to advise the public that a satisfactory petition has been received and a countervailing duty investigation is being initiated to determine if benefits which constitute the payment of a bounty or grant within the meaning of the countervailing duty law are paid by the Government of Brazil to manufacturers or exporters of certain ferroalloys. A preliminary determination will be made not later than October 11, 1979, and a final determination not later than April 11, 1980.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20220, (202-566-5492).

SUPPLEMENTARY INFORMATION: A petition in satisfactory form was received on April 11, 1979, on behalf of the Ferroalloys Association, alleging that benefits conferred by the Government of Brazil upon the manufacture, production, or exportation of certain ferroalloys from Brazil constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The merchandise specified in the petition includes ferrochrome containing over 3 percent by weight of carbon classified under item number 607.3100 of the Tariff Schedules of the United States Annotated (TSUSA); ferromanganese containing over 4 percent by weight of carbon under item number 607.3700; ferrosilicon manganese under item

number 607.5700; and ferrosilicon containing over 60 percent but not over 80 percent by weight of silicon under item number 607.5100. All of the above products from Brazil (except the ferrochrome) are currently free of ordinary Customs duties under the Generalized System of Preferences (GSP). In the event that it becomes necessary to refer this matter to the United States International Trade Commission pursuant to section 303(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), there is evidence on record concerning injury to, or likelihood of injury to, an industry in the United States.

This information indicates that at a time of rising United States consumption of ferroalloys, increased imports of allegedly subsidized ferroalloys from Brazil have suppressed United States prices and resulted in declines in production, employment, and profitability in the United States ferroalloy industry.

Alleged bounties or grants as listed in the petition include the following:

1. The excessive remission upon export of the federal Industrial Products Tax (IPI) and the state Merchandise Circulation Tax (ICM). The Treasury Department has determined in the contrext of previous countervailing duty investigations involving Brazil that the ICM has been abolished. Therefore the latter will not be subject to investigation in this case.

2. Exemption from the payment of Customs duties and value-added taxes on the plant and equipment imported for the production of ferroalloys for export. These benefits are allegedly conferred under programs of the Industrial Development Council (CDI), the Commission for the Granting of Fiscal Benefits to Special Export Programs (BEFIEX) and the Export Incentives Commission (CIEX).

3. Regional aid assistance in the form of tax credits available to firms located in less developed areas as administered by the Superintendecy for the Development of the Northeast (SUDENE) and the Superintendency for the Development of the Amazon (SUDAM).

4. The granting of IPI credits for the purchase of Brazilian-made equipment and accelerated depreciation for facilities and equipment manufactured in Brazil for the production of ferroalloys and preferential credit arrangements for imported raw materials under CDI.

5. Export and working capital financing at rates lower than those othewise available commercially.

6. Reduction in taxable income by the percentage of total sales accounted for by export sales.

7. Reductions in the Brazilian withholding tax on remittances abroad and certain profits earned on export sales.

Pursuant to section 303(a)(4) Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Secretary of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of that statute within 6 months of receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final determination must be issued within 12 months of the receipt of such a petition.

Therefore, a preliminary determination on this petition will be made no later than October 11, 1979, as to whether or not the alleged payments or bestowals conferred by the Government of Brazil upon the manufacture, production or exportation of the merchandise described above constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than April 11, 1980.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c), Customs Regulations (19 CFR 159.47(c)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim,
General Counsel of the Treasury.

May 4, 1979.

[FR Doc. 79-14747 Filed 5-10-79; 8:45 am]
BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

Canadian Pacific Limited and Canellus Inc.—Control—Hutchinson and Northern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Canadian Pacific Limited (CPL), through Canellus Incorporated (CI) and certain other non-carrier subsidiaries, proposes to acquire all of the outstanding capital stock, and thus control, of the Hutchinson and Northern Railway Company (HN). On April 6, 1979, CPL and CI filed a petition for exemption from 49 U.S.C. 11343–11347, which would otherwise require prior approval of the transaction by the Commission. The petitioners request exemption pursuant to 49 U.S.C. 10505, stating that prior Commission review is unnecessary.

DATES: Comments should be filed no later than June 11, 1979.

ADDRESS: An original and 12 copies of comments should be sent to: Interstate Commerce Commission, 12th Street and Constitution Avenue, NW, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: Petitioner CPL, a Canadian corporation, operates a 16,300 mile railway system extending throughout most of Canada, and connecting with the United States rail carriers the Boston and Maine Corporation, Consolidated Rail Corporation, Chesapeake and Ohio Railway Company, Soo Line Railroad Company, Norfolk and Western Railway Company, and Burlington Northern Inc. In addition, CPL owns the following interests in United States rail carriers subject to our jurisdiction:

55.69 percent of the voting stock of the Soo Line Railroad Company, a class I railroad.
88.67 percent of the voting stock of Aroostook Valley Railroad Company, a class III railroad.
100 percent of the voting stock of the International Railway Company of Maine, the Aroostook River Railroad Company, and the Houlton Branch Railroad Company, class II railroads collectively known as the Canadian Pacific Lines in Maine.
100 percent of the voting stock of the Newport and Richford Railroad Company, a class III railroad known as the Canadian Pacific Lines in Vermont.

CPL also operates the Canadian Pacific Detroit Terminal, a class III switching and terminal facility, as an integral part of its system, and files annual reports with us for that operation and for the Canadian Pacific Lines in Maine and the Canadian Pacific Lines in Vermont. Other transportation and related enterprises of CPL including trucking, telecommunications, air transport, and shipping. As more directly pertinent to the proposed transaction, CPL owns 82.31 percent of the outstanding capital stock of

Canadian Pacific Investments Limited (CPI).

CPI, a Canadian corporation, is the vehicle through which CPL conducts all non-transportation related operations. According to the petitioners, neither CPL nor any company which it controls are carriers subject to the Interstate Commerce Act (recodified on October 17, 1978, as subtitle IV of title 49, United States Code, Pub. L. No. 95–473, 92 Stat. 1337) or engaged in transportation related business. CPI owns 100 percent of the outstanding capital stock of Canellus International N.V. (NV).

NV, incorporated in the Netherlands, is primarily a holding company existing for non-transportation related business purposes. NV in turn owns 100 percent of the outstanding capital stock of petitioner CI.

Petitioner CI is a holding company incorporated in Delaware. It manages certain businesses conducted through its subsidiaries in the United States, primarily rendering and manufacturing commercial china. CI owns 100 percent of the outstanding capital stock of Processed Minerals Incorporated (PMI).

PMI, a Delaware corporation, was recently organized by CI to acquire, own, and operate certain assets to be purchased from Interpace Corporation (Interpace). Those assets include 100 percent of the outstanding capital stock of HN.

HN is a class III United States rail carrier subject to our jurisdiction. HN has no employees, all of its operations being conducted by Interpace personnel. It owns 5.14 miles of track near Hutchinson, Kansas, and operates two switching locomotives. The chief users of HN's switching operation are the Missouri Pacific Railroad Company, the Atchison, Topeka and Santa Fe Railway Company, and the Chicago, Rock Island and Pacific Railroad Company. HN's tracks do not connect with, and are geographically distant from, the railroad facilities controlled by CPL.

In 1977, HN handled 676 cars in switching operations and 3,029 cars in terminal operations. The petitioners indicate that about 98 percent of its traffic derives from a Hutchinson, Kansas, salt business also being acquired from Interpace. Other traffic originates with a mobile home manufacturer and a grain elevator located along HN's track. Having recently leased 425 boxcars for sublease to others, HN is also a car utilization railroad engaged in generating per diem car hire rentals. Its unaudited gross railroad operating revenues were $115,423 in 1978, and its total assets were $177,966 on December 31, 1978.

The relationships among the petitioners, the petitioners' affiliates named above, Interpace, and HN are shown schematically in the appendix.

Proposed Transaction

Besides its ownership and operation of HN, Interpace is engaged in a number of other lines of business, including the mining and processing of salt at Hutchinson, Kansas, and wollastonite at Willsboro, New York. Under the proposed transaction, CI would purchase for cash all of the Interpace assets used in the operation of those businesses, including all of the outstanding capital stock of HN. Upon consummation, all of the described assets would be conveyed to PMI in accordance with an agreement among CI, PMI, and Interpace. No securities would be issued in connection with the proposal, and no government financial assistance would be involved.

The petitioners state that none of HN's operating personnel is subject to any national railway labor agreement, but that all participate in certain pension benefits under Interpace pension plans. The petitioners aver that under the proposed agreement among CI, PMI, and Interpace, those employees would receive pension benefits at least equal to those now provided by Interpace.

Request for Exemption

Because CPL now controls other United States rail carriers subject to our jurisdiction, control of HN through CPL's subsidiaries CPI, NV, CI, and PMI would require our approval under 49 U.S.C. 11343–11347. A request for our approval entails submission of an application complying with the Railroad Acquisition, Control, Merger, Consolidation Project, Trackage Rights and Lease Procedures, 49 CFR Part 1111 (1977), revised in part at 44 FR 2,177 (1979). CPL and CI maintain that acquisition of indirect control of HN would be completely incidental to the larger transaction involving purchase of the Interpace salt and wollastonite businesses. They submit that HN does not generate a substantial volume of rail traffic, and that the proposal would not afford a real opportunity for traffic diversion. Indicating that switching and terminal operations would continue in the same manner as presently conducted, the petitioners assert that the transaction would have no impact on shippers, employees, other carriers, or the public, nor on the operations, administration, liabilities, or obligations of HN. They state that the only benefits accruing to them would be those normally expected by the indirect owners of an operating property.

The petitioners believe that the interests of the public, connecting carriers, and the State of Kansas in the proposed transaction are insignificant. They maintain that application of the provisions of subtitle IV of title 49, United States Code, to the proposal would serve no useful purpose and would impose an unreasonable burden. They therefore request that, respecting the proposed acquisition of indirect control of HN, we exempt them from the applicable statutory provisions and from our regulations.

As pertinent here, 49 USC 10505 provides that we shall exempt a rail carrier transaction because of its limited scope when we find that application of a provision of subtitle IV of title 49, United States Code, (1) Is not necessary to carry out the national transportation policy, (2) Would place an unreasonable burden on a person, class of persons, or interstate and foreign commerce, and (3) Would serve little or no useful public purpose. We may act under 49 U.S.C. 10505 only after an opportunity for a proceeding. This notice and request for comments on the petition for exemption provides that opportunity. Comments should address the petitioners' assertions regarding the nature, scope, and effect of the transaction, or any other matters relevant to the question of exemption.

This proceeding is instituted under the authority of 49 U.S.C. 10505 pursuant to 5 U.S.C. 553.

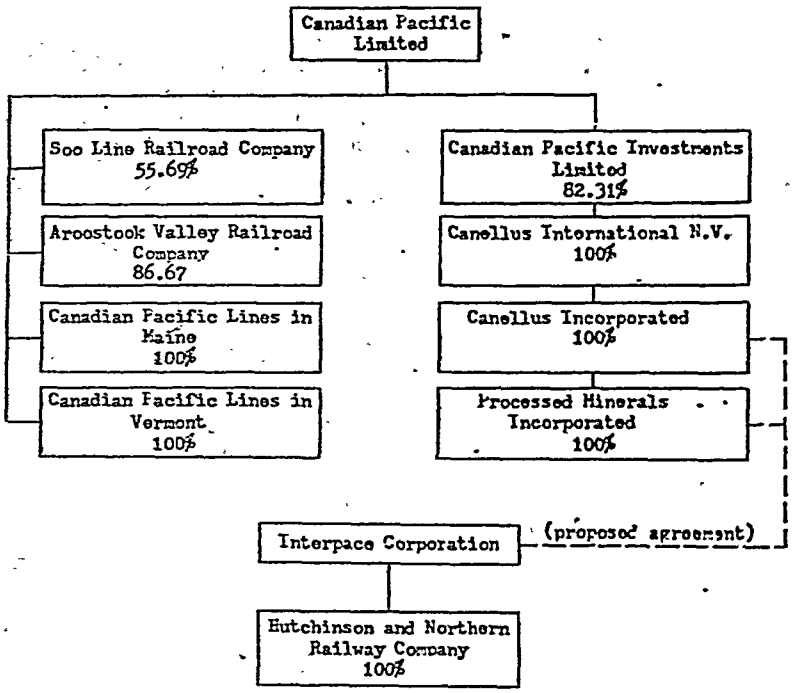
This proceeding will not significantly affect the human environment or energy consumption.

Dated: April 27, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Chairman O'Neal and Commissioner Stafford absent and not participating.

H. G. Homme, Jr.,
Secretary.

Appendix



[Finance Docket No. 29010F]
[FR Doc. 79-14692 Filed 5-10-79; 8:45 am]
BILLING CODE 7035-01-M

Assignment of Hearings

May 7, 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.

MC 112989 (Sub-78F), West Coast Truck Lines, Inc., now assigned June 4, 1979, at San Francisco, CA, will be held in the Holiday Inn, 750 Kearny Street; and continued to June 25, 1979, at Chicago, IL, will be held in the Marriott Hotel, 8535 W. Higgings Road.

MC 124306 (Sub-46F), Kenan Transport Company, Inc., now assigned May 14, 1979, at Washington, D.C., is postponed to May 15, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 145034F, Sky Trucking Co., now assigned for hearing on May 23, 1979, (3 days), at Los Angeles, CA., will be held in the U.S. County Courthouse, 111 North Hill Street.

MC 113651 (Sub-287F), Indiana Refrigerator Lines, Inc., now assigned for hearing on June 11, 1979, (1 day), at Omaha, NE., in a hearing room to be later designated.

MC 135078 (Sub-35F), American Transport, Inc., now assigned for hearing on June 12, 1979, (2 days), at Omaha, NE., in a hearing room to be later designated.

MC 126118 (Sub-105F), Crete Carrier Corporation, now assigned for hearing on June 14, 1979, (2 days), at Omaha, NE., in a hearing room to be later designated.

MC 134906 (Sub-1, 2, 3, 4, 5, 6 & 7), Cape Air Freight, Incorporated, now assigned for hearing on May 15, 1979, (9 days), at Louisville, KY., is postponed and change from hearing to Prehearing Conference on May 22, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 989 (Sub-30F), Ideal Truck Lines, Inc., now assigned May 21, 1979, at Wichita, KS, will be held at the Best Western Cantebury Inn, 5805 West Kellogg.

MC 96925 (Sub-9F), Crown Motor Lines, Inc., now assigned May 21, 1979 at Tallahassee, FL, will be held in Room No. 111, Fletcher Bldg., 101 East Gaines Street.

MC 69281 (Sub-45F), The Davidson Transfer & Storage Co., a Corp., now assigned June 4, 1979, at Baltimore, MD., will be held in Room No. 1017, Fallon Federal Bldg., 311 Hopkins Plaza.

MC 119765 (Sub-64F), Eight Way Express, Inc., now assigned May 30, 1979, at Omaha, NE, will be held in room No. 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 126118 (Sub-91F), Crete Carrier Corporation, now assigned June 4, 1979, at Omaha, NE, will be held in Room No. 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC 141921 (Sub-17F), Sav-On Transportation, Inc., now assigned May 31, 1979, at Omaha, NE, will be held in Room No. 616, Union Pacific Plaza, 110 N. 14th Street, 14th & Dodge.

MC-C-8877, Consolidated Freightways Corporation of Delaware—Investigation of and Revocation of Certificates, now assigned May 21, 1979, at Atlanta, GA., in the Sheraton Biltmore Hotel, 817 West Peachtree St., is transferred to the Riviera Hyatt House, 1630 Peachtree St., N.W., Atlanta, GA.

MC 99610 (Sub-17, 19 & 27), ross Neely Express, Inc., now assigned May 30, 1979, (3 days), in the GSA Conference Room 430, Federal Building & U.S. Court, 1800—5th Avenue North, Birmingham, AL.

I & S 8863, Switching & Minimum Carload Charges, Houston, Texas, now assigned May 30, 1979, at Houston, Texas, will be held in Room 5212, Federal Building, 515 Rusk Avenue.

No. 37095, Arthur Goldzweig, et al. v. Transport of New Jersey et al., now assigned May 14, 1979, (1 week), for continued hearing at the Marlboro Municipal Office's Meeting Room, Route 79 & Tennent Road, Marlboro Township, Marlboro, New Jersey.

MC-C-10164, B. J. McAdams, Inc., and McCormack's Highway Transportation, Inc., Investigation and Revocation of Certificates; MC-C-9647, B. J. McAdams, Inc., Eugene D. Anderson Investigation—Shipper Support Misrepresentation and Coercion; MC-C-9969, B. J. McAdams, Inc., Whirlpool Corporation Investigation—Misrepresentation; No. MC 134922 (Sub-93, 100, 101, 103, 116, 199, 235, 181, 189, 224), B. J. McAdams, Inc.; MC 19157 (Sub-21, 23, 26, 30, 31, 33, 34, 41), McCormack's Highway Transportation, Inc., Now assigned June 5, 1979, (13 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 23618 (Sub-25F), McAlister Company Dba Matco, now assigned for hearing on May 8, 1979, at Dallas, Texas is canceled and application dismissed.

MC 56679 (Sub-102), Brown Transport Corporation, now assigned continued hearing June 5, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 143762 (Sub-2F), Steve T. Allen, dba Riggs, & Allen Transportation, now assigned May 16, 1979, at Phoenix, AZ, is canceled and transferred to modified procedure.

MC 145593F, Harold Shull Trucking, Inc., now transferred to modified procedure.

MC 110998 (Sub-171F), Zero Refrigerated Lines, now assigned for hearing on June 4, 1979, at Kansas City, MO is canceled and transferred to modified procedure.

MC 145399F, Shay Distributing Co., Application dismissed.

MC 113678 (Sub-750F), Curtis, Inc., transferred to modified procedure.

MC 118159 (Sub-282), National Refrigerated Transport, Inc., transferred to Modified Procedure.
No. 37135F, Increased Rates on Coal, BN Montana to Cohasset, Minnesota, No. 37135 (Sub-1), Increased Rates on Coal, BN, Montana to Cohasset, Minnesota, No. 37153, Minnesota Power & Light Company V. Burlington Northern, Inc., No. 37162, The Cleveland-Cliffs Iron Company v. Burlington Northern, Inc., and No. 37169, Detroit Edison Company V. Burlington Northern, Inc., now assigned hearing July 16, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 124821 (Sub-26), William Gilchrist, and No. MC 124920 (Sub-14), La Bar's, Inc., now assigned continued hearing June 27, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 110988 (Sub-375F), Schneider Tank Lines, Inc., now assigned June 11, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C., and continued to July 23, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 115331 (Sub-457F), Truck Transport, Inc., now assigned continued hearing on June 19, 1979, at the Offices of Interstate Commerce Commission, Washington, D.C.

H. G. Homme, Jr.,
Secretary.
[Notice No. 84]
[FR Doc. 79-14741 Filed 5-10-79; 8:45 am]
BILLING CODE 7035-01-M

Gleason Brothers, Inc., Released Rate Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1478.

SUMMARY: Gleason Bros., Inc. seeks authority to publish released rates between Northampton, MA and points in NJ, MA, SC, VA, PA, CT, ME, NY, NH and the District of Columbia on submarine periscopes, requiring special handling, and component parts of submarine periscopes, and periscope containers. The net effect will be to limit applicant's liability to a value not exceeding $5000 per ton of 2000 pounds, subject to an excess value charge of 50 cents for each $1000 or fraction thereof of value exceeding $5000 per ton of 2000 pounds.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Patrick T. Gleason, Esquire, Gleason Bros., Inc., 26 Center Street, Northampton, MA 07632, Telephone: (413) 584-9509.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Telephone: (202) 275-7447.

SUPPLEMENTARY INFORMATION: Applicant seeks relief from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act to publish released rates in its tariffs.

H. G. Homme, Jr.,
Secretary.
[Released Rate Application No. MC-1478]
[FR Doc. 79-14740 Filed 5-10-79; 8:45 am]
BILLING CODE 7035-01-M

Fourth Section Applications for Relief

May 8, 1979.

These applications for long-and-short-haul relief has been filed with the I.C.C.

FSA No. 43692, Hong Kong Islands Line No. 1, intermodal rates on general commodities in containers, between ports in the Far East, on the one hand, and on the other, rail carriers terminals on the United States Atlantic and Gulf Coasts via West Coast points of interchange, in its Tariffs ICC HKLU 300 and 301, to become effective May 27, 1979. Grounds for relief—water competition. Protests are due at the I.C.C. by May 24, 1979.

FSA No. 43695, Lykes Bros. Steamship Co., Inc. (No. 10), joint water-rail rates on general commodities in containers, from Ports in Japan, Korea and the Philippines, to rail carriers' terminals on the U.S. Atlantic and Gulf Coast via West Coast points of interchange, as published in Trans-Pacific Freight Conference of Japan/Korea Eastbound Intermodal Tariff No. 2, ICC TPC 111 and Lykes Bros. Steamship Co., Inc. ICC LYKU 720, to become effective May 25, 1979. Grounds for relief—water competition. Protests are due at the I.C.C. by May 24, 1979.

FSA No. 43697, Hanjin Container Lines, LTD. (No. 102), joint water-rail rates on general commodities in containers, between rail carriers' terminals on the U.S. Atlantic and Gulf Coast, and Ports in Japan and Korea via West Coast points of interchange, as published in Pacific Westbound Conference Westbound Intermodal Tariff No. ICC PWC-708A and Trans-Pacific Freight Conference of Japan/Korea Eastbound Intermodal Tariff No. 2, ICC TPF-111, to become effective May 20 and later. Ground for relief—water competition. Protests are due at the I.C.C. by May 17, 1979.

FSA No. 43696, annual volume rates on chemicals and related articles in tank carloads, between Kings Mill, Tex., on the one hand and, on the other, Bay City, Midland, Mich. and Sarnia, Ontario, as published in Southwestern Freight Bureau Agent's Tariff SWFB 4616, ICC SWFB 4616, to become effective May 29, 1979. Grounds for relief—market competition. Protests are due at the I.C.C. by May 24, 1979.

Protests are due at the I.C.C. on or before May 29, 1979.

FSA No. 43691, Eurobridge Lines No. 2, intermodal rates on general commodities in containers, between ports in Europe and the Mediterranean Sea, on the one hand, and rail carriers terminals on the United States Pacific Coast, on the other via East Coast points of interchange, in its Tariffs Nos. 2 and 3, ICC Nos. 2 and 3, respectively, to become effective May 31, 1979. Grounds for relief—water competition.

FSA No. 43693, Ibero Lines No. 1, joint water-rail rates on general commodities in containers, between rail carriers' terminals on the U.S. Gulf and Pacific Coast, and Ports in the Adriatic, Canary Islands, Spain, Portugal, Mediterranean, Africa and Near East via East Coast points of interchange, in its Tariff I.C.C. No. 1. Grounds for relief—water competition.

By the Commission.

H. G. Homme, Jr.,
Secretary.
[FR Doc. 79-14742 Filed 5-10-79; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Decided: April 26, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, on or before June 11, 1979, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline,

or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before June 11, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carlton, Joyce, and Jones.

H. G. Homme, Jr.,
Secretary.

MC 1239 (Sub-10F), filed February 10, 1979. Applicant: PONY TRUCKING, INC., 501 State Route 7, Steubenville, OH 43952. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between (a) the facilities of Weirton Steel Division of National Steel Corporation, at or near (i) Steubenville, OH, and (ii) Weirton, WV, and (b) the facilities of Wheeling-Pittsburgh Steel Corporation, at or near (i) Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (ii) Allenport and Monessen, PA, and (iii) Beech Bottom, Benwood, Follansbee, and Wheeling, WV, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, under continuing contract(s) in (a) above with Weirton Steel Division of National Steel Corporation, of Weirton, WV, and in (b) above with Wheeling-Pittsburgh Steel Corporation, of Pittsburgh, PA. (Hearing site: Pittsburgh, PA.)

MC 40978 (Sub-54F), filed February 12, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., a Corporation, 3321 Business 141 South, Sheboygan, WI 53081. Representative: William C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by manufacturers of power equipment for lawn and turf care*, from the facilities of OMC Galesburg, at Manawa, WI, to points in AR, CT, DE, GA, IA, IL, IN, KY, MA, MD, MI, MN, MO, NC, NJ, NY, OH, OK, PA, RI, SC, TN, VA, WV, and DC. (Hearing site: Milwaukee, WI).

MC 48958 (Sub-171F), filed February 28, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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), between El Paso, TX, and Phoenix, AZ, over Interstate Hwy 10, serving the intermediate points of Las Cruces, NM, and Tucson, AZ, and serving Santo Tomas, NM, as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Las Cruces, NM, or Tucson, AZ.)

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 89369 (Sub-22F), filed February 22, 1979. Applicant: JOART TRUCKING COMPANY, a Corporation, Talmadge Rd., Edison, NJ 08817. Representative: Edward F. Bowes, 167 Fairfield Rd., Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soda ash and dry plastic materials*, in bulk, in hopper-type vehicles, from points in NJ, to points in CT, MA, RI, NY, PA, MD, VA, VT, NH, and NJ, restricted to the transportation of traffic having a prior

movement by rail or water. (Hearing site: New York, NY, or Newark, NJ.)

MC 108119 (Sub-128F), filed February 23, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cooling towers,* between points in Merced County, CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: San Francisco or Los Angeles, CA.)

MC 108119 (Sub-129F), filed February 26, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a Corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cast iron fittings, valve boxes, fabricated pipe, manhole rings, and manhole covers,* from Fort Worth, TX, to points in AZ, CA, and ID. (Hearing site: Fort Worth or Dallas, TX.)

MC 116859 (Sub-19F), filed February 23, 1979. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Burlington, NJ 08016. Representative: David A. Sutherland, 1150 Connecticut Ave. NW., Suite 400, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paperback books,* between Philadelphia, PA, and Washington, DC, on the one hand, and, on the other, points in DE, MD, PA, VA, and DC. (Hearing site: Washington, DC.)

MC 123048 (Sub-430F), filed February 26, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tractors and equipment* designed for use with tractors, and (2) *attachments and parts* for the commodities in (1) above, from points in Grayson and Harris Counties, TX, to points in the United States; and (3) *experimental and show display commodities* as described in (1) and (2) above, between points in the United States, restricted in (3) above to the transportation of traffic originating at or destined to facilities, farms, and exhibits used by Hinomoto Tractor Sales, U.S.A., Inc. (Hearing site: Houston or Dallas, TX.)

MC 126118 (Sub-131F), filed February 28, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay and clay products,* from Ochlocknee, GA, and Ripley, MS, to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, PA, TX, and WI. (Hearing site: Chicago, IL, or Lincoln, NE.)

Note.—Dual operations may be at issue.

MC 126118 (Sub-132F), filed February 28, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by manufacturers of paper and paper products,* from points in WI, to points in AZ, CA, NV, OR, and WA. (Hearing site: Chicago, IL, or Milwaukee, WI.)

Note.—Dual operations may be at issue.

MC 127478 (Sub-15F), filed February 26, 1979. Applicant: WILLIAM M. HAYES D/B/A HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 39683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs,* from the facilities of Kitchens of Sara Lee, (1) at New Hampton, IA, and (2) at or near Chicago, IL, to points in GA, AL, FL, and those in TN on and east of Interstate Hwy 65. (Hearing site: Atlanta, GA, or New Hampton, IA.

MC 136168 (Sub-33F), filed February 23, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *conract carrier,* by motor vehicle, in interstate or foreign commerce, over irregualr routes, transporting *food products, citrus products, and citrus byproducs,* from the facilities of Tropicana Products, Inc., at or near Bradenton, FL, to points in AR, IL, IN, IA, KS, MN, MO, NE, ND, OK, TN, TX, SD, and WI, under continuing contract with Tropicana Products, Inc., of Bradenton, FL.

Note.—Dual operations may be involved. (Hearing site: Tampa, FL, or Chicago, IL.)

MC 140849 (Sub-20F), filed February 28, 1979. Applicant: ROBERTS TRUCKING CO., INC., U.S. Hwy 271 South, P.O. Drawer G, Poteau, OK 74953. Representative: Prentiss Shelley (same address as applicant). To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *textiles and textile products, and materials, equipment, and supplies used in the manufacture or distribution of textiles and textile products,* between points in the United States (except AK and HI), under continuing contract(s) with the Kellwood Company, of Perry, GA. (Hearing site: Atlanta, GA, or Washington, DC.)

Note.—Dual operations may be at issue.

MC 142669 (Sub-8F), filed February 20, 1979. Applicant: GENE WALTERS & CLARK WURTELE, a partnership, d.b.a. M & M TRUCKING, 115 E. Brewster St., Harvey, ND 58341. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer spreaders and fertilizer applicators,* from Willmar, MN, to those points in the United States in and west of ND, SD, NE, KS, OK, and TX. (Hearing site: billings, MT, or Fargo, ND.)

Note.—Dual operations may be at issue.

MC 146449F, filed February 12, 1979. Applicant: ALL CITIES TRANSFER, INC., P.O. Box 90130, East Point, GA 30364. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, Atlanta, GA 30326. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, 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), between Atlanta, GA, and Shenandoah, GA, from Atlanta over Interstate Hwy 85 to junction GA Hwy 34, then over GA Hwy 34 to Shenandoah, and return over the same route, serving no intermediate points. (Hearing site: Atlanta, GA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit indicating why such approval is unnecessary. (2) Dual operations may be at issue.

[Permanent Authority Applications Vol. No. 40]
[FR Doc. 79-14743 Filed 5-10-79; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

Decided: May 3, 1979.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, on or before June 11, 1979, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed.

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before June 11, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the sevice of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. Homme, Jr.,
Secretary.

MC 200 (Sub-336F), filed February 12, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation, at Storm Lake, IA, to points in CT, DE, FL, GA, IL, IN, KY, LA, ME, MA, MD, MI, MO, MS NE, NH, NJ, NY, NC, OH OK, PA, RI, SC, TX, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing Site: Kansas City, MO)

MC 531 (Sub-373F), filed February 8, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk in tank vehicles, from Akron, OH, to points in CA, OR, and WA. (Hearing Site: Akron or Cleveland, OH)

MC 2900 (Sub-362F), filed February 13, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408-R, Jacksonville, FL 32203. Representative: John Carter (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building board, wallboard, and insulating board*, and (2) *materials and supplies* used in the installation of the commodities named in (1) above (except commodities in bulk), from the facilities of Armstrong Cork Company, at or near (A) Macon, GA, to points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, WI, and DC,

(B) Pensacola, FL, to points in AL, AR, CT, DE, GA, IR, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NH, NJ, NY, NC, OH, OK PA, RI, SC, TN, TX, VA, VT, WV, WI, and DC, (C) Marietta, PA, to points in AL, AR, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, MT, NC, NE, ND, OH, OK, SC, SD, TN, TX, UT, WI, and WY, restricted in (A), (B), and (C) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Jacksonville, FL)

MC 29910 (Sub-207F), filed February 9, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *uranium concentrate* (except in bulk), from uranium mine sites and mills, at points in McKinley and Valencia Counties, NM, to Gore, OK. Condition: The certificate will expire in 5 years from the date of issue. (Hearing Site: Oklahoma City, OK, OR Albuquerque, NM)

MC 11220 (Sub-165F), filed February 21, 1979. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, 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), between Fort Smith, AR and Wichita, KS: from Fort Smith, AR over U.S. Hwy 64 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Muskogee Turnpike, then over Muskogee Turnpike to Broken Arrow, OK, then over OK Hwy 51 to Tulsa, OK, then over U.S. Hwy 64 to junction Cimarron Turnpike, then over Cimarron Turnpike to junction Interstate Hwy 35, then over Interstate Hwy 35 to Wichita, KS, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Washington, DC)

MC 35320 (Sub-197F), filed February 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of The Anaconda Co., Brass Division, at or near Franklin, KY, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Nashville, TN, or Washington, DC)

MC 35320 (Sub-198F), filed February 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, 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, ammunition, and parts of ammunition), serving the facilities of American Magnesium Co., at or near Snyder, TX, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Dallas, TX, or Washington, DC)

MC 35320 (Sub-199F), filed February 2, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of Tyrone Hydraulics, Inc., at or near Corinth, MS, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Memphis, TN or Washington, DC)

MC 35320 (Sub-201F), filed February 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of John Harland Company, at or near O'Fallon, MO, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: St. Louis, MO, or Washington, DC)

MC 35320 (Sub-202F), filed February 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of McGaw Laboratories, Division of American Hospital Supply Corp., at or near Milledgeville, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC).

MC 35320 (Sub-203F), filed February 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of Benchcraft, Inc., at or near Blue Mountain, MS, as an off-route point in connection with applicant's regular-route operations. (Hearing site: Memphis, TN, or Washington, DC).

MC 35320 (Sub-204F), filed February 9, 1979. Applicant: T.I.M.E.–DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), serving the facilities of Eminence Speaker Co., at or near Eminence, KY, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Louisville, KY, or Washington, DC).

MC 35320 (Sub-205F), filed February 13, 1979, Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, ammunition, and parts of ammunition), between the facilities of Entek Corporation of America, at or near Irving, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC)

MC 29910 (Sub-206F), filed February 9, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from points in Warren County, MS, to points in the United States (except AK and HI), and (2)(a) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds*, and *filters*, and (b) *materials, equipment, and supplies* used in the manufacture an distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles, from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted in (1) and (2)(a) and (b) above, to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corp., in Warren County, MS. (Hearing site: Jackson, MS, or Memphis, TN).

MC 35320 (Sub-208F), filed February 21, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *General commodities* (except those of unusual value, ammunition and parts of annumition, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Pennsylvania Tire and Rubber Co., at or near Tupelo, MS, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC).

MC 35320 (Sub-209F), filed February 21, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, ammunition and parts for ammunition, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Atlantic & Pacific Manufacturing & Supply Co., Inc., at or near Hogansville, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-210F), filed February 21, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, ammunition and parts for ammunition, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of J & J Machine, Inc., at or near Hampton, GA, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-211F), filed February 21, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, ammunition and parts for ammunition, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of John H. Harland Co., at or near (a) Columbia, SC and (b) Clearwater, FL, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-212F), filed February 21, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, ammunition and parts for ammunition, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Phillips & Brooks, Inc., at or near Cumming, GA, as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 35320 (Sub-214F), filed February 21, 1979. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, ammunition and parts for ammunition, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of C & D Battery Co., at or near Pikeville, TN, as off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Chattanooga or Knoxville, TN.)

MC 35831 (Sub-18F), filed February 13, 1979. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, from points in Polk County, TX, to points in AR, LA, OK, and TX. (Hearing site: Dallas or Houston, TX.)

MC 47171 (Sub-123F), filed February 21, 1979. Applicant: COPPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass containers*, from Cliffwood, NJ, to Eden, NC, and Martinsville, VA. (Hearing site: Washington, DC, or Columbia, SC.)

MC 48441 (Sub-32F), filed February 13, 1979. Applicant: R. M. E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W.,

Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal containers* and *metal skids*, from Streator, IL, to points in MI, IN, OH, MN, KY, and WI. (Hearing site: Chicago, IL.)

MC 59640 (Sub-69F), filed February 21, 1979. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07106. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by toy and variety stores, and (2) *materials, equipment, and supplies* used in the conduct of such businesses, (except commodities in bulk), from Cincinnati and Cuyahoga Falls, OH, and Pittsburgh and Wilkes-Barrie, PA, to points in MA, MD, NJ, NY, VA, and DC, under continuing contract(s) with Lash-Tamaron Distributors, division of Toys "R" Us, Inc., of Saddlebrook, NJ. (Hearing site: New York, NY, or Newark, NJ.)

MC 74321 (Sub-147F), filed Febru- ary 21, 1979. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, CO 80217. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, (2) *pipe* (except iron and steel), from Conroe, TX, to points in the United States, including AK, but excluding HI; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, in the reverse direction. (Hearing site: Denver, CO.)

MC 77061 (Sub-16F), filed February 21, 1979. Applicant: SHERMAN BROS., INC., 29534 Airport Rd., P.O. Box 706, Portland, OR 97402. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *precast concrete products*, from points in Linn County, OR to points in WA. (Hearing site: Portland or Eugene, OR.)

MC 78400 (Sub-70F), filed February 13, 1979. Applicant: BEAUFORT TRANSFER COMPANY, a corporaton, P.O. Box 151, Gerald, MO 63037. Representative: Allen A. Dieckmann, Highway 50, Gerard, MO 63037. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel tubing*, from the facilities of Bull Moose Tube Co., at Gerald, MO, to points in AR, IL, IN, IA, NE, KS, and OK. (Hearing site: St. Louis, MO.)

MC 84450 (Sub-1F), filed February 8, 1979. Applicant: S.R.T. MOTOR FREIGHT, INC., 1801 South Pennsylvania Ave., Morrisville, PA 19067. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregualr routes, transporting *iron and steel articles*, from the facilities of Bethlehem Steel Corporation, at Sparrows Point, MD, to points in DE, CT, MA, RI, NJ, NY, and PA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC, or Philadelphia, PA.)

Note.—The purpose of this application is to substitute applicant's single-line service in place of an existing joint line arrangement.

MC 95540 (Sub-1077F), filed February 5, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, between Albert Lea, MN, on the one hand, and, on the other, points in the United States (except AK an HI).

MC 95540 (Sub-1082F), filed February 12, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Austin, Brownstown, Converse, and Franklin, IN, to points in AL, FL, GA, LA, MS, NC, SC, TN, OK, and TX. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 95540 (Sub-1083F), filed February 12, 1979. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery and bakery goods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in IL and WI, to points in TX, CA, and CO. (Hearing site: New York, NY, or Washington, DC.)

MC 103490 (Sub-75F), filed February 12, 1979. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, from Stony Point, NY, to points in the United States (except AK and HI). (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 104210 (Sub-72F), filed February 12, 1979. Applicant: THE TRANSPORT COMPANY, INC., P.O. Box 4726, Corpus Christi, TX 78408. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, from Amarillo, TX, to points in AZ, AR, CO, IL, IA, LA, MO, NE, NM, OK, TN, TX, and WI. (Hearing site: Dallas or Houston, TX.)

MC 107010 (Sub-68F), filed February 13, 1979. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *propane*, in bulk, in tank vehicles, from (1) points in Rice, McPherson, and Clay Counties, KS, Lancaster, Cass, and Fillmore Counties, NE, and Clay County, MO, to points in CO, WY, KS, NE, SD, ND, MO, IA, and MN, and (2) points in Converse County, WY, to points in NE and SD. (Hearing site: Lincoln, NE.) Condition.—The certificate issued in this proceeding shall be limited in points of time to a period expiring 5 years from the date of issuance of the certificate.

MC 108341 (Sub-133F), filed February 2, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles* (except commodities in bulk), from the facilities of Eastalco Aluminum Co., at or near Buckeystown, MD, to those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Washington, DC.)

MC 110420 (Sub-802F), filed February 12, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John

R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *vegetable oils*, in bulk, in tank vehicles, from Mankato, MN, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 115841 (Sub-677F), filed February 8, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum oil* (except in bulk), from Gulfport, MS, to points in CT, IL, MI, NJ, NC, OH, VA, and WV. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 115841 (Sub-678F), filed February 8, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds* (except commodities in bulk, in tank vehicles), and *filters*, from points in Warren County, MS, to points in the United States (except AK, CT, HI, ME, MA, NH, NJ, RI, and VT); and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters*, and *materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, at Warren County, MS. (Hearing site: Memphis, TN, or Washington, DC.)

MC 117820 (Sub-29F), filed February 8, 1979. Applicant: AURELIA TRUCKING CO., a Corporation, 2121 Petit Street, Port Huron, MI 48060. Representative: Robert D. Schuler, 100 West Long Lake Road-Ste. 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fruit juices* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Orchard Grove Company, at or near Lansing, MI, to points in CT, DE, IL, IN, MA, MD, NJ, NY, OH, PA, RI, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Lansing, MI, or Washington, DC.)

MC 118130 (Sub-110F), filed February 6, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rubber articles, plastic articles, and rubber and plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Entek Corporation of America, at or near Irving, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas or Forth Worth, TX.)

MC 118560 (Sub-10F), filed February 12, 1979. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, TN 38401. Representative: Edward C. Blank, II, Middle Tennessee Bank Bldg., P.O. Box 1004, Columbia, TN 38401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *silica gravel and silica sand*, in dump vehicles, from Jemison, AL, to points in Maury County, TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing Site: Columbia, TN, or St. Louis, MO.)

MC 119741 (Sub-145F), filed February 13, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, NE, to points in CO, IL, IN, IA, KS, MI, MN, MO, ND, OH, SD, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 123091 (Sub-29F), filed February 13, 1979. Applicant: NICK STRIMBU, INC. 3500 Parkway Road, Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 West Bridge St., Dublin, OH 43017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from Sharon, PA, to points in AL, GA, IL, IN, IA, KY, MD, MI, MN, MO, NC, TN, VA, WV, and WI, and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, in the reverse direction. (Hearing site: Pittsburgh, PA).

MC 124251 (Sub-58F), filed February 12, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *adhesives and adhesive compounds*, in bulk, from the facilities of Swift Adhesives and Coating Products of Unitech Chemical, Inc., at Atlanta, GA, to Cornelius, NC. (Hearing Site: Atlanta, GA.)

MC 128750 (Sub-8F), filed February 13, 1979. Applicant: RAMPLEY TRANSPORT, INC., Post Office Box 172, Augusta, IL 62311. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydros ammonia*, in bulk, from Niota and East Dubuque, IL, to points in NE, IA, MO, IN, WI, and MN. (Hearing Site: Dubuque, IA.)

MC 130511 (Sub-1F), filed February 13, 1979. Applicant: GENERAL MILLS, INC., 9200 Wayzata Blvd., Minneapolis, MN 55440. Representative: Gilbert B. Lessenco, 2021 L St. NW., Washington, DC 20036. To engage in operations, in interstate or foreign commerce, as a *broker*, at Los Angeles and Culver City, CA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the United States (including AK and HI).

Note.—Applicant presently holds authority to operate at Minneapolis, MN.("ERR20"Hearing Site: Los Angeles, CA, or Minneapolis, MN.)

MC 133591 (Sub-61F), filed February 9, 1979. Applicant: WAYNE DANIEL

TRUCK, INC., Post Office Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 S. Main Street, Winchester, KY 40391. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by wholesale and retail discount, or variety stores (except commodities in bulk), from points in CA, OR, and WA, to Searcy and Bentonvill, AR, Springfield, MO, and those points in TX on and east of a line beginning at the junction of Interstate Hwy 35 and OK-TX State line north of Gainesville, TX, and extending along Interstate Hwy 35 to San Antonio, TX and then along Interstate Hwy 37 to Corpus Christi, TX. (Hearing Site: Kansas City, MO.)

MC 133870 (Sub-5F), filed February 9, 1979. Applicant: JOHN P. WEYER, INC., Route 1, Box 86B, Brownsville, WI 53006. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *lime and lime products,* from points in Brown, Dodge, and Fond du Lac Counties, WI, to Springfield, IL, New Ulm, MN, Omaha, NE, those points in IA on and west of U.S. Hwy 63, and those in MN on and east of U.S. Hwy 169 and on and south of U.S. Hwy 12, and (b) *pallets* in the reverse direction, (2) *paper bags,* from Peoria, IL, Des Moines, IA, Pensacola, FL, Minneapolis, MN, and St. Louis, MO, to points in Brown, Dodge, and Fond du Lac Counties, WI, and (3) *fire brick,* from Mexico, MO, to points in Brown, Dodge, and Fond du Lac Counties, WI, under continuing contract(s) with Western Lime & Cement Company, of Milwaukee, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 135410 (Sub-46F), filed February 8, 1979. Applicant: COURTNEY J. MUNSON, doing business as, MUNSON TRUCKING, North 6th Street Road, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (1) Cedar Rapids and (2) Des Moines, IA, and (3) Monmouth and (4) Peoria, IL, to points in CA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX.)

MC 135410 (Sub-47F), filed February 8, 1979. Applicant: COURTNEY J. MUNSON, doing business as, MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen meat,* from the facilities of Hill-N-Dale Meat Co., at or near Downingtown, PA, to points in OH, IN, IL, MO, IA, NE, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 141921 (Sub-45F), filed February 12, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides, skins, and commodities in bulk), from the facilities of Dubuque Packing Company, Inc., at or near Denison, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, WV, and DC.

Note.—Dual operations may be involved. (Hearing site: Concord, NH, or Boston, MA.)

MC 141931 (Sub-4F), filed January 23, 1979. Applicant: A. L. COWELL TRUCKING, INC., Route 3, Morrilton, AR 72110. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood residuals* (except commodities in bulk, in tank vehicles), from the facilities of B. G. Wilson Lumber Company, at or near Hot Springs, AR, to Kansas City, MO. (Hearing site: Little Rock, AR.)

MC 142310 (Sub-12F), filed February 8, 1979. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *potato products* (except commodities in bulk), from the facilities of American Potato Company, at or near Plover and Beaver Dam, WI, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL, or San Francisco, CA.)

MC 142810 (Sub-4F), filed February 9, 1979. Applicant: LEWIS TRANSPORT, INC., Municipal Bldg., P.O. Box 385, Columbia, KY 42728. Representative: Rudy Yessin, 314 Wilkinson St., Frankfort, KY 40601. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* (1) from points in Jefferson County, KY, to points in IN, and (2) from points in Clark County, IN, to points in KY. (Hearing site: Louisville, KY.)

MC 142941 (Sub-26F), filed January 11, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household appliances, household utensils,* and *humidifers,* from the facilities of West Bend Company, at West Bend and Oak Creek, WI, to Sparks, NV. (Hearing site: Chicago, IL, or Sparks, NV.)

MC 142941 (Sub-34F), filed January 24, 1979. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 N. 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products, plastic film, and cellulose film,* from Neenah and Wausau, WI, to points in AZ, CA, CO, ID, MT, NV, NM, TX, OR, UT, WA, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL)

MC 144351 (Sub-2F), filed February 13, 1979. Applicant: DON HAUSAUER, d.b.a. DON HAUSAUER TRUCKING, 56 Carlin Drive, Fort Lincoln, ND 58501. Representative: Charles E. Johnson, 418 East Rosser Ave., P.O. Box 1982, Bismarck, ND 58501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over

irregular routes, transporting (1) *floor coverings,* and (2) *materials and supplies* used in the installation of floor coverings, from points in GA and TN, to points in ND, SD, MT, WY, MN, and NE. (Hearing site: Fargo, ND, or St. Paul, MN)

Note.—Dual operations may be involved.

MC 145560 (Sub-2F), filed February 13, 1979. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O., Box 1240, Arlington, VA 22210. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpet backing, bagging, synthetic yarn,* and *industrial fabrics,* from the facilities of Amoco Fabrics Company, at or near (a) Bainbridge, GA, to points in CA, and (b) Nashville, GA, to points in ID, OR, and WA, under continuing contract(s) with Amoco Fabrics Company, of Hazelhurst, GA. (Hearing site: Washington, DC)

MC 145560 (Sub-3F), filed February 13, 1979. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O., Box 1240, Arlington, VA 22210. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpeting,* from Ringgold, Dalton, Chatsworth, Ellijay, Calhoun, Rome, Columbus, and Sugar Valley, GA, and Chattanooga, TN, to points in CA, NV, and OR, under continuing contract(s) with Apollo Sales, Inc., of Oakland, CA. (Hearing site: Washington, DC)

MC 146051 (Sub-1F), filed February 12, 1979. Applicant: WITTENBURG TRUCK LINE, INC., P.O. Box 86, Readlyn, IA 50668. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe,* from New Richland, MN, and Knoxville, TN, to those points in the United States in and west of OH, KY, TN, and AL (except AK and HI). NOTE: Dual operations may be involved. (Hearing Site: St. Paul, MN)

MC 146241F, filed January 26, 1979. Applicant: CHAPA TRANSPORT, INC., 7550 Long Point Rd., Apt. 62, Houston, TX 77055. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *polypropylene pellets,* (1) from the facilities of AMOCO Chemicals Corporation, near Liverpool, Brazoria County, TX, to Laredo, TX, and (2) from Houston, TX, to Laredo, TX. (Hearing Site: Houston or Dallas, TX)

MC 146400 (Sub-1F), filed February 13, 1979. Applicant: GOLDEN STATE AGRICULTURAL CARRIERS, INC., 1422 South Garey Ave., Pomona, CA 91769. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from Avis and Williamsport, PA, to Fort Smith, AR, Tupelo, MS, Guthrie, OK, Dallas and Houston, TX, Seattle, WA, Appleton, Green Bay, and Weyauwega, WI, and points in CA, under continuing contract(s) with Jersey Shore Steel, of Jersey Shore, PA. (Hearing site: Pittsburgh, PA, or Los Angeles, CA)

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Permanent Authority Decisions; Decision-Notice

Decided: April 26, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests, (such as were allowed to filings prior to March 1, 1979), *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, and has the necessary equipment and facilities for performing that service, and (2) has either performed service within the scope of the application or has solicited business which is controlled by those supporting the application and which would have involved transportation performed within the scope of the application.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect adminstratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before June 11, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Carleton, Joyce, and Jones.

H. G. Homme, Jr.,

Secretary

MC 25798 (Sub-370F), filed March 1, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, (1) from Kokomo, IN, to Mechanicsburg, PA, Elwood, KS, Chattanooga, TN, and points in AL, FL, GA, and SC, and (2) from Chattanooga, TN, to points in AL, FL, GA, and SC. (Hearing site: Tampa, FL.)

MC 78228 (Sub-111F), filed March 5, 1979. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, in dump vehicles, from Camden, NJ, to points in CT, DE, ME, MD, MA, NH, NY, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 98399 (Sub-8F), filed March 5, 1979. Applicant: SHULL TRUCK LINE COMPANY, INC., P.O. Box A, Savannah, TN 38372. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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), between Adamsville and Pickwick Dam, TN, from Adamsville over U.S. Hwy 64 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction MS Hwy 25, then over MS Hwy 25 to the MS–TN State line, then over TN Hwy 57 to Pickwick Dam, and return over the same route, serving all intermediate points. (Hearing site: Pickwick Dam, TN.)

Note.—Applicant intends to tack the authority granted here to its existing regular-route authority.

MC 98589 (Sub-2F), filed March 5, 1979. Applicant: WORLD TRANSPORT, INC., 56 Oak Hill Way, Brockton, MA 02401. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in MA; (2) *clothing, accessories for clothing, and materials, equipment, and supplies* used in the sale of clothing and accessories for clothing (except commodities in bulk), from West Bridgewater, Brockton, Worcester, and Taunton, MA, to points in the United States (except AK, HI, and MA); and (3) *clothing*, from Los Angeles, CA, to West Bridgewater, Worcester, and Taunton, MA. Condition.—Applicant states that by part (1) of this application it seeks to convert its Certificate of Registration No. MC–98589 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. Issuance of a certificate is conditional upon applicant's written request for coincidental cancellation of its Certificate of Registration in No. MC–98589 (Sub-No. 1). (Hearing site: Boston, MA.)

MC 101219 (Sub-63F), filed March 5, 1979. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, NY 10018. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel and* (2) *materials, equipment, and supplies* used in the manufacture of wearing apparel, when moving in mixed loads with wearing apparel, between Andover, MA, on the one hand, and, on the other, Gaffney, SC, and Vidalia, GA. (Hearing site: New York, NY.)

MC 114569 (Sub-290F), filed March 1, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corp., at or near (a) Postville, Storm Lake, Cherokee, and Sioux City, IA, (b) Omaha, NE, and (c) Fairmont, MN, to points in NY, NJ, MA, CT, RI, DE, MD, PA, VA, MI, and DC. (Hearing site: Detroit, MI, or Washington, DC.)

Note.—Dual operations may be at issue.

MC 115789 (Sub-6F), filed March 5, 1979. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Bldg., Washington, DC 20004. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wire and communication equipment* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Essex Group, Inc., near Chester, SC, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract with Essex Group, Inc., of Ft. Wayne, IN. (Hearing site: Ft. Wayne, IN.)

MC 117068 (Sub-110F), filed March 1, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington,

DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *utility and fire truck bodies*, and (2) *parts and accessories* for the commodities in (1) above, from Appleton, WI, to points in the United States (except AK and HI); and (3) *materials and supplies* used in the manufacture of the commodities in (1) and (2) above, (except commodities in bulk), in the reverse direction. (Hearing site: Houston or Dallas, TX.)

MC 117399 (Sub-7F), filed March 5, 1979. Applicant: LEE E. CHAMP, INC., 809 West 10th Street, Junction City, KS 66441. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in KS, and (2) *materials and supplies* used in the manufacture and distribution of malt beverages, in the reverse direction. (Hearing site: Kansas City, MO.).

MC 118159 (Sub-319F), filed March 2, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum wax* (except in bulk), from Kilgore, TX, and Barnsdall, OK, to points in CT, GA, IL, IA, IN, MD, MA, MI, MN, NJ, NY, OH, PA, TN, and WI. (Hearing site: Chicago, IL.)

MC 118959 (Sub-203F), filed March 2, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *food and food products*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, (except commodities in bulk), between Chester and Steelville, IL, and Perryville, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cape Girardeau or St. Louis, MO.)

MC 119118 (Sub-62F), filed March 1, 1979. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, in containers, from Latrobe, PA, to points in NH and VT. (Hearing site: Pittsburgh, PA)

Note.—Dual operations may be at issue.

MC 119349 (Sub-14F), filed March 2, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 11th St., NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *petroleum, petroleum products, vehicle body sealer compounds, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and (b) *filters*, from points in Warren County, MS, to points in AL, FL, GA, LA, TX, CA, MN, CO, IL, OK, NM, AZ, NY, NJ, and PA, restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS; and (2) *petroleum, petroleum products, vehicle body sealer compounds, sound deadener compounds, filters, and materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, from points in AL, GA, NY, and OK, to points in Warren County, MS, restricted to the transportation of traffic destined to the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS. (Hearing site: Memphis, TN, or Washington, DC.)

Note.—Dual operations may be at issue.

MC 126118 (Sub-134F), filed March 5, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from St. Louis, MO, to Fairbury, NE. (Hearing site: Lincoln, NE.)

Note.—Dual operations may be involved.

MC 127799 (Sub-10F), filed March 5, 1979. Applicant: LUPPES TRANSPORT COMPANY, INC., Box 101, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *grain alcohol*, in bulk, from Decatur, IL, to Fort Dodge and Webster City, IA. (Hearing stie: Chicago, IL.)

MC 129119 (Sub-3F), filed March 5, 1979. Applicant: JOHN H. SANN, d.b.a. SANN'S TRUCKING SERVICE, 1572 Annapolis Road, Drawer 280, Odenton, MD 21113. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *spices and mustard and mustard products*, from the facilities of The Baltimore Spice Company, at Baltimore, MD, to points in the United States (except MD, AK, and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract with The Baltimore Spice Company, of Baltimore, MD. (Hearing site: Washington, DC.)

MC 129379 (Sub-3F), filed March 5, 1979. Applicant: FIDELITY MOTOR BUS LINES, INC., 1920 Lincolnway East, Massillon, OH 44646. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip sightseeing and pleasure tours, (1) in special operations, beginning and ending at Canton, OH, and extending to points in the United States, (including AK, but excluding HI), and (2) in charter and special operations, beginning and ending at points in Holmes, Summit, and Wayne Counties, OH, and extending to points in the United States, (including AK, but excluding HI). (Hearing site: Columbus, OH.)

MC 133689 (Sub-261F), filed March 5, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs and pet food*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Nabisco, Inc., at or near (a) Chicago, Danville, and Marseilles, IL, (b) Geneva, Beacon, Buffalo, and Niagara Falls, NY, (c) Charlotte, NC, (d) Wrightstown, WI, (e) Columbus and Toledo, OH, (f) Mineapolis, MN, (g) Morristown, IN, (h) Mechanicsburg, Philadelphia, and Pittsburgh, PA, (i) Richmond, VA, (j) Carthage and St.

Louis, MO, (k) Mansfield and Cambridge, MA, (l) Fair Lawn and Moonachie, NJ, (m) Morrow and Woodbury, GA, and (n) Jacksonville, FL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA.

MC 138469 (Sub-117F), filed March 1, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pontoon boat kits, and parts and accessories for pontoon boats,* from the facilities of Advanced Marine Concepts, Inc., at or near Arlington, TX, to points in the United States (except AK, HI, and TX), restricted to the transportation of traffic originating at the named origin. (Hearing site: Dallas, TX.)

MC 138469 (Sub-118F), filed March 2, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from the facilities of Stouffer Foods Corporation, Division of Stouffer Corporation, at or near Cleveland, OH, to points in AZ, AR, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA, and WY, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL.)

MC 142059 (Sub-62F), filed March 5, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum alloy ingots and zinc alloy ingots,* from the facilities of Aluminum Smelting and Refining Co., Inc., and Certified Alloys Company, at Maple Heights, OH, to points in AL, CT, GA, IA, IL, IN, KY, MI, MN, MO, NC, NJ, PA, NY, SC, TN, and WI. (Hearing Site: Cleveland, OH, or Washington, DC.)

MC 142059 (Sub-63F), filed March 5, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pollution control equipment housing,* and (2) *parts* for the commodity in (1) above, from the facilities of Fulton Metal Mfg. Co., Inc., at or near Rochester, IN, to points in the United States (except AK and HI). (Hearing Site: Chicago, IL.)

MC 142368 (Sub-19F), filed March 2, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *safes,* (1) from City of Industry, CA, to Chicago, IL, Cincinnati, OH, Denville, NJ, and Florence, KY, and (2) from Cincinnati, OH, to Denville, NJ. (Hearing Site: Los Angeles, CA.)

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly Secton 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary.

MC 142669 (Sub-9F), filed March 2, 1979. Applicant: GENE WALTERS AND CLARK WURTELE, a partnership, d.b.a. M & M TRUCKING, 115 East Brewster Street, Harvey, ND 58341. Representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, ND 58501. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer,* from points in MN, to points in ND and SD. (Hearing Site: St. Paul, MN, or Bismarck, ND.)

Note.—Dual operations may be involved.

MC 143059 (Sub-59F), filed March 5, 1979. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th & Main Streets, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *particleboard,* from the facilities of Ponderosa Products, at or near Albuquerque, NM, to points in AL, AR, CT, FL, GA, IA, IL, IN, KY, KS, LA, MI, MN, MO, MS, NE, NC, NM, OH, OK, PA, SC, TN, TX, and WI, restricted to the transportation of traffic originating at the named origin. (Hearing site: Louisville, KY, or Washington, DC.)

MC 144298 (Sub-7F), filed March 5, 1979. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming Avenue, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* and (2) *materials and supplies* used in the manufacture and distribution of foodstuffs, (except commodities in bulk), from points in the United States (except AK, HI, and MI), to the facilities of Fred Sanders, Inc., at Detroit, MI, under continuing contract(s) with Fred Sanders, Inc., of Detroit, MI. (Hearing site: Detroit, MI.)

MC 144599 (Sub-2F), filed March 5, 1979. Applicant: TRANSFER, INC., 90 S. Ko-We-Ba Lane, Indianapolis, IN 46241. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry corn starch,* in bulk, from the facilities of National Starch & Chemical Corp., at Indianapolis, IN, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC, or Indianapolis, IN.)

[Permanent Authority Decisions Vol. No. 50]
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Motor Carrier Temporary Authority Applications

May 8, 1979.

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 1718 (Sub-10TA), filed April 6, 1979. Applicant: ALFRED M. FLATEGRAFF, d/b/a GARDNER TRUCK LINE, P.O. Box 22, Pine River, MN 56474. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Wooden spools, wooden reels, wooden reel heads and wooden cooperage and nuts, bolts and washers used in the assembly of wooden spools and reels* from Pine River, MN to points in IL, IA, KS, MO, NE, WI and Marion, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Durkee Mfg. Co., Inc., Traffic Manager, Box 67, Pine River, MN 56474. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 48409 (Sub-4TA), filed April 16, 1979. Applicant: MAHON'S EXPRESS, 67 Jabez Street, Newark, NJ 07105. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Freight, all kinds, between Jersey City and Newark, NJ, on the one hand, and, on the other King of Prussia, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K Mart Corporation, 3100 W. Big Beaver Road, Troy, MI 48084. Send protests to: Irwin Rosen, TS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 52709 (Sub-344TA), filed March 30, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker, as above. *Petroleum and petroleum products* (except in bulk) from Kansas City, MO and its commercial zone to points in CO, UT and WY for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Chevron, USA, 575 Market St., San Francisco, CA 94105. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 52709 (Sub-345TA), filed April 3, 1979. Applicant: DON WARD, INC., 241 W. 56th Ave., Denver, CO 80216. Representative: Don L. Ward, as above. *Vanadium ore concentrate, in bulk*, from Uravan, CO to Wilson Springs (Hot Springs), AR for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Union Carbide Corporation, One California St., San Francisco, CA 94111. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 52579 (Sub-177TA), filed April 4, 1979. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Julius Saltzman, One Gilbert Drive, Secaucus, NJ 07094. Wearing apparel on hangers, and in packages, along with wearing apparel accessories, supplies and equipment used in the conduct of manufacturing and selling of wearing apparel. Between: Byrdstown, TN and New York, NY and From: Byrdstown, TN to GA, IL, NJ, NY, NC, and OH, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): Lynn Sportswear, Inc., P.O. Box 125, Byrdstown, TN 38549. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton St. Room 618, Newark, NJ 07102.

MC 52579 (Sub-178TA), filed April 4, 1979. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Julius Saltzman, One Gilbert Drive, Secaucus, NJ 07094. Garments on hangers and in cartons, department store merchandise and materials and supplies used in the conduct of retail stores. Between CA, IL, NY, and TX on the one hand, and, on the other, AL, CA, CO, FL, GA, IL, IN, MI, MN, MO, NC, OH, PA, SC, TN, and TX. Supporting Shipper(s): Montgomery Ward, 210 Meadowland Parkway, Secaucus, NJ 07094. J.C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton St. Room 618, Newark, NJ 07102.

MC 56679 (Sub-115TA), filed March 8, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). *Internal combustion engines and parts thereof* From New Holstein, WI to McRae and Swainsboro, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Roper Lawn Products, 12052 Middleground Rd., Savannah, GA 31406. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, Ga 30309.

MC 56679 (Sub-116TA), filed March 29, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassel (same address as applicant). *Foodstuffs* from Valdosta, GA to New Orleans, LA and points in the New Orleans Commercial Zone. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Crackin Good Bakers, 701 N. Forrest St., Valdosta, GA 31601. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm 300, Atlanta, Ga 30309.

MC 76649 (Sub-28TA), filed March 29, 1979. Applicant: NELSON'S EXPRESS, INC., 675 North Market Street, Millersburg, PA 17061. Representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Foodstuffs, requiring refrigeration*, from the facilities of Dauphin Distribution Services Company at Camp Hill and Mechanicsburg, PA, to points in the Baltimore, MD and Washington, DC commercial zones, including points in that part of Maryland bounded by a line beginning at the MD/PA State line and extending along US Hwy 1 to Baltimore, MD, then along U.S. Hwy 140 to the MD/PA State line, and then along the State line to point of beginning, including points on the indicated portions of the highways specified, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dauphin Distribution Services Co., 5023 E. Trindle Road, Mechanicsburg, PA 17055. Send protests to: Interstate Commerce Commission, William J. Green Jr., Federal Bldg., 600 Arch Street, Rm. 3238, Philadelphia, PA 19106.

MC 82509 (Sub-6TA), filed March 14, 1979. Applicant: RICHARD C. NOERR, JR., d.b.a. METAL TRANSPORT RD #3, Lewistown, PA 17044. Representative: John E. Fullerton, 407 N. Front Street, Harrisburg, PA 17101. Iron and steel products, aluminum products, plastic products from the facilities of Joseph T. Ryerson & Son, Inc. at Chicago, IL to its facilities at Jersey City, NJ and Philadelphia, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Joseph T. Ryerson & Son, Inc., 2621 W. 15th Place, Chicago, IL 60608. Send protests to: Interstate Commerce Commission, William J. Green Jr., Federal Bldg., 600 Arch Street, Rm 3238, Philadelphia, PA 19106.

MC 104159 (Sub-38TA), filed April 12, 1979. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing,

MN 55066. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. *Hexane* from Lincoln, NE to Red Wing and Mankato, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Archer Daniels Midland Company, 4666 Faries Parkway, Decatur, IL 62525. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 108119 (Sub-140TA), filed April 9, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Self-propelled vehicles, trailers, buildings and building components and materials, equipment and supplies used in the manufacture thereof,* between Riverside, Los Angeles and Orange Counties, CA, Forest City, IA and Asheville, NC, for 180 days. Supporting shipper(s): Winnebago Industries, P.O. Box 152, Forest City, IA 50436. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 108589 (Sub-15TA), filed January 19, 1979, and published in the Federal Register issue of March 5, 1979, and republished as corrected this issue. Applicant: EAGLE EXPRESS COMPANY, P.O. Box 680, Somerset, KY 20423. Representative: Michael Spurlock, 275 E. State Street, Columbus, OH 42315. 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, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment: (1) From Fonthill, KY, to Cincinnati, OH, serving the intermediate and off-route points within ten miles of Fonthill, KY, and points in the Cincinnati, OH commercial zone. From Fonthill over unnumbered highway to junction KY Hwy 80, thence over KY Hwy 80 to junction U.S. Hwy 127 (formerly KY Hwy 35), thence over U.S. Hwy 127 to Danville, KY, thence over KY Hwy 34 to junction U.S. Hwy 27, thence over U.S. Hwy 27 to Lexington, KY, and thence over U.S. Hwy 25 to Cincinnati, OH. (2) Between Russell Springs, KY and Columbia, KY, serving all intermediate points, and all points in the Columbia, KY commercial zone. From Russell Springs over KY Hwy 80 to Columbia, KY, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack with its existing authority and to interline with other carriers at Cincinnati, OH. Supporting shipper(s): There are 20 supporting shippers to application, primarily located in Russell Springs, Columbia, and Jamestown, KY, and Knoxville, TN. Send protests to: Mrs. Linda H. Sypher, ICC, 426 Post Office Building, Louisville, KY 40202. The purpose of this republication is to show that applicant intends to tack.

MC 108649 (Sub-12TA), filed March 8, 1979. Applicant: STURM FREIGHTWAYS, INC., 8919 North University, Peoria, IL 61614. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission and those requiring special equipment, between Chicago, IL and points within its commercial zone, on the one hand, and, on the other, Des Moines, IA and points within its commercial zone, from Chicago, IL over Interstate Hwy. 55 to Junction Interstate Highway 80, then over Interstate Highway 80 to Des Moines, IA and return over the same route. An underlying ETA seeks 90 days authority. Supporting shipper(s): 27 Supporting Shippers. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 110098 (Sub-176TA), filed April 4, 1979. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren, 1400 Ackerman Road, San Antonio, TX 78220. Applicant applies for common carrier authority over irregular routes in the transportation of *foodstuffs* (except commodities in bulk) from the plant site and warehouse facilities of General Foods Corp. at Houston, TX to Anaheim and San Leandro, CA and Portland, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Foods Corporation, 250 North Street, White Plains, N.Y. 10625. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400, Federal Bldg., 727 E. Durango St., San Antonio, TX 78206.

MC 113158 (Sub-36TA), filed March 12, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Foodstuffs,* (except commodities in bulk and frozen foods), from Winchester, VA, points in Shenandoah, Rockingham and Frederick Counties, VA and Berkeley County, WV to points in FL, GA, NC, NJ, NY and SC, for 180 days. Supporting Shipper(s): Shenandoah Apple Co-Operative, Inc., P.O.B. 435, Winchester, VA 22601; National Fruit Product Co., Inc., 550 Fairmont Ave., Winchester, VA 22601; Bowman Apple Products Co., Inc., Mount Jackson, VA 22842. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 113678 (Sub-790TA), filed April 5, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). *(1) Rubber and plastic articles (except commodities in bulk, in tank vehicles) and (2) Materials and supplies used in the manufacture of the above named articles* from the facilities of ENTEK Corp. of America at or near Irving, TX to points in AR, AZ, CA, CO, IL, IN, IA, KS, MO, NE, NM, NV, OH, OK, UT, and WY and from these destinations shown to facilities of ENTEK Corp. of America at or near Irving, TX. Underlying ETA seeking 90 days authority filed. Supporting shipper(s): ENTEK Corp. of America, P.O. Box 61048, Dallas, TX 75261. Send protests to: D/S Herbert C. Ruoff, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 113678 (Sub-791TA), filed April 5, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner, (same as applicant). *(1) Malt beverages and related advertising materials* from Jefferson County, CO to AZ, CA, ID, IA, KS, MO, MT, NE, NV, TX, UT, *(2) Empty used beverage containers for recycling, and materials and supplies used in and dealt with by breweries* from states in (1) above to Jefferson County, CO for 180 days. Underlying ETA seeking 90 days authority filed. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: D/S Herbert C. Ruoff, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 113678 (Sub-792TA), filed April 5, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner, (same as applicant). *Such Commodities as are manufactured, processed or dealt in by manufacturers of glass and glass products* between the facilities of anchor Hocking Corp. and its subsidiaries in the states of IN, OH, PA, & WV on the one hand and, on the other

hand, points in the states of AZ, AR, CA, CO, ID, IA, KS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY, for 180 days. Underlying ETA seeking 90 days authority filed. Supporting shipper(s): Anchor Hocking Corporation, 109 N. Broad Street, Lancaster, OH 43130. Send protests to: D/S Herbert C. Ruoff, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 113678 (Sub-793TA), filed April 5, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner, (same as applicant). *Alcoholic Beverages (except in bulk)* from Lawrenceburg, IN; Lynchburg, TN; and St. Louis, MO to Wichita, KS for 180 days. Underlying ETA seeking 90 days authority filed. Supporting shipper(s): A–B Sales, Inc., 435 Eldora, Wichita, KS 67202. Send protests to: D/S Herbert C. Ruoff, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 117119 (Sub-731TA), filed April 3, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, (same as applicant). *Lecithin* (except in bulk), in vehicles equipped with mechanical refrigeration, from Stuttgart and Helena, AR to points in MD, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Lecithin Company, P.O. Box 4056, Atlanta, GA 30302. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 118159 (Sub-327TA), filed April 11, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Such commodities as are dealt in by wholesale, retail, and chain stores grocery and food business houses* (except frozen commodities and commodities in bulk). From Atlanta, GA to Houston, TX and points in their respective commercial zone; restricted to the transportation of shipments originating at or destined to the facilities of the Clorox Company at or near Atlanta, GA and Houston, TX for 180 days. Underlying ETA seeks 90 day authority. Supporting shipper(s): The Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office Bldg., 215 N.W. Third Street, Oklahoma City, OK 73102.

MC 118989 (Sub-216TA), filed April 2, 1979. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, WI 53221. Representative: Rolland K. Draves, same address as applicant. *Plastic articles, fibreboard drums and steel drums,* from Addison, IL to St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corp. of America, 500 E. North Ave., Carol Stream, IL 60187. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 119599 (Sub-4TA), filed April 5, 1979. Applicant: HARSHMAN–INDUSTRIAL CARTAGE CO., INC., 1617 Warren Ave., Niles, OH 44446. Representative: Robert W. Gardier, Jr., Esq., 100 East Broad St., Columbus, OH 43215. *Fabricated metal products,* from the facilities of the United States Gypsum Company located at or near Warren, OH, to points in the states of IL, MN, and WI, for 180 days. Supporting shipper(s): United States Gypsum Company, 101 S. Wacker Dr., Chicago, IL 60606. Send protests to: Mary A. Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 119789 (Sub-572TA), filed April 3, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., same address as above. *Candy and Chewing Gum,* (1) from Holland, MI to Dallas, TX; Kansas City, MO; San Jose, CA; Milwaukie, OR; Atlanta, GA; Charlotte, NC; Jacksonville, FL; Baltimore, MD; North Bergen, NJ; and (2) Between Holland, MI, and Canajoharie, NY for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Life Savers, Inc., Church Street, Canajoharie, NY 13317. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 124078 (Sub-958TA), filed April 6, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Fertilizer, in bulk,* from Maplewood, Pine Bend and St. Paul, MN to points in WI, for 180 days. Supporting shipper(s): Land O'Lakes Agricultural Services Div., 2827 8th Ave. S., Ft. Dodge, IA 50501. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124078 (Sub-959TA), filed April 13, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Cement,* in bulk, from Buffington, IN to Plainview, Long Island, NY, for 180 days. Supporting shipper(s): U.S. Steel Corporation, 600 Grant St., Pittsburgh, PA 15230. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124839 (Sub-41TA), filed April 16, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: B. M. Shirley, same as applicant. *Contract carrier:* irregular routes: *General commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points in DE, NJ, and PA, on the one hand, and on the other, points in AL, FL, GA, MS, NC, SC, TN and VA, under continuing contract with E. I. du Pont de Nemours and Company of Wilmington, DE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc., 10th & Market Streets, Wilmington, DE 19898. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 125368 (Sub-54TA), filed April 11, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same address as applicant. *Meats, meat products, and supplies used in the manufacture of meat products* between the facilities of Dinner Bell Foods, at or near Wilson, NC, on the one hand, and, on the other, points in AL, AR, CT, DC, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, OK, PA, RI, SC, TN, TX, VT, WV, and WI, for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting shipper(s): Dinner Bell Foods, Inc., P.O. Box 1639, Wilson, NC 27893. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 126118 (Sub-147TA), filed March 30, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE, 68501. Representative: Duane W. Acklie, same address as applicant. *Lead ingots,* from Muncie, IN and its commercial zone to Murfreesboro, TN and its commercial zone. An underlying ETA seeks 90 days authority. Supporting shipper(s): Perfect Equipment Corp., 855 Scott Street, Murfreesboro, TN 37130. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE, 68508.

MC 126118 (Sub-148TA), filed April 12, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE, 68501. Representative: Duane W. Acklie, same address as applicant. *Radio aerial kits, antenna systems, and equipment, materials, and supplies used in the production and distribution thereof,* between Lincoln, NE and its commercial zone, on the one hand, and, on the other, points in the United States (except AK, HI, and NE). An underlying ETA seeks 90 days authority. Supporting shipper(s): Ken Grosenbach, Traffic Manager, Hy-Gain Electronics, 8601 N.E. Highway 6, Lincoln, NE, 68505. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE, 68508.

MC 134289 (Sub-5TA), filed March 27, 1979, and published in the Federal Register issue of April 27, 1979, and republished as corrected this issue. Applicant: CALDWELL TRUCK RENTALS, INC., 625 South Boulevard, Lenoir NC 28645. Representative: Jack L. Hawn, same as above. *New furniture, crated or uncrated, and new furniture parts,* (1) from Alexander, Burke, Caldwell, Catawba Cleveland, Davidson, Gaston, Graham, Guildford, Haywood, Iredell, McDowell, Lincoln, Mecklenburg, Mitchell, Randolph, Rowan, Rutherford, Wilkes Counties, NC, to VA, MD, PA, NJ, NY, DC, DE, RI, MA, CT, VT, ME, NH, WV, OH, and MI. (2) from Goldsboro, Hillsborough, Maxton, Mocksville, Rocky Mount, Troy, Turkey, West End, Siler City, Winston-Salem, and Mebane, NC, to VA, MD, PA, NJ, NY, DC, DE, RI, MA, CT, VT, ME, NH, WV, OH and MI; and (3) *damaged or rejected shipments of new furniture* from points and places in above-specified destination territory to the counties and places listed above in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 35 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205. The purpose of this republication is to complete scope of application as previously omitted.

MC 135609 (Sub-6TA), filed April 6, 1979. Applicant: FRED W. MOHOLLAND, P.O. Box 98, Princeton, ME 04668. Representative: Frederick T. McGonagle, 79 State Street, Gorham, ME 04038. Contract: Irregular: *Wood pulp, paper and paper products* from Woodland, ME to Gilman, VT and points in NY and PA. Supporting shipper(s): Georgia Pacific Corp., 800 Summer St., Stamford, CT 06901. Send protests to: ICC, 76 Pearl St., Rm. 303, Portland, ME 04111.

MC 138018 (Sub-50TA), filed April 4, 1979. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey, same address as applicant. *Cleaning, washing and scouring compounds,* except in bulk, in tank vehicles, from Joliet, IL to points in CA for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Economic Laboratory, Inc., 370 Wabasha, Osborn Bldg., St. Paul, MN 55102. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 138228 (Sub-8TA), filed April 10, 1979. Applicant: OGALLALA TRANSFER, INC., 165 Denargo St., P.O. Box 16412, Denver, CO 80216. Representative: Marshall Bernstein, same as applicant. *Meat, meat products, meat by-products and articles distributed by meat packinghouses* from the facilities of George A Hormel & Co., Fremont, NE and its commercial zone to points in CO, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): George A Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 138308 (Sub-66TA), filed April 5, 1979. Applicant: KLM, INC., P.O. Box 6098, Old Hwy. 49 S., Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Foodstuffs,* except in bulk, from the facilities of Welch Foods, Inc., at or near North East, PA and Westfield, NY, to points in AR, KS, LA, MS, MO, NM, OK, TN and TX, for 180 days. Supporting shipper(s): Welch Foods, Inc., 2 S. Portage St., Westfield, NY 14787. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 138328 (Sub-86TA), filed March 28, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Crude rubber,* from Seattle and Tacoma, WA and points in their commercial zones to Des Moines, IA and points in its commercial zone, for 180 days. Restricted to shipments having a prior movement by water. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Firestone Tire & Rubber Company, 1200 Firestone Parkway, Akron, OH; (2) Armstrong Rubber, 500 Sargent Drive, New Haven, CT 06507. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 138438 (Sub-43TA), filed March 23, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, Hagerstown, MD 21740. *Gypsum products,* from Wilmington, DE and Milford, VA and their respective commercial zones, to points in Alleghany, Frederick, Garrett and Washington Counties, MD, Adams, Franklin and Fulton Counties, PA, and Frederick County, VA and Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties, West Virginia, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: Carol Rosen, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 138469 (Sub-136TA), filed April 2, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). *Such commodities as are manufactured, dealt in and used by producers of health care products, personal care products, beauty care products and household cleaning products* (except commodities in bulk), from the facilities of Shaklee corporation at or near Hayward, CA, to the facilities of Shaklee Corporation at or near Atlanta, GA, Chicago, IL, Dallas, TX, and Dayton, NJ, restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. Supporting shipper(s): Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, room 240 Old Post Office &

Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138869 (Sub-19TA), filed March 23, 1979. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321; Conley, GA 30027. Representative: Archie B. Culbreth, Attorney-at-Law, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract Carrier, irregular routes, (1) plumbers fittings, fixtures and supplies, vanities and vanity cabinets and plastic articles, and (2) materials, equipment and supplies used in the manufacture or distribution of commodities named in (1) above (except commodities in bulk),* between the facilities of Universal-Rundle Corporation located at or near Corsicana and Hondo, TX, on the one hand, and, on the other, points in AR, IL, IA, KS, LA, MO, NE and OK. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal-Rundle Corporation, 217 N. Mill St., New Castle, PA 16101. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 139349 (Sub-12TA), filed April 2, 1979. Applicant: E Z FREIGHT LINES, Gould & E. 46th St., Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract, irregular. *Lighting fixtures and lamps,* and equipment, materials and supplies used in the manufacture and sale, except commodities in bulk. Between Jersey City, Kearny, Clifton, North Bergen and Secaucus, NJ; Fall River, MA; Elgin, IL; and Hammond, IN; on the one hand, and, on the other, points in the US west of the Mississippi River excluding AK, HI, LA, MN, & TX, for 180 days. Supporting shipper(s): Duro Test Corporation, 2321 Kennedy Blvd., North Bergen, NJ 07047; Lightolier, Inc. and Aluminium Processing Corp., 346 Claremont Avenue, Jersey City, NJ 07305. Send protests to: Robert E. Johnston D/S, ICC, 9 Clinton St., Newark, NJ 07101.

MC 139479 (Sub-3TA), filed April 9, 1979. Applicant: ROBERT E. PIELEMEIER, d.b.a. PIELEMEIER TRANSPORTATION, 1125 Fallen Leaf Road, Arcadia, CA 91006. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract:* irregular: *Such commodities as are sold in chain supermarkets,* from points in CA (except La Habra) to points in Maricopa and Pinal Counties, AZ, and from points in CA to points in Yuma County, AZ, under a continuing contract(s) with Alpha Beta Company, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Alpha Beta Company, 777 South Harbor Blvd., La Habra, CA 90631. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 139579 (Sub-10TA), filed April 2, 1979. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Representative: S. MICHAEL RICHARDS, P.O. Box 225, 44 North Avenue, Webster, NY 14580. Contract carrier—Irregular routes. *Heaters, air conditioning parts and empty storage bins,* between Lockport NY and Moraine OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Harrison Radiator Division General Motors Corporation, Lockport NY 14094. Send protests to: Richard H. Cattadoris, DS, ICC, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 140829 (Sub-220TA), filed April 12, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, Esq., 55 Madison Ave., Morristown, NJ 07960. *Printed matter, and materials and supplies used in the manufacture of printed matter (except commodities in bulk),* between the facilities of the R. R. Donnelley & Sons Co., Inc., at or near Chicago, IL, on the one hand, and on the other, points in IA, OK, TX, SD, ND, NJ, PA, and NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. R. Donnelley & Sons Co., Inc., 2223 S. Martin Luther King Dr., Chicago, IL 60616. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 140829 (Sub-221TA), filed April 12, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, Esq., 55 Madison Ave., Morristown, NJ 07960. *Un-cut greeting cards in sheets,* between Dallas, TX and Lawrence and Topeka, KS and Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hallmark Cards, Inc., P.O. Box 361, Liberty, MO 64048. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 140829 (Sub-222TA), filed April 12, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: William H. Hanlon, Esq., 55 Madison Ave., Morristown, NJ 07960. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and materials, equipment and supplies used by meat packers, (except hides and commodities in bulk),* between Britt and Mason City, IA, on the one hand, and, on the other, points in AR, CO, CT, DC, DE, IA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NC, ND, NE, NH, NJ, NM, OH, OK, RI, SD, TN, TX, VA, VT, WI and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Company, Greyhound Tower, Phoenix, AZ. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 140829 (Sub-223TA), filed April 13, 1979. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: William H. Hanlon, Esq., 55 Madison Ave., Morristown, NJ 07960. *General commodities (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk in tank cars, and those because of their size require special equipment),* from the facilities of Charter Oaks Shippers Cooperative Association, Inc. at Berlin, CT to points in CO, IL, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Charter Oaks Shippers Cooperative Association, Inc., 1 Parkland Drive, Darien, CT 06820. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102..

MC 140898 (Sub-5TA), filed April 11, 1979. Applicant: KENDRICK TRUCKING CORP., P.O. Box 19097, Louisville, KY. 40219. Representative: Wm. P. Whitney, Jr., Attorney at Law, 708 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common motor carrier,* over irregular routes, in the tranportation of *Repair and maintenance parts for mining, earth-moving, quarrying equipment and vehicles used in mining, earthmoving and quarrying,* from the facilities of Lake Shore, Inc., at Louisville, KY, to points in the states of IL, IN, MO, OH, TN, VA, WV. Supporting shipper(s): Russ Newby, Eastern Region Manager, Lake Shore, Inc., 7749 National Turnpike, Louisville, KY. 40214. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY. 40202.

MC 141759 (Sub-10TA), filed April 12, 1979. Applicant: OHIO PACIFIC EXPRESS, INC., 2385 High Street, Columbus, Ohio 43207. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, Texas 76112. Contract irregular. *Chinaware* from Newell, WV to points

in AZ, CA, CO, OR, WA, NV, UT, ID, MT, NM, WY, TX, FL, KY and TN, under continuing contracts with The Homer Laughlin China Company. Supporting shipper(s): The Homer Laughlin China Company, Newell, WV 26050. Send protests to: ICC, Wm. Jr. Green Jr. Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 141958 (Sub-12TA), filed April 10, 1979. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 422, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Contract, irregular—*Articles dealt in by wholesale and retail food and drug chains, plastic products, compressed gases, chemicals,* for the account of Dry Storage Corporation, from Chicago and Des Plaines, IL to St. Louis and Bridgeton, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dry Storage Corporation, 2005 West 43rd Street, Chicago, IL 60609. Send protests to: Charles D. Little, ICC, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 142508 (Sub-73TA), filed April 10, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products and condiments,* from the facilities of Ocean Spray Cranberries, Inc., at or near Middleboro, MA; Bordentown, NJ; and Northeast PA, to points in IN, KY, MI, MN, OH, TN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Water Street, Plymouth, MA 02360. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142679 (Sub-4TA), filed April 12, 1979. Applicant: S. H. MITCHELL, d.b.a. UNITED TRUCK LINES, P.O. Box 8596, Winston-Salem, NC 27106. Representative: S. H. Mitchell, 2734 Robinhood Rd., Winston-Salem, NC 27106. *Contract* Carrier-Irregular routes; *Polyurethane foam and materials and supplies used in the manufacturing, distributing and packaging of polyurethane foam* between Mecklenburg County, NC and Cadillac, Benzonia, and Ludington, MI, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority here applied for with MC-142679. Supporting shipper(s): Reeves Bros., Inc., Curon Division, PO Box 188, Cornelius, NC 28031. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC.

MC 143389 (Sub-5TA), filed April 3, 1979. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, Monroe, Louisiana 71207. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Lawn care equipment* from Des Moines, IA to points in OK, TX, AR, LA, MS, AL, TN, KY, GA and FL under continuing contract or contracts with Howard Bros. Discount Stores, Inc. of Monroe, LA, for 180 days as a contract carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Howard Bros. Discount Stores, Inc., 3030 Aurora Street, Monroe, LA 71201. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143478 (Sub-10TA), filed April 5, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. Contract, irregular: *Glass containers, glass tubing, glassware, and cartons,* from Vienna, WV, to points in FL, restricted to a transportation service to be performed under a continuing contract(s) with Brockway Glass Company, Inc., for 180 days. An underlying ETA seeds 90 days authority. Supporting shipper(s): Brockway Glass Company, Inc., McCullough Avenue, Brockway, PA 15824. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 143519 (Sub-2TA), filed April 2, 1979. Applicant: MALO TRANSPORT (1971) INC., 23 St Jacques Street, St Paul, Joliette, PQ, Canada. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. Contract carrier, irregular routes: *Lime, in bulk,* from the ports of entry on the International Boundary Line between the United States and Canada in NY, to points in DE, OH and PA, under a continuing contract or contracts with Domtar Chemicals Limited, for 180 days. An underlying ETA seeds 90 days. Supporting shipper(s): Domtar Chemicals Limited, Lime Division, 395 Maisonneuve Blvd East, Montreal, PQ, Canada. Send protests to: ICC, PO Box 548, Montpelier, VT 05602.

MC 143739 (Sub-13TA), filed April 5, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Foodstuffs* from the facilities of Green Giant Company at St. James, MN to points in CA, for 180 days. An underlying ETA seeds 90 days authority. Supporting shipper(s): Green Giant Company, Le Sueur, MN 56058. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144188 (Sub-4TA), filed April 13, 1979. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M. Musselman, P.O. Box 1146, Harrisburg, PA 17108. *Such merchandise* as is dealt in by refail, wholesale, chain grocery and food business houses, and *foodstuff ingredients* (except commodities in bulk and frozen foods), and *packing materials, display racks, machinery, advertising materials, displays, dispensing equipment, premiums,* and *office equipment and supplies,* between the facilities of Wise Foods Division of Borden Foods, Borden, Inc., in the counties of Columbia, Luzerne and Lycoming, PA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NB, KS, OK and TX, restricted to traffic origination at the indicated origins and destined to the indicated destinations, for 180 days. Supporting shipper(s): Wise Foods Division of Borden Foods, Borden, INC., 228 Raseley St., Berwick, PA 18603. Send protests to: ICC, Wm. J. Green, Jr. Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 144188 (Sub-5TA), filed April 13, 1979. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M. Musselman, P.O. Box 1146, Harrisburg, PA 17108. *Such merchandise* as is dealt in by retail, wholesale, chain grocery, and food business houses, and *foodstuff ingredients* (except commodities in bulk and frozen foods), and *packing materials, display racks, machinery, advertising materials, displays, dispensing equipment, premiums,* and *office equipment and supplies,* between the facilities of Borden Foods Division of Borden, Inc. at Columbus, OH, and points in its commercial zone, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, KY, KS, MI, MN, MO, MS, NB, NC, OH, OK, SC, WI, TN and TX, restricted to traffic originating at the indicated origins and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wise Foods Division of Borden, Borden, Inc., 228 Raseley St., Berwick, PA 18603. Send protests to: ICC, Wm. J. Green Federal

Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 145219 (Sub-3TA), filed April 13, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: B. M. Shirley (same as applicant). *Tires, tread stock and tubes,* from Findlay and Rossford, OH and Texarkana, AR to points in AL, FL, GA, NC and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cooper Tire & Rubber, P.O. Box 550, Findlay, OH 45840. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145468 (Sub-7TA), filed April 5, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Liquors, beverage including beer, ale, tonic, porter, stout or others, and commodities used in the manufacture and distribution of liquors and beverages. Between Spencer, IA and St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Whittenburg Distributors, Inc., 419 East Second Street, Spencer, IA 51301. Send protests to: Irwin Rosen, TS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 145468 (Sub-8TA), filed April 11, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Meats and packinghouse products. From the facilities of Wilson Foods Corporation at Cherokee, IA to points in IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Irwin Rosen, T/S, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 145528 (Sub-2TA), filed April 2, 1979. Applicant: TOMKO TRUCKING, INC., 1850 Enterprise Dr., DePere, WI 54115. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Malt beverages and malt beverage dispensing equipment* from St. Paul, MN to DePere, WI, under a continuing contract(s) with Kay Beer Distributing, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kay Beer Distributing, Inc., 1850 Enterprise Dr., DePere, WI 54115. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146748TA filed March 12, 1979. Applicant: POWELL COUNTY TRUCKERS ASSOCIATION, INC., Route 2, Box 646, Stanton, KY 40380. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a motor common carrier, over irregular routes, to transport COAL, in bulk, from points in KY, in and east of Boyd, Carter, Elliott, Estill, Laurel, Madison, Menifee, Morgan, Powell, Pulaski, Rockcastle and Whitley Counties, KY, to points in IN, KY, OH, TN, and WV. Applicant intends to interline with other carriers. Supporting shipper(s): Eight (8) Supporting Shippers. All Coal companies located in Kentucky. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 146749TA filed April 6, 1979. Applicant: KENNETH DRINKWATER d.b.a., LITTLE CHIEF BOAT TRANSPORT, Spruce Head, Maine 04859. Representative: John G. Feehan, 178 Middle St., Portland, ME 04101. *Boats,* between points in ME, NH and MA, for 180 days. Supporting shipper(s): There are eleven (11) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Room 303, Portland, ME 04111.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 79]

[FR Doc. 79-14746 Filed 5-10-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 93
Friday, May 11, 1979

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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1

CIVIL AERONAUTICS BOARD.

Deletion of item from the May 10, 1979, meeting agenda.

TIME AND DATE: 10 a.m., May 10, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 15. Dockets 24817 and 30998; Agreements among the members of the Air Traffic Conference of America (ATC) relating to travel agency bonding requirements, CAB 16874–A67 and CAB 16874–A34. (Memo No. 8744, BPDA, OGC, BCP).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: It has been determined that additional staff work is required in connection with Item 15 which deals with agreements among the members of the Air Traffic Conference of America relating to travel agency bonding requirements. Accordingly, the following Members have voted that agency business requires the deletion of Item 15 from the May 10, 1979 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[M–217, Amdt. 2; May 8, 1979]
[S–948–79 Filed 5–9–79; 2:47 pm]
BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD.

Addition and closure of meeting to the May 10, 1979, meeting agenda.

TIME AND DATE: 10 a.m., May 10, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 39. Peru Negotiations.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068

SUPPLEMENTARY INFORMATION: Faucett Airlines has applied to the Board for Iquitos-Miami authority to commence on May 15. Since the next Board Meeting will not be until May 17, 1979, this item will be placed on the May 10 agenda. Accordingly, the following Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies in the discussions could seriously compromise the ability of the United States Delegation to achieve an agreement which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that any such meeting should therefore be closed:

Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Shaffer.

Assistant to Board Members.—Mr. Sanford Rederer, Mr. David M. Kirstein, Mr. Richard Klem, Mr. Stephen H. Lachter, and Mr. James L. Deegan.
Managing Director.—Mr. Cressworth Lander.
Executive Assistant to the Managing Director.—Mr. John R. Hancock.
Bureau of International Affairs.—Mr. Frank Murphy, Mr. David A. Levitt, Mr. Rosario J. Scibilia, Mr. Richard M. Loughlin, and Ms. Caroline Coldren.
Office of the General Counsel.—Mr. Gary J. Edles, Mr. Michael Schopf, and Mr. Peter B. Schwarzkopf.
Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Mr. John Kiser, Mr. Douglas Leister, Ms. Barbara A. Clark, and Mr. Herbert P. Aswall.
Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.
Bureau of Consumer Protection.—Mr. Reuben Robertson and Ms. Patricia Kennedy.
Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes, Jr.,
General Counsel.

[M–217, Amdt. 3; May 8, 1979]
[S–948–79 Filed 5–9–79; 2:47 pm]
BILLING CODE 6320–01–M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., May 15, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Amendment to the Definition of "Proprietary Account"
Leverage Discussion
Section 9.12—Publication of Exchange Disciplinary Actions
Application of the Chicago Mercantile Exchange for Designation as a Contract Market in Four Year U.S. Treasury Notes
Application of the Commodity Exchange for Designation as a Contract Market in 90 day Treasury Bills
Application of the Amex Commodities Exchange for Designation as a Contact Market in 90 Day Treasury Bills

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-950-79 Filed 5-9-79; 3:24 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., May 15, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Offer of Settlements and rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-951-79 Filed 5-9-79; 3:24 pm]

BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., May 19, 1979.

PLACE: 2033 K Street NW., Washigton, D.C.

STATUS: Closed.

MATTER TO CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-952-79 Filed 5-9-79; 3:24 pm]

BILLING CODE 6351-01-M

6

COPYRIGHT ROYALTY TRIBUNAL.

TIME AND DATE: a.m., Friday, May 18, 1979.

PLACE: Room 538, 2033 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed supplemental rule with respect to Filing of Claims to Cable Royalty Fees. The Tribunal proposed the rule on April 4, 1979 (44 FR 20220).

2. Proposed rule with respect to the deduction of costs of distribution proceedings. The Tribunal proposed the rule on April 4, 1979.

CONTACT PERSON FOR MORE INFORMATION: Douglas Coulter, Chairman, Copyright Royalty Tribunal, 202–653–5175.

Douglas Coulter,

Chairman.

[S-941-79 Filed 5-9-79; 1:22 pm]

BILLING CODE 1410-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, May 10, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Additional item to be considered at Open Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

General—3—Re-allocation of Reserach Funds.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: May 9, 1979.

[S-945-79 Filed 5-9-79; 2:47 pm]

BILLING CODE 6712-01-M

8

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, May 15, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., Subject

Common Carrier—1—Docket No. 20828: "Second Computer Inquiry".

Common Carrier—2—Notice of Inquiry and Proposed Rulemaking pertaining to ratemaking guidelines for the offering of competitive common carrier services.

This meeting may be continued the following work day to allow Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: May 8, 1979.

[S-946-79 Filed 5-9-79; 2:47 pm]

BILLING CODE 6712-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m. on Monday, May 14, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550—17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Memorandum proposing the approval of a contract with EDP Audit Controls, Inc., for technical guidelines for the selection, security, and audit of banks' in-house minicomputers.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Investment Management Report of the Controller for the period ending March 31, 1979.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Acting Executive Secretary, (202) 389–4425.

[S-942-79 Filed 5-9-79; 1:51 pm]

BILLING CODE 6714-01-M

10

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m. on Monday, May 14, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550—17th Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

First Fidelity Bank, a proposed new bank to be located at 319 North Merrill Avenue, Glendive, Montana, for Federal deposit insurance.

Application for consent to retire and substitute a capital note:

First Enterprise Bank, Oakland, California.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,879-L—Franklin National Bank, New York, New York.

Case No. 43,899-L—Franklin National Bank, New York, New York.

Case No. 43,996-L—Chicopee Bank and Trust Company, Chicopee, Massachusetts.

Case No. 43,907—Farmers Bank of the State of Delaware, Dover, Delaware.

Case No. 43,909-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Case No. 43,910-L—International City Bank and Trust Company, New Orleans, Louisiana.

Case No. 43,911-L—International City Bank and Trust Company, New Orleans, Louisiana.

Memorandum re: Republic National Bank of Louisiana, New Orleans, Louisiana.

Memorandum re: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removal, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Acting Executive Secretary, (202) 389-4425.

[S-943-79 Filed 5-9-79; 1:51 pm]

BILLING CODE 6714-01-M

11

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, May 16, 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: Personnel and labor/management relations.

DATE AND TIME: Thursday, May 17, 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 1979-11, Birch Bayh, U.S. Senator.

Senior Executive Service, 1980 Elections and related matters, regulations for Presidential Debates.

Election of FEC Officers; Pending Legislation; response to request from Senate Rules Committee RE S. 623, Management Information System, Second Quarterly Report, Appropriations and Budget, Classification Actions, Routine Administrative Matters.

Portions Closed to the Public

Any matters not concluded on May 16, 1979.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, Telephone: 202-523-4065.

L. Stafford,

Acting Secretary to the Commission.

[S-953-79 Filed 5-9-79; 3:30 pm]

BILLING CODE 6715-01-M

12

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 FR 26838, May 7, 1979].

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 9, 1979, 10 a.m.

CHANGE IN MEETING: The following items have been added:

Item No., Docket No., and Company

M-9. RM79- , Procedures Governing the Assessment of Civil Penalities Under the NGPA.

M-10. RM79-22, Amendment and Clarification of the Commission's Interim Regulations Implementing the Natural Gas Policy Act of 1978 and Regulations Under the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[S-938-79 Filed 5-9-79; 10:21 am]

BILLING CODE 6740-02-M

13

FEDERAL MARITIME COMMISSION.

TIME AND DATE: May 10, 1979, 9 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO CONSIDERED: Circular letter regarding bunker surcharges in the domestic offshore trades.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-954-79 Filed 5-9-79; 3:53 pm]

BILLING CODE 6730-01-M

14

May 9, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., May 11, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTER TO CONSIDERED: The Commission will consider and act upon the following agenda item:

4. Secretary of Labor (MSHA) v. A. J. Gilbert Construction Co., DENV 78-566-PM (Petition for Discretionary Review).

It was determined by unanimous vote of the Commissioners that Commission business required that this item be added to the May 11, 1979 agenda and that no earlier announcement of the change was possible.

CONTACT PERSON FOR MORE INFORMATION: Joanne Kelley, (202)653-5632.

[S-949-79 Filed 5-9-79; 3:09 pm]

BILLING CODE 6735-01-M

15

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [44 FR 25970 May 2, 1979].

STATUS: Open Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 30, 1979.

CHANGES IN THE MEETING: Additional item.

The following additional item will be considered at an open meeting scheduled for Wednesday, May 9, 1979 at 10:00 a.m.:

Consideration of whether to authorize a proposed payment, pursuant to Sections 6(a)(2), 7(e) and 12(c) of the Public Utility Holding Company Act of 1935, by West Texas Utilities Company, an electric utility subsidiary of Central and South West Corporation, a registered holding company, of a specific dividend of $15,000,000 and future dividends in accordance with a formula differing from that presently found in its supplemental indentures. For further information, please contact Grant G. Guthrie at (202) 523-5156.

Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

May 8, 1979.

[S-939-79 Filed 5-9-79; 10:40 am]

BILLING CODE 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 May 14, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, May 15, 1979, at 10 a.m., on Wednesday, May 16, 1979, at 9 a.m. and 2:30 p.m. and on Thursday, May 17, 1979, after the oral arguments held at 2:30 and

3:15 p.m. and immediately following the 4 p.m. open meeting. Open meetings will be held on Thursday, May 17, 1979, at 2:30, 3:15 and 4 p.m. and on Friday, May 18, 1979 at 2:30 p.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 meetins 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).

Commissioners Loomis, Pollack and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 15, 1979, at 10 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Other litigation matters.
Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injuctive actions.
Freedom of Information Act appeal.
Chapter X proceeding.

The subject matter of the closed meeting scheduled for Wednesday, May 16, 1979, 9 a.m. and 2:30 p.m., will be:

Proposed legislation.

The subject matter of the closed meeting scheduled for Thursday, May 17, 1979, after the 2:30 and 3:15 oral arguments and immediately following the 4:00 p.m. open meeting, will be:

Post oral argument discussions.
Administrative order of an enforcement case.

The subject matter of the open meetings scheduled for Thursday, May 17, 1979 at 2:30 and 3:15 p.m., will be:

Oral argument on an application for review by Charles H. Ross, Inc., of an adverse decision by the Options Clearing Corporation. For further information, please contact R. Moshe Simon at (202) 755–1530.

Oral argument on an application for review by Cook & Co., Inc., L. Howard Cook and Edmund C. H. Hyun of an adverse decision by the National Association of Securities Dealers, Inc. For further information, please contact R. Moshe Simon at (202) 755–1530.

The subject matter of the open meeting scheduled for Thursday, May 17, 1979 at 4:00 p.m., will be:

1. Consideration of whether to approve proposed rule changes submitted by three national securities exchanges amending certain of their rules relating to the processing of securities transactions in response to the Commission's notice pursuant to Section 31(b) of the Securities Acts Amendments of 1975. For further information, please contact JoAnn Carpenter at (202) 755–8833.

2. Consideration of a request by Irvin Industries, Inc. that the Commission review the denial by the Division of Corporation Finance of Irvin's application for an extension of time within which to file its Annual Report on Form 10–K for its fiscal year ended December 29, 1978. For further information, please contact Irving D. Borochoff at (202) 755–1448.

3. Consideration of whether to publish a release withdrawing a proposed rule relating to the confidentiality of staff letters of comment and other correspondence with the Commission. For further information, please contact James H. Schropp or Linda Schneider at (202) 376–3561.

4. Consideration of what response to make to the Freedom of Information Act ("FOIA") appeal of Mr. David J. Wagstaff. The FOIA Officer denied Mr. Wagstaff's request for access to the Denver Regional Office's examination report on Wasatch Advisors, Inc., an investment adviser that is registered under the Investment Advisers Act of 1940. For further information, please contact James R. Farrand at (202) 755–1144.

The subject matter of the open meeting scheduled for Friday, May 18, 1979 at 2:30 p.m., will be:

1. Presentation and discussion with representatives of Citibank, N.A. of studies prepared by Thomas Kauper, Professor of Law, University of Michigan Law School and Alvarin Phillips, Professor of Economics, Law and Public Policy, University of Pennsylvania, regarding proposed legislation to amend the Glass-Steagall Act to permit commercial banks to underwrite state and municipal revenue bonds. For further information, please contact Michael Rogan at (202) 755–1638.

FOR FURTHER INFORMATION, CONTACT: Michael Rogan at (202) 755–1638.

May 7, 1979.

[S-940-79 Filed 5-9-79; 10:40 am]

BILLING CODE 8010-01-M

17

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 23, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Sugar from Canada (Inv. AA1921—Inq.-27)—briefing and vote.
6. Any items left over from previous agenda.

Portions Closed to the Public

7. Status report on investigation 332–101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[USITC SE-79-21]

[S-944-79 Filed 5-9-79; 2:13 pm]

BILLING CODE 7020-02-M

Federal Register

Friday
May 11, 1979

Part II

Department of Labor

Employment and Training Administration

Indian and Native American Employment and Training Programs

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 688]

Comprehensive Employment and Training Act; Regulations for Indian and Native American Employment and Training Programs Under Titles II, III, IV, VI, and VII of the Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed Rules.

SUMMARY: This document proposes new rules at 20 CFR Part 688 for Indian and Native American programs under the Comprehensive Employment and Training Act.

It is the purpose of Indian and Native American programs under this Act to provide job training and employment opportunities for economically disadvantaged, unemployed, or underemployed Indian and Native American persons which will result in an increase in their earned income, and to assure that training and other services lead to maximum employment opportunities and enhanced self-sufficiency by establishing a flexible and coordinated system of programs conducted by Indian tribes, bands and groups and Native American and other organizations.

The purpose of this publication is to implement the changes made by the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524).

DATES: Comments on the proposed rulemaking are due on or before June 11, 1979.

ADDRESSES: Comments should be addressed to Alexander S. MacNabb, Director, Division of Indian and Native American Programs, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Alexander S. MacNabb, telephone: (202) 376-6102.

SUPPLEMENTARY INFORMATION:

The Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524) was signed into law on October 27, 1978.

The new statute contains, in Section 4, provisions for transition from the programs in operation before the amendments to the programs authorized by the amendments. Effective on October 27, 1978 were new eligibility requirements for participation in public service employment activities, and new language amending the criminal provisions in Title 18 of the United States Code.

Ninety days after enactment (that is on January 26, 1979) new eligibility criteria for participation in all public service employment (PSE) programs, and the limitations on PSE wages and wage supplementation were implemented.

Also implemented on January 26, 1979 were the provisions relating to the prevention of fraud and abuse.

The development of the regulations has included significant and regular input from different segments of the Native American CETA system. Meetings were held in Washington, D.C. in November, December and January with representatives of Native American groups.

Major changes in new law

New eligibility requirements have been established for participants in Public Service Employment (PSE) programs funded under Titles II-D and VI of the Act. Average and maximum PSE wages have been established for all areas of the country. Provisions to prevent fraud and abuse have been strengthened. Changes have been made in the percentages of appropriated funds to be given to Native American programs under Sections 302 and 233 of the Act. A Title VII has been added to the Act to provide private sector opportunities for the economically disadvantaged.

To facilitate review, the comments on each numbered Section of the regulations should be on a separate page, with the identity and phone number of the commenter (and contact person of any commenting organization) at the top of each page.

Accordingly, Title 20 of the CFR is proposed to be amended by adding a new Part 688 to read as follows:

PART 688—INDIAN AND NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS

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Authority: Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 *et seq.*), unless otherwise noted.

Subpart A—Introduction

§ 688.1 Scope and purpose of the Indian and Native American employment and training programs under the Act.

(a) It is the purpose of Indian and Native American programs under this Act to provide job training and employment opportunities for economically disadvantaged, unemployed, or underemployed Indian and Native American persons which will result in an increase in their earned income, and to assure that training and other services lead to maximum employment opportunities and enhanced self-sufficiency by establishing a flexible and coordinated system of programs conducted by Indian tribes, bands and groups and Native American and other organizations. Such programs shall be administered to maximize the Federal committent to support growth and development of Indian and Native American communities and groups as determined by representatives of the communities and groups served.

(b) No provision of this Part shall abrogate in any way the trust responsibilities of the Federal government to Indian tribes, bands or groups or other Native American groups. It is the express intent of the Department of Labor that nothing contained herein shall affect any claim not arising under this Act against the United States of any Indian tribe or its members, and further that no funds made available under this Part to any Indian tribe, band or group shall be construed as the fulfillment partially or in full of any trust or treaty responsibility of the Federal government to Indian tribes, bands or groups nor shall such grant awards be offset against any debt or obligation now or in the future owed by the Federal government to such Indian tribe, band or group. (Section 302(h)).

(c) Nothing contained in this Part nor the acceptance of funds under this Part shall be construed as a waiver of sovereign immunity or consent to the jurisdiction of any court by any Indian tribe, band or group.

(d) Because of the nature of the special relationship between the Federal government and most of those served by this Part, programs shall be administered at the national level. (Section 302(b)(1).)

§ 688.2 Format for the regulations governing Indian and Native American programs under the Act.

(a) The regulations promulgated to carry out the Act are set forth in 20 CFR Parts 675–695. This Part deals with matters pertaining to the implementation and operation of Indian and Native American employment and training programs pursuant to Section 302 of Title III, Part D of Title II, Title VI, Parts A and C of Title IV and Title VII of the Act. It contains all the regulations under the Act applicable to Indian and Native American programs. In the interpretation of these regulations, Secretarial discretion shall be exercised consistent with the objectives of Section

302 of the Act including furtherance of the policy of Indian Self-Determination.

(b) The Director of DINAP, may, upon written application of a Native American grantee, waive any requirement of this Part not required by the Act. Such waiver shall be in writing, specifically stating any section(s) of this Part being waived, and the reason therefor.

§ 688.3 Definitions.

Academic Credit—means credit for education, training or work applicable toward a secondary school diploma, a post secondary degree, or an accredited certificate of completion, consistent with applicable State law and the requirements of an accredited educational agency or institution.

Act-means the Comprehensive Employment and Training Act.

Appropriate Labor Organization—means a local labor organization that represents employees in the Native American grantee's service area in the same or substantially equivalent jobs as those for which grantees provide, or propose to provide, employment and training under the Act.

Architectural Barrier—means physical conditions of a building or facility which reduce the accessibility to or usefulness of such building or facility to the physically handicapped.

Artificial Barriers to Employment—means limitations in the hiring, firing, promotion, licensing, and other terms and conditions of employment which are not directly related to an individual's fitness or ability to perform the duties required by the job. (Sec. 3(3).)

CETA—means the Comprehensive Employment and Training Act.

Community Based Organization—means private nonprofit organizations, which are representative of the Indian and Native American communities or significant segments of communities and which provide employment and/or training services or activities. (Sec. 3(4).)

Comprehensive Employment and Training Plan—means the entire grant application covering all programs under the Act and any modifications approved by DINAP.

Construction—means the erection, installation, assembly or painting of a new facility or a major addition, expansion, or extension of an existing facility, and the related site preparation, excavation, filling and landscaping or other land improvements.

Consumer Price Index—means the "All Urban Consumer Index" as determined by the Bureau of Labor Statistics (BLS).

Contractor—means any person, corporation, partnership, public agency, or other entity which enters into a contract with the DOL, a Native American Grantee or subgrantee under the Act.

Department—means the United States Department of Labor (DOL) including its agencies and organizational units.

Dependent—means any person for whom, both currently and during the previous 12 months, the participant has assumed 50 percent of their support and is:

(a) A member of the immediate household; or

(b) Not a member of the household, but a parent or child of the participant, or a relative of the participant who is unemployed because of a mental or physical disability.

Director—means the Director of DINAP.

DINAP—means the Division of Indian and Native American Programs of the Department of Labor.

Economically Disadvantaged—means a person who is either:

(a) A member of a family which receives public assistance;

(b) A member of a family whose income during the previous 6 months on an annualized basis, was such that

(1) The family would have qualified for public assistance, if it had applied for such assistance; or

(2) It does not exceed the poverty level; or

(3) It does not exceed 70 percent of the lower living standard income level;

(c) A foster child on whose behalf State or local government payments are made;

(d) A client of a sheltered workshop;

(e) A handicapped individual whose handicap presents a substantial barrier to employment.

(f) A person confined to an institution or facility providing 24 hour support such as a prison or hospital; or

(g) A regular out patient of a mental hospital, rehabilitation facility or similar institution.

Entry Level—means the lowest position in any promotional line, as defined locally by collective bargaining agreements, past practice, or applicable personnel rules. (Sec. 3(9).)

Family—means:

(a) One or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A stepchild or a step-parent shall be considered to be related by marriage if he or she receives at least 50 percent of his or her support from the step-parent(s).

(b) Except for any person 55 years of age or older or a handicapped individual who is 16 years of age or older, any one claimed as a dependent on another person's Federal Income Tax return for the previous year shall be presumed, unless otherwise demonstrated, to be a part of that person's family for the current year.

(c) An individual 16 or older, except as provided in paragraph (b) of this definition, who receives less than 50 percent of his/her maintenance from the family, and who is not the head nor the spouse of the head of the household, shall not be considered a member of the family. Such an individual shall be considered a family of one living in group quarters.

Family Income—means all income received from all sources by all members of the family, except as provided below:

(a) Family income shall include:

(1) Gross wages or salary received for work performed as an employee, including wages or salary received by individuals in public service employment or on-the-job training;

(2) Net self-employment income (gross receipts minus operating expenses);

(3) Other money income received from sources such as net rents, OASI social security benefits, pensions, alimony, payments made to a dependent child, income from insurance policy annuities, and other sources of income.

(b) Family income shall exclude:

(1) Non-cash income such as food stamps, or wages received in the form of food or housing;

(2) Imputed value of owner-occupied property, i.e., rental value;

(3) Any income directly or indirectly derived from or arising out of any property held by the United States in trust for any individual;

(4) Public assistance payments;

(5) Any services, compensation, or funds provided by the United States in accordance with or generated by the exercising of any right guaranteed or protected by treaty;

(6) Cash payments received pursuant to a State plan approved under Titles I, IV, X, or XVI of the Social Security Act, or Disability Insurance payments received under Title II of the Social Security Act;

(7) Federal, State, tribal or local unemployment benefits;

(8) Per capita payments;

(9) Payments made to participants in employment and training programs, except those specifically included in (a) (1), of this definition;

(10) Any property distributed or income derived therefrom, or any

amounts paid to or for any individual member, or distributed to or for the legatees or next of kin of any member, derived from or arising out of the settlement of an Indian claim;

(11) Capital gains and losses;

(12) One-time, unearned income, such as but not limited to:

(i) Payments received from limited, fixed term income maintenance programs and supplemental (private) unemployment benefit plans;

(ii) One-time or fixed term scholarship and fellowship grants;

(iii) Accident, health, and casualty insurance proceeds;

(iv) Disability and death payments including fixed term (but not lifetime) life insurance annuities and death benefits;

(v) One-time awards and gifts;

(vi) Inheritances, including fixed term annuities;

(vii) Fixed term workers compensation awards;

(viii) Terminal leave pay;

(ix) Soil bank payments;

(x) Agriculture crop stabilization payments;

(13) Allowances or pay which were previously received by any veteran while serving on active duty in the Armed Forces;

(14) Educational assistance and compensation payments to veterans and other eligible persons under Chapters 11, 13, 31, 34, 35 and 36 of Title 38, United States Code;

(15) Payments received under the Trade Readjustment Act of 1974.

Federal Reservation—means loans as identified by the Bureau of Indian Affairs which have been set aside for use and occupation of a tribe or tribes of Indians including land for which the United States is trustee and non-trust land under tribal jurisdiction.

Financial Assistance—means any grant, loan, or any other arrangement by which the Department provides or othewise makes available assistance in the form of:

(a) funds;

(b) services of Federal personnel; or

(c) real and personal property or any interest in or use of such property, including:

(1) transfers or leases of such property for less than fair market value or for reduced consideration; and

(2) proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

Governing Body—means a body consisting of duly elected representatives, a body appointed by duly elected representatives, a body appointed by a duly elected official, or a body selected in accordance with traditional tribal means which has the authority to provide services to, and to enter into contracts, agreements and grants under this Part on behalf of the individuals who elected them, elected the appointed official, or recognize the body selected in accordance with traditional tribal means.

Governor—means the chief executive of any State. (Sec. 3(10).)

Handicapped Individual—means any person who has a physical or mental impairment which at the time of enrollment constitutes a substanial barrier to employment and the individual is unemployed as a result of this disability as determined by the Native American grantee. (Sec. 3(11).)

Hawaiian Native—means any individual, any of whose ancestors were natives, prior to 1778, of the area which now consists of the Hawaiian Islands. (Sec. 3(12).)

Job restructuring—means:

(a) the procedure which includes:

(1) identifying the separate tasks that comprise a job or group of jobs;

(2) developing new position descriptions which retain some of the tasks of the original job; and

(3) developing a career ladder which builds upward from the new positions containing the lesser skilled tasks to regular jobs.

(b) A restructured job shall be clearly different from the original one in terms of skills, knowledge, abilities, and experience needed to perform the work. (Sec. 432(a)(3)(L).)

Local Education Agency (LEA)—means:

(a) Except for purposes of Youth Employment and Training Programs (YETP), a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public agency having administrative control and direction of a vocational education program. It shall further mean the governing bodies of any Bureau of Indian Affairs, tribal or reservation run agencies or school districts, or any non-profit agency or tribally chartered entity providing educational services to Indian and Native American persons as determined by the Native American grantee.

(b) For purposes of YETP, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a combination of each school districts or counties which are recognized in a State as an administrative agency for their public elementary or secondary schools. It shall further mean any Bureau of Indian Affairs, tribal or reservation run agency or school district or any other non-profit agency or tribally chartered entity providing educational services to Indian and Native American persons as determined by the Native American grantee.

Low Income Housing—means:

(a) those dwellings which are occupied by persons whose family income does not exceed 125 percent of the poverty level, and which are either:

(1) owned by the occupant;

(2) publicly owned; or

(3) owned by a private nonprofit organization.

(b) For weatherization or winterization projects funded and approved by the U.S. Department of Energy, "Low Income Housing" shall include privately owned rental housing.

Low Income Level—means $7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

Lower Living Standard Income Level—means that income level (adjusted for selected Standard Metropolitan Statistical Areas and regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based upon the most recent "lower living family budget" issued by the Secretary. (Sec. 3(17).)

Offender—means any adult or juvenile who is or has been subject to any stage of the criminal justice system for whom employment and training services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. (Sec. 3(18).)

Participant—means an indivitual who is:

(a) declared eligible upon intake; and

(b) receiving employment, training or services funded under the Act following intake, except for an individual who receives only outreach and/or intake services.

Placement—means the act of securing unsubsidized employment for or by a participant.

Poverty Level—means that annual income level at or below which families are considered to live in poverty, as annually determined by Office of Management and Budget.

Program of Demonstrated Effectiveness—means a program which has demonstrated the capacity to achieve planned goals at reasonable costs within acceptable timeframes, and is either: (a) A program which has demonstrated to the Native American Grantee that it has performed effectively within the grantee's jurisdiction, or (b) A program which can demonstrate to the Native American Grantee that it has carried out effectively a similar program under similar circumstances in other jurisdictions and can carry out such program effectively within the Native American Grantee's jurisdiction.

Project—means:

(a) for the purpose of public service employment in Subparts I and J, a definable task or group of related tasks which will be completed within eighteen months or any extension permitted by regulation, has a public service objective, will result in a specific product or accomplishment, and would otherwise not be done with existing funds;

(b) for the purposes of Youth Community Conservation and Improvement Projects in Subpart K, an activity which provides constructive work, conducted by youth, under the guidance of skilled supervisors, which (1) results in tangible outputs or a specific product; (2) benefits the participants in terms of work habits, skills, and attainment of academic credit where applicable; and (3) will be completed within a definable period of time not to exceed 12 months (sec. 421).

Project Applicants—means States and agencies thereof, units of general local government and agencies thereof, combination or associations of such governmental units when the primary purposes of such combinations or associations is to assist such governmental units to provide public services, special purpose political subdivisions having the power to levy taxes and spend funds or serving such special purpose subdivisions within an area served by one or more units of general local government, local educational agencies, institutions of higher education, community based organizations, nonprofit groups and organizations serving Native Americans, and other private nonprofit organizations or institutions engaged in a public service.

Promotional Line—means any structure, as defined locally by collective bargaining agreements, past practice, or applicable personnel rules, which provides for the advancement or upgrading of current employees in job positions or job classifications. Promotional lines may be defined without regard to educational, skill levels or chains of command and shall be defined after giving due consideration to actual opportunity for upgrading, lack of supervisory capacity and the policies of Indian self-determination and economic self-sufficiency. A CETA job position may be regarded as the lowest position in any promotional line if all job positions having rights or preference for advancement or upgrading to such positions are also CETA job positions (Sec. 3(9) and 302(b)(3)).

Public Assistance—means Federal, State, tribal or local government cash payments for which eligibility is determined by needs or income test.

Public Service—means the type of service normally provided by government and includes, but is not limited to, work (including part-time work) in such fields as environmental quality, child care, health care, education, crime prevention and control, prisoner rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification, veterans outreach, development of alternative energy technologies, and other fields of human betterment and community improvement. It includes service performed by tribally sponsored or owned income generating enterprises, owned by Indian tribes, bands, or groups or Native Alaskan entities, provided the profits from such enterprises are used exclusively for functions normally performed by the governing body of such entities.

Secretary—means the Secretary of Labor.

Significant Segments—means the groups of the population identified in terms of the following demographic characteristics: age, sex, race, and national origin.

Special Disabled Veteran—means a person who served in the Armed Forces and was discharged or released, with other than a dishonorable discharge, and who had been given a disability rating of 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

State—means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Marianas Islands, America Samoa, and the Trust Territory of the Pacific Islands.

State Employment Security Agency (SESA)—means the State agency which exercises control over the Unemployment Insurance Service and the Employment Service.

State Reservation—means an Indian reservation recognized as such by the State in which it is located.

Supportive Services—means services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them in retaining employment, and facilitates their movement into permanent employment, not subsidized under the Act, including, but not limited to, health care, medical and dental services, legal services, transportation, assistance in securing bonding, residential support, job orientation, counseling, child care, and financial counseling, and assistance. (Sec. 3 (36).)

Underemployed Persons—means:

(a) Persons who are working part-time but seeking full-time work; or

(b) Persons who are working full-time but receiving wages not, in excess of, the higher of either:

(1) The poverty level, or

(2) 70 percent of the lower living standard income level. (Sec. 3(27).)

Unemployed Person—means:

(a) a person who is without a job for at least seven consecutive days prior to application for participation. A person shall be considered as being without a job if, for seven consecutive days, such person:

(1) worked no more than 10 hours; and

(2) earned no more than $30; and

(3) was seeking and available for work; or

(b) a person who is:

(1) a client of a sheltered workshop;

(2) institutionalized or in a hospital or similar institution; or

(c) a person who is 18 years of age or older whose family receives public assistance, or whose family would be eligible to receive public assistance for the fact that both parents are in the home; or

(d) a person who is a veteran who has not obtained permanent unsubsidized employment since being released from active duty. Such person shall be considered to meet "unemployed" eligibility requirements regardless of the specific term of unemployment required.

Veteran—means a person who:

(a) Served on active duty for more than 180 days, and was released with other than a dishonorable discharge; or

(b) Was discharged or released from active duty for a service connected disability.

Veterans Outreach—means the recruitment, counseling, and registration of eligible veterans for participation in appropriate employment or training programs provided under the Act. (Sec. 3(30).)

Vietnam-era Veteran—means a veteran under 35 years of age who served on active duty between August 5, 1964, and May 7, 1975, and who was discharged or released with other than a dishonorable discharge.

Subpart B Designation Procedures for Native American Grantees

§ 688.10 Eligibility requirements for designation as a Native American grantee.

(a) All funds specifically identified in the Act as reserved for the benefit of Indian and Native American participants, (those in Section 302 of Title III, Part D of Title II, Title VI, Parts A and C of Title IV and Title VII) shall be allocated by DINAP only to Native American grantees designated pursuant to this Subpart.

(b) Basic eligibility criteria for designation as a Native American grantee. To be designated as a Native American grantee, an applicant must:

(1) Have a governing body;

(2) Have an Indian and/or Native American population within its designated service area of at least 1,000 individuals unless this requirement is waived by DINAP; and

(3) Have the capability of administering an Indian and Native American employment and training program. For purposes of this section "capability of administering" means that the applicant can demonstrate that it possesses, or can acquire the managerial, technical, or administrative staff with the ability to properly administer government funds, develop employment and training positions, evaluate program performance and comply with the provisions of the Act and the regulations. In judging the applicant's request for designation, consideration shall be given to factors such as:

(i) Previous experience in operating an effective employment and training program serving Indians and/or Native Americans;

(ii) The number and kind of activities of similar magnitude and complexity that the applicant has successfully completed;

(iii) The identification of staff currently or potentially in the employ of the applicant who have the qualifications to carry out the managerial, technical or administrative tasks involved in carrying out activities funded under the Act.

(c) Types of eligible Native American grantees.

(1) *Indian tribe, band or group.* DINAP shall designate as a Native American grantee an Indian tribe, band or group which meets the requirements in paragraph (b) of this section. In the case of a reservation with more than one tribe, each tribe which is independently eligible in accordance with the requirements of this section shall be entitled to separate designation.

(2) *Alaskan Native entity.* DINAP shall designate as a Native American grantee an Alaskan native entity which meets the requirements in paragraph (b) of this section.

(3) *Hawaiian Native sponsor.* DINAP may designate as a Native American grantee a private nonprofit organization or public agency which meets the requirments in paragraph (b) of this section and which DINAP determines will best meet the needs of native Hawaiians.

(4) *Public or private agencies.* DINAP may designate as a Native American grantee a private nonprofit organiation or public agency which meets the requirements in paragraph (b) of this section to serve areas where there are significant numbers of Indians and/or Native Americans, but where there are no Indian tribes, bands or groups, Alaskan native entities or Hawaiian sponsors or consortia of such sponsors eligible for designation. Where it is not feasible to designate a public agency or private nonprofit organization, DINAP may designate a private for-profit organization.

(5) *Consortium grantees.* DINAP may designate as a Native American grantee a consortium of any of the types of grantees described in paragraphs (c)(1), (2), (3) and (4) of this section which may or may not be independently eligible. All such consortia shall meet the following requirements, in addition to the requirements in paragraph (b) of this section:

(i) All the members shall be in geographic proximity to one another. A consortium may operate in more than one State.

(ii) An administrative unit shall be designated for operating the program, which may be a member of the consortium or an agency formed by the members.

(iii) The consortium shall be the Native American grantee. The consortium's administrative unit shall be delegated all powers necessary to administer the program effectively, including the power to enter into contracts and subgrants and other necessary agreements, to receive and expand funds, to employ personnel, to organize and train staff, to develop procedures for program planning, to monitor program performance, and to modify the grant agreement through agreement with DINAP. The rights of evaluating the program and reallocating funds shall be reserved to the consortium's members.

(d) In the case of Native American grantees which are not themselves Indian tribes, bands or groups or Alaska native villages or groups, but will serve such groups, DINAP shall, to the maximum extent feasible, enter into arrangements for the provision of services with other types of Native American grantees which meet with the approval of the Indian tribes, bands, groups or Alaska native villages or groups to be served. (Sec. 302(d)). In such cases, DINAP shall consult with the governing body of such Indian tribes, bands, groups or Alaska native villages or groups prior to the designation of a Native American grantee. In designating Native American grantees to serve other groups, including non-reservation Indians, DINAP shall, whenever feasible, designate grantees which are directly controlled by Indian and/or Native American people. Where it is not feasible to designate such types of grantees, DINAP shall consult with Indian and/or Native American-controlled organizations in the area with respect to the designation of a Native American grantee. DINAP shall require any such grantee not directly controlled by Indian and/or Native American people to establish a Native American Employment and Training Planning Council and to implement an Indian preference policy with respect to hiring of staff and contracting for services with regard to all funds provided pursuant to this Part. (Sec. 7(b) of the Indian Self-Determination and Education Assistance Act).

§ 688.11 Designation of Native American grantees.

(a) DINAP shall notify potential Native American grantees of the prospective availability of funds for the next fiscal year by notice not later than February 1 of each year, in the Federal Register. The notice shall describe the steps in the process of designating Native American grantees and the types of programs for which funds are expected to be available.

(b) An applicant for designation as a Native American grantee shall submit a

notice of intent to apply for funds. Such notices of intent shall be postmarked by March 1 and be submitted to the Division of Indian and Native American Programs (DINAP), Office of National Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213. Notices of intent may also be delivered to that office in person not later than the close of business on March 1. Such notices of intent to apply shall be submitted on Standard Form 424 as a preapplication for federal assistance. The following information shall be included in the notice of intent:

(1) Evidence that the application meets the requirements for Native American grantees contained in § 688.10;

(2) A description of the geographic area or areas which the applicant proposes to serve, together with the Indian and Native American population in such areas, to the extent known. The description must include a list of States (if more than one, in alphabetical order, and under each State, a list of counties in alphabetical order, followed by a list of reservations (if any) in alphabetical order. If the applicant was a Native American grantee for the fiscal year prior to the one which is being applied for, the applicant must also state the counties and reservations which are being added to or deleted from the previous fiscal year's service area;

(3) A description of the applicant's organization, including the legal status of the applicant, the process of selection of the governing body and the duties and responsibilities of the governing body;

(4) Evidence of the applicant's capability to operate an Indian and/or Native American employment and training program, including a statement of the applicant's past successes in operating programs for Indians or other Native Americans and a statement of the applicant's experience in managing the types of programs and activities allowable under the Act;

(5) A description of the planning process which the applicant proposes to undertake in developing a plan for the use of funds;

(6) If the applicant is applying as a consortium, evidence that the consortium meets the requirements for a consortium in this part, including, but not limited to:

(i) Identification of the member units of the consortium;

(ii) Geographic area or areas served by the consortium; and

(iii) Population served.

(c) DINAP shall designate Native American grantees for the coming Fiscal Year. Each applicant shall be notified in writing of the determination not later than June 1. Those applicants that are not designated as Native American grantees may appeal under the complaint procedures in Subpart G. The Department shall decide such appeals, if possible, not later than August 1.

(d) DINAP shall provide each entity designated as a Native American grantee with information necessary to permit it to undertake an orderly planning process and submit its grant application on time. Unless DINAP establishes a different date, the complete annual grant package shall be submitted not later than August 1. DINAP shall make available to each Native American grantee which does not already have them a complete and final set of all applicable regulations and necessary application materials by not later than June 1. DINAP shall also provide designated Native American grantees with a preliminary planning estimate based on the amounts available in the budget of the President or in the most recent concurrent budget resolutions under the Congressional Budget Act applicable to such forthcoming fiscal year. If for any reason DINAP cannot provide a complete and final set of all applicable regulations and necessary application materials by June 1, DINAP shall extend the date for submittal of such plan to allow the designated Native American Grantee to review such regulations and to complete such materials. During the period of time between June 1 and August 1, DINAP shall not issue any regulations or guidelines or interpretations thereof that require any change in the designated Native American grantee's plan, which is a condition of DINAP's approval or disapproval of the plan, unless DINAP allows at least one fiscal quarter for the designated Native American grantee to submit such change.

(e) A consortium designated as a Native American grantee; shall, by a date set by DINAP which is no earlier than thirty (30) days from the date of such designation, submit to DINAP a formal consortium agreement which includes: (1) A statement that the consortium shall have a period of duration at least equal to that of the grant.

(2) An identification of the consortium members.

(3) The geographic area or areas which will be served. The areas must include a list of States in alphabetical order, and under each State, first the counties and then the reservations, both in alphabetical order.

(4) A description of the population to be served.

(5) A statement from each member assuring that each signatory has the necessary legal authority to enter into a consortium agreement.

(6) A statement that the consortium agreement will be signed by the chief elected official or chief executive officer of each consortium member, or by the chief elected official or chief executive officer of one or more consortium members, or by the chief executive officer of the consortium's administrative unit.

(7) A certificate that, subject to applicable Federal, State, tribal or local law, each consortium member jointly and separately accepts responsibility for the operation of the program with regard to actions taken with such member's prior knowledge and consent.

(8) A description of the powers, functions and responsibilities reserved by the consortium members, the process by which decisions will be made, the process by which each member will review and approve the comprehensive employment and training plan; and

(9) A statement identifying the administrative unit which will operate the program and delineating its organizational structure, powers, functions, and responsibilities of those individuals who will be acting for and on behalf of the tribes, bands, or groups and how such individuals were selected.

(f) A consortium which submitted a consortium agreement in the preceding year may, in lieu of executing a new consortium agreement, attest in writing, signed by the chief elected official or chief executive officer of each consortium member, that the proposed agreement is the same or noting the complete text of any changes.

(g) DINAP shall review all consortium agreements and any supporting documentation, and shall approve the consortium agreement if it complies with the Act and the regulations. If the consortium agreement is not approved, DINAP shall:

(1) Notify the designated Native American grantee that its consortium agreement fails to meet a requirement of the Act or the regulations; and

(2) Provide the designated Native American grantee with suggestions or corrective steps to remedy any defect and provide at least thirty (30) days to remedy such defect(s).

(h) If the consortium fails to correct such defect(s) within such time, DINAP may revoke the designation of the consortium as a Native American

grantee. Such action shall be subject to appeal pursuant to Subpart G.

§ 688.12 Alternative arrangements for the provision of services.

If an application is not filed or is denied, or if a grant is terminated in whole or in part during a fiscal year, DINAP may grant the funds to another Native American grantee to service the area originally to be served. If it is not feasible to use another Native American grantee, DINAP may make other arrangements for such services to be provided, including arrangements for DINAP to serve such an area directly. When it is not feasible to provide for the delivery of services through such alternative arrangements, the funds involved may be reallocated to Native American grantees serving other areas.

Subpart C Program Planning, Application and Modification Procedures

§ 688.17 Planning process.

(a) Each Native American grantee shall establish a planning process for the development of its comprehensive employment and training plan. This planning process shall involve consideration of the need for employment and training services, appropriate means of providing needed services and methods of monitoring and assessing the services provided to the extent deemed appropriate. The planning process shall provide the opportunity for involvement of the client community, service providers such as community-based organizations and educational agencies, the private business sector, tribal agencies, and other Indian and Native American organizations whose programs are relevant to employment and training services.

(b) The Native American grantee may establish an employment and training Planning Council. The Native American grantee shall appoint the members of such Planning Council and designate one of the members as the Chairperson. The members may include representatives of the client community, community-based organizations, education and training agencies, the private business sector, organized labor and tribal and other agencies whose mission and services are relevant to the provision of employment and training services. The Planning Council may make recommendations on program plans, goals, policies and procedures and the need for and effectiveness of services provided. Where such a Planning Council is appointed, the costs of its meetings, including meeting rooms, travel and per diem may be paid with grant funds. The comments and recommendations of the Planning Council should be given careful consideration in the development of program plans. However, such comments and recommendations are to be advisory only and do not relieve the Native American grantee of the responsibility for the effective planning and administration of its employment and training program. The work of the planning Council shall be closely coordinated, where applicable, with the work of any special councils created to provide advice on the conduct of youth programs under Title IV of the Act or private sector initiative programs under Title VII of the Act.

§ 688.18 Regional and national planning meetings.

(a) Native American grantees shall hold at least one meeting per year for all such grantees in each federal region.

(b) Such regional planning meetings may include, but are not limited to, the following purposes:

(1) Improving the coordination of services provided by the various Native American grantees within the region;

(2) Developing procedures by which Native American grantees can assist each other in the effective conduct and administration of their respective employment and training programs; and

(3) Considering and, where appropriate, developing common positions on issues of general concern to Indian and Native American employment and training programs.

(c) There shall be at least one national meeting per year to consider issues of interest to Native American grantees that affect such entities across regional lines.

(d) Grant funds may be used for holding regional and national meetings, subject to the restrictions on allowable costs.

§ 688.19 Project application content.

(a) An application must contain all the documentation needed to apply for all the funds (i.e., under all titles of the Act) for which the Native American grantee wishes to apply, except for the SYP program (Summer Youth Program) and for the Title VII Indian and Native American Private Sector Initiative Program. Instructions for applying for SYP funds will be sent to all eligible Native American grantees when DINAP is informed of the amount of SYP funds available. SYP funds will be added to the original grant by means of a modification. DINAP shall send all designated Native American grantees instructions on the content and prepartation of the application package, and, when requested, shall provide technical assistance to the Native American grantee.

(b) Four copies of the basic grant package must be submitted to the designated DINAP project officer. The composition of each application package for Title III Sec. 302 funds is as follows. (The additional documentation for Native American grantees receiving funds under other titles of the Act is described in the regulations for those titles. The additional documentation must be included in each copy of the package.)

(1) Grant Signature Sheet (MA 2–199).

(2) Application for Federal Assistance (SF 424).

(3) Narrative for Title III program.

(4) CETA Program Planning Summary (MA 2–202).

(5) Budget Information Summary (MA 5–145).

(6) PSE Occupational Summary (MA 2–200) (Only if there is a PSE program using Sec. 302 funds.)

(7) Summary of Subgrantees and Subcontractors.

(8) CETA Monthly Schedule (MA 202–B).

(c) In addition to the four application packages described above, the following documents must also be submitted in the same envelope:

(1) Five copies of the Request for Advance or Reimbursement (only for Native American grantees whose total grant is for less than $120,000).

(2) Two completed and signed Authorization Signature Cards for Payment Vouchers on Letter of Credit (only for Native American grantees whose total grant is for at least $120,000).

(3) Five copies of the Agreement for Special Bank Account.

(4) One copy of a surety bond.

(d) All of the signatures called for on the above documents must be original signatures.

(e) Also include copies of the following (no original signature needed):

(1) Two Grant Signature Sheets.

(2) One Grant Signature Sheet, one Application for Federal Assistance, and one copy of that section of the application requesting approval to buy or rent property, stapled together in upper left corner.

§ 688.20 Submission of grant applications.

Complete grant applications must be submitted to the designated DINAP project officer by August 1 of each year.

§ 688.21 Comment and publication procedures.

(a) In order to achieve maximum coordination of services provided by Native American grantees and other types of entities directly funded by the Secretary, each Native American grantee shall provide an opportunity for comment on its comprehensive employment and training plan. The Native American grantee shall be under no obligation to make any changes in its plan(s) as a result of any such comments. (Sec. 123(b).)

(b) An opportunity to comment shall be provided to officials of each Indian tribe, band or group or each native Alaskan village or group to be served.

(c) Comments shall be received by the Native American grantee for not less than 30 days after the date the comprehensive employment and training plan is submitted to DINAP. All written comments and responses thereto shall be transmitted to DINAP either with the plan or not less than 15 days after submission of the plan.

§ 688.22 Application approval.

(a) Within 60 days of receipt, whenever possible, a grant application shall be approved if it meets the requirements of the Act and the regulations, and if it provides for an effective and efficient program.

(b) If the application is approved, DINAP shall provide the Native American grantee with a grant agreement, consisting of the Grant Signature Sheet, the comprehensive employment and training plan, and related plans, if any, as approved and such other material necessary for the initiation of the approved programs. Funds shall then be made available as soon as possible.

(c) The Grant Signature Sheet shall specify the amount obligated by the Department to the Native American grantee and the duration of the grant and shall be signed by the Director, DINAP, and a duly designated official of the Native American grantee.

§ 688.23 Application disapproval.

(a) An application shall be disapproved if it fails to meet the requirements of the Act or the regulations or if it does not provide for an effective and efficient program.

(b) No application for a grant shall be disapproved until:

(1) The designated Native American grantee has been notified that its application fails to meet a requirement of the Act or the regulations;

(2) The Native American grantee is provided with suggestions on corrective steps to remedy any defect in the application and has been provided with at least 30 days to remedy such defect(s), but has failed to do so.

(c) When an application is disapproved, a notice of disapproval shall immediately be transmitted to the Native American grantee, accompanied by a statement of the grounds of the disapproval and a notice that a complaint may be filed pursuant to the provisions of Subpart G.

§ 688.24 Modification of a grant.

(a) A formal modification of a grant is required when:

(1) There is a change of at least 25 percent or $25,000 (whichever is greater) in any cost category,

(2) There is a change of at least 15 percent or 15 individuals (whichever is greater) in the number of individuals to be served in any category of program activity, or

(3) There is a substantial change in program design.

(b) The documentation to be submitted to DINAP requesting such a modification shall consist of a letter explaining the need for the change and four copies of the proposed modification plus three copies of the Grant Signature Sheet. Each copy of the modification will consist of a Grant Signature Sheet, a narrative (containing only the change from the original narrative) and any other documents that will differ from the documents in the original grant or a previous modification.

(c) DINAP shall notify the Native American grantee of tentative approval or disapproval within 10 calendar days of receipt of the proposed modification. DINAP shall notify the Native American grantee in writing of final approval or disapproval within 30 calendar days of the receipt of the proposed modification. Failure to provide such final notification within such time frame will constitute approval.

(d) A Native American grantee may make any change in its Program Planning Summary and Budget Information Summary which is not set out in paragraph (a) of this section without prior approval but must show any such change in the first quarterly progress report submitted to DINAP after the change has been made. At the same time this report is submitted, an updated Program Planning Summary and Budget Information Summary must also be submitted, which indicate the change.

(e) DINAP may execute unilateral modifications to extend the period of operations of a grant. Such extensions shall be followed by a jointly signed modification of the grant agreement incorporating any changes in the program.

(f) Native American grantees shall notify DINAP by a modification whenever there is a change in a name, address, or other significant information in the grant. For this purpose, four copies of the Grant Signature Sheet will suffice, with a page attached explaining the change. DINAP shall modify the grant as appropriate.

Subpart D—Administrative Standards and Procedures

§ 688.31 General.

DINAP shall provide each Native American grantee with technical assistance guides in a timely fashion to enable each grantee to comply with the requirements of Sections 688.31 through 688.54.

§ 688.31 Payment.

Advance or reimbursement payments will be made by either a letter of credit or a Request for Advance (SF 270).

§ 688.33 Letter of Credit.

Grants will be financed by means of a letter of credit when the following conditions are met:

(a) The grant is for $120,000 or more;

(b) A continuing relationship has existed between DINAP and the Native American grantee for at least 12 months;

(c) The Native American grantee can assure DINAP that the timing and amount of drawdowns will be as close as possible to disbursement; and

(d) The Native American grantee's accounting system meets the recordkeeping and reporting requirements of this Subpart.

§ 688.34 Payment by Request for Advance (SF 270)

A Native American grantee which is not paid by letter of credit will be paid by Request for Advance (SF 270). DINAP shall determine whether such payment will be made on an advance or reimbursement basis. In making such a determination, DINAP shall consider the adequacy of the Native American grantee's accounting and recordkeeping system with regard to items 3(b) and 3(c) of Attachment J of OMB Circular A-102.

§ 688.35 Depositories for CETA funds.

The standard covering the use of banks and other institutions as depositories for CETA funds are found at 41 CFR 29-70.201, "Cash Depositories."

§ 688.36 Financial management systems.

(a) Each Native American grantee, subgrantee and contractor shall maintain a financial management system which will provide accurate, current and complete disclosure of the financial transactions under each grant, subgrant or contract activity, and will enable each Native American grantee, subgrantee or contractor to evaluate the effectiveness of program activities and meet the reporting requirements of this Subpart.

(b) Each Native American grantee, subgrantee and contractor shall maintain its financial accounts so that the reports required by the Department may be prepared therefrom.

(c) To be acceptble for audit under this Subpart, a Report of Federal Cash Transactions and Financial Status Report shall be:

(1) Current as of the cut-off date of the audit;

(2) Taken directly from or linked by worksheet to the Native American grantee's books of original entry; and

(3) Traceable to source documentation of the unit transaction.

(d) In cases in which the Native American grantee's records are unauditable, the auditor shall submit a letter to the contracting officer delineating the reason therefor and delineating the action required to place the records in auditable condition.

§ 688.37 (Reserved)

§ 688.38 Maintenance and retention of records.

(a) All records, reports, documents, and files required under the provisions of theser regulations shall be the responsibility of the Native American grantee. Retention of and access to those records, etc. shall be as provided for at 41 CFR 29–70.203, "Retention and custodial requirements for records." (Sec. 133(a)(1).)

(b) Financial records relating to public services employment programs and records of the names, addresses, positions and salaries of all persons employed in public service jobs shall be maintained and made available to the public. (Sec. 122(g).)

§ 688.39 Program income.

(a) Native American grantees which are federally recognized tribal governments shall not be held responsibile for interest earned on grant-in-aid funds pending their disbursement for program purposes.

(b) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with the MA Property Handbook which implements Attachment N of OMB Circular A–102.

(c) Royalties received from copyright and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to the Secretary.

(d) Income earned as a result of activities of CETA participants by a profit generating enterprise whose profit is used exclusively for governmental, charitable, education, civic, social or other traditionally nonprofit purposes, shall be retained by such enterprise and used in the same fashions as all other resources of such enterprise.

(e) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant statement, shall be added to funds committed to the project and be used to further eligible program objectives. Expenditures of program income shall be made according to the provisions of the Title of the Act under which the income was generated.

§ 688.40 Native American Grantee Contracts, Subgrants, and Agreements.

(a) Contracts may be entered into between the Native American grantee and any party, public or private for purposes set forth in an approved comprehensive employment and training plan.

(b) Subgrants may be entered into between the Native American grantee and units of State and local general government, Indian government, public agencies or nonprofit organizations.

(c) Native American grantee responsibility for development, approval and operation of contracts and grants. The Native American grantee is responsible for the development, approval and operation of all contracts and subgrants and shall require that its contractors and subgrantees adhere to the requirements of the Act, the regulations promulgated under the Act, and other applicable law. It shall also require contractors and subgrantees to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant.

(d) Each Native American grantee shall take action against its contractors and subrecipients to eliminate violations of these regulations, and to prevent misuse of CETA funds (sec. 123(i), sec. 106(d)(1)).

(e) Subgrantees are entitled to funding for administrative costs. The amount of such funding will be determined during the development of subgrants.

(f) In the event an agreement or subgrant is cancelled, in whole or in part, the Native American grantee shall develop procedures for ensuring continuity of service to participants.

(g) The nature of certain training programs may make it necessary for contracts or subgrants to be entered into by the Native American grantee which will extend beyond the term of the grant. The Native American grantee is authorized to enter into contracts or subgrants which extend past the termination date of the grant but such extension shall not exceed one year. In such cases, the grantee shall continue to be responsible for the administration of such contracts and subgrants.

(h) Native American grantees may exercise Indian preference in the award of contracts, subgrants or agreements. Any contract, subcontract, grant, or subgrant made by a Native American grantee shall require that to the greatest extent feasible preference and opportunities for training and employment in connection with such contract, subcontract, grant or subgrant shall be given to qualified Indians regardless of age, religion or sex. The contractor shall further comply with any Indian preference requirements established by any Tribe receiving services under the contract, subcontract, grant or subgrant. All grantees, subgrantees, contractors, and subcontractors shall include the requirements of this paragraph and Section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638) in all subcontracts and subgrants made by them.

(i) The Native American grantee shall ensure that contractors and subrecipients maintain and make available for review by the grantee and the Department of Labor all records pertaining to the operations of programs under such contracts and subgrants, consistent with the maintenance and retention of record requirements.

§ 688.41 Procurement standards.

(a) Native American grantees shall comply with the procurement systems and procedures found in 41 CFR 29–70.216, "Procurement Standards."

(b) Subject to the provisions of Section 688.40(h), small and minority-owned businesses, including small businesses owned by women, within the

jurisdiction of the Native American grantee, shall be provided maximum reasonable opportunity to compete for contracts for supplies and services. One means to provide for this is the use of set-asides. (Sec. 121(k).)

(c) No funds will be paid to any nongovernmental organization for the conduct of programs (other than under Title VII or on-the-job training) under the Act unless:

(1) It has submitted an acceptable proposal;

(2) Selection is performed on a merit basis;

(3) It has not been seriously deficient in its conduct of, or participation in, any Department of Labor program in the past, or is not a successor organization to one that was seriously deficient in the past, unless DINAP determines that the deficiency will be corrected and performance substantially improved; and

(4) It has the administrative capability to perform effectively (sec. 121(o)).

(d) No funds will be paid to any nongovernmental organization for the conduct of on-the-job training or Title VII programs under the Act unless:

(1) Payment is supported by a written agreement which has been evaluated and found acceptable against standards established by the grantee; and

(2) The organization has not been seriously deficient in its conduct of, or participation in, any Department of Labor program (sec. 121(o)).

§ 688.42 Property Management Standards.

Native American grantees shall comply with the property management standards set forth in 41 CFR 29–70.215.

§ 688.43 Allowable Costs under CETA.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program and be allocable thereto under these principles.

(b) *Direct costs.* Direct costs are those that can be identified specifically with a particular cost objective. These costs may be charged directly to grants, contracts or to other programs against which costs are finally lodged. Direct costs may also be charged to cost objectives used for the accumulation of costs pending distribution in due course to grants and other ultimate cost objectives.

(c) *Indirect costs.* Indirect costs are those:

(1) incurred for a common or joint purpose benefiting more than one cost objective; and

(2) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term "indirect costs," as used herein, applies to costs of this type originating in the grantee entity, as well as those incurred by other entities in supplying goods, services, and facilities, to the grantee.

(d) *Restrictions on use of funds.*

(1) The amount of funds available for any specific cost category or activity shall be limited as specified in the regulations for the specific programs.

(2) Funds made available through one Title may not be used to support costs properly chargeable to another Title with the exception that funds available for administration shall be pooled and used to cover all allowable administrative costs incurred under the grant. (Sec. 123(f).)

(e) *Allowable CETA costs.* Except as modified by these regulations, the cost principles to be used in determining allowable CETA costs are referenced in 41 CFR 29–70.103, "Cost Principles."

(1) CETA funds may be used to satisfy cost sharing or matching requirements where authorized by Federal law, other than CETA, when seeking other Federal funds and shall be subject to the provisions of 41 CFR 29–70.206, "Matching Share."

(2) Funds may be used for construction activities only to:

(i) Pay wages and fringe benefits for participants employed by Native American grantees.

(ii) Purchase equipment, materials, and supplies for use by participants while on the job and for use in the training of such participants.

(iii) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and allowances and wages (sec. 123(c)).

(iv) Cover costs of material and supplies, in Titles IID and VI projects, weatherization activities and Youth Community Conservation and Improvement Projects, which become part of the construction.

(3) Costs associated with building repairs, maintenance, and capital improvements of existing facilities used primarily for programs under the Act are allowable.

(4) The cost of home repair and weatherization are allowable when:

(i) The work is performed either:

(A) On dwellings of individuals whose family income is at or below 125 percent of the poverty level and which are privately owned and owner occupied, privately owned by a Native American grantee, a nonprofit organization or are units of public housing; or

(B) In weatherization projects funded by the Community Services Administration pursuant to section 222(a)(5) of the Economic Opportunity Act of 1964 or the Department of Energy pursuant to Title IV of the Energy Conservation and Production Act of 1976; or

(C) In rehabilitation projects of housing for lower income families as defined in section 8(f)(1) of the United States Housing Act of 1937 as part of community revitalization or stabilization projects (sec. 123(c)(4)).

(ii) Such activities are supervised by an adequate number of supervisory personnel who are adequately trained in the skills needed to carry out such activities and to instruct participants in the skills needed to perform in the work involved (sec. 123(c)).

(5) Native American grantees shall not use funds under the Act, to assist, including placing participants, in an establishment which has relocated from one area to another, or located new branches, subsidiaries, or affiliates within the past two calendar years, when such relocation or location has resulted in an increase in unemployment in the area of original location or any other area.

(6) Unemployment insurance benefit costs are allowable for administrative staff hired in accordance with the administrative provisions of these regulations, and for participants in other than public service employment. Unemployment insurance benefit costs for public service employment participants including such participants who are also administrative staff, who become eligible for unemployment insurance by reason of their participation in the program shall be paid not from funds under the Act, but from available funds under Part B, Section 220(a) of Pub. L. 94–444. However, administrative costs associated with the recordkeeping requirements necessary to implement Part B, Section 220(a) of Pub. L. 94–444, shall be allowable as an administrative cost under the Act. Each shall cooperate with the SESA's in providing data necessary to implement the provisions of Part B of Pub. L. 94–444.

(f) *Travel Costs.*

(1) The cost of participants travel and staff travel necessary for the operation or administration of programs under the Act are allowable costs.

(2) Travel costs of Native American grantee officials are allowable if costs specifically relate to programs under the Act. These costs shall be charged to administration.

(3) Travel costs for administrative staff, including participants in administrative positions, are allowable when the travel is specifically related to the operation of programs under the Act.

(4) Travel costs for participants using their personal automobiles in the performance of their jobs are allowable if the employing agency normally reimburses its other employees in this way. These costs shall be charged to fringe benefits.

(5) Travel costs to enable participants to obtain employment or to participate in programs under the Act are allowable as supportive services.

§ 688.44 CETA Cost Allocation.

Allowable costs shall be charged against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services.

(a) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(b) All Native American granteesshall plan, control, and report expenditures against the aforementioned cost categories.

(c) All Native American grantees are responsible for ensuring that subgrantees and contractors plan, control, and report expenditures against the aforementioned cost categories.

(d) The following principles shall be followed in classifying cost by cost category:

(1) Participants' wages shall be charged to wages. All wages paid to participants receiving on-the-job training in public or private nonprofit organizations, and all wages paid to participants in public service employment and work experience are considered wages. Cost-of-living increases are considered wages.

(2) Participants' fringe benefits shall be charged to fringe benefits. Fringe benefits costs for participants include, but are not limited to, the following: provisions for annual, sick, court and military leave pursuant to an approved leave system; employees' life and health insurance plans, unemployment insurance where applicable, workers' compensation insurance and retirement benefits; and, under public service employment programs, uniforms, tools, or other equipment ordinarily provided by the employer to its regular employees, provided these are for the benefit and ownership of the participants.

(3) Allowances paid to program participants shall be charged to allowances.

(4) Training costs consisting of goods and services which directly and immediately affect program participants in either a work environment or classroom setting shall be charged to training. Training costs include, but are not limited to, the following: salaries; fringe benefits; equipment and supplies of personnel engaged in providing training; books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; and that part of tuition and entrance fees which represent instructional costs having a direct and immediate impact on participants. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories on the basis of time records or other equitable means. Similarly, tuition fees, and the costs of supplies used in the course of both participant instruction and other activities should be prorated among the benefiting uses.

(5) Supportive and employment and training service costs which consist of goods and services which affect program participants shall be charged to services. Services include, but are not limited to, supportive and employment and training services and services to applicants. Services costs include, but are not limited to, salaries and fringe benefits; space, utility, equipment and travel costs, when an integral part of the job of personnel engaged in providing services to participants; and that part of single unit charges for child care, health care and other services which represent only the costs of services directly beneficial to participants. Transportation of participants, as provided in § 688.43(f)(5) is properly chargeable to services.

(6) Administrative costs shall consist of all direct and indirect costs associated with the management of the program. These costs shall include the administrative costs, both direct and indirect, of subrecipients and contractors. Administrative costs shall be limited to those necessary to effectively operate the program.

(i) Indirect administrative costs represent the general management and support functions of an organization as well as secondary management and support functions. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, maintenance, and similar functions, related materials, supplies, equipment, office space costs, and staff training.

(ii) Direct administrative costs are comprised of goods and services which neither contribute to the general management and support functions of an organization, nor directly and immediately affect participants, (e.g., training costs). Also included are salaries and fringe benefits of direct program administrative positions such as supervisors, program analysts, labor market analysts, and project directors. Additionally, all costs of clerical personnel, materials, supplies, equipment, space, utilities, and travel which are identifiable with these program administration positions shall be charged to administration. Some examples of administrative costs are: the salary of a clerical assistant to a supervisor; that part of an instructor's salary representing time spent supervising other instructors; desk-top supplies used by supervisors; and, in general, office administration, rent, depreciation or maintenance of nonclassroom space; staff training; consultant services under contract not involving direct training or services to participants; costs incurred in the establishment and maintenance of a planning or advisory council under CETA, or in publishing a grant application; and costs of monitoring and providing technical assistance to contractors and subgrantees.

(iii) Services normally chargeable to administration shall be charged to wages or fringe benefits, as appropriate, when performed by program participants.

(e)(1) Except under the optional fixed price performance agreement method provided for in paragraph (e)(2) of this section, when contractors or subgrantees bill the Native American grantee with a single unit charge containing costs which are chargeable to more than one cost category, the Native American grantee will charge these costs to the proper cost categories. For unit charges such as tuition fees for which the necessary detail cannot be provided, an estimate of the breakdown of the single unit charge among cost categories will be obtained, except when such unit charges are normally billed as a single charge and the cumulative amount of such charges does not exceed $25,000 within the grant year. These exempted charges do not need to be prorated among the benefiting categories but can be charged to the category receiving the most benefit. Any profit or loss should be prorated among all affected cost categories.

(2) This paragraph provides for an optional method, for agreements to be used only for classroom training. Under the method provided for in this paragraph, costs which are billed as a

single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training. This does not preclude the use of other methods for this purpose as long as the cost allocation requirements of this section are followed.

(i) Agreements under this paragraph must:

(A) Be fixed unit price;

(B) Stipulate that full payment for the unit price will be made only upon the completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement; and

(C) Include a payment schedule which sets out that portion, if any, of the full unit price which may be paid for less then full performance. The payment schedule that is to be used must have been approved by DINAP.

(ii) No funds under this Act may be used to pay any private-for-profit organization for training of participants under the method provided herein unless:

(A) That organization is part of (including a subsidary of) an employer; or

(B) Unless written statements of intent to hire participants trained under the contract have been obtained from employer(s).

(3) In the case of multiuse equipment there must be a proration of costs or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(4) Any single cost, such as staff salaries and/or fringe benefits, which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) The extent to which the cost categories are assignable to specific program activities is set forth below:

(1) *Classroom training.* Cost categories chargeable are: training, allowances; services; wages when paid to participants during classroom training; and fringe benefits (medical and accident insurance for participants only).

(2) *On-the-job training.* Cost categories are: wages and fringe benefits (attributable to public or private nonprofit employers only); training; and services.

(3) *Public service employment.* Cost categories are: wages; fringe benefits; services; and training.

(4) *Work experience.* Cost categories are: training; services; wages; and fringe benefits.

(5) *Services to participants (not part of another program activity).* Cost categories are: allowances; fringe benefits (medical and accident insurance for participants only); and services.

(6) *Other activities.* Cost categories are: wages; fringe benefits; training; allowances; and services.

§ 688.45 Administrative cost section of Native American grantee's annual comprehensive employment and training plan.

(a) All administrative funds and planned expenditures from all programs operated under separate Titles, Parts or Sections of the Act by a Native American grantee shall be described in a separate section of the grantee's annual comprehensive employment and training plan.

(b) When the administrative cost section is approved, the funds may be expended for all allowable administrative costs. There is no requirement that administrative costs be allocated back to Title or program activity.

(c) The administrative cost plan may be modified during the program year. The amount of funds in the plan may be decreased with the funds going back to the program subpart provided that no program subpart receives back more than it contributed to the administrative cost element. The administrative plan may also be increased up to the percent allowed by the regulations for each program.

(d) At the end of a grant period, unexpended administrative funds will be treated in accordance with the provisions of Section 688.48. In the new grant period, the amount of new funds which will go into the administrative cost section will be determined by using only the new obligational authority in the allocation for that fiscal year.

§ 688.46 Administrative staff and personnel standards.

(a) *Staffing.* Members of the populations to be served shall be provided maximum employment opportunities at all levels of the CETA administration. Grantees shall establish systems to enhance the recruitment and hiring of qualifed Indian and Native Americans and to provide opportunities for their further occupational training and career advancement. (Sec. 121 (b)(1)(B).)

(b) *Compensation.* Compensation for administrative staff shall be at levels consistent with generally accepted business practices. Such administrative wages, salaries, and fringe benefits are allowable administrative costs under CETA. Participants employed as administrative staff, however, are subject to the wage provisions of § 688.82.

(c) *Basic Personnel Standards.* All employees, including participants, engaged in the administration of programs under the Act shall be subject to the policies and methods of personnel administration as established by the native American grantee. This includes the administrative unit of a consortium which acts as an employing agency for the purpose of outstationing participants. Such policies and procedures may be in accordance with existing procedures.

(d) *Bonding.* Every officer, director, agent or employee of a native American grantee or subgrantee of funds who is authorized to act on behalf of the native American grantee or subgrantee for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks or other instruments of payment for program costs, shall be bonded to provide protection against loss. The provisions of the bonding arrangements shall be included in the description of the administrative systems in the grant application. Existing bond coverage of Native American grantees or subgrantees shall be considered acceptable. For all others, the amount of coverage shall be the lower of the following:

(1) $100,000; or

(2) The highest advance received through check or drawdown during the preceding grant year, or for new grantees, the highest advance through check or drawdown planned for the grant year (sec. 134).

§ 688.47 Reporting requirements.

(a) At the end of each quarter, a Native American grantee shall submit to DINAP financial and program reports on each program (other than the summer youth program). Five identical sets of the reports are required. Each set will consist of CETA Financial Status Report, CETA Program Status Summary, Quarterly Summary of Participant Characteristics and for Title II-D and Title VI programs, a Monthly Progress Report. These reports are to be submitted to DINAP no later than 30 days after the end of each quarter. Detailed descriptions of these reports are in the *Forms Preparation Handbook.*

(b) Native American grantees may from time-to-time be required to prepare and submit additional reports requested by DOL and other Federal agencies for the performance of the legal

responsibilities of these agencies, except that such reports will not be required by DOL more than once each fiscal quarter (Sec. 126(o)). Grants of Native American grantees who fail to submit required reports in substantial compliance with this section through cause attributable to improper management may be suspended by DINAP until such time as the Native American grantee provides reasonable assurances that the reporting requirements will be complied with. Grants shall not be suspended if the cause for the failure to submit timely reports is attributable to an act or failure to act by DOL. In the event a grant is suspended in whole or in part pursuant to this section, DINAP shall ensure the continuity of services to participants.

§ 688.48 Grant closeout procedures.

(a) The closeout of a grant is the process by which DOL determines that all applicable administrative actions and all of the required work under the grant have been completed by the Native American grantee.

(b) Upon the completion of the grant period, or at any termination date determined by DINAP, DINAP shall provide timely guidance to the Native American grantee as to the reports, forms and other documentation required for the closeout process. The Native American grantee shall submit the documentation as required.

(c) With respect to Native American grantees that have achieved satisfactory progress in their programs conducted under the Act during the current grant period and that have been designated as Native American grantees for the coming fiscal year, it is the intention of DOL that such grantees be permitted the continued use of funds remaining at the end of a grant period. DINAP shall advise such grantees of the procedures to be followed with respect to the retention of such funds for program purposes.

(d) With respect to Native American grantees other than those described in paragraph (b) of this section:

(1) DOL shall make prompt payment for the reimbursement of any remaining allowable federal costs incurred under the grant being closed out; and

(2) Such grantees shall refund immediately to DOL any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury checks and take those actions required of grantees to cancel the letter of credit.

§ 688.49 [Reserved]

§ 688.50 Secretary's responsibilities for assessment and evaluation.

(a) As used in this Section, the term "assessment" refers to the federal review of grant applications and performance of individual Native American grantees and the term "evaluation" refers to the federal study of overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary shall provide for the continuing evaluation of all programs, activities, and research and demonstration projects including their cost effectiveness in achieving the purposes of the Act, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons by age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services. In conducting evaluations the Secretary shall compare the effectiveness of programs conducted by Native American grantees of the same class and of different classes.

(c) The Secretary shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs. (Sec. 313(a).)

(d) The Secretary shall assess annually the adequacy of each Native American grantee's proposed performance and placement goals in accordance with performance standards which recognize that performance will vary with local conditions and the nature of employment barriers faced by the eligible population to be served.

(e) All assessments and evaluations carried out in accordance with this authority shall recognize and support the federal commitment to support growth and economic and social development as determined by representatives of the communities and groups served by this Part. (Sec. 302(b)(3).)

§ 688.51 [Reserved]

§ 688.52 Reallocation of funds.

(a) *General.* The Secretary may reallocate funds from a grantee under the circumstances and in accordance with the procedures described in this section.

(b) *Reallocation of funds based on nonutilization.*

(1) DINAP may make such reallocation, as it deems appropriate, or any amount of any allocation under the Act to the extent that it determined that a native American grantee will not be able to use such amount within a reasonable period of time.

(2) When DINAP determines that a reallocation is appropriate, it shall give the grantee 30-days notice of proposed action to remove funds from the grant. Such notice shall include specific reasons for the action being taken.

(3) The grantee and the affected Indian or Native American community will be invited to submit comments on proposed reallocation of funds. These comments shall be submitted to DINAP within 30 days from the date of the notice. DINAP shall notify affected Native American grantees on any decision to reallocate funds and shall have any such decision published in the Federal Register.

(4) Any reallocation of funds shall be to an alternate service deliverer to serve the same area or to Native American grantees to serve other areas. Priority shall be given first to Native Americna grantees within the same State and then to eligible applicants within other States, taking into consideration the number of eligible applicants within other States, taking into consideration the number of eligible unemployed individuals in those areas.

Subpart E—Program Design and Management

§ 688.75 General responsibilities of Native American grantees.

This Subpart sets out program operation requirements for Native American grantees including program management, linkages, coordination and consultation, allowable activities, participant benefits and duration of participation provisions. It also sets forth the responsibilities of Native American grantees with respect to nondiscrimination and the equitable provision of services.

§ 688.76 General responsibilities of DINAP.

DINAP shall be responsible for:

(a) Prompt notification of all Native American grantees of allocations of funds, proposed and final rules, guidelines and program directives.

(b) Advising all Native American grantees as to their rights and responsibilities under the Act.

(c) Designing performance standards and assessment and evaluation criteria which, to the maximum extent feasible, recognize the federal commitment to support growth and development as determined by representatives of the communities and groups served under this Part. (Sec. 302(b)(3)).

(d) Providing technical assistance to Native American grantees to assist them in complying with the requirements imposed by the Act, these regulations and the Department of Labor in other directives and in the effective implementation of their comprehensive employment and training plans. (Sec. 123(m).)

(e) Employing personnel having particular competence in the administration of Native American employment and training programs. (Sec. 302(e).)

(f) Consulting with appropriate Native American grantees prior to the commitment of discretionary and technical assistance funds.

§ 688.77 Program management systems.

(a) All Native American grantees shall establish management systems to assess all programs. Grantees shall take necessary corrective action to improve underperformance and to plan for more effective programs for subsequent operations. Native American grantees must institute and maintain effective systems for the overall management of programs under whatever Titles of the Act they conduct such programs, including but not limited to:

(1) Eligibility verification systems as described in § 688.78

(2) Complaint and hearing procedures as described in subpart G of this Part.

(3) Mechanisms for taking immediate corrective action where problems have been identified and for restitution of CETA funds for improper expenditures.

(b) All Native American grantees shall establish and maintain financial management and participant tracking systems in accordance with §§ 688.36 and 688.78. The principal objective of such systems shall be to provide the Native American grantee with systems necessary to effectively manage its program and to provide information necessary to design program activities and delivery mechanisms.

(c) Each Native American grantee shall establish and use procedures for the continuous, systematic assessment of program performance in relation to the goals contained in its grant.

(d) Native American grantees shall establish and use procedures whereby the information collected and assessments conducted shall be considered in the subsequent program planning and in the selection of service delivery agencies.

§ 688.78 Participant eligibility determination.

(a) Each Native American grantee, and any subgrantees or contractors delegated responsibility for the determination of participant eligibility, shall be responsible for developing and maintaining a system which reasonably ensures an accurate determination of eligibility based on the information presented at the time of application.

(b) The ultimate responsibility for the selection of participants and the maintenance of participant records rests with the Native American grantee. However, the Native American grantee may delegate the administration of this responsibility to subgrantees. The selected agency must provide adequate documentation of each participant's eligibility and retain in the participant's folder the information on which this determination is based. (Sec. 123(i).)

(c) The eligibility determination shall be based upon a signed, completed application form which records all information necessary to determine eligibility, which attests that the information on the application is true to the best of the applicant's knowledge and acknowledging that such information is subject to verification and that falsification of the application shall be grounds for the participant's termination and may subject the applicant to prosecution under law. In the case of an applicant who is a minor (except minors who are emancipated or heads of households), the signature of the parent, responsible adult or guardian is also required.

(d) Native American grantees shall maintain documentation to insure the credibility of the eligibility determination, which shall consist at a minimum of the following:

(1) A completed application for participation; and

(2) Records of all actions taken to correct deficiencies in the eligibility determination procedures.

(e) A participant determined to be ineligible shall immediately be terminated.

(f) A Native American grantee may enter into an agreement with a state employment security agency (SESA) or such other independent agency or organization as may be approved by DINAP, for the verification of applicant eligibility within 60 days of enrollment. The Native American grantee shall monitor such verification procedures to ensure that erroneous verifications are not made deliberately or with insufficient care.

(g) Participants may be transferred from one program to another provided, except for age requirements, they were eligible for the subsequent program when they were first enrolled.

§ 688.79 Program linkages.

(a) In designing programs under the Act and in selecting service deliverers, Native American grantees shall give special consideration in carrying out programs to community-based organizations of demonstrated effectiveness in the delivery of employment and training programs. (Sec. 123(1).)

(b) Consideration shall be given to making use of appropriate services currently available in the community, with or without reimbursement, which the Native American grantee has determined to be effective. Agencies which typically provide such services include, but are not limited to, the State Employment Security Agency, State Vocational Education and Rehabilitation agencies, State public assistance agencies, Bureau of Indian Affairs, Indian Health Service, local educational institutions, community based organizations and other public agencies. The purpose of this consideration shall be to avoid duplication and to obtain such services at a cost saving over establishing another such service or activity. (Sec. 121(g).)

(c) Each Native American grantee shall to the maximum extent feasible:

(1) Coordinate the employment and training services provided under its plan with those available under other programs funded through the Department of Labor (Sec. 103(a)(8));

(2) Coordinate services to veterans provided under this Act with those activities authorized by Chapter 41 of Title 38, United States Code (relating to counseling and employment services to veterans provided by SESA's) and with other similar activities carried out by other public agencies and organizations. Coordinate services with appropriate Veterans Administration facilities in utilizing the apprenticeship and other on-the-job training activities available under Section 1787 of Title 38 U.S.C. (Sec. 121(b));

(3) Notify the appropriate apprenticeship agency of any training activity in apprenticeship occupations.

(d) Native American grantees shall coordinate services to AFDC recipients with public assistance agencies and the local sponsor of the Work Incentive Program (WIN), if any.

§ 688.80 Labor organization consultation.

To ensure the most effective development of employment and training opportunities, Native American grantees should provide the opportunity for the participation of organized labor in the planning and design of programs

and activities and coordination in the subsequent operation of such programs in those geographic areas where organized labor represents a significant proportion of the work force in industries and occupations available to Indian and Native American workers.

§ 688.81 Employment and training activities.

Native American grantees shall design and operate programs funded under the Act which support growth and development as determined by representatives of the Indian and Native American communities and groups served by CETA funds. (Sec. 302(b)(3).) The basic types of employment and training activities available to Native American grantees, subgrantees and contractors include, but are not limited to the following:

(a) *Classroom training.*

(1) This program activity is any training of the type normally conducted in an institutional setting, including vocational education, and designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses such as remedial education, training in the primary language of persons with limited English-speaking ability, or English-as-a-second-language training.

(2) In designing and operating training programs, Native American grantees, subgrantees and contractors shall:

(i) Refer a person for occupational training only after determining that there is a reasonable expectation of employent in the occupation in which such person would be trained. (Sec. 121(f)(4).)

(ii) Not refer a person to an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities for that person available in that occupation. (Sec. 121(f)(2).)

(iii) Train persons only for jobs which are not in industries nor occupations with lower wages than the average for nondurable goods industries in the area, as set forth in the BLS Handbook of Labor Statistics, except that training is permissible for those jobs for which there exists a training program of a specified length of time designed to teach specific skills, and for which the rate or labor turnover does not exceed substantially the rate of labor turnover in the same area. (Sec. 123(a).)

(b) *On-the-job-training.*

(1) *General.*

(i) On-the-job training (OJT) is training in the private or public sector given to a participant, who has been hired first by the employer, while he or she is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job. This does not preclude a participant who has been hired by, and received OJT from, one employer from being ultimately placed with another employer.

(ii) OJT may involve individuals at the entry level of employment or be used to upgrade or retrain present employees in occupations requiring higher skills. OJT may be coupled with other CETA employment and training activities. As needed, OJT participants may receive any of the employment and training services and/or supportive services specified in paragraph (e) of this Section through the CETA system, through community resources, or through employer resources.

(2) *Participation.* All OJT participants must be eligible for CETA in accordance with the requirements described in the Section of these regulations governing eligibility for programs, depending on the Subpart under which the OJT positions are funded.

(3) *Selection.* From among those referred for OJT opportunities, the employer may make the final selection of participants based on suitability for the training opportunity.

(4) *Length of training.* The length of time for which payments from CETA funds may be made shall not exceed that period of time generally required for acquisition of skills needed for the position within a particular occupation. (Sec. 121(1).) Native American grantees shall develop standardized methods for determining the length of training for OJT occupations, and shall describe or identify such methods in the grant application. The Dictionary of Occupational Titles (D.O.T.), Specific Vocational Preparation (S.V.P.) codes, or other equivalent standardized tools may be used to fulfill this requirement.

(5) *Eligible jobs.* The requirements of paragraph (a)(2) of this section shall apply to OJT. In the selection of jobs for which training will be offered, Native American grantees should consider those which provide opportunities not otherwise available, lead to economic self-sufficiency, provide upward mobility, and promote the growth and development of the Indian and Native American communities and groups served.

(6) *Reimbursement.*

(i) Based upon past experience, DOL has determined that a fixed unit cost method of reimbursement based on 50 percent of the participant's wages represents the difference between the costs of recruiting and training and the costs of lower productivity associated with employing CETA participants who lack the requisite skills to perform the job, and such costs for those otherwise employed. (Sec. 121(1).)

(ii) To maximize limited available resources, recipients may choose to negotiate lower reimbursement levels with employers.

(iii)(A) Should an employer or Native American grantee feel that special circumstances warrant a reimbursement level higher than the 50 percent limitation, each circumstance, along with the specified level and its rationale, shall be presented in the Native American grantee's grant application or any modification. Native American grantees may then negotiate OJT agreements under these circumstances at the reimbursement level approved in the comprehensive employment and training plan without any further DOL approval. The circumstances and the reimbursement level in such cases should also be documented in each OJT agreement.

(B) If a circumstance not covered in the comprehensive employment and training plan arises which the grantee believes warrants reimbursement at higher than the 50 percent level, a letter specifying the circumstances and the proposed reimbursement level shall be sent to DINAP for approval prior to signing the OJT agreement. Once approved, the terms of the approval shall be incorporated into the Native American grantee's grant, and the Native American grantee may sign the OJT agreement, documenting the approved circumstances and the reimbursement level in the OJT agreement.

(C) Special circumstances are envisioned as those where the characteristics of the participant indicated greater obstacles to employment than those of the normal CETA participant or where the training would provide the participant with unusually high skills. Examples might include the following, among others: handicapped or mentally retarded participants; disabled veterans; ex-offenders; exceptionally costly programs providing an above-average quality of training; or training management level personnel for tribal enterprises.

(D) Native American grantees may provide OJT reimbursement on a declining ratio to wages over the period of training, as long as the planned average reimbursement does not exceed

the specified reimbursement level for the planned period in which the participant is in training. Native American grantees shall monitor the declining reimbursement provisions of OJT agreements closely. Should abuse occur (i.e., significant numbers of participants leaving after the "high end of the scale" reimbursement period), the arrangements should be immediately curtailed.

(E) In addition to the reimbursement allowed by the other paragraphs of this Section, the actual costs incurred by an employer for employment and training services and supportive services for OJT participants which are different than or above the level of those normally provided by the employer to regular employees, may be paid on a cost reimbursement or fixed cost basis.

(7) *OJT Agreements.* At a minimum the OJT agreement shall contain the elements listed below. Native American grantees may place additional provisions in the OJT agreement only after a careful assessment is made of the additional burdens imposed on participating employers. Agreements may be entered into only with employers which have not been seriously deficient in their conduct of or participation in any DOL program pursuant to § 688.41 (Sec. 121(d).)

(i) Brief training outline, including the length of training and the nature of the training;

(ii) Method and maximum amount of reimbursement; justification if reimbursement amounts exceed 50 percent of participant's wages;

(iii) Number of participants to be trained;

(iv) Job description and participant wage rates;

(v) Reporting requirements;

(vi) An assurance that payroll records, time and attendance records, job duties and documentation of employment and training or supportive services costs for which the employer is being reimbursed will be subject to review;

(vii) A termination clause for nonperformance;

(viii) An assurance that the employer will comply with the Act and regulations.

(c) *Public service employment.*

(1) Public service employment is subsidized employment with public and private non-profit employers who provide services.

(2) PSE jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector. (Sec. 122(m).)

(3) Except for Federal agencies, PSE jobs shall be developed where the employer has the capacity to provide the best possible employment opportunities. Worksite employers which can provide employment opportunities should do so as an employing agency. However, where the capacity of a worksite to function as an employing agency is limited by such factors as the lack of administrative capability to accommodate additional employees and lack of employment benefits, it may be considered a suitable site for outstationing. Outstationed participants are still to be considered employees of the employing agency and shall have the same working conditions and benefits as received by other similarly employed employees of the employing agency (not of the outstationed worksite). However, maximum efforts should be made by the employing agency to accommodate the outstationed worksite by coordinating work hours and holidays.

(4) PSE participants shall not be employed in building and highway construction work (except that which is normally performed by the Native American grantee, subgrantee or contractor) or in any work which does not meet the definition of public service contained in § 688.3.

(5) Except for projects under Subpart J, PSE jobs shall be entry level. (Sec. 232(a)(1) and Sec. 605(a).)

(6) To the extent feasible, the public services provided by the jobs should be designed to benefit the residents of the area. (Sec. 122(a).)

(7) Wages shall be paid for PSE participants in accordance with § 688.82(a)(3).

(8) Native American grantees shall take into account household obligations, and give special consideration to provisions for alternative working arrangements such as flexible hours of work, work-sharing and part-time jobs, particularly for older workers, and parents of young children. (Sec. 121(d)(3).)

(d) *Work experience.*

(1) Work experience is a short-term and/or part-time work assignment with a public employer or a private nonprofit employing agency. It is prohibited in the private-for-profit sector. It shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills. Work experience shall be limited to persons who need assistance in becoming accustomed to basic work requirements including basic work skills, in order to be able to compete successfully in the labor market. Work experience shall not be used as a substitute for PSE. The type of individuals who could be appropriately served in this category include such persons as those who have either never worked or who have not been working for an extended period of time, such as students, youth in transition from school to employment, youth with no definite employment goals, chronically unemployed, retired persons, handicapped individuals, residents of institutions, and older workers in such programs as Operation Mainstream who have no alternative job opportunities. (Sec. 121(i).)

(2) Persons who do not satisfy the conditions of paragraph (d)(1)(i) of this section may be placed in work experience for no more than 30 days while an appropriate classroom training, OJT, PSE or unsubsidized job is being developed for them. (Sec. 211(6).)

(3) Participation in work experience shall be for a reasonable length of time, based on the needs of the participants, and subject to the restrictions set forth in § 688.86(d)(1).

(4) The provisions of paragraph (c)(9) of this section shall apply to work experience participants.

(e) *Services to participants.* This program activity is designed to provide participants with supportive services, employment and training services, and post termination services which will lead to maximum employment opportunities and retention of employment or which will facilitate participation in other employment and training program activities funded under this Act or under another Act, leading to their eventual placement in unsubsidized employment. Such services include, but are not limited to, the following:

(1) *Services to applicants:*

(i) Outreach;

(ii) Intake: This includes screening for eligibility; the initial determination as to whether the program can benefit the individual; the determination of the employment and training activities and services which would be appropriate for the applicant; the determination of the availability of an appropriate employment and training activity; a decision on selection; and dissemination of information on the program. The appropriate items on the Participant Record found in the *Forms Preparation Handbook* should be used as a guide for the intake process. All such applications should be retained, regardless of eligibility or enrollment of the applicant.

(2) *Employment and training services:*

(i) Orientation to the world of work;

(ii) Counseling. This includes employment and training related counseling and testing;

(iii) Employability Assessment (other than that involved during intake);

(iv) Job Development;

(v) Job Search Assistance. This includes transition services, such as job seeking skills instruction, individualized job search plan, labor market information, and other special activities for transition to unsubsidized employment;

(vi) Job Referral and Placement; and

(vii) Vocational Exploration Program (VEP). A grantee may conduct a VEP program to expose youth to jobs available in the private sector through observation of such jobs, instruction, and, if appropriate, limited practical experience. (Sec. 432.)

(A) A detailed curriculum shall be developed prior to enrollment in VEP.

(B) Organizations which participate in VEP through an agreement with a Native American grantee may be reimbursed for the costs incurred in the conduct of the program, except that private-for-profit organizations may be reimbursed only for costs for training which is over and above that normally provided by the organization.

(C) An individual may not be involved in any activity that contributes, or could be expected to contribute, to additional sales or profit, or results in the subsidization of wages, of a private-for-profit organization.

(D) Where a vocational exploration program funded directly by DOL operates in a Native American grantee's area, the grantee should enter into an agreement with the local representative of the program which contains arrangements for recruitment, selection, referral and eligibility certification.

(3) Supportive Services include:

(i) Health care and medical services;

(ii) Child care. Child care programs shall comply with applicable tribal standards;

(iii) Transportation;

(iv) Residential support;

(v) Assistance in securing bonds;

(vi) Family planning services. These shall be made available to a participant only on a voluntary basis and shall not be a prerequisite for participation in, or receipt of, any services or benefits from the program; and

(vii) Legal Services.

(4) *Post-termination services.* For 30 days following termination from the program, employment and training services and supportive services, as described in paragraphs (e) (2) and (3) of this section may be provided to participants who have obtained unsubsidized employment to enable them to gain or retain employment.

(f) *Other employment and training activities.* Native American grantees may conduct employment and training activities not described in paragraphs (a) through (e) of this section or employment and training related activities designed to expand job opportunities and enhance the participation of individuals who are eligible to participate in programs funded under the Act. The approved grant application shall describe the basic design of activities undertaken as "other employment and training activities" and their objectives. These activities may include, but are not limited to:

(1) Removal of artificial barriers to employment;

(2) Job restructuring;

(3) Revision or establishment of merit systems; and

(4) Development and implementation of affirmative action plans, including Indian preference plans and Tribal Employment Rights Office (TERO) programs.

(g) *Combined activities:*

(1) A participant may be simultaneously or sequentially enrolled in two or more activities.

(2)(i) Reimbursement may be up to 100 percent to employers, including private-for-profit employers, for expenditures for the costs of classroom training, employment and training services or supportive services for participants in combined activities including the costs of participants' wages paid by the employer for time spent in classroom training.

(ii) Reimbursement may be made on a cost reimbursement or fixed cost basis and shall be supported by business receipts, payrolls, or other records normally kept by the employer.

(iii) Nothing in this paragraph (3) shall allow reimbursement to private-for-profit employers for the costs of on-the-job training to exceed the amounts allowable in paragraph (b) of this section.

§ 688.82 Compensation for participants.

(a) *Payment of wages. General.* Except as authorized under § 688.82(a)(5), each participant in on-the-job training, work experience, and public service employment shall be paid wages.

(1) *Work experience.* Participants in work experience shall be paid at a rate not less than the highest of (Sec. 124(d)):

(i) The minimun wage rate specified in Section 6(a)(1) of the Fair Labor Standards Act;

(ii) The minimum wage rate prescribed by applicable State or local law; or

(iii) The prevailing rate established by the Secretary in accordance with the Davis-Bacon Act, when required by paragraph (a)(7) of this section.

(2) *Public service employment and OJT.*

(i) Participants in PSE and OJT shall be paid wages at rates not less than the highest of the following (Sec. 124(b)):

(A) The minimum wage rate set out in Section 6(a)(1) of the Fair Labor Standards Act;

(B) The minimum wage rate prescribed by applicable State or local law;

(C) The prevailing rate for persons employed in similar public occupations by the same employer (Sec. 124(b));

(D) The minimum entrance rate for inexperienced workers in the same occupations in the establishment, or, if the occupation is new to the establishment, the prevailing entrance rate for the occupations among other establishments in the area;

(E) The minimum rate required by an applicable collective bargaining agreement; or

(F) The prevailing rate established by the Secretary in accordance with the Davis-Bacon Act, when required by paragraph (a)(6) of this section.

(ii) The Secretary shall publish annually an area wage adjustment index, which shall include the maximum wage rates for each area. The wage adjustment index shall be based on the ratio that the annual average wages in regular public and private employment in the area.

(iii) Wages, including money received for overtime work and time on leave, paid to any public service employment participant from funds under the Act are limited to a full-time rate of $10,000 per year (or the hourly, weekly, or monthly rate which, if annualized, would equal a full-time rate of $10,000 per year), except where this maximum is adjusted upward by the Secretary to the amount set forth in the area wage adjustment index. This $10,000 shall not be adjusted upward by more than 20 percent, except for Alaska. In Alaska, the amount in the area wage adjustment index shall be computed by adjusting the $10,000 upward by the exact percentage that the area wage index exceeds the national average wage index.

(iv) Fringe benefits to any PSE participants may not exceed those regularly afforded to similarly employed non-CETA workers, and shall never exceed those afforded to non-CETA

workers earning an amount equal to the maximum wage.

(v) The average annual wage for public service participants hired on or after the effective date of these regulations, shall not exceed $7,200, adjusted on an area basis in accordance with the area wage adjustment index described in paragraph (a) (2) (ii) of this section. Where public service participants are also enrolled in activities other than PSE for which they receive allowances, or where they are participating in a part-time (less than a normal full-time schedule for the occupation) public service position, the average annual wage for these participants shall be computed by annualizing the PSE wages received by these participants. For fiscal year 1980 and each subsequent year, the average annual wage limitation shall be further adjusted by a percentage equal to the change in the average wage in regular employment not supported under the Act. In no case shall this wage be adjusted downward to a level that is less than 10 percent above the annualized Federal, State, or local minimum wage rate, whichever is highest. (Sec. 122(i)).

(vi) Except as provided in § 688.207 and in paragraph (a)(3)(vii), no public service employment participant may be provided wages for any public service employment job from sources other than the Act. For participants hired after September 30, 1978, this applies even if a participant is entitled to a promotion, a general salary increase or overtime pay. In such cases, such participants must be transferred to other positions or be terminated. (Sec. 122(i) (4) (A).)

(vii) Any person in public service employment on September 30, 1978, receiving wages from non-CETA sources may continue to receive such wages, so long as such person remains in the same position. However, the non-CETA portion shall not be reduced if the maximum wage has been adjusted upward above $10,000 after September 30, 1978, as long as the incumbent participant is in this position or until the next Native American grantee budgetary cycle. (Sec. 122(i)(4) (B).)

(viii) Any person in public service employment on September 30, 1978, who was receiving wages on September 30, 1978, of less than $10,000 may have such wages supplemented above $10,000 from non-CETA sources after September 30, 1978, if such increase is a bona fide cost of living increase or a scheduled raise, and the person remains in the same position.

(3) *Services to Participants.* Allowances may be paid to a participant enrolled in employment and training services when such services are combined with another activity or when such services are provided on a regularly scheduled basis.

(4) *Other employment and training activities.* Allowances may be paid to a participant enrolled in other employment and training activities as described in § 688.81(f) when such activities are a component of another activity, or when such activities are provided on a regularly scheduled basis.

(5) *Combined Activities.*

(i) *Primary Activity.* A primary activity is one in which a participant is enrolled for more than 50 percent of scheduled time. Participants enrolled in a primary activity for which wages are payable and simultaneously in an activity for which allowances are payable may, at the Native American grantee's option, be paid wages for all hours of participation, except when OJT is the non-primary component. Before placing an individual in such an activity, the Native American grantee shall request a determination from the Internal Revenue Service as to whether income from the non-primary component is taxable. Nothing in this Subsection shall authorize compensation at rates less than those required by paragraphs (a) or (b) of the section.

(ii) *Employed Participants.* Wages may be paid to a participant by the participant's employer for hours spent in classroom training, whether or not such hours constitute a primary component.

(6) Native American grantees, subgrantees and contractors are required to ensure that prevailing wages, as determined by the Secretary pursuant to the Davis-Bacon Act, are paid:

(i) By their contractors and subcontractors to laborers and mechanics, including participants, employed in construction (including alteration, repair, painting, decorating, etc.) which is federally assisted under the Act and related to a facility or building which is used primarily for programs under the Act; and

(ii) To laborers and mechanics, including participants, who are employed in construction (including alteration, repair, painting, decorating, etc.) on any project which is funded wholly or partially under a Federal statute, other than CETA, which requires the payment of prevailing wage rates determined in accordance with the Davis-Bacon Act.

(b) *Payment of training allowances.*

(1) *General.*

(i) Subject to paragraph (a)(5) of this section and § 688.81, a basic hourly allowance shall be paid to participants for time spent in classroom training. In addition, allowances may be paid for time spent in employment and training and supportive services only in accordance with § 688.81(e). (Sec. 124(a).)

(ii) No participant may receive allowances for classroom training for more than 104 weeks in a 5-year period.

(2) *The allowance payment system.* A standard system for payment of allowances shall be maintained by every Native American grantee to ensure prompt and efficient payment to all participants. (Sec. 124(a).) The standard payment system shall consist of a uniform set of procedures, but may be operated by one or more service deliverers. It shall include:

(i) Determination of entitlement and computation of amount to be paid;

(ii) Issuance and distribution of payments;

(iii) Maintenance of payment records and preparation of required reports;

(iv) Maintenance of a system to detect and collect overpayments; and

(v) Arrangements with other agencies to obtain information to minimize unauthorized payments, including arrangements with:

(A) The State Employment Security Agency for verifying the receipt of unemployment compensation by participants. (Sec. 124(a).)

(B) Appropriate agencies for verification of public assistance payments (e.g., local welfare agencies); and

(C) Training facilities for submittal of payment requests and certifications of attendance.

(3) *Selection of delivery agent.* The Native American grantee is required to provide a standard allowance payment system either directly or through an organization or organizations it considers appropriate for its particular circumstances.

(4) *Basic allowances.*

(i) A basic hourly allowance shall, except as provided in paragraphs (b) (9) and (10) of this section, equal the higher of:

(A) The minimum hourly wage prescribed by State or local law for most employment in the Native American grantee's area, multiplied by the number of hours during which the trainee attends or is absent for good cause; or

(B) The minimum hourly wage specified in Section 6(a)(1) of the Fair Labor Standards Act, multiplied by the number of hours during which the trainee attends or is absent for good cause;

(ii) To compute the number of hours of participation, the Native American grantee shall count the time spent in classroom training, and may count the time spent in employment and training services or other activities as specified in § 688.81(e) and (f);

(iii) Dependent allowances, incentive allowances, and additional allowances as described in (b) (5), (6) and (8) of this section are not to be included as part of the basic allowance.

(5) *Dependents allowances.*

(i) In the case of an individual with dependents, an additional $5 a week shall be provided for each dependent over two (2) and up to a maximum of four (4) additional dependents for participants receiving basic allowances or who would be receiving basic allowances were it not for adjustments which are permitted pursuant to paragraph (b)(9) of this section. (Sec. 124(a).)

(ii) Dependent allowances shall be reduced pro rata for absence without good cause. The methodology for making the reduction shall be described in the Native American grantee's grant application.

(6) *Incentive allowances for persons receiving public assistance.*

(i) Except for trainees receiving allowances under Subparts K and L of this Part, incentive allowances in the amount of $30 per week, in lieu of basic allowances, shall be paid to participants receiving public assistance or whose needs or income are taken into account in determining such public assistance payments to others. (Sec. 124(a) (3).)

(ii) Incentive allowances shall be reduced pro rata for absences without good cause. The methodology (e.g., daily or hourly proration) for making the reduction shall be described in the Native American grantee's grant application.

(iii) Incentive allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or federally assisted public assistance programs. (Sec. 124(a)(3).)

(7) *Payments to persons in correctional institutions.* For participants who are prisoners, all or part of the allowances, as determined by the Native American grantee and the head of the institution, may be held in reserve by the institution and delivered upon the participant's release from the institution.

(8) *Additional allowances.* Additional reasonable allowances, such as allowances for transportation or subsistence, may be paid to participants to cover extraordinary costs associated with participation in an activity. The circumstances in which additional allowances will be paid shall be described in the grant application. (Sec. 124(a).)

(9) *Adjustments in allowances.*

(i) The basic allowance shall be reduced on a weekly basis by the amount of any unemployment compensation received. Where eligible, participants should be encouraged to apply for and claim unemployment compensation benefits, if they are not already receiving such benefits. The basic allowance shall not be reduced because of any unemployment compensation received prior to enrollment. If unemployment compensation is paid on a biweekly basis, it shall be prorated over the two weeks before the allowance is reduced. (Sec. 124(a).)

(ii) The basic allowance may be adjusted upward if conditions for such increases are described in the approved grant.

(iii) Periodic increases to the basic allowances may be provided as an incentive to participation when such increases are described in the approved grant.

(iv) Where a participant is employed by an employer as part of a training or employment activity under the Act, the basic hourly allowance may equal up to the hourly wage of the position in which the participant is employed.

(v)(A) The basic allowance for a participant may be reduced, at the option of the Native American grantee, on a weekly basis, by the total amount of any Basic Education Opportunity Grant (BEOG) during the period in which he or she is enrolled in classroom training divided by the number of weeks in which the participant is enrolled in the classroom training; and

(B) The Native American grantee may, however, make arrangements with the training institution to apply BEOG payment to tuition, books and related training costs normally funded by the recipient. The recipient should then pay the training institution the difference, if any, between the actual training costs and the BEOG.

(vi) The basic allowance may be reduced by the amount of wages received by classroom training participants who are also enrolled full-time during the same payment period in either work experience, PSE or OJT. The determination of whether the activity is full-time shall be based on the number of hours that constitute full-time employment for regular employees similarly employed at the employing agency or worksite.

(10) *Waivers of allowances.*

(i) The payment of all or part of the basic allowance, described in (b) pargraph (4) of this section, may be waived only in accordance with paragraphs (b)(10) (ii) or (iii) of this section under the conditions described in the grant. (Sec. 124(a).)

(ii) Waivers of basic allowances shall be allowable only when the following conditions have been met and documented, and a statement of understanding has been signed by each participant for whom allowances are being waived:

(A) That the waiver will be applied to the total enrollment in a course and will not be imposed on an individual basis, except as provided in paragraph (b)(1)(iii) of this section; and

(b) That the waiver will not have the effect of denying participation to individuals who could not participate without receipt of allowances; and

(C) That the waiver will increase the number of participants served or the level of services provided; and

(D) That the waiver will otherwise promote the purposes of the Act; and

(E) That all participants for whom allowances are waived will be so notified in writing; and

(F) That documentation of the waiver signed by the participant will be made a part of the participant's record.

(iii) In exceptional circumstances, individual waivers, when described in the plan may be granted under the following conditions:

(A) The waiver is at the written agreement of the participant; and

(B) Individual waivers may only be granted when all of the funds allocated in the Budget Information Summary for allowances have been obligated and training opportunities are still available and are unfilled.

(iv) The dependent allowances described in paragraph (b)(5) of this section may not be waived except in cases where the entire basic allowance is waived.

(v) Allowance payments may not be waived solely because a participant is a veteran and receives benefits through the Vietnam Era Veteran's Readjustment Assistance Act, as amended.

(vi) Incentive allowances shall not be waived.

(11) *Repayments.* Native American grantees shall require participants to repay the amount of any overpayment of allowances under this Part, except if the overpayment was made in the absence of fault on the part of the participant. Where the Native American grantee requires repayment, any overpayment

not repaid may be set off against any future allowance or other benefits under the Act to which the participant may become entitled, but in no case shall the wage or allowance be reduced below the applicable minimum wage.

§ 688.83 General benefits and working conditions for program participants.

(a)(1) Each participant in an on-the-job training, work experience, or public service employment program under the Act shall be assured of workers' compensation at the same level and to the same extent as other employees of the employer who are covered by a State or industry workers' compensation statute. Whether provided through the State's compensation agency or a private insurance carrier, this coverage includes medical and accident insurance as well as income maintenance insurance. (Sec. 121 (d)(5).)

(2) Where a participant is employed or engaged in any CETA program activity, i.e., work experience, public service employment, on-the-job training, classroom training, services to participants and other activities where others similarly employed or engaged are not covered by an applicable workers' compensation statute, the participant shall be provided with medical and accident insurance coverage. Whether provided through the State's workers' compensation agency or a private insurance carrier, the Native American grantee shall provide such participants with coverage which is adequate and comparable to the medical and accident insurance provided under the applicable State workers' compensation statute. However, Native American grantees shall not be required to provide these participants with the income maintenance insurance coverage. (Sec. 121(d) (5).)

(b) Each participant in an on-the-job training or public service employment program shall also be provided health insurance, coverage under collective bargaining agreements, unemployment benefits and other benefits and working conditions at the same level and to the same extent as other employees working a similar length of time, doing the same type work, at the same level, and similarly classified with respect to employment status (e.g., temporary, probationary).

(1) Any such classification shall be reasonable and shall include non-federally financed employees. Where only federally subsidized employees work for an employer, classifications may be limited to them.

(2) Classifications shall not be established exclusively for CETA participants nor shall participants be placed in existing or new classifications in order to reduce or deny benefits to which they are entitled.

(3) Within a single classification, a distinction may be made between CETA participants and other employees with respect to retirement systems or plans which provide benefits based on age or service or both pursuant to § 688.84(a) and (c)(1).

(c) Conditions of employment and training shall be appropriate and reasonable, in light of such factors as the type of work, geographical region, and proficiency of the participant. (Sec. 124(d)(1).)

(d) Every participant, prior to entering upon employment or training, shall be informed of his or her rights and benefits in connection with such employment or training. This includes the information that family planning services are voluntary. Participants shall be informed of the name of their employer. (Sec. 121(a)(3).)

(e) No participant will be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his or her health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices. (Sec. 121(d)(2).)

§ 688.84 Retirement benefits for program participants.

(a) *Exclusion.* CETA participants may be excluded from retirement systems or plans which provide benefits based on age or service or both which cover similarly employed, non-CETA employees (Sec. 122(k).)

(b) *Use of CETA Funds—General.* Where, however, the CETA participants are included in a retirement system or plan, CETA funds may not, except as provided in paragraph (c), be used for a contribution to such system or plan on behalf of a participant unless such contribution bears a reasonable relationship to the cost of providing benefits to that participant (Sec. 121(j).)

(c)(1) *Use of CETA Funds—Grandfather.* CETA funds may be used for contributions to retirement systems or plans on behalf of participants (for the duration of their participation):

(i) Who are enrolled in PSE or work experience on June 30, 1979; and

(ii) Who are enrolled in a retirement system or plan on June 30, 1979.

(2) For those recipients and subrecipients which are in compliance with the provisions of paragraph (b) of this section on the effective date of this regulation (April 1, 1979), and for those which come into compliance before July 1, 1979, the date of compliance shall be substituted for June 30, 1979 in paragraph (c)(1).

(d) *Description of Method Adopted.* When a recipient intends to use CETA funds for retirement contributions on behalf of participants, the method for doing so shall be described in the CETA or grant.

(e) *Extensions.* Extensions for compliance with the provisions of § 676.28 may not be granted, except that, under very limited circumstances, the RA, with the approval of the Regional Solicitor, may allow an extension to recipients until the end of the State's 1979 legislative session under the following circumstances:

(1) The State has a law prohibiting the implementation of procedures required by this section; and

(2) The State legislature did not have a session in calendar year 1978, and the calendar 1979 session will not end prior to July 1, 1979; and

(3) The recipient has made efforts to have the State legislature change the law.

(f) *Definitions.* For purposes of this section:

(1) *"Employer"* shall include any employer whose employees are covered by a retirement system or plan under which periods of CETA participation are creditable towards benefit entitlements.

(2) *"Unsubsidized Employment"* means employment for which wages are not paid from CETA funds.

(g) *Reasonable Relationship.* A contribution by an employer to a retirement system or plan shall be considered to bear a reasonable relationship to the cost of providing benefits to CETA participants if the requirements of one of the methods authorized in paragraphs (c), (d), (e), or (f), of this section are met. These methods are the following:

(1) Vesting Method;

(2) Actuarial Method;

(3) Reserve Account/Buy-Back Method;

(4) Alternative Methods.

(h) *Vesting Method.* This method is available only with respect to retirement systems or plans of other than the "defined benefit" type. An employer may use CETA funds to make a contribution to a retirement system or plan only to the extent that the contribution is allocated to the CETA participant and only to the extent that the contribution is vested at the time it is made. A contribution by an employer to a retirement system or plan shall be

deemed to be "vested" to the extent that, at the time when the contribution is made, the portion of the participants account balance in the retirement system or plan derived from employer contributions is not subject to forfeiture.

(i) *Acturial Method.* This method is available only with respect to retirement systems or plans of the "defined benefit" type (a system or plan under which a specified benefit is promised to employees at retirement). Under this method an employer may use CETA funds to make a contribution to a retirement system or plan only on the basis of a separate acturial determination that there is a reasonable likelihood that CETA participants will actually receive benefits as a result of the contribution and then only in an amount sufficient to fund benefits for this group of participants. The amount of employer contributions shall be determined on the basis of reasonable actuarial assumptions which take into account the unique characteristics of CETA participants, including the short-term nature of CETA participation. The calculation shall be revised at least annually to reflect the actual experience of CETA participants. The basic rule under this method is that CETA funds expended for an employer contribution to a retirement system or plan may not exceed the present value, determined as of the date the contribution is made, of the benefits which CETA participants accure in that year, reduced by any contributions made by CETA participants during that year.

(j) *Reserve Account/Buy Back Method.*

(1) This method is available for both defined benefit and other types of retirement systems or plans. This method can only be used for CETA participants who were excluded from coverage in the retirement system or plan while they were CETA participants. Under this method, the employer may make a contribution for the previous service using funds from the then current CETA grant in an amount described in paragraph [j](3), of this section if:

(i) A former CETA participant obtains unsubsidized employment with the employer [within a time specified in paragraph (e) of this section),

(ii) The former CETA participant is granted credit under the retirement system or plan for the period of CETA participation, and

(iii) Where employee contributions are required, the employee elects to participate in the retirement system or plan by making contributions under the reserve account or buy-back systems described in paragraph (j) (2) of this section.

(2)(i) *Buy Back.* A former CETA participant who, within 90 days after termination of the period of CETA participation, obtains unsubsidized employment with the employer in a position which entitles the individual to earn credit for the period of CETA participation under the system or plan shall be given an opportunity to make a contribution or contributions to the retirement system or plan within 18 months after obtaining unsubsidized employment. The amount of the contribution shall be no greater than the sum of:

(A) The contributions which such individual would have been required to make during the individual's period of CETA participation, in order to obtain credits for that period under the plan or system, and

(B) Interest on the amounts described in paragraph (e)(2)(i)(A) equal to the return the system or plan would have earned on the contributions.

(ii) *Reserve Account.* Any individual who is a CETA participant, and who might be eligible to receive credit under the employer's retirement system or plan for CETA service in the event that such individual obtains subsidized employment with the employer upon leaving CETA shall be permitted to authorize deduction to be made from salary or wages during CETA participation in amounts equal to the contributions to the retirement system or plan which the individual would be excluded from participation in the retirement system or plan during CETA participation. Any such deductions shall be credited to a reserve account and such account shall be credited with interest in amounts equal to the return the system or plan would have earned on the deductions. If the individual obtains unsubsidized employment with the employer in a position which entitles the individual to earn credit under the retirement system or plan immediately after termination of the period of CETA participation, and so elects, the balance in the reserve account shall be transferred to the retirement system or plan; otherwise the balance shall be distributed in full to the individual.

(3) CETA funds may be expanded for an employer contribution to the retirement system or plan under this method only to the following extent:

(i) In the case of a plan other than one of the "defined benefit" type, the amount of the contribution may be no greater than the amount by which the former CETA participant's account balance in the retirement system or plan would have increased during CETA participation as a result of employer contributions if they had been made during that period.

(ii) In the case of a plan of the "defined benefit" type, the amount of the contribution can be no greater than the present value of the additional accrued benefits which the former CETA participant accrues as a result of the credit granted for CETA participation. Present value shall be determined on the basis of reasonable actuarial assumptions, but such assumptions need not take into account the unique characteristics of former CETA participants.

(k) *Alternative Methods.* Upon the written approval of the Assistant Secretary, CETA funds may be used in accordance with methods which are combinations of the methods described in paragraphs (c), (d) and (e) of this section, or in accordance with any alternative method which assures that the employer's contribution to a retirement system or plan bears a reasonable relationship to the cost of providing benefits to the CETA participants.

(l) *Packages of Benefits*

(1) Where non-CETA, similarly employed employees are covered under a benefits package which includes retirement, CETA participants shall receive the non-retirement benefits (e.g., health), death, and disability benefit coverage), at the same level and to the same extent as other employees. CETA funds may be used to pay for those benefits in accordance with § 676.27(b).

(2) CETA funds may be used to purchase a package of benefits including retirement, provided the retirement portion of the package can be factored out of the package and adjusted according to the methods described in § 676.28.

§ 688.85 Non-Federal status of participants.

Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment.

§ 688.86 Termination conditions; participant limitations.

(a) Personnel procedures applicable to regular employees shall apply to any participant who is to be terminated by an employer from a position subsidized with CETA funds. Participant recourse shall be the same as that available to any other similarly employed person with the same employer. Except as noted below, termination of employment

does not require termination of participation under CETA.

(b) When a suitable job offer or offer of referral to a suitable job is made to and rejected by a participant, this can be acceptable grounds for termination of participant by the Native American grantee, regardless of how long the individual has been in the program. Suitable job shall mean a job which is:

(1) Comparable to the participant's CETA job in terms of working conditions and benefits; and

(2) The same or equivalent to the participant's CETA job or otherwise commensurate with his or her skill level; and

(3) Located within a commuting distance of the participant's home comparable to the distance traveled by others in the jurisdiction similarly employed; and

(4) Not vacant due to a strike, or based on a requirement that an employee must resign from a union.

(c) A Native American grantee which has not sucessfully placed a participant in appropriate unsubsidized employment or training within the established time limits for participation set forth in paragraph (d) and (e) of this section shall provide the participant with written notice of the impending termination and a contact person for questions and further information at least two (2) weeks prior to the effective date. A dated copy of the notice shall be maintained with the participant's file.

(d) Participation in individual program activities shall be limited to a maximum of:

(1) 1000 hours of work experience during any one year and 2000 hours of work experience during the five year period beginning October 1, 1978, as provided under paragraph (g) of this section. Participants in YCCIP shall not be subject to this limitation.

(2) 78 weeks of public service employment during a five year period beginning October 1, 1978. In computing this 78 weeks, Native American grantees shall include any public service participation from April 1, 1978 to October 1, 1978. (Sec. 122(h)(2).)

(e) Except as otherwise provided in paragraphs (f) and (g) of this section, Native American grantees shall limit participation in CETA by any person to a maximum of 30 months during a 5—year period beginning October 1, 1978. (Sec. 121(c)(2).)

(f) The limitation on total participation in CETA set forth in paragraph (d)(1) and (e) of this section:

(1) Shall not apply to time spent by in-school youth enrolled in a work experience program under the Act (Sec. 121(c)(2)); and

(2) May be waived by DINAP with respect to time spent by other persons enrolled in a work experience program under the Act based on the inclusion in the grant application of satisfactory evidence that, due to the lack of alternative job opportunities in the area, this limitation is impractical. Depending on the circumstances in the Native American grantee's area, the waiver may be granted for all work experience participants or for one or more subgroups, such as older workers. However, the exemption of in-school youth shall end when the youth is no longer an in-school youth. Those individuals exempt from the 30-month limitation, may continue to participate after the 30-month period has elapsed if they continue in a work experience activity. (Sec. 121(c)(2).)

(g) A temporary waiver of the limitations set forth in paragraphs (d)(2) and (e) of this section may be granted by DINAP for a limited number of PSE participants hired prior to October 1, 1978, in programs conducted by the Native American grantees described in Section 302(c)(1)(A) of the Act. (Sec. 122(h)(4)(A).)

(h) A temporary waiver of the limitation in paragraph (d)(2) of this section of not more than 12 months may be granted by DINAP for PSE participants hired on or after October 1, 1978 in the case of an area which is served by a Native American grantee described in Section 302(c)(1)(A) of the Act which has an unemployment rate of at least 7 percent and has faced unusually severe hardship in its efforts to transition public service employment participants into regular public or private employment not supported under the Act. (Sec. 122(h)(4)(B).)

(i) A Native American grantee desiring an extension under paragraphs (g) or (h) of this section for itself or for any individual portion of its service area shall make a request to DINAP. This request shall be submitted not more than 60 days prior to the scheduled termination date of any participant for whom the extension is being requested. The documentation to be supplied with such request will include:

(1) A description of labor market conditions in the area indicating the extent of difficulty in transitioning PSE participants into unsubsidized employment;

(2) The unemployment rate in the area involved in the request;

(3) A general description of the efforts which have been made to place PSE participants in unsubsidized employment;

(4) The time extension being requested; and

(5) The impact which the termination of such participants would have on services being provided within the Native American grantee's service area.

(j) In considering requests for extensions under the provisions of paragraphs (g) or (h) of the section, DINAP shall pay special attention to the limited opportunities for unsubsidized employment available in many Indian and Native American communities and to the impact which the termination of such participants may have upon the delivery of needed services in such communities.

(k) Where a Native American grantee adopts a procedure for consideration of applications for extensions for individual participants under the provisions of paragraphs (g) or (h) of this section which is determined by the Director of DINAP to provide adequate safeguards to ensure proper consideration of all such extensions with regard to the purposes and intent of the Act, such procedures shall prevail. Such procedures shall include the following minimum criteria:

(1) Full written disclosure to the governing body of the Native American grantee of the advantages, disadvantages, conflicts and other pertinent facts related to the request for extension;

(2) Documentation that the participant would benefit from continued employment or participation in programs funded under the Act; and

(3) Either:

(i) Documentation adequate in form and substance that maximum feasible efforts have been made to secure unsubsidized employment for the participant and that the Native American grantee was unable to place the individual concerned in such employment; or

(ii) Certification by the governing body that termination of the participant would severely hamper the operations of the program in which he or she is participating and/or impair the social and economic development of the community.

(l) DINAP shall notify the Native American grantee in writing of its approval or disapproval of the request for an extension. When DINAP disapproves a request for an extension, it shall include in the written notice of disapproval the specific reasons for such disapproval.

§ 688.87 Nondiscrimination and equal employment opportunity.

(a) Except as otherwise provided, no person shall on the grounds of religion, sex, national origin, age, handicap or political affiliation or belief:

(1) Be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part under the Act (Sec. 121(a) and 132(a)); or

(2) Be denied employment in the administration, or operation of, or in connection with any program or activity funded in whole or in part under the Act. (Sec. 121(a) and 132(a)).

(b) This section shall not be interpreted to prohibit the implementation of a policy of Indian preference by any Native American grantee. (Sec. 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450).)

§ 688.88 Equitable provision of services to the eligible population and significant segments.

(a) Native American grantees shall ensure that all members of the eligible population within the service area for which the grantee was designated are afforded an equitable opportunity for employment and training activities and services available under each Title of the Act. (Sec. 121(b)(1) and Sec. 122(a).)

(b) When planning and developing employment and training opportunities under each title of the Act, Native American grantees shall consider the relative numbers of persons in the demographic groups within the eligible population, taking into account the needs of the significant segments. The Native American grantee's grant application under all of the relevant titles shall include a description of the proposed levels of participation for each of the demographic groups and adequate justification where those levels of participation vary from the group's incidence in the eligible population.

(c) The grantee shall take positive steps, such as active recruitment and special consideration in placement, to ensure that the planned levels of participation described in the approved grant are realized.

§ 688.89 Procedures for serving specific target groups.

(a) Native American grantees shall take appropriate steps to provide for the increased participation of qualified special disabled and Vietnam-era veterans with special emphasis on qualified veterans who served in the Indo-China theater on or after August 5, 1964, and on or before May 7, 1975, through assuring adequate training and employment opportunities for such veterans in their programs. (Sec. 121(b)(2).)

(b) Public service employment programs.

(b) Public service employment programs.

(1) Within a SE program, preference in enrollment shall be given to those who are the most severly disadvantaged in terms of length of unemployment and their prospects for finding unsubsidized employment. (Sec. 122(b)(1).)

(2) Native American grantees shall give special consideration in filling public service jobs to qualified public assistance recipients (or persons who would be eligible to receive public assistance according to established criteria if they would apply for such assistance), and special disabled and Vietnam-era veterans. (Sec. 122(b).)

(c) Native American grantees shall provide special emphasis to eligible persons who are offenders, persons of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, and individuals who lack educational credentials. (Sec. 122(b).)

Subpart F—Prevention of fraud and program abuse

§ 688.115 General.

(a) To ensure the integrity of the CETA programs special efforts are necessary to prevent fraud and other program abuses. "Fraud" includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for the use of program funds. "Abuse" is a general term which encompasses improper conduct with may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this Subpart F identifies and addresses those specific program problems which were of most concern to the Congress during the reauthorization of CETA.

(b) This Subpart further sets forth specific responsibilities of Native American Grantees, subgrantees and contractors and of the Secretary to prevent fraud and program abuse in CETA programs.

§ 688.116 Conflict of interest.

(a) No member of any council under the Act shall cast a vote on any matter which has a direct bearing on services to be provided by that member or any organization which such member directly represents or on any matter which would financially benefit such member or any organization such member represents. (Sec. 121(h)(2).)

(b) Each Native American Grantee, subgrantee or contractor shall avoid personal and organizational conflict of interest in awarding financial assistance and in the conduct of procurement activities involving funds under the Act in accordance with the code of conduct requirements set forth in 41 CFR 29-70.216-4. (Sec. 123(g).)

(c) Neither the Secretary nor any Native American Grantee, subgrantee or contractor shall pay funds under the Act to any nongovernmental individual, institution or organization to conduct an evaluation of any program under the Act if such individual, institution or organization is associated with that program as a consultant or technical advisor. (Sec. 121(h)(1).) Indian preference shall be exercised in the selection of any party to evaluate a program. (Sec. 7(b) of the Indian Self-Determination and Education Assistance Act.)

§ 688.117 Kickbacks.

No officer, employee or agent of any Native American Grantee, subgrantee or contractor shall solicit or accept gratuities, favors or anything of monetary value from any actual or potential subrecipient or contractor or supplier. (Sec. 123(g) and 41 CFR 29-70.214-4.)

§ 688.118 Comingling of funds.

Recipients shall comply with the applicable requirements of 41 CFR 29-70.201.2, regarding separate bank accounts. (Sec. 123(g).)

§ 688.119 Charging of fees.

(a) No funds under this Act shall be used for the payment of a fee charged to an individual for the placement of that individual in a training or employment program under the Act.

(b) No person or organization, including private placement agencies, may charge a fee to any individual for the placement or referral of that individual in or to such program.

(c) Any contract requiring the individual to pay such fees shall be void in law and the individual shall not be held liable for such fees. (Sec. 123(j).)

(d) Nothing in this section shall be interpreted as prohibiting the Native American Grantee, subgrantee or contractor from entering into an agreement for the purpose of obtaining outreach, recruitment and/or intake services, as part of its approved intake system, provided the individuals served are not charged a fee.

§ 688.120 Nepotism.

(a) No Native American Grantee, subgrantee or contractor shall permit the hiring of any person in a staff position or as a participant if that person in a staff position or as a participant if that person or a member of that person's immediate family is employed in an administrative capacity by the Native American Grantee, subgrantee or contractor. The Native American Grantee may waive this requirement is adequate justification can be documented to do so. The following are examples where the nepotism provision may be waived:

(1) If there are no other persons eligible and available for participation or employment by the Native American Grantee;

(2) Where the Native American Grantee's total service population is 2,000 or less and/or where the geographical situation of an Indian or Native American community may be determined rural and isolated from other communities within the designated service area; or

(3) Where the potential participant has a history of unemployment or dependence on public assistance.

(b) Where a Native American Grantee's nepotism policy is determined to have adequate safeguards to prevent persons engaged in an administrative capacity for the Native American Grantee, its subgrantees or contractors from using such position to secure CETA services of other benefits for a member of his or her immediate family, that policy shall prevail. A satisfactory policy shall include the following minimum criteria:

(1) All formal personnel procedures shall be followed.

(2) There shall be full written disclosure to the governing body describing all advantages, conflicts and/or disadvantages which may result from the specific personnel action.

(3) No member of the immediate family of the applicant shall participate in the applicant's selection.

The Director, DINAP, may review any such policy and, where appropriate, approve or disapprove it.

(c) For purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister. The term "staff position" includes all positions such as instructors, counselors, administrators, and suppliers of training and services. The term "employed in an administrative capacity" includes those persons who have overall administrative responsibility for a program including: all elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under this Part as well as other officials who have any influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and persons who have selection, hiring, placement or supervisory responsibilities for participants in a Native American employment and training program.

§ 688.121 Child labor.

All Native American Grantees, subgrantees and contractors shall comply with applicable Federal, State, tribal and local child labor laws.

§ 688.122 Political patronage.

(a) No Native American Grantee, subgrantee or contractors may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is prohibited.

(b) There shall be no selection of subgrantees or contractors based on political affiliation. (Sec. 123(g).)

§ 688.123 Political activities.

(a) No program under the Act may involve political activities. (Sec. 131(a).)

(b) No participant may engage in partisan or nonpartisan political activities during hours for which the participant is paid with CETA funds.

(c) No participant may, at any time, engage in partisan or nonpartisan political activities in which such participant represents himself or herself as a spokesperson for the CETA program.

§ 688.124 Lobbying activities.

No funds provided under the Act may be used in any way:

(a) To attempt to influence in any manner a member of Congress to favor or oppose any legislation or appropriation by Congress (Sec. 123(g) and 18 USC 1913); or

(b) For lobbying State or local legislators. (Sec. 123(g).)

§ 688.125 Sectarian activities.

(a) The Act provides the following prohibitions regarding sectarian activity:

(1) Participants shall not be employed on the construction, operation or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship (sec. 121(a)(2)); and

(2) Participants shall be involved, nor CETA funds expended, for religious or antireligious activities (sec. 123(g)).

(b) The Department intends to publish proposed regulations to further clarify provisions regarding sectarian activities in the near future. Prime sponsors shall present to the Assistant Secretary for approval the specific circumstances for any new hiring into positions involving sectarian institutions or facilities to assure compliance with the provisions of the Act as described in paragraph (a).

§ 688.126 Unionization and Antiunionization Activities/Work Stoppages.

(a) No funds under the Act shall be used in any way to either promote or oppose unionization. (Sec. 123(g).)

(b) No participant in work experience or public service employment may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must either be relocated to positions not affected by the dispute, or be suspended through administrative leave or other means. The grantee shall make every effort to relocate participants who wish to remain working into suitable positions unaffected by the work stoppage.

(c) No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

§ 688.127 Maintenance of effort.

(a) To ensure maintenance of effort under all programs under the Act:

(1) Native American grantees, subgrantees and contractors shall ensure that such programs:

(i) Result in an increase in employment and training opportunities over those which would otherwise be available. (Sec. 121(e)(1));

(ii) Not result in the displacement of currently employed workers, including partial displacement, such as reduction in hours of non-overtime work, wages, or employment benefits. (Sec. 122(3)(2)); and

(iii) Not impair existing contracts for services or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed, (Sec. 121(e)(3) and (g)(1)), including services normally provided by temporary, part-time or

seasonal workers or through contracting such services out.

(2) Funds under this Act shall supplement, and not supplant, the level of funds that would otherwise be made available from non-Federal sources for the planning and administration of programs (Sec. 121(g)(1)(c)).

(b) In addition to the requirements of paragraph (a) of this section, for public service employment programs under this Act:

(1) Native American Grantees, subgrantees and contractors shall ensure that such public service employment positions shall not:

(i) Substitute for existing federally assisted jobs (Sec. 122(e)); and

(ii) Be created in any promotional line that will infringe in any way upon promotional opportunities of persons currently in jobs not funded under the Act (Sec. 122(d));

(2) Whenever a promotional freeze affects non-CETA funded employees it shall apply to CETA participants similarly employed.

(3) No participant shall be hired into, or remain working in, any position when:

(i) The same or substantially equivalent position is vacant due to a hiring freeze, unless the Native American Grantee can demonstrate that the freeze resulted from lack of funds to sustain staff levels and was not established in anticipation of the availability of funds under the Act;

(ii) Any other person not supported under the Act or by other Federal funds (other than general revenue sharing) is on lay-off from the same or any substantially equivalent job. The same or equivalent job means any job or classification for which:

(A) Per a personnel code or practice or per a collective bargaining agreement, a recall list is maintained of former employees, who have the first right to any job vacancies occurring within a specific period of time in the classification(s).

(B) If there is no recall list, without other policy, practice or contractual obligation, one or more employees have been laid off due to a lack of funds or work from a job in the classification anytime during the last two operating years of the department or agency. (Sec. 122(c)(1).)

(4) When a termination of CETA participants is imminent due to conditions noted in (3) above, the Native American Grantee shall make every feasible attempt to place such participants into other non-affected positions or otherwise attempt placement into unsubsidized jobs or into programs under Section 302.

(5) No former employees laid off or terminated in anticipation of CETA funding of a position may be rehired under CETA into such a position.

(6) A Native American Grantee, subgrantee or contractor shall not use CETA funds to intentionally reduce, or in any manner which results in a reduction of, the customary level of public service provided by itself or another public entity in the area, by allowing PSE participants to be placed with or outstationed to private nonprofit organizations.

(c) Native American Grantees shall notify DINAP in writing of any layoff or hiring freeze and of any recall rights of employees on layoff, in a department or agency where public service employment participants are employed. Native American Grantees shall, at the direction of DINAP, submit documentation and budgetary expenditure records, revenue statements, and other available information relevant to a determination under this Section. DINAP shall not approve any plan unless the Native American Grantee has submitted, when directed by DINAP, conclusive evidence that the proposed use of funds fully meets the requirements of this section.

§ 688.128 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.

The criminal provision of 18 USC 665 states:

(a) Whoever, being an officer, director, agent or employee of, or connected in any capacity with, any agency receiving financial assistance under the Comprehensive Employment and Training Act knowingly hires an ineligible individual or individuals; embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to such Act shall be fined not more than $10,000 or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100.00, such person shall be fined not more than $1,000.00 or imprisoned not more than 1 year, or both.

(b) Whoever, by threat of procuring dismissal of any person from employment, or of refusal to renew a contract of employment in connection with a grant or contract of assistance under the Comprehensive Employment and Training Act, induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000.00, or imprisoned not more than 1 year, or both.

(c) Any person whoever willfully obstructs or impedes, or endeavors to obstruct or impede, an investigation or inquiry under the Comprehensive Employment and Training Act or the regulations thereunder, shall be punished by a fine of not more than $5,000.00, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

(d) In addition to the criminal provisions set forth in paragraphs (a), (b) and (c) of this section, individuals may be held criminally liable under other Federal laws such as 18 USC sections 600 and 601 if they:

(1) Directly or indirectly, promise any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by funds under the Act, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of, or opposition to, any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office (18 USC 600); or

(2) Directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of any employment or benefits funded under the Act (18 USC 601).

§ 688.129 Responsibilities of Native American Grantees, subgrantees and contractors for preventing fraud and program abuse and for general program management.

(a) Each Native American Grantee, subgrantee and contractor shall establish and use internal program management procedures sufficient to prevent fraud and program abuse.

The procedures to be used shall be identified in the Native American grantee's comprehensive employment and training plan.

(b) Each Native American Grantee, subgrantee and contractor shall ensure that sufficient, auditable, and otherwise adequate records are maintained which support the expenditure of all funds under the Act. Such records shall be

sufficient, to allow the Secretary to audit and monitor the Native American Grantees', subgrantees' and contractors' programs and shall include the maintenance of a management information system in accordance with the requirements of § 688.36.

(c) DINAP shall provide all Native American grantees with technical assistance and guidance in the development of functional procedures for the internal monitoring of all CETA programs operated by the grantees in order to prevent fraud and abuse in such programs. Such technical assistance and guidance shall give recognition to the variation in administrative structures and level of administrative funding available to individual grantees.

(d) Eligibility determination and verification. Procedures for establishing the eligibility of individuals to participate in programs supported under this Part and the verification of such eligibility shall be as set forth in § 688.78 of these regulations. DINAP shall provide all Native American Grantees with technical assistance and guidance in the development of functional procedures for documentation of participant eligibility, recognizing the variation in administrative and operational structures at the individual grantee level.

Subpart G—Complaints, Investigations and Sanctions

§ 688.146 General.

The regulations on complaints, investigations, and sanctions shall be as described in 20 CFR 676.81 through 676.93 with the following exceptions:

(a) Prime sponsor, grantee and recipient shall mean Native American grantee.

(b) Grant officer shall mean the Director, DINAP.

§ 688.147 Review of denial of designation or rejection of comprehensive employment and training plan.

(a) An applicant for designation as a Native American grantee which is refused such designation may file a Petition for Reconsideration with DINAP within 14 days of its failure to be designated as a potential grantee.

(1) A Petition for Reconsideration shall be in writing, shall be signed by a responsible official of the applicant entity, and shall enumerate the factors which the applicant entity asserts should be reviewed in reconsidering the decision of DINAP on its application.

(2) Upon receipt of the Petition for Reconsideration, DINAP shall, within 30 days, make one of the following determinations:

(i) That based on the available information from the original request for designation and information supplied in the Petition for Reconsideration, the applicant entity should be designated as a Native American grantee;

(ii) That the original determination made by DINAP was correct; or

(iii) That an informal conference between representatives of the applicant entity and DINAP shall be held at a specified time and place to discuss the Petition for Reconsideration.

(3) If an informal conference is held, the applicant entity shall have the opportunity to present any pertinent information which may further substantiate its Petition. DINAP shall notify the applicant entity of its final decision within 14 days after the informal conference is held.

(4) DINAP shall not award a grant to operate a program for the area involved to any other entity until there is a final resolution of the Petition for Reconsideration.

(5) The applicant entity may, within 30 days of the determination on its Petition for Reconsideration, request a hearing pursuant to § 676.86(d).

(b) A Native American grantee which has been designated as a grantee, but whose comprehensive employment and training plan has been rejected, may appeal such rejection. Such an appeal shall be made under the procedures described in paragraph (a) of this section.

Subpart H— Comprehensive Employment and Training Programs Under Title III, Section 302

§ 688.170 Purpose.

It is the purpose of Title III, Section 302, of the Act to provide job training and employment opportunities for economically disadvantaged, unemployed or underemployed Indians, Alaskan Natives, and Native Hawaiians and to assure that such training and other services lead to maximum employment opportunities and enhanced self-sufficiency. All programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by such programs. (Section 302(b)(3).)

§ 688.171 Eligibility for funds.

DINAP shall provide funds under section 302 of the Act only to Native American grantees designated in accordance with Section 688.11 of these regulations.

§ 688.172 Allocation of funds.

(a) The Secretary shall reserve from funds available for activities under title III of the Act an amount equal to not less than 4.5% of the amount allocated to prime sponsors pursuant to Section 202(a) of the Act. (Section 302(g).) In order to insure all Indians and others of Native American descent equal accessibility to funds made available under this Subpart, funds will be allocated using the following formula:

(1) Twenty-five percent of the available funds shall be allocated on the basis of the relative number of unemployed Indians and other Native Americans within the Native American grantee's geographic service area compared to the total number of unemployed Indians and other Native Americans in the United States.

(2) Seventy-five percent of the available funds shall be allocated on the basis of the relative number of low-income Indian and other Native American families within the Native American grantee's geographic service area compared to the total number of low-income Indian and Native American families in the United States, except that:

(3) If the factors described above result in the reduction of an area's allocation from its allocation in the preceding fiscal year, DINAP shall provide each area with at least 90 percent of such area's allotment for the preceding fiscal year, provided sufficient funds are appropriated.

(b) In allocating funds, DINAP shall use whatever data are, in its opinion, the most reliable. DINAP shall notify each designated Native American grantee of the data elements used in the formula to calculate its allocation of funds. DINAP shall also provide, upon request, such information to any interested party.

(c) The allocations made to Native American grantees shall be published in the Federal Register as soon as possible after the appropriation for a fiscal year is enacted.

§ 688.173 Eligibility for participation in a Title III, Section 302 Program.

(a) An Indian, Native Alaskan, or Native Hawaiian who is economically disadvantaged, unemployed or underemployed may participate in a program offered under this Subpart.

(b) Permanent resident aliens who meet the eligibility requirements of paragraph (a) of this section may participate in a program if such participation is consistent with Indian

law or at the option of the Native American grantee.

(c) Indians and other persons of Native American descent who meet the requirements of paragraph (a) of this section and who are identified by such terms as "landless" or "terminated" are eligible to participate. Such groups and individuals include, but are not limited to: the Klamaths in Oregon, the Lumbees in North Carolina, and South Carolina, the Micmac and Maliseet in Maine, and the Eskimos and Aleuts in Alaska.

§ 688.174 Allowable program activities.

(a) Native American grantees may undertake programs and activities consistent with the purpose of the Act including, but not limited to, such programs and activities carried out under other provisions of this Act by prime sponsors designated under section 101(c) of the Act. (Sec. 302(f).)

(b) Native American Grantees are encouraged to develop innovative means of addressing the needs of unemployed, underemployed and economically disadvantaged members of their communities and of contributing to the permanent economic self-sufficiency of such communities.

Subpart I—Public Service Employment for the Economically Disadvantaged

§ 688.186 Purpose.

This program is intended to provide unemployed, economically disadvantaged persons with transitional employment in jobs providing needed public services, and to provide related training and services to enable these individuals to move into unsubsidized employment or training. (Sec. 231.)

§ 688.187 Eligibility for funds.

DINAP shall provide funds under this Subpart only to Native American grantees described in Section 302(c)(1)(A) of the Act. (Sec. 235.)

§ 688.188 Allocation of funds.

(a) The Secretary shall allocate at least two percent of the funds available for Title II, Part D of the Act to eligible Native American grantees to carry out public service employment programs under this subpart. (Sec. 233(b).)

(b) Allocations under this Subpart will be made to eligible Native American grantees on the basis of the relative number of unemployed Indians and Native Americans within each eligible Native American's grantee's service area as compared to all areas eligible for funds under this Subpart.

(c) For purposes of making allocations under this Subpart, DINAP shall use whatever data are, in its opinion, the most reliable.

(d) DINAP shall, at its discretion, reallocate funds made available under this Subpart to the extent that it determines that a Native American grantee will not be able to use such funds within the time outlined in its plan, subject to the provisions concerning reallocation of funds in § 688.52.

§ 688.189 Application for funds.

(a) In order to receive financial assistance under this Subpart, a Native American grantee shall submit the following documents with the grant application described in § 688.19:

(1) Narrative description of program;

(2) Budget Information Summary;

(3) Program Planning Summary;

(4) PSE Occupational Summary;

(5) Summary of Subgrantees and Subcontractors;

(6) CETA Monthly Schedule.

(b) Native American grantees are required to utilize the planning process as described in § 688.17 and consider existing services and facilities which are available from Federal and other agencies (including community based organizations).

§ 688.190 Allowable activities.

(a) Funds available for the purposes of this Subpart shall be utilized by Native American grantees for public service employment activities or projects carried out by project applicants.

(b) In developing transitional public service job opportunities for economically disadvantaged, unemployed persons, the following requirements shall apply. All such employment:

(1) Shall be entry level;

(2) Shall be combined with training and supportive services if such training and services are reasonably available in the area. Training and services may be offered before, during, or after the public service employment to which they are related; and

(3) Shall be designed to enable participants to move into unsubsidized employment. (Sec. 232(a).)

§ 688.191 Participant eligibility.

(a) The following criteria shall be used by Native American grantees in determining participant eligibility for persons enrolled under this Subpart. An eligible individual must be an Indian or Native American:

(1) Who has been unemployed for at least 15 of the last 20 weeks, who is unemployed at the time of enrollment, and who is economically disadvantaged, or

(2) Who is, or whose family is, receiving public assistance. (Sec. 236.)

(b) For purposes of participating in a public service employment program under this Subpart, an individual must reside within the Native American grantee's service area. (Sec. 122(a).)

(c) Notwithstanding any eligibility limitation on public service employment in these regulations, a person who on September 30, 1978 held a public service employment position under this Act may continue in such position subject to § 688.86 of these regulations. (Sec. 122(j).)

(d) No individual shall be eligible to be employed in a public service employment position, if such individual had, within 6 months immediately prior to the determination, voluntarily terminated, without good cause, his or her last previous full-time employment at a wage rate not less than the Federal minimum wage as prescribed under Section 6(a)(1) of the Fair Labor Standards Act of 1938, or the State or local minimum wage, if higher. (Sec. 122(n).)

§ 688.192 Special provisions.

Not more than 10 percent of the funds allocated to a Native American grantee in accordance with the provisions of this Subpart may be used for administrative and other allowable costs (such as supplies, materials, and equipment) incurred by the Native American grantee, subgrantees or contractors. (Sec. 232(b)(1).)

§ 688.193 Wages and wage supplementation.

(a) Wages to individuals employed in public service employment under this Subpart shall be paid in accordance with § 688.82(a)(3). (Sec. 237(a).)

(b) No wages paid to public service employment participants under this Subpart may be supplemented by the payment of any additional wages for such employment from any source whatever, except as provided in § 688.82(a)(3). (Sec. 237(b).)

Subpart J—Indian and Native American Countercyclical Public Service Employment Programs under Title VI

§ 688.200 Purpose.

This program is intended to provide temporary employment during periods of high unemployment. (Sec. 601.)

§ 688.201 Eligibility for funds.

DINAP shall provide funds under this Subpart only to Native American

grantees described in Section 302(c)(1)(A) of the Act. (Sec. 606(a)(2).)

§ 688.202 Allocation of funds.

(a) The Secretary shall allocate at least 2 percent of the funds available for Title VI to eligible Native American Grantees to carry out public service employment programs. (Sec. 604(a).)

(b) Allocations under this Subpart will be made to eligible Native American Grantees on the basis of the relative number of unemployed Indians and Native Americans within each eligible Native American Grantee's service area as compared to all areas eligible for funds under this Subpart.

(c) For purposes of making allocations under this Subpart, DINAP shall use whatever data are, in its opinion, the most reliable.

(d) DINAP may, at its discretion, reallocate funds made available under this Subpart to the extent that it determines that a Native American Grantee will not be able to use such funds within the time outlined in its plan, subject to the provisions concerning reallocation of funds in § 688.52.

§ 688.203 Application for funds.

(a) In order to receive financial assistance under this Subpart, a Native American Grantee shall submit the following documents with its grant application as described in § 688.19:

(1) Narrative description of program;

(2) Budget Information Summary;

(3) Program Planning Summary;

(4) PSE Occupational Summary;

(5) Summary of Subgrantees and Subcontractors; and

(6) CETA Monthly Schedule.

(b) Native American Grantees are required to utilize the planning process described in § 688.17 and consider existing services and facilities which are available from Federal and other agencies (including community-based organizations).

(c) In addition to the other items contained in the narrative description of the program, the description shall contain the following:

(1) A description of the extent to which the Native American Grantee will supplement wages of persons other than those who were in the program on September 30, 1978;

(2) The total amount of funds used to supplement jobs funded under this Subpart for persons other than those who were in the program on September 30, 1978; and

(3) The maximum amount of funds used to supplement any one particular job held by persons other than those who were in the program on September 30, 1978.

§ 688.204 Allowable activities.

(a) Native American grantees may use funds received under this Subpart for public service jobs in projects. Public service jobs in projects are not limited to entry level positions. (Sec. 605(a)). To the extent feasible, all public service jobs shall be provided in occupational fields which are most likely to expand. (Sec. 122(m)).

(b) In addition to providing public service employment in projects, Native American grantees may utilize funds under this Subpart for entry-level PSE not in such projects, in accordance with § 688.205.

(c) Activities other than PSE authorized under Title II, Part A of Title III, Title IV, and Title VII of the Act may be carried out with funds available under this Subpart. (Sec. 610.)

§ 688.205 Financial limitations.

(a) The following cost restrictions shall apply to the funds utilized by Native American grantees for project and non-project public service employment:

(1) At least 80 percent of such funds shall be expended for wages and fringe benefits. (Sec. 603(a).)

(2) At least 5 percent of such funds for fiscal year 1979 shall be expended for training and services to PSE participants employed in public service jobs under this Subpart. (Sec. 603(a).)

(3) Not more than 15 percent of such funds may be contributed to the administrative cost pool and used for administrative costs.

(b) The remaining funds may be used for activities authorized under Title II, Part A of Title III, Title IV and Title VII (Sec. 610). When funds under this Subpart are utilized for such purposes, not more that 20 percent of such funds may be contributed to the administative cost pool and used for administrative costs.

§ 688.206 Participant eligibility.

(a) The following criteria shall be used by Native American grantees in determining participant eligibility for persons enrolled under this Subpart. An eligible individual must be an Indian or Native American:

(1) Who is unemployed at the time of enrollment and who has been unemployed for at least 10 out of the 12 weeks immediately prior to enrollment;

(2) Who resides within the Native American grantee's service area (Sec. 122(a)); and

(3)(i) Whose family income does not exceed 100 percent of the lower living standard income level based on the three-month period prior to the person's application for participation; or

(ii) Whose family has been receiving public assistance for 10 of the last 12 weeks. (Sec. 607.)

(b) The provisions of § 688.191(e) shall apply to the eligibility of persons who voluntarily terminated their last employment. (Sec. 122(n).)

(c) The provisions of § 688.191(c) shall apply with respect to eligibility for participation under this Subpart.

§ 688.207 Wages and wage supplementation.

(a) Wages paid to public service employment participants and the supplementation of such wages shall be in accordance with § 688.82(a)(3). (Sec. 608.)

(b) Wages paid to public service employees hired on or after January 26, 1979, under this Title may be supplemented by additional wages from non-CETA sources only if:

(1) The total amount of funds used in any fiscal year to provide such supplemented wages does not exceed an amount equal to 10 percent of the Native American grantee's Title VI allocation for such fiscal year; and

(2) The wage supplementation to any public service employee does not exceed:

(i) Ten percent of the maximum wage applicable for the Native American grantee's area; or

(ii) Twenty percent of the maximum wage applicable for the Native American grantee's area in any area where the average wage (during the fiscal year preceding the beginning of the applicable fiscal year) in employment covered under Federal or State unemployment compensation laws (without regard to any limitation on the amount of such wages subject to contribution under such law) exceeds 125 percent, but does not exceed 150 percent, of the national average wage in such employment.

(c) Any public sevice employee hired between September 30, 1978, and January 26, 1979, receiving wages supplemented from non-CETA sources may continue to receive such wages after January 26, 1979, only if such supplementation is in accordance with the provisions in paragraph (b) of this section.

(d) Any person in a public service employment position on September 30, 1978, receiving wages from non-CETA sources may continue to receive such wages, so long as such person remains

in the same position. These wages are not subject to the limitations of paragraph (b) of this section. However, the non-CETA portion shall not be reduced if the maximum wage has been adjusted above $10,000 after September 30, 1978, as along as the incumbent participant is in this position or until the next Native American grantee budgetary cycle. (Sec. 122(i)(4)(B).)

(e) Any person in public service employment on September 30, 1978, who was receiving wages on September 30, 1978, of less than $10,000 may have such wages supplemented above the $10,000 from non-CETA sources after September 30, 1978, if such increase is the result of a bona-fide cost of living increase or a scheduled raise, and the person remains in the same position. These wages are not subject to the limitations of paragraph (b) of this section.

(f) When a public service employment participant, hired after September 30, 1978, is eligible for a promotion, a general salary increase or overtime pay, the employer shall pay from non-CETA funding sources that amount in excess of the maximum amount payable from CETA funds as well as a pro-rata share of the increased fringe benefits, unless such payments would be in violation of the limitations on public service wage supplementation contained in paragraphs (b)(2)(i) and (ii) of this section. If such payment would be in violation, then the participants affected must be transferred to other positions or be terminated.

Subpart K—Youth Community Conservation and Improvement Projects for Indian and Native American Youth

§ 688.215 General.

(a) This subpart contains the Department of Labor's regulations governing the establishment and operation of Indian and Native American Youth Community Conservation and Improvement Projects (YCCIP) under Title IV, Part A, Subpart 2, of the Act.

(b) This program seeks to provide youth experiencing severe difficulties in obtaining employment with well-supervised work in projects that produce tangible benefits to the community. Supervision shall be provided by competent supervisors who can instill good work habits in the youth. The program emphasizes the development and provision of jobs. Any training must be directly related to the development of specific skills needed for a job. The program must be flexible enough to accommodate in-school youth, and they should be encouraged to stay in school and graduate. Participants who have not graduated from high school should be encouraged to finish their education.

§ 688.216 *Eligibility for and allocation of* funds.

(a) Only Native American Grantees described in Sec. 302(c)(1) of the Act are eligible for YCCIP funds.

(b) Allocation of funds.

(1) Two precent of the funds available for YCCIP shall be made available for projects for eligible Indian and Native American youth operated by Native American Grantees. (Sec. 423(b).)

(2) Funds shall be allocated to Native American Grantees eligible under this Subpart on the basis of relative number of unemployed persons within each such grantee's area as compared to all areas eligible for funds under this program.

§ 688.217 Native American Grantees planning procedures and submission of applications.

(a) *Planning.* When planning a YCCIP program, Native American Grantees shall utilize the planning process described in § 688.17 of this Part.

(b) *Grant Application.* In order to receive financial assistance under this subpart, a Native American Grantee must submit the following documents with its grant application described in § 688.19.

(1) YCCIP Narrative.

(2) YCCIP Program Planning Summary.

(3) YCCIP Budget Information Summary.

(c) *Content of YCCIP Narrative.* The narrative shall include information regarding:

(1) The types of jobs;

(2) The need for the types of work to be performed;

(3) The full-time supervisor to youth ratio;

(4) Qualifications of supervisors;

(5) Benefits participants are expected to derive;

(6) Principal job titles, brief job descriptions and hourly wages;

(7) Target groups to be served;

(8) Recruiting methods;

(9) Supportive services to be provided;

(10) The following costs:

(i) Participant wages and benefits;

(ii) Work-site supervisors wages and benefits;

(iii) Job-related training;

(iv) Materials, supplies and equipment used by participants on the job;

§ 688.218 Project application approval.

(a) To be approved a proposed YCCIP program must, in addition to the requirements of § 688.22:

(1) Provide benefits to the community as determined by representatives of the communities and groups served. No application shall be disapproved because of the goals of the community and priorities ascribed thereto;

(2) Provide benefits to participants in terms of work habits, skills, and attainment of academic credit where applicable;

(3) Assure an adequate level of supervision, taking into account the complexity of the jobs to be created; and

(4) Describe qualifications of supervisors in terms of skills and experience.

(b) Native American grantees must assure that the project will result in an increase in employment opportunties over those which would otherwise be available; and that:

(1) It will not result in the displacement of currently employed workers;

(2) It will not substitute jobs assisted under this subpart for exisitng federal assisted jobs;

(3) It will not employ any youth when any other person is on layoff by the employer from the same or any substantially equivalent job in the same area;

(4) It will not employ any person to fill a job opening created by laying off or terminating the employment or any regular employee, or otherwise reducing the regular workforce, in anticipation of filling vacancies by hiring youth to be supported under YCCIP;

(5) It will not infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service not subsidized under the Act;

(6) It will not permit a job to be filled in other than an entry-level position in each promotional line until applicable personnel procedures and collective bargaining agreements have been complied with; and

(7) Job restructuring will not occur and new classifications will not be developed solely to negate established personnel procedures or to displace currently employed workers. (Sec. 433.)

§ 688.219 Eligibility for participation.

(a) In order to participate, an individual must at time of enrollment:

(1) Be an Indian or Native American Youth 16 through 19 years of age, inclusive; and

(2) Be unemployed. (Sec. 422(3).)

(b) If at the time of enrollment into any other program under the Act, a youth who is currently 16 through 19 years of age, was unemployed, that individual may be transferred into this program.

(c) Appropriate efforts shall be made to serve those youth who have severe difficulties in obtaining employment.

§ 688.220 Acceptable project activities.

(a) Projects shall insure that participants do constructive work in terms of individual and community benefits. Such employment may include, but is not limited to, the rehabilitation, construction, or improvement of public facilities (including making them accessible for the handicapped by removing architectural barriers); neighborhood improvements; weatherization and basic repairs to low income housing as defined in § 688.43(e)(4); energy conservation including solar energy projects; and conservation maintenance, or restoration of natural resources of publicly held lands, including lands held in trust for the benefit of Indian tribes, bands or groups or other land owned by Indian or Native American groups, but excluding land owned by the Federal government.

(b) Where in-school youth are served, they must be in a combination of work and education programs.

(c) Public Service Employment (PSE) projects are not permitted.

(d) Funds provided under this subpart should not be used to support make-work projects.

§ 688.221 Academic credit.

Native American Grantees may make appropriate efforts to encourage educational agencies to award academic credit for the competencies participants gain from their employment.

§ 688.222 Superisory personnel.

(a) Each project shall have an adequate number of skilled supervisors. Unless justification to the contrary is provided in the plan, there shall be at least the equivalent of one full-time supervisor to every 12 youth. Supervisors must have the skills needed to carry out the project and must be able to instruct participants in those skills.

(b) The hiring of supervisory personnel for projects shall not impede the promotional rights of existing employees.

§ 688.223 Materials, equipment and supplies.

Native American Grantees are encouraged to make use of resources from CETA, BIA, Community Service Administration, the U.S. Department of Energy and other agencies to provide or supplement materials, equipment, and supplies.

§ 688.224 Earnings disregard.

Earnings and allowances received by any youth under this subpart shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any Federal or federally assisted program. (Sec. 446.)

§ 688.225 Limitation on use of funds.

No less than 65 percent of the funds awarded to each Native American Grantee may be used for participants' wages and fringe benefits. The remaining 35 percent may be divided at the Native American Grantee's discretion between administration, supervision, services, training, and the cost of materials, equipment, and supplies, except that in no case may more than 20 percent be spent on administrative costs.

§ 688.226 Work limitation.

No youth shall be employed for more than 12 months in work financed under this subpart. (Sec. 421.)

§ 688.227 Participants' wages.

The provisions of Section 688.239 concerning wages paid to participants shall apply to programs under this subpart.

Subpart L—Youth Employment and Training Program

§ 688.231 General.

(a) This subpart contains the regulations for Indian and Native American Youth Employment and Training Programs (YETP) which are authorized by Title IV, Part A, Subpart 3 of the Act.

(b) The purpose of this program is to enhance the job prospects and career opportunities of Indian and Native American youth, including employment, community service opportunities, and such training and supportive services as are necessary, to enable them to secure suitable and appropriate unsubsidized employment in the private and public sectors of the economy. It is not the purpose of this program to provide make-work activities, but rather to provide youth with the opportunities to learn and earn, which will lead to meaningful employment opportunities after they have completed the program. (Sec. 431.)

§ 688.232 Eligibility for the allocation of funds.

Eligibility for and allocation of funds shall be as described in § 688.216 of this Part.

§ 688.233 Reallocation of funds.

Funds may be reallocated as described in § 688.52 of this Part.

§ 688.234 Native American Grantees planning process and submission of applications.

(a) Native American Grantees must plan their youth programs taking into account their plans for youth in all of their CETA programs.

(b) For purposes of this subpart, the term planning council shall mean a council formed pursuant to § 688.17 of this Part or, in the absence of such a body, the governing body of the Native American Grantee.

(c) Each Native American Grantee whose combined YCCIP and YETP allocations exceed $150,000 shall establish a youth council.

(1) The Native American Grantee shall make appointments to the youth council which include individuals who are representative of the local educational agencies, the local vocational advisory council, post-secondary education institutions, business, unions, the public employment service, local governments and nongovernment agencies and organizations which are involved in meeting the special needs of youth, the community served by the Native American Grantee and the Native American Grantee. In addition, youth council members shall include youth who are participants in, or eligible for YETP. (Sec. 436(b).)

(2) The youth council may be either an entirely separate council or a subcommittee or subcouncil to any Native American Grantee's planning council, or a Native American Grantee may use existing youth councils created with respect to other programs under this Act or other Acts or programs if these councils meet the requirements set forth in this section.

(3) The youth council shall at a minimum make recommendations to the Native American Grantee with respect to the planning and review of all program activities conducted under YETP or YCCIP and shall review the proposed agreements with local educational agencies under YETP. (Sec. 436(b) and (c).)

(d) In order to receive financial assistance under this subpart, a Native American Grantee must submit the

following documents with its grant application described in § 688.19.

(1) YETP Narrative;

(2) Program Planning Summary; and

(3) Budget Information summary

(e) The narrative section of the YETP proposal shall cover the following:

(1) Objectives of the program;

(2) Local priorities;

(3) Implementation planning;

(4) Program activities and services;

(5) Management and administration;

(6) Results and benefits expected from the program;

(7) How the program will:

(i) Develop long-term and coordinated solutions to the employment problems of youth, especially the economically disadvantaged;

(ii) Enhance job propects and career opportunities for youth; and

(iii) Enable participants to secure appropriate unsubsidized employment.

(8) That identified performance goals are reasonable and can be achieved;

(9) That a youth council has been established (if required) and has participated in the planning and review process for the youth plan;

(10)That any in-school program will operate pursuant to § 688.238 of this subpart.

§ 688.235 Allowable costs.

Allowable costs are the same as those under § 688.43. Costs for administration are limited to 20 percent.

§ 688.236 Eligibility for participation.

(a) A Native American Grantee shall assure that every individual participating in the program meets the following criteria at the time of application and enrollment. (Sec. 435.)

(1) Is an Indian or Native American youth;

(2) Is unemployed or underemployed or is an in-school youth;

(3) Is 14 through 21 years of age; and

(4) Is a member of a family with total family income at or below 85 percent of the lower living standard income level.

(b) For the purpose of participating in in-school work experience, the youth must need such participation in order to improve his or her ability to make career decisions and to provide him or her with basic work skills needed for regular employment or self-employment not subsidized under this program. (Sec. 436(c).)

(c) Youth need not meet the income criteria described in § 688.236(a)(4) if they participate in a special component as described in § 688.237(f) of this subpart. (Section 435.)

(d) Youth who do not meet the income criteria defined in § 688.236(a)(4) and who are not in the special component described in § 688.237(f) may be offered employment related services but may not be offered on-the-job training, work experience, or training opportunities funded under YETP.

§ 688.237 Allowable activities and services.

(a) Programs may include any type of employment and training activity or service, including: (Sec. 432(a)):

(1) Useful work experience opportunities in community betterment activities such as rehabilitation of public properties, assistance in the weatherization of homes occupied by low-income families, demonstrations of energy-conserving measures, park establishment and upgrading, neighborhood revitalization, conservation and improvements, and removal of architectural barriers to access by handicapped individuals.

(2) Productive work experience in fields such as education, health care, neighborhood transportation services, crime prevention and control, environmental quality control (including integrated pest management activities), preservation of historic sites, and maintenance of visitor facilities;

(3) Appropriate training and services to support the purpose of this subpart, including:

(i) Outreach, assessment, and orientation;

(ii) Counseling, including occupational information and career counseling;

(iii) Activities promoting education to work transition;

(iv) Development of information concerning the labor market, and provision of occupational, education, and training information;

(v) Services to youth to help them obtain and retain employment;

(vi) Literacy training and bilingual training;

(vii) Attainment of certificates of high school equivalency;

(viii) Job sampling, including vocational exploration in the public and private sector;

(ix) Institutional and on-the-job training, including development of basic skills and job skills;

(x) Transportation assistance;

(xi) Child care and other necessary supportive services;

(xii) Job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youths, in order to improve work relationships between employers and youths;

(xiii) Community-based central intake and information services for youth;

(xiv) Job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum extent feasible, and referral to employability development programs;

(xv) Programs to overcome sex-stereotyping in job development and placement; and

(xvi) Programs and outreach mechanisms to increase the labor force participation rate among minorities and women.

(b) Each participant in on-the-job training, work experience, or career employment experience shall be assured of the general benefits and working conditions for program participants provided in § 688.83 of this part.

(c) No youth may enroll in a full-time employment opportunity if the Native American Grantee determines that he or she dropped out of high school in order to participate. (Sec. 443(f).)

(d) A written job description shall be developed and maintained for all work experience and OJT positions funded under this subpart to provide a basis for determining its comparability to existing jobs of other individuals similarly employed.

(e) A Native American Grantee may design a special component using up to 10 percent of its YETP funds to serve a mixture of youth from families above and below the income level specified in Section 236(a)(4) in order to test the desirability or serving such a mix of youth. (Sec. 435.)

§ 688.238 In-school programs.

(a) *Activities and services.* An in-school program may provide for the following two classifications of services:

(1) *Transition services.* These services shall be designed to assist youth to move from school to unsubsidized jobs.

(2) *Career employment experience.* This activity is a combination of well-supervised employment (work experience or on-the-job training) and certain transition services including at a minimum, career information, counseling and guidance. Where work experience or on-the-job training is provided for in-school youth under agreements with local educational agencies, placement services must also be included.

(b) *Agreement with local educational agencies.*

(1) Native American Grantees serving in-school youth are encouraged to design programs to enhance their career opportunities and job prospects pursuant to written agreements between

Native American Grantees and local educational agencies (LEA's).

(2) Agreements may be between the Native American Grantee and one or more local educational agencies or a combination of LEA's represented by one LEA.

(3) Each agreement may be either financial or nonfinancial, whichever is determined most appropriate by the Native American Grantee and the LEA(s) and shall:

(i) Provide a description of the activities and services to be provided to participants; and

(ii) Detail the responsibility of each party to the agreement for providing the activities and services.

(4) Additional provisions are required in those agreements which provide for career employment experience opportunities. These include:

(i) Assurances that youth will be provided constructive work experience, which will improve their ability to make career decisions and provide them with basic work skills needed for regular employment or self-employment not subsidized under this in-school program.

(ii) Assurances that such agreements have been reviewed by the youth council (if required).

(iii) Assurances that job information, counseling, guidance, and placement services will be made available;

(iv) Assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the youths;

(v) Assurances that the Native American Grantee will advise youth of the availability of other employment and training resources available in the local community; and

(vi) An assurance that career employment experience opportunities provided will be certified by a school-based counselor as being an appropriate component of the overall educational program of each youth.

§ 688.239 Participants' wages.

Participants receiving wages shall be paid no less than the highest of: (Sec. 442.)

(a) The minimum wage under Section 6(a)(1) of the Fair Labor Standards Act of 1938, but in the case of an individual who is 14 or 15 years old, the wage provided in accordance with the provisions of Subsection (b) of Section 14 of the Fair Labor Standards Act of 1938;

(b) The State or local minimum wage for the most nearly comparable employment, but in the case of an individual who is 14 or 15 years old the wage provided in accordance with the applicable provision of the applicable State or local minimum wage law; or

(c) The prevailing rates of pay, if any, for occupations and job classifications of individuals employed by the same employer.

§ 688.240 Maintenance of effort.

The provisions of § 688.127 of this Part proscribing substitution of Federal funds for activities previously funded through other resources apply to all activities funded under this program.

§ 688.241 Earning's disregard.

Wages and allowances received by any youth under YETP shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any Federal or federally-assisted program. (Sec. 446.)

§ 688.242 Labor organizations' comments.

Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and DINAP. (Sec. 443(d).)

§ 688.243 Discretionary projects.

Native American Grantees are eligible for and may make application to the Secretary of Labor to operate innovative and experimental programs to test new approaches for dealing with the unemployment problems of youth and to enable eligible participants to prepare for, enhance their prospects for, or secure employment in occupations through which they may reasonably be expected to advance productive working lives, in accordance with procedures established by the Secretary of Labor in accordance with Section 438 of the Act.

§ 688.244 Eligibility for demonstration programs.

Native American Grantees are eligible, if selected by the Secretary, to carry out youth employment incentive and social bonus demonstration programs authorized under Section 439 of the Act.

Subpart M—Summer Youth Program

§ 688.250 General.

This Subpart contains the policies, rules, and regulations of the Department in implementing and administering a Summer Youth Program for Indians and other Native Americans (hereinafter referred to as the Summer Program) authorized by Title IV, Part C of the Act.

§ 688.251 Eligibility for funds under the Summer Youth Program.

Only Native American Grantees described in Section 302(c)(1) of the Act are eligible for summer youth program funds allocated under § 688.252.

§ 688.252 Allocation of funds.

Allocations shall be provided to eligible Native American Grantees on the basis of the relative number of unemployed persons within each Native American Grantee's service area as compared to all areas eligible for funds in this program.

§ 688.253 Special operating provisions.

Native American Grantees shall:

(a) Provide services to those youths most in need among their economically disadvantaged population.

(b) Develop outreach and recruitment techniques aimed at all segments of the economically disadvantaged youth population; especially school dropouts, youth not likely to return to school without assistance from the summer program, and youth who remain in school but are likely to be confronted with significant employment barriers relating to work attitude, aptitude, social adjustment, and other such factors.

(c) Provide labor market orientation to all participants. This orientation may include, as appropriate, vocational exposure, counseling, testing, resume preparation, job interview preparation, providing labor market information, providing information about other training programs available in the area, including apprenticeship programs, and similar activities. It may be provided on a group or individual basis. In providing labor market orientation, skill training and remedial education, each grantee shall make maximum efforts to develop cooperative relationships with other community resources so that these activities are provided in the summer program at no cost, or at minimum cost, to the summer program.

(d) Ensure that adequate supervision from skilled supervisors is provided to participants at each worksite.

(e) Make appropriate efforts to encourage educational agencies and post-secondary institutions to award academic credit for the competencies participants gain from their participation in the summer program.

(f) Ensure that appropriate efforts are made to closely monitor the performance of the summer program and

measure program results against established goals.

(g) Ensure that enrollee applications are widely available and that jobs are awarded among individuals most severly disadvantaged in an equitable fashion. Enrollment applications shall require the signature of the applicant or (in the case of minors) the parent or guardian attesting to the accuracy of the information, including income data, provided on the application.

(h) Participants shall be provided with an orientation to the program which shall include, but not be limited to: purposes of the program, the conditions and standards (including such items as hours of work, pay provisions and complaint procedures) for which activities in the program.

§ 688.254 Startup of program.

During the planning and design phase of the program and prior to the close of the school year, only those activities outlined in § 688.255(b) are permissible. These activities shall be charged as administrative costs. Individuals may not begin participation in the program before the close of school.

§ 688.255 Program planning; planning and youth councils.

(a)(1) In developing the summer program, the Native American Grantee shall coordinate the summer plan with its Title III, YETP, and YCCIP programs.

(2) Native American Grantees shall utilize the planning process, as described in § 688.17.

(b) The following planning and design activities shall be allowable beginning January 1 of each year;

(1) Hiring of staff (planners, worksite developers, intake specialists, etc.); provided, prior to the close of school all staff salaries and benefits shall be charged as administrative expenses;

(2) Development of the summer plan;

(3) Worksite development;

(4) Recruitment, intake and selection of participants.

(5) Arrangements for supportive services;

(6) Dissemination of program information;

(7) Development of coordination between schools and other services;

(8) Staff training; and

(9) Other activities that may be characterized as planning and design but not program operation.

(c) Expenses incurred in such planning and design activities may, pursuant to §§ 688.44 and 688.45, be paid from administrative funds received under other titles of the Act.

§ 688.256 Submission of application.

(a) DINAP shall promptly notify Native American Grantees of their allocation for summer youth program funds. When Native American Grantees are informed of their summer funding level by DINAP, they shall modify their grant by submitting the following documentation to DINAP.

(1) Grant Signature Sheet.

(2) Program Narrative Description.

(3) Youth Program Planning Summary (Form ETA 2237).

(4) Youth Budget Information Summary (Form ETA 2238).

(b) The narrative description shall cover the following items:

(1) Objectives and needs for assistnce. This shall include a discussion of the program's purpose in terms of the types of activities and services that will be provided to youth during the summer.

(2) Results and benefits expected. This shall include a discussion of:

(i) Specific quantifiable performance goals by program activity;

(ii) Enrollment of participants in the various program activities and the projected program results.

(3) A property list including quantity and prices of items of capital equipment to be purchased which have a unit cost greater than $1,000.

§ 688.257 Eligibility for participation.

(a) An individual shall be eligible for participation if at time of enrollment he or she is:

(1) An Indian or Native American youth;

(2) Economically disadvantaged;

(3) Either unemployed, underemployed, or in school, and

(4) Age 14 to 21 inclusive.

(b) The provisions of § 688.120 concerning nepotism, shall not apply to applicants enrolled under this subpart.

§ 688.258 Allowable activities.

Allowable activities are the same as those listed under § 688.81 of this part except that public service employment is not permitted.

§ 688.259 Vocational exploration program.

A Native American grantee may conduct a vocational exploration program for the purpose of exposing youth to the operation and types of jobs available in the private sector through observation of such jobs and instruction including, where appropriate, limited and short term practical experience.

§ 688.260 Worksite standards.

(a) Each Native American Grantee shall develop a written agreement with each worksite employer which assures (1) Adequate supervision of each participant, (2) Adequate accountability for participant time and attendance, and (3) Adherence to the rules and regulations governing the Summer Program. Such written agreements do not have to be contracts or subgrants. They may be memoranda of understanding, simple work statements or other documents which indicate an estimate of the number of participants at the worksite and any operational conditions governing the program at the worksite.

(b) Each Native American Grantee shall establish procedures for the monitoring and evaluation of each worksite to insure compliance with the worksite agreements and the terms and conditions of subgrants and contracts.

(c) No participant shall be required to work, or be compensated with CETA funds for more than 40 hours of work per week. Nothing in this section shall be construed as limiting an individual to a maximum number of total hours of employment in the Summer Program. While the Department uses a 9-week, 26-hour week job as the basis for estimating the number of youth to be served it is not intended to take away the flexibility of the Native American Grantee to establish job slots in keeping with the needs of the area and the youth to be served.

§ 688.261 Reporting requirements.

Each Native American Grantee shall submit the following reports to DINAP:

(a) A Youth Program Status Summary, as of September 30.

(b) Two Youth Financial Status Reports, as of September 30 and December 31.

(c) Quarterly Summary of Youth Characteristics report, as of September 30.

(d) The reports in this section shall be submitted to DINAP no later than 30 days after the end of the report period.

§ 688.262 Termination date for the summer program.

Allowable activities after September 30 include: report and record preparation and submittal, completion of followup activities, completion of evaluations and assessments of worksite employees and the overall program or other elements of the summer program, and audits.

§ 688.263 Alternative remedies.

(a) In addition to the remedies available to DINAP under § 688.54, whenever DINAP has reason to believe that a Native American subgrantees or contractors has materially violated the

provisions of the Act, the regulations, or the terms of the summer program grant, may order a subgrant or contract suspended or terminated in whole or in part effective on the date of DINAP's order or on such other date as DINAP determines. In cases of termination, DINAP may allow the subgrantee or contractor to expend further funds only for purposes of closing out the subgrant or contract, including the transfer of participants into another program operated by the Native American Grantee or another Native American Grantee's summer program in accordance with DINAP's directions. Whenever DINAP orders a termination or suspension of a subgrantee or contractor, under this paragraph, DINAP may take whatever action is necessary, including direct legal action against the subgrantee or contractor, or an order to the Native American Grantee that it take such legal action, to reclaim misspent funds or to otherwise protect the integrity of the funds or ensure the proper operation of the summer program.

(b) Where a subgrant or contract is suspended or terminated in whole or in part, DINAP shall offer the subgrantee or contractor an opportunity for a hearing.

§ 688.264 Discretionary funds.

The Secretary shall give priority to previously funded summer youth programs of demonstrated effectiveness in the award of discretionary summer youth funds, such as, but not limited to, the Lumbees of North Carolina.

Subpart N—Indian and Native American Private Sector Initiative Program

§ 688.270 Scope and purpose.

This subpart contains the regulations for activities under Title VII of the Act conducted by Indian and Native American entities described in Section 302(c)(1) of the Act, known as the Indian and Native American Private Sector Initiative Program.

(a) Title VII of the Act is a demonstration title. It authorizes a variety of approaches to increase the involvement of the business community in employment and training activities under the Act.

(b) Title VII is designed to increase private sector employment and training opportunities for Indian and Native American persons eligible under this Subpart.

(c) As a primary vehicle to assist Native American Grantees in meeting these goals, Title VII provides for the establishment of Private Industry Councils (PIC's) which are to participate jointly with the Native American Grantee in the local development and implementation of programs under this Subpart, and to consult with the Native American Grantee on other employment and training activities.

(d) The ultimate goal of Title VII is to increase private sector employment and training opportunities under all Titles of the Act, commensurate with reduced emphasis on public and private nonprofit subsidized employment.

(e) An important thrust of the Act is to provide for maximum feasible coordination of programs under the Act with related functions supported by the Department and by other Federal, tribal and other Native American agencies. Accordingly, Native American Grantees and PIC's are encouraged to work together with agencies involved in planning and operating programs funded by or administered through the Economic Development Administration, Small Business Administration, Community Services Administration, Department of Housing and Urban Development, Department of Interior (including the Bureau of Indian Affairs), Department of Health, Education and Welfare (including the Indian Health Service) and Department of Agriculture, among others, in order to increase the effectiveness of programs under this Subpart and under the Act in securing employment for economically disadvantaged persons. (Sec. 701.)

§ 688.271 Private Industry Councils (PIC's).

(a)(1) To receive financial assistance under this Subpart, each Native American Grantee shall establish a Private Industry Council (PIC). Its purpose shall be to increase the involvement of the business community, including tribally owned enterprises and ventures owned by Native Alaskan regional and village corporations, small business, minority business enterprises and labor organizations, in employment and training activities under the Act, and to increasse private sector employment opportunities for economically disadvantaged persons. (Secs. 701, 702(b) and 704(a).)

(2) Given the diversity of local circumstances and the differing environments in which PIC's will operate, the structure, level of activity, and composition of PIC's may vary considerably from one Native American Grantee's jurisdiction to another. Title VII of the Act is designed to encourage the formulation of a local partnership between the private sector and the Native American Grantee that will most effectively satisfy the labor demand needs of the business community and enhance the economic well-being of the community.

(b)(1) Each Native American Grantee shall appoint the members of the PIC (Sec. 704). A majority of the PIC membership should be representatives of industry and business (Sec. 704(a)). Where approprite, this shall include representatives of tribally owned enterprises and ventures owned by native Alaskan regional and village corporations. The PIC should also include representatives of organizaed labor.

(2) Ultimate decisions regarding the establishment of the PIC rest with the Native American Grantee. In making such decisions, the Native Amelcan Grantee shall solicit and consider the recommendations of the business and industrial community. (Sec. 704(a).)

(3) Existing local councils or committees may be designated or adapted to serve as the PIC. (Sec. 704(a).)

(4) In establishing a PIC, the Native American Grantee should consult with business and industry, labor organizations, community-based organizations, educational agencies and institutions, the apprenticeship community, and existing councils and committees where such agencies exist.

(5) Native American Grantees may also appoint to the PIC other members, such as:

(i) Representatives of community based organizations, educational agencies, and persons eligible to participate in activities under this Subpart. (Sec. 704(a)(1).)

(ii) Tribal Employment Rights Offices (TEROs), where such exist.

(iii) Tribal government and tribal or other Native American agencies actively engaged in economic development activities.

(6) The chairperson of the PIC shall be appointed by the Native American Grantee.

(7) The activities of the PIC shall be coordinated by the Native American Grantee with those of the Native American Grantee's planning council, where such a council exists. The planning council, or governing body where no planning council has been established, shall review and comment on the Title VII plan, and otherwise operate with respect to the Title VII program in the same manner as with other programs.

(c) The PIC may be staffed commensurate with its responsibilities and the level of administrative funding

available to the Native American Grantee through its Title VII grant. The arrangements with respect to staff and staff support shall be determined by Native American Grantee, after consultation with the PIC. Financial incentives may be provided to Native American Grantees that make such arrangement.

(d) The Native American Grantee, in Consultation with the Private Industry Council, shall determine those functions that the PIC will perform. Those functions should include the following:

(1) The PIC should be a primary vehicle of the Native American Grantee for redirecting employment and training activities under the Act from public and private non-profit subsidized employment of CETA participants to permanent unsubsidized positions in the private sector.

(2) The PIC should serve as the business and industry contact point in the local employment and training system, to present the private sector's views and recommendations for making programs more responsive to local employment needs.

(3) The PIC should advise and provide direction to the local employment and training system on ways to increase private sector job placements for persons eligible under this Subpart. (Sections 701 and 704 (c).)

(4) The PIC should, in conjuction with the Native American Grantee, design and develop the Title VII program and application for Title VII funds. (Sec. 704(c).)

(5) In designing the Title VII plan, and on a continuing basis, the PIC should analyze private sector job opportunities, including estimates by occupation, industry and location. The analysis should survey employment demands in the private sector and training possibilities, such as apprenticeship, in order to develop projections of short and long range labor needs, and to refine employment and training programming so that it becomes increasingly responsive to private sector labor needs. In undertaking such analysis, the PIC should assess and utilize information contained in economic development plans for the area and currently available labor market information from sources already in place, such as Tribal Employment Rights Offices (TEROs).

(6) The PIC should, in conjuction with the Native American Grantee, develop specific private sector employment and training projects.

(7) The PIC should, in conjunction with the Native American Grantee, develop standards for the types of occupations to be selected for the expenditure of training funds.

(8) The PIC should, in conjunction with the Native American Grantee, develop standards and specifications for training in particular occupations.

(9) In designing the plan, the PIC and Native American Grantee should, to the extent possible, ensure that the plan is consistent with plans, funding applications and grants for programs related to private sector employment and training which are funded by other Federal agencies.

(10) The PIC should have the opportunity to review and comment on the Native American Grantee's application(s) for funds for other programs supported under the Act. (Sec. 704(c).)

(11) The PIC should actively solicit public and private support for and participation in the Indian and Native American Private Sector Initiative Program and other programs and activities designed to increase private sector employment and training opportunities for persons who are economically disadvantaged.

(12) The PIC should market and disseminate information on the Targeted Jobs Tax Credit, created by the Revenue Act of 1978 (Pub. L. 95-600), and the WIN tax credit.

(e) Nothing in this section shall be construed as authorizing activity by a PIC in violation of tribal law, ordinance or regulations.

§ 688.272 Eligibility for funds.

DINAP shall provide funds under Title VII of the Act only to Native American Grantees described in Section 302(c)(1)(A) and (B) of the Act and designated in accordance with § 688.11 of this Part.

§ 688.273 Distibution of funds.

(a) All grant awards under this Subpart shall be on a competitive basis. DINAP will issue a Solicitation for Grant Applications (SGA) which will describe the content of the application, time frame for funding and criteria to be used in the evaluation of grant applications and award of grants. The amount of funds available will be indicated in the SGA whenever such amount is known.

(b) To be eligible to respond to the SGA, a Native American Grantee must be in substantial and timely compliance with regulations pertaining to other programs it conducts under the Act.

§ 688.274 Grant procedures.

(a) The Title VII plan submitted by a native American Grantee shall contain the information and forms specified in the Solicitation for Grant Applications (SGA) issued by DINAP. The deadline for submission of such plans shall be set in the SGA.

(b) The Native American Grantee shall transmit a copy of its Title VII plan to the grantee's planning council, if any, to appropriate labor organizations, community-based organizations, educational agencies and institutions, Overall Economic Development Program committees and Tribal Employment Rights Offices (TEROs), if any. The comment and publication procedures of § 688.21 apply to plans submitted under this Subpart. (Sec. 703(b)(4) and (5).)

(c) The Title VII plan shall have the concurrence of both the PIC and the Native American Grantee in order to be approved. Therefore, the PIC chairperson as well as the Native American Grantee shall sign the plan.

§ 688.275 Administrative standards and procedures.

(a) The total amount of administrative costs incurred by a Native American Grantee in carrying out programs under this Subpart shall not exceed 30 percent of the Grantee's Title VII grant award.

(b) Payments to private-for-profit employers through methods not specifically authorized under Subparts D and E of this Part shall not be allowable unless and until the method of payment is explained in advance and authorization for its use is specifically granted by DINAP. DINAP shall make a final decision on such requests within 60 days after such a request has been submitted by a Native American Grantee. Nothing in this paragraph authorizes wage subsidies. (Sec. 703(c).)

§ 688.276 Program operations.

(a) *Eligibility.* With the exception described in the subsequent provisions of this paragraph, participants in an activity funded under this Subpart shall be Indian or Native American persons who are economically disadvantaged and unemployed or underemployed. However, a Native American Grantee may enroll participants in Title VII activities who are unemployed or underemployed and not economically disadvantaged where such participants require skill training, on-the-job training and/or special services to quality them for private sector positions involving specialized technical, managerial or supervisorial responsibilities. Unless otherwise permitted by DINAP, not more than 10 percent of the participants or 10 percent of the funds awarded under this Subpart, whichever is greater, may be non-economically

disadvantaged or involve training and services for non-economically disadvataged participants.

(b) *Allowable activities.* Funds shall be used to provide employment and training and related activities consistent with the purposes of Title VII including:

(1) Activities authorized in Subpart H of this Part, and

(2) The following:

(i) Coordinating programs of jobs and training and education enabling individuals to work for a private employer while attending an education or training program;

(ii) Developing a small business intern program to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

(iii) Developing relationships between employment and training programs, educational institutions, and the private sector;

(iv) Developing useful methods for collecting information about Federal Government procurement contracts with private employers, new and planned publicly supported projects such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration and utilization projects, energy conservation projects, and rehabilitation of low income housing as part of a community revitalization or stabilization effort, which provides work through private sector contractors;

(v) Conducting innovative cooperative education programs for youths in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

(vi) Developing and marketing model contracts designed to reduce the administrative burden on the employer and model contracts to meet the needs of specific occupations and industries;

(vii) Coordinating programs under this Subpart with other job development, placement, and employment and training activities carried out by public and private agencies;

(viii) Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

(ix) Providing followup services with employees placed in private employment and employers who hire recipients of services under the Act;

(x) Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with Native American Grantees;

(xi) Using direct contracts for training and employment programs with private-for-profit and private nonprofit organizations;

(xii) Developing apprenticeship or comparable high-skill training programs for workers regardless of age in occupations where such programs do not exist presently in the area;

(xiii) Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

(xiv) Providing technical assistance to private employers to reduce the administrative burden of employment and training programs;

(xv) Disseminating information to private employers so that they may more fully utilize programs under the Act; and

(xvi) Other program activities which demonstrate effective approaches to the training and employment of persons eligible to participate in programs under this Subpart. (Sec. 705(a).)

Signed at Washington, D.C., the 3rd day of May 1979.

Ray Marshall,
Secretary of Labor.

[FR Doc. 79-14558 Filed 5-10-79; 8:45 am]
BILLING CODE 4510-30-M

Federal Register

Friday
May 11, 1979

Part III

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction

DEPARTMENT OF LABOR

Employment Standards Administration

Minimum wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, [37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Government 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.

New General Wage Determination Decisions

Alabama—AL79–1081.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Alabama:	
AL79–1046	Mar. 16, 1979.
California:	
CA78–5106	Aug. 25, 1978.
Connecticut:	
CT79–2010, CT79–2011	Apr. 6, 1979.
Georgia:	
GA78–1089	Oct. 13, 1978.
Maryland:	
MD78–3002	Mar. 3, 1978.
MD78–3020	Apr. 14, 1978.
MD78–3046	May 19, 1978.
Oklahoma:	
OK79–4023	Feb. 2, 1979.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia:	
GA76–1035(GA79–1083)	Mar. 5, 1976.
Illinois:	
IL78–2113(IL79–2034)	Oct. 27, 1978.
IL78–2120(IL79–2035); IL78–2122(IL79–2036); IL78–2124(IL79–2038); IL78–2125(IL79–2037)	Oct. 20, 1978.
Maryland:	
MD77–3086(MD79–3010)	Aug. 5, 1977.
Missouri:	
MO77–4271(MO79–4063)	Sept. 30, 1977.
New Hampshire:	
NH78–2100(NH79–2040); NH78–2101(NH79–2041	Oct. 6, 1978.
NH78–2164(NH79–2046)	Dec. 1, 1978
North Carolina:	
NC77–1014(NC79–1082)	Feb. 4, 1977.
Ohio:	
OH78–2153(OH79–2048); OH78–2154(OH79–2049)	Nov. 13, 1978.
OH78–2152(OH79–2047); OH78–2156(OH79–2050)	Nov. 24, 1978.

Cancellation of General Wage Determination Decisions

None

Signed at Washington, D.C., this 4th day of May, 1979.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

NEW DECISION

STATE: Alabama COUNTIES: *See below
DECISION NO : AL79-1081 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and garden type apartments up to and including 4 stories

*Counties: Colbert, Franklin, Lauderdale, Lawrence, Marion, and Winston

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Air conditioning mechanics	5 30				
Bricklayers	8 30				
Carpenters	4 91				
Cement masons	5 61				
Drywall finisher	5 75				
Electricians	7 89				
Ironworkers, structural and ornamental	4 01				
Laborers:					
Laborers	3 93				
Mason tenders	3 98				
Painters, brush	5 50				
Plumbers & pipefitters	6 00				
Roofers	6 15				
Sheet metal workers	6 67				
Truck drivers	5 00				
Welders - rate for craft					
POWER EQUIPMENT OPERATORS:					
Bulldozers	6 50				
Front end loader	5 50				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Decision # AL79-1046 - Mod. # 3 (44 FR-16305 - March 16, 1979) Lawrence, Limestone, and Morgan Counties, Alabama					
Change: Plumbers, pipefitters, steamfitters Lawrence Co (Eastern portion of Co , North from intersection of State Rt 33 Rt 20 to Wheeler Lake including Moulton and Wren, excluding Bankhead National Park), Limestone Co and Morgan Co	11,15	55	60		15
DECISION NO. CA78-5106 - Mod. #3 (43 FR 38273 - August 25, 1978) Alameda, Amador, Calaveras, Contra Costa, Del Norte, El-Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Omit: Alameda County Rehabilitation schedule originally issued					
Add:					
Bricklayers	$10 80	1 50	1 25		05
Carpenters	12 70	1 575	1 81	1 00	09
Carpet Layer	13 06	85	1 65		14
Drywall Finishers	12 97	1 35	1 71		07
Electricians	15 16	1 30	3%+1 65		069
Laborers	7 38	1 30	1 75		10
Hod Carriers	8 02	1 30	1 75		10
Lathers	10 17	1 20	2 00		03
Painters	9 85	1 10	1 50	80	06
Plasterers	9 42	745	1 05		12
Plumbers	12 32	1 40	2 39		16
Sheet Metal Workers	12 65	1 03	2 11	12%	05
Roofers	12 04	1 32	1 55	1 00	09
Steamfitters	15 82	1.26	2 39		02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. CT79-2010 - MOD #2 (44 FR 20913 - April 6, 1979) Fairfield, Litchfield and Windham Counties, Connecticut					
CHANGE:					
TRUCK DRIVERS (Building, Heavy & Highway Construction)					
Class 1	$ 8 11	79	80	a	
Class 2	8 21	79	80	a	
Class 3	8 31	79	80	a	
Class 4	8 26	79	80	a	
Class 5	8 36	79	80	a	
Class 6	8 41	79	80	a	

CLASS 1 - Two axle trucks; helpers
CLASS 2 - Three axle trucks; two axle ready mix
CLASS 3 - Four axle trucks; heavy duty trailer-up to 40 tons
CLASS 4 - Three axle ready-mix
CLASS 5 - Four axle ready-mix; specialized earth moving equipment other than conventional type on-the-road trucks and simi-trailer (including Euclids)
CLASS 6 - Heavy Duty trailer-40 tons and over

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day & F-Christmas Day

FOOTNOTE:
a 7 paid holidays: A through F and Good Friday

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. CT79-2011 - MOD #2 (44 FR 20921 - April 6, 1979) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut					
CHANGE:					
TRUCK DRIVERS (Building, Heavy & Highway Construction)					
Class 1	$ 8 11	79	80	a	
Class 2	8 21	79	80	a	
Class 3	8 31	79	80	a	
Class 4	8 26	79	80	a	
Class 5	8 36	79	80	a	
Class 6	8 41	79	80	a	

CLASS 1 - Two axle trucks; helpers
CLASS 2 - Three axle trucks; two axle ready mix
CLASS 3 - Four axle trucks; heavy duty trailer-up to 40 tons
CLASS 4 - Three axle ready-mix
CLASS 5 - Four axle ready-mix; specialized earth moving equipment other than conventional type on-the-road trucks and simi-trailer (including Euclids)
CLASS 6 - Heavy Duty trail-40 tons and over

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day & F-Christmas Day

FOOTNOTE:
a 7 paid holidays: A through F and Good Friday

DECISION #GA78-1089 - Mod. #4
(43 FR 47427 - October 13, 1978)
Richmond County, Georgia

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Roofers	$ 3 60				

DECISION #MD78-3002 - Mod. #5
(42 FR 9076 - March 3, 1978)
Allegany & Garrett Counties, Maryland

CHANGE:					
Bricklayers	10 89	65	40		
Carpenters	11 26	.50	60		02
Cement Masons	11 57	50			
Electricians:					
Allegany County	11.20	80	3%+ 60		1%
Garrett County	11 60	.80	3%+ 60		1%
Ironworkers:					
Structural & Reinforcing	11 36	60	1 10		
Laborers:					
Group 1	8 48	80	1 10		
Group 2	8 60	80	1 10		
Group 3	8 67	80	1 10		
Group 4	8 27	80	1 10		
Group 5	8 78	80	1 10		
Group 6	8 74	80	1 10		
Group 7	8 70	.80	1 10		
Group 8	9 30	80	1 10		
Group 9	8.94	80	1 10		
Piledrivermen	11 55	50	60		02
Truck Drivers:					
Group 1	8 41	90	1 15		
Group 2	8 56	90	1 15		
Group 3	8 76	90	1 15		
Group 4	8 96	90	1 15		
Group 5	9 19	90	1 15		

DECISION #MD78-3020 - Mod. #8
(42 FR 16045 - April 14, 1978)
Counties of Anne Arundel (excluding the D C Training School), Baltimore, & Baltimore City, Maryland, and for Heavy Construction projects in Harford & Howard Counties, Maryland

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Bricklayers	10 88	70	50		.07
Electricians					
Zone 1	11 10	80	3%+1 10		½%
Zone 2	11 35	80	3%+1 10		½%
Zone 3	11 60	80	3%+1 10		½%
Ironworkers:					
Ironworkers, finishers, rodmen, Pre-cast, & Pre-stress erectors	10 49	90	1 91		06
Fence erectors	10 14	90	1 91		06
Sheeters	10 74	90	1 91		06
Laborers, Building:					
Mason Tenders	8 20	30	50		075
Scaffold Builders	8 40	30	50		075
Line Construction:					
Zone 1					
Linemen, cable splicers, digging & equipment operator	12 40	60	3%		
Winch trucks & trucks with pole or steel handling	8 27	60	3%		
Trucks without winch	7.71	60	3%		
Groundmen	7 78	60	3%		
Zone 2					
Linemen, cable splicers, digging & equipment operator	12 65	60	3%		
Winch trucks & trucks with pole or steel handling	8 52	60	3%		
Trucks without winch	7 96	60	3%		
Groundmen	8 03	60	3%		
Zone 3					
Linemen, cable splicers, digging & equipment operator	12 90	.60	3%		
Winch trucks & trucks with pole or steel handling	8 77	60	3%		
Trucks without winch	8 21	60	3%		
Groundmen	8 28	60	3%		
Marble Setters	10 88	70	50		07
Marble, Tile, & Terrazzo Workers Finishers	7 125	50	20		
Stone Masons	10 88	70	50		07

DECISION #MD78-3020 -Mod. #8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Power Equipment Operators:					
Building & Heavy Construction:					
Group 1	11 09	.95	1.00	a	12
Group 2	10 87	.95	1 00	a	12
Group 3	10 32	95	1.00	a	12
Group 4	9.78	95	1 00	a	.12
Group 5	8 71	.95	1 00	a	12
Group 6					
A	11 49	.95	1.00	a	.12
B	11 69	95	1 00	a	12
C	11 89	95	1 00	a	12
D	12 09	95	1 00	a	12
E	12 34	95	1 00	a	12
Truck Drivers (Excavation):					
Dump trucks	8 64	1 05	75	d+e	
Euclid wagons & dumpsters	8 95	1.05	.75	d+e	
Drop frame; gooseneck & trailer	8 84	1.05	75	d+e	
Pick-Ups	8 43	1 05	75	d+e	
DECISION #MD78-3046 - Mod. #5 (42 FR-21813 - May 19, 1978), Baltimore City, Maryland					
Change:					
Line Construction:					
Groundmen	7.78	.60	3%		

DECISION NO. OK79-4023 - Mod. #1 (44 FR 6881 - February 2, 1979) Comanche County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
Bricklayers-Stonemasons	$ 9 91	.62	.50		.02
Electricians	10 85	50	3%		1/4%
Elevator constructors	10 71	545	35	2½%+a+b	.02
Marble setters	10 73		.30		
PAINTERS:					
Brush-roller	8.65		.25	.70	.05
Brush & roller(structural steel)	8 90		.25	70	.05
Spray	9 30		.25	.70	05
Swing stage; bosun chair work	8.90		.25	70	05
Taping and bedding	8 95		.25	.70	05
Sandblasting	9.00		.25	.70	.05

FOOTNOTE:
B - PAID HOLIDAYS - A through G:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: CHATTAHOOCHEE, HARRIS, MACON, MARION, MERIWETHER, MUSCOGEE, SCHLEY, STEWART, SUMTER, TALBOT, TAYLOR, TROUP, & WEBSTER.
DECISION NUMBER: GA79-1083 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA76-1035, dated March 5, 1976, in 41 FR 9758
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
AIR CONDITIONING & HEATING MECHANICS	$ 5 00				
BRICKLAYERS	6 50				
CARPENTERS	5 67				
CEMENT MASONS	4 68				
DRYWALL FINISHERS	6 50				
DRYWALL HANGERS	5 52				
ELECTRICIANS	5 33				
INSULATION INSTALLERS	5 00				
LABORERS:					
UNSKILLED	3 23				
ASPHALT RAKERS	3 39				
MORTAR MIXERS	3 75				
PAINTERS	5 50				
PLASTERERS	6 50				
PLUMBERS & PIPEFITTERS	5 40				
ROOFERS	5 00				
SHEET METAL WORKERS	5 00				
SOFT FLOOR & CARPET LAYERS	5 00				
TILE SETTERS	6 13				
TRUCK DRIVERS	3 36				
WELDERS - RATE FOR CRAFT					
POWER EQUIPMENT OPERATORS:					
ASPHALT ROLLER	3 73				
ASPHALT SCREED/SPREADER	3 70				
BACKHOE	4 57				
BULLDOZER	4 00				
FRONT END LOADER	4 12				
GREASE MAN	3 75				
MECHANIC	4 00				
MOTOR GRADER	5 00				

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL79-2034
COUNTIES: Christian, DeWitt, Macon, Macoupin, Moultrie, Piatt, and Shelby
DATE: Date of Publication
Supersedes Decision No IL78-2113, dated October 27, 1978 in 43 FR 50303
DESCIPTION OF WORK: Building Construction Projects (excluding single family garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ASBESTOS WORKERS	$ 12 63	80	97		
BOILERMAKERS:					
DeWitt County	11 45	95	1 00		03
Remainder of Counties	11 45	95	1 20		03
BRICKLAYERS AND STONEMASONS:					
Macounpin County:					
East ½ of County, including Gillespie, Benld, Mt Olive and Stauton	11 78	70	75		
Balance of the County	11 50	50	.52		02
Christian	11 25	.50	1 00		02
DeWitt County	11 50	70	80		
Macon, Moultrie, Piatt and Shelby Cos	12 30	60	1 00		005
CARPENTERS:					
Macoupin County:					
S W Corner of the County Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	11 985	60	80		
Girard and North thereof Carpenters and Soft Floor Layers	11.95	55	55		06
Millwrights & Piledrivermen	12 45	55	55		06
Remaind of the County Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	11 985	60	80		
Shelby County, Remainder of Moultrie County, Millerville, Rosamond, Radford and Pana in Christian County Carpenters and Soft Floor Layers	13 075	55	30		07
Remainder of Christian County Carpenters, Piledrivermen and Soft Floor Layers	13 575	55	30		.07
Millwrights	11 95	55	55		06
DeWitt County Carpenters and Soft Floor Layers	12.45	55	55		06
Millwrights & Piledrivermen	12 61	40	75		05
	13 11	.40	.75		05

DECISION NO. IL79-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS: (Cont'd)					
Macon County, Moultrie County: (Bethany, Okaw River, Lovington, Williamsbury, Lake City & all Areas north; Piatt County: (Cisco, Bement, Allerton Park and all Areas south thereof:					
Carpenters & Soft Floor Layers	12 635	60	70		06
Millwright & Piledriverman	13 535	60	70		06
Remainder of Piatt County:					
Carpenters & Soft Floor Layers	13 315	45	1 10		13
Millwrights & Piledrivermen	12 815	45	1 10		13
CEMENT MASONS:					
Macoupin County	11 255	50	52		02
Macon County Christina County: (northern part-south to a line running east and west established north of Humphrey and including Stonington); Shelby County: (Northern part including Mowcaqua); Moultrie County: (Northeastern part including Lovington) Piatt County:					
(Southern portion) DeWitt County:					
(Southern half of County, including Clinton	12 80	60	425		
Remainder of DeWitt County	12 63	75			
Remainder of Moultrie & Shelby Counties	12 01				
Remainder of Christian County	11 70		.65		
Northern Half of Piatt County	12 575	45	25		025
ELECTRICIANS:					
Macoupin county:					
Athenville; Scottville, Girard & Areas north thereof	12 37	.50	3%+.60		1 of 1%
Remainder of County	12 73	4%	3%+ 65		.25%

DECISION NO. IL79-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELECTRICIANS: (CONT'D)					
Macon & Christian Counties; DeWitt County (Townships of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas, Creek and Nixon; Piatt County: (Goose Creek, Willow Branch, Cerro Gordo, Bement and Unity); Shelby County: (Townships of Mowcaqua, Penn, Flat Branch, Pikeway, Otdds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Spring, Lakewood, Clarkburg, Herrick, Dry Point and Holland); Moultrie County: (Townships of Dora, Lovington, Marrowbone and Sullivan at the Illinois Masonic Home and Farm in East Nelson	12 60	50	3%+ 40		35%
Remainder of Moultrie & Shelby Counties	12 60	50	3%+ 40		35%
Remainder of DeWitt County	11 95	50	3%+ 55		002
Remainder of Piatt County	12 45	50	3%+ 40		3%
IRONWORKERS:					
Macoupin County:					
Northern part of County	12 25	55	1 05		08
Southern part of County	12 10	55	1 05		08
Moultrie, Piatt, DeWitt (Eastern half of County) Macon (East of Decatur) Shelby (Eastern half of County	12.15	65	1 00		08
Christian County, DeWitt (Western half of County) Macon (Remainder of County)	12 25	55	1 05		.08

DECISION NO IL79-2034

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Macoupin County:					
Carlinville and Vicinity:					
Common	$11 60		20		035
All Brick and Plaster Mason Tender	12 10		20		035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc	11 85		20		035
Dynamite Men	13 20		20		035
Gillespie and Vicinity:					
Common	11 40		40		035
All Brick and Plaster Mason Tender	11 90		40		035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc	11 65		40		035
Dynamite Men	13 00		40		035
Mt. Olive and Vicinity:					
Common	11 50		30		035
All Brick and Plaster Mason Tender	12.00		30		035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc	11 75		30		035
Dynamite Men	13 10		30		035
Shipman and Vicinity:					
Common	11 35		45		035
All Brick and Plaster Mason Tender	11 85		45		035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc	11 60		45		035
Dynamite Men	12 95		45		035
Staunton and Vicinity:					
Common	11 20		60		035
All Brick and Plaster Mason Tender	11.70		60		035
Workmen cutting and burning w/a torch; Men working on the bottom of sewer trenches, etc	11 45		60		035
Dynamite Men	12 80		60		035

DECISION NO IL79-2034

LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Shelby County:					
Unskilled	11 35	35	40		035
Semi-Skilled	11 55	35	40		035
Skilled	11 70	35	40		035
Christian County:					
Unskilled	10 34	45	40		035
Semi-Skilled	10 54	45	40		035
Skilled	10 69	45	40		035
Macon County & the Western ½ of Moultrie County:					
Unskilled	11 25	35	50		035
Semi-Skilled	11 45	35	50		035
Skilled	11 60	35	50		035
Ivesdale & South Thereof in Piatt County & all area east of Rt. #21 in Moultrie County					
Unskilled	11 05	45	60		035
Semi-Skilled	11 25	45	60		035
Skilled	11 40	45	60		035
DeWitt County & the Remainder of Piatt County					
Unskilled	11 50	30	30		035
Semi-Skilled	11 70	30	30		035
Skilled	11 85	30	30		035

DECISION NO. IL79-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS:					
Macoupin County:					
Northern part of County	13 15				
Southern part of County	12 835			65	01
Christian County	13 15				
Piatt County	11 99	45	50		01
PAINTERS:					
Macoupin County:					
Commerical	11 05	55	35		
Industrial & Tapers	11 30	55	35		
Christian County					
Brush and Rollers	10 15	55	50		
Sprau	10 65	55	50		
Macon, Shelby, Moultrie and Piatt & DeWitt Counties					
Brush and Roller	11 50	60	40		
Spray over Quart Cup	12 25	60	40		
PLASTERERS:					
Macoupin County: (Carlinville and Vicinity)	11 50	50	52		02
Macon County, Christian County: (Norhtern part - south to a line running east and west established north of Humphrey and including Stonington); Shelby County: (Northern part including Mowcawua) Moultrie County: (Northeastern part including Lovington): Piatt County: (southern portion); DeWitt County: Southern half including Clinton	13 02	60	.425		01
Remainder of Moultire & Shelby Counties	11 10				01
Southern half of Christtian Co	11 70		65		01
Northern half of Piatt County	12 515	45			025
Remainder of DeWitt County	13 05				01

DECISION NO. IL79-2034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS and STEAMFITTERS:					
Macoupin County:					
North of Route #108	$12 43	35	88		07
South of Route #108	13 60	48	96		05
Macon; DeWitt; Moultrie Counties; Townships of Pana, Assumption and Radford in Christian County; West of Route #105 in Piatt County Shelby County; (East of Route #105) in Piatt County	13 00	.35	1 00		15
Remainder of Christian County	12 43	35	88		07
ROOFERS:					
Macoupin County:					
Northern half of County:					
Composition	12 93	70			
Slate, Tile and Precast Slab	12 93	70			
Southern half of County	10 95	67	55		03
Macon; Shelby; Moultrie; DeWitt County: (Southern half of County, including Clinton); Christian County: (Townships of Assumption; Pinkle, Dollville, Mt Auburn, Millville, Oshbernville, Owaneca Pana, Radford, Rosamond, Stonington, Velma, Vanderville, Willoys	12 08	30	30		02
Piatt County	12 39	70	45		03
SHEET METAL WORKERS:					
Macoupin County	11 23	55	90	6%	02
Macon, Christian, DeWitt Counties	12 93	3%+ 75	78		
Moultrie; Piatt and Shelby Counties	11 94	3%+ 60	67		16
SPRINKLER FITTERS	12 10	75	1 05		08
TILE-TERRAZZO-MARBLE WORKERS:					
Macoupin County:					
Marble Setters	11 78	70	75		
Tile and Terrazzo Workers	11 92	70	75		03
Macon and Shelby Counties	12 30	1 10	50		005
Christian County	11 25	50	1 00		02
DeWitt County	11 50	70	80		
Piatt County	12 30	1 10	50		.005
WELDER - Receive rate prescribed for craft performing operation to which welding is incidental.					
FOONOTE: 3% of Gross Earnings to SASHI					

DECISION NO IL79-2034

ILL-1-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MOULTRIE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS I	12 40	55	75		08
CLASS II	12 30	55	75		08
CLASS III	12 10	55	75		08
CLASS IV	8 00	.55	75		.08

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu, ft or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity-or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wrapping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Horm Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu ft capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Fexa-plane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO IL79-2034

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MACOUPIN COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	11 77	87	1 51		05
GROUP II	10 19	87	1 51		05
GROUP III	9 54	87	1.51		05
GROUP IV	9 44	87	1.51		05
GROUP V	9 19	87	1 51		05
GROUP VI					
a.	12 92	87	1 51		05
b.	13 92	87	1 51		05
c	11 29	87	1 51		05
d.	11 79	.87	1 51		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers plant opers, ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs, (25' & over), Motor graders or bushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists; mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2); Mixers (under 2 bags), all tractors regardless of size (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs, (under 25', conveyors (1), distribution pors, on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc

GROUP V Oilers

GROUP VI
- a Engineers operating under air pressure
- b Engineers operating in air over 10 lbs pressure
- c Oilers operating under air pressure
- d Oilers operating in air over 10 lbs pressure

DECISION NO IL79-2034

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Remainder of Counties					
CLASS I	12 40	70	80		.05
CLASS II	10 85	70	80		.05
CLASS III	9.50	.70	.80		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspoo concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augerer boring machines, levating graders cingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, rose carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tampor, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL79-2034

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	10 80	65	a20 00		
GROUP II	11 20	65	a20 00		
GROUP III	11.40	65	a20 00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs , capacity

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportaion purposes; Fork lifts over 6,000 lb capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois

COUNTIES: Cass, Morgan and Scott

DECISION NUMBER: IL79-2035

DATE: Date of Publication

Supersedes Decision No IL78-2120, dated October 20, 1978, in 43 FR 49184

DESCRIPTION OF WORK: Building Construction Projects, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.63	.80	3.67		
BOILERMAKERS	11 45	95	1 20		.03
BRICKLAYERS:					
Morgan and Scott Counties:					
Bricklayers, Stonemasons, Plasterers, Marble-Tile and Terrazzo Workers, Cement Block Layers-Pointers-Caulkers and Cleaners	11 50	50	.52		.02
Cass County:					
Bricklayers	11 50	50	.52		02
CARPENTERS:					
Carpenters and Soft Floor Layers	10 90	55	25		02
Millwrights	11 15	55	25		02
Piledrivermen	11 40	55	25		02
CEMENT MASONS AND PLASTERERS:					
Morgan and Scott Counties:					
Cement Masons	11 255	50	.52		.02
Cass County:					
Cement Masons	9.98	35	35		02
Plasterers	13.26	65	1 00		.01
ELECTRICIANS	12 37	50	3%+60		1 of 1%
ELEVATOR CONSTRUCTORS:					
Morgan and Scott Counties:					
Contructors	11 34	745	.56	a+b	.025
Helpers	70%JR	745	.56	a+b	.02
Helpers (Prob)	50%JR				
GLAZIERS:					
Morgan and Scott Counties	10 39	45	.50		
IRONWORKERS	12 25	55	1 05		.08
LABORERS:					
Unskilled	10 44	30	.45		.035
Semi-Skilled	10 64	30	45		035
Skilled	10 79	30	.45		035
LATHERS	13 15				
PAINTERS:					
Brush and Roller	10 15	55	.50		
Spray	10 65	55	50		
PLUMBERS AND STEAMFITTERS	12 43	35	88		07

DECISION NO. IL79-2035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS:					
Composition	12 93	70			
Slate-Tile-Precast Slab	12.93	70			
SHEET METAL WORKERS	12 93	75+c	78		
SPRINKLER FITTERS	12 10	75	1 05		08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: (WHERE APPLICABLE)

A=New Year's Day; B=Memorial Day; C=Independence Day;
D=Labor Day; E=Thanksgiving Day; F=Day After Thanksgiving; G=Christmas Day

FOOTNOTES:

a; Seven Paid Holidays

b Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employees who has worked in the business less than 5 years

c 3% of gross earnings to SASMI.

DECISION NO IL79-2035

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
CLASS I	$12 40	70	80		.05
CLASS II	10 85	70	80		.05
CLASS III	9.50	70	80		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augerer boring machines, levating graders fingers on dredge, gravel processing machines, high lift or fork lifts, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motor graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts or high lifts, track jacks & tamper, tractor, sidebeam, trenching machine, ditching machine, tunnelluggers, wheel type and loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist,

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) fireman, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL79-2035

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$10 80	65	a20 00		
GROUP II	11 20	65	a20 00		
GROUP III	11 40	65	a20 00		

TRUCK DRIVERS

GROUP I - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, tuck driver helpers, warehouseman, mechanic helpers, greasers & tireman, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II - 2 or 3 axle truck hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:

a. Per week Per employee

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Peoria and Tazewell
DECISION NUMBER: IL79-2036 DATE: Date of Publication
Supersedes Decision No IL78-2122, dated October 20, 1978 in 43 FR 49186
DESCRIPTION OF WORK: Building (including Residential) and Dredging Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
ASBESTOS WORKERS	13 01	91	99		05
BOILERMAKERS	11 45	95	1 00		03
BRICKLAYERS AND STONEMASONS	11.70	70	1 00		01
CARPENTERS:					
Residential					
Peoria County:					
Chillicothe & Vicinity	10.78	75	70		03
Tazewell County & Remainder of Peoria County	12 61	40	75		05
Commerical					
Peoria County:					
Chillicothe & Vicinity:					
Carpenters, Piledrivermen & Soft Floor Layers	11 68	75	70		03
Millwrights	11 93	75	70		03
Tazewell County & Remainder of Peoria County:					
Carpenters & Soft Floor Layers	12 61	40	75		05
Millwrights & Piledrivermen	13 11	40	75		05
CEMENT MASONS	12 16	80	90		.05
ELECTRICIANS	12 32	50	3%+ 75		3/4%
ELEVATOR CONSTRUCTORS:					
Constructors	11 195	745	56	a+b	025
Helpers	70%JR	745	56	a+b	025
Helpers (Prob)	50%JR				
GLAZIERS	12 33	.55	60		01
IRONWORKERS	12 825	65	925		
LATHERS	11 92	40	40		01
MARBLE-TILE & TERRAZZO WORKERS	11 45	.70	1 00		01
MARBLE & TILE FINISHERS	11 85	60	25		
TERRAZZO FINISHERS:					
Terrazzo Finishers & Floor Machine Operator	11 98	60	25		
Base Machine Operator	12 23	.60	25		

DECISION NO. IL79-2036

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS:					
Brush	11 30	55	30		03
Structural Steel & Spray	11 95	55	30		03
PLASTERERS	11 20	80	90		03
PLUMBERS & STEAMFITTERS:					
Peoria County & North of Highway #98 in Tazewell Co	13 56	51	1 05		15
Remainder of Tazewell County	13 55	51	1 02		11
ROOFERS	12 85	70	40		025
SHEET METAL WORKERS	12 68	.65	99		10
SPRINKLER FITTERS	12 10	75	1 05		08
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

A Six Paid Holidays; A through G

b Employer contributes 8% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years

c Nine paid holidays, A through F plus Washington's Birthday and Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday

DECISION NO. IL79-2036

ILL-28-LAB-1

LABORERS: PEORIA COUNTY & THE CITY OF EAST PEORIA (TAZEWELL COUNTY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$11.41	.55	.65		.035
CLASS 2	11.535	.55	.65		.035
CLASS 3	11.66	.55	.65		.035
CLASS 4	11.585	.55	.65		.035
CLASS 5	11.785	.55	.65		.035
CLASS 6	11.535	.55	.65		.035
CLASS 7	11.66	.55	.65		.035

CLASS 1 - Bricklayers tenders, Common Laborers, carpenter tenders, cement mason tenders, concrete form dismantler, Stone & tile derrickmen, Tool Crib men, Window washers, Wrecking & dismantling Old Buildings, wall men & house movers, Curing concrete

CLASS 2 - Cement men & sack shakers, concrete saw, drill operator, jackhammer, Kettlemen & carriers, men handling hot stuff, slingalling & spotting of buckets on rig or rig men paving breaker, plasterers tenders, air tamper chain saw,

CLASS 3 - Gunnite pumpmen, sandblasting pump men, tile layers or laterial sewer, Unloading & handling of creosote materials,

CLASS 4 - Power wheel barrow or buggies

CLASS 5 - Cutting & Acetylene torch, gunnite nozzle men, sandblasting nozzle men, woodblock setters

CLASS 6 - Concrete form dismatler in composite crew with carpenters, compactor rammer type, setting up and uping laser beam equipment

CLASS 7 - Setting up and using concrete burning bars, underpinning & shoring of existing buildings.

DECISION NO. IL-79-2036

ILL-34-LAB-1

LABORERS: REMAINDER OF TAZEWELL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
UNSKILLED	$11.41	.60	.60		.035
SEMI-SKILLED	11.61	.60	.60		.035
SKILLED	11.81	.60	.60		.035

UNSKILLED:
Carpenter Tender, Tool Cribmen, Cleaning & Oiling of Machinery, Firemen or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Pile Driver Helpers, Asphalt Plant Helpers, Wrecking Laborers, Fireproofing Laborers, Surveyors & Instrument Man Helpers, Janitors, Driving of Stakes, String Lines for all Machinery, Unloading & Laborers w/Steel Workers & Re-Bars, Mason Tenders, Scaffold Workers, Laborers with De-Watering Systems, Plaster Tenders

SEMI-SKILLED:
Handling of materials treated w/oil, crosote & asphalt, Track Laborers, Cement Handlers, Concrete Workers (Wet), Cloride Handlers, Tunnel Helpers in Free Air, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies, Sewer Workers, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Concrete Paving, Placing, Cutting & Tying of R inforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Man on Floating Plant, Asphalt Workers & Layers w/ Machine, Grade Checker, Dumpman, Spotter where grade is to be established, Power Tools, Chain Saw Operators, Jackhammer & Drill Operators, Air Tamping Hammerman, Tree Topping, Signalling & Spotting of Rigs & Equipment,

SKILLED:
Caisson Workers plus depth, Gunnite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners & Torchmen, Layout Man and/or Tile Layer, Steel Form Setters Street & Highway, Concrete Saw Operator, Screenman on Asphalt Pavers, Front end man on Chip Spreader, Laborers tending Masons w/hot materials or foreign materials are used, Multiple Concrete Duct-Leadman, Lutcman, Curb Asphalt Machine Operator, ReadyrMix Scaleman, Permanent, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine & Coring Machine Operators, Underpinning and Shoring or Buildings, Dynamite Shooter.

DECISION NO. IL79-2036

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
GROUP 1	$13 08	45	80		05
GROUP 2	12 88	45	80		05
GROUP 3	12 505	45	80		05
GROUP 4	12 23	45	80		05
GROUP 5	11 62	45	80		05

GROUP 1 - Cranes, escalated rate on crane, derricks, booms, $ 01 per hour, per foot, after 80 feet or boom including jib overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanic, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant opeators and plant engineers, 3 drum joist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oiler, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types) motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

GROUP 2 - Trench machine pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $ 25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, form-less finishing machine, jeeps w/ditching machine, or other attachments, tune-luger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil and similar types), require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C M I and similar types (require oiler) straw blower, hydro seeder and F W D and similar types

DECISION NO. IL79-2036

POWER EQUIPMENT OPERATOR (CONT'D)

GROUP 3 - Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barger greene or similar laoders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pullign power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

GROUP 4 - air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-are without attachments, curb machine, truck cranes oiler, and truck type hoptoe oilers

GROUP 5 - Herman Nelson heater, Dravo, Warner, Silent glo, & similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp or over, mixer (3) bag and under (standard capacity) bulk cement plant, crawler crane and skid rig oilers

DECISION NO. IL79-2036 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$10 80	65	a20 00		
GROUP II	11 20	65	a20 00		
GROUP III	11 40	65	a20 00		

GROUP I - Drivers on axle trucks hauling less than 9 tons, air compressors and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; fork lifts up to 6,000 lbs capacity

GROUP II - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch truck, hydrolifts trucks, or similar equipment when used for transportation purposes; fork lifts over 6,000 lb capacity; winch truck; 4-axle combination units; ticket writers

GROUP III - 2,3 or 4 axle truck hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES:
a Per Week Per Employee

DREDGING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1	$13 07	45	80		.05
GROUP 2	12 87	45	80		05
GROUP 3	12 495	45	80		05
GROUP 4	12 22	45	80		05
GROUP 5	11 61	45	80		05

GROUP 1 - Operators on hydraulic dipper or clamshell dredges, Engineers and Repairmen, Operators on work boats
GROUP 2 - Power Winches 1-2-3 Drums
GROUP 3 - Security Engineer
GROUP 4 - Cranemen on dipper dredges, operators on launches or power boats
GROUP 5 - Firemen & Oilers

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: *See bleow
DECISION NUMBER: IL79-2037 DATE: Date of Publication
Supersedes Decision No.: IL78-2125, dated October 20, 1978 in 43 FR 49192
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and garden type apartments up to and including 4 stories)

*Counties: Alexander, Franklin, Gallitin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & Williamson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS:					
Alexander, Jackson, Jefferson, Marion, Perry & Unions Cos ,	$12 63	80	97		
REMAINDER OF Counties	11 70	45	1 00		03
BOILERMAKERS	11 45	95	1 20		03
BRICKLAYERS & STONEMASONS:					
Marion County:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Cleaners & Caulkers	10 70	35	50		
Remainder of Counties:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Caulkers & Cleaners	10 80	65	45		
CARPENTERS:					
Marion County:					
Carpenters, Piledrivermen & Soft Floor Layers	10 06	50	50		03
Millwrights	10 41	50	50		03
Hamilton, Jefferson & White Counties:					
Carpenters, Piledrivermen & Soft Floor Layers	10 11	45	50		02
Millwrights	10 46	45	.50		02
Remainder of Counties:					
Carpenters, Piledrivermen, Millwrights & Soft Floor Layers	11 00	51	50		05
CEMENT MASONS & PLASTERERS:					
Marion County:					
Centralia & Vicinity					
Cement Masons	10 75				01
Plasterers	10 85				.01
Franklin, Hamilton, Jefferson & Williamson Counties	10 70				
Saline, Gallatin, Hardin, Pope Johnson, Massac & White Cos	10 70				

DECISION NO. IL79-2037

CEMENT MASONS & PLASTERERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Alexander, Jackson, Perry, Pulaski & Union Counties	$10 70				
ELECTRICIANS	12 50	40	13%		1%
IRONWORKERS:					
Marion & Perry Cos: Jefferson (Mt. Vernon & All Area West thereof) County	12 10	55	1105		
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union & Williamson Counties	11.60	55	85		05
LABORERS:					
Marion County:					
Central & Vicinity Laborers	7 75		30		035
Salem & Vicinity					
Unskilled	6.80		.30		.035
Skilled	7.09		30		.035
Pataka & Sandoula & Vicinity Laborers	9 00	50	30		035
Hamilton, Jefferson & White Counties	9 00	50	30		035
Remainder of Counties	8 70	50	30		035
PAINTERS:					
Marion County:					
Centralia & Vicinity					
Brush & Structural Steel	9 25				
Roller	9 50				
Spray	10 25				
Salem, Flora, Clay & Vicinity					
Brush	8 00				
Roller, Spray	9 25				
Structural Steel	10 00				
Union County:					
Commercial	8 75				
Industrial	9 25				
White County:					
Brush & roller	9 65	65	30		
Spray	10 65	65	30		
Jefferson & Hamilton Counties:					
Brush and Roller	6.80				
Structural Steel & Spray	9.00				
Massac County					
Brush and Roller	8.10	.40			
Spray	11.05	40			

DECISION NUMBER IL79-2037

PAINTERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Jackson & Perry Counties:					
Commercial	$ 9 00				
Industrial	10 90				
Franklin & Williamson Counties:					
Commercial	9 45				
Industrial	10 20				
Gallatin, Hardin, Pope, Saline Counties:					
Brush	6 90				
Struc, Steel & Drywall	7.15				
Spray	7 25				
Alexander, Johnson, Pulaski Counties:					
Commercial	8 78				
Industrial	10 91				
PLUMBERS & STEAMFITTERS:					
Marion County	13 00	1 20	1 40		15
White County:					
- Crossville, Phillipstown, Emma & Mauine	13 575	50	90		06
Remainder of County	13 45	50	90		06
Alexander, Hardin, Massac, Jackson, Johnson, Perry, Pope, Pulaski & Union Counties	13 65	30	55		08
Franklin, Hamilton, Jefferson, Saline, Williamson, & Gallatin Counties	12 90	55	75		08
ROOFERS:					
Gallatin, Hardin & White Cos					
Composition	10 63	60	50		
Slate & Tile	10 88	60	50		
Remainder of Counties	9 40	60	20		
SHEET METAL WORKERS	11 23	45	20	6%	02
SPRINKLER FITTERS	12.10	75	1.05		08
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. IL79-2037

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Class 1	$12 00	55	60		035
Class 2	11 00	55	60		035
Class 3	10 70	55	60		035
Class 4	10 40	55	60		035
Class 5	9 65	55	60		035
Class 6	11 00	55	60		035
Class 7	10.70	55	60		035
Class 8	10 20	55	60		035
Class 9	10 15	55	60		035
Class 10	9 55	55	60		035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	12 10	55	60		035
Class 12	10 10	55	60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or winch cat; Bituminous mixplace machine; Blacksmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumperete pump; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubbertired; Flex-plane; Gradall; Hi-lift; handblade, power; Hoists; Tugger type; Hoist, (2 drum) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu ft or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bulldozer or hi-lift (Over 1/2 yd), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine; or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft blade; Concrete pumps; Equipment greader.

Class 2: Roller, self-propelled; Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (½ yd or less)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler; Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

POWER EQUIPMENT OPERATORS (CONT'D)

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu ft capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader, Heater, (motor driven); Hoist; 1 drum; Truck crane oiler; Vibrator, Self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom; Mechanical; Planterers applicator; Tract-air

Class 9: Air compressor (220 cu ft capacity or over), one; Air compressor under (220 cu ft,); two; Automatic bins; Bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps; Light plants, welding machines,air compressor (under 200 cu ft.); Mud jacks or wood chipper; Mixers, less than 21 cu ft , Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu ft capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor drive; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge.

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

JEFFERSON, PERRY, & MARION COUNTIES

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$11 77	87	1 51		05
GROUP II	10 19	.87	1 51		.05
GROUP III	9 54	87	1 51		05
GROUP IV	9 44	87	1 51		05
GROUP V	9 19	87	1 51		05
GROUP VI					
a:	13 92	87	1 51		05
b	13 92	87	1 51		05
c:	11 29	87	1 51		.05
d:	11 79	87	1 51		05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops; clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers, plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanics, ass't master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydrualic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas), concrete pavers, excavators, concrete breakers; concrete pumps; Bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs , (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders winch cats, boom tractors, and pipe wrapping or painting machines, Drills, (other than derrick type) 1-drum hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boat oprs , (under 25'), conveyors (1), distribution pcrs., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air compressor (1), water pumps regardless or size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc

GROUP V. Oilers

GROUP VI
- a Engineers operating under air pressure
- b Engineers operating in air over 10 lbs pressure
- c Oilers operating under air pressure
- d. Oilers operating in air over 10 lbs pressure

DECISION NO. IL79-2037

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$10 80	65	a20 00		
GROUP II	11 20	65	a20 00		
GROUP III	11 40	65	a20.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs , capacity

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3, or 4 axle trucks hauling 16 tons or more, drivers on oil distributors, Water pulls, mechanic & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week per Employee

STATE: Illinois COUNTY: Sangamon
DECISION NUMBER: IL79-2038 DATE: Date of Publication
Supersedes Decision No IL78-2124, dated October 20, 1978 in 43 FR 49190
DESCRIPTION OF WORK: Building (Including Residential), Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$12 63	80	97		
BOILERMAKERS	11 45	,95	1.20		,03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Pointers, Caulkers & Cleaners	11.25	,50	1.00		.02
CARPENTERS:					
Residential					
Housing - 1 & 2 Family Dwellings (except buildings (high rise) or steel concrete construction)	8 70	,55	.45		06
Building					
Carpenters & Soft Floor Layers	11 95	,55	55		06
Millwrights & Piledrivermen	12.45	55	,55		06
CEMENT MASONS	9.98	,35	.35		02
ELECTRICIANS:					
Building	12 37	50	3%+ 60		1 of 1%
Residential	8,10	50	3%+.40		5 of 1%
ELEVATOR CONSTRUCTORS:					
Constructors	11.34	745	56	a+b	025
Helpers	70%JR	745	.56	a+b	025
Helpers (Prob)	50%JR				
GLAZIERS	10 39	45	.50		
IRONWORKERS	12 25	55	1 05		08
LATHERS	12 30				
PAINTERS:					
Brush & Roller	10 15	55	50		
Spray	10.65	,55	.50		
PLASTERERS	13.26	65	1 00		01
PLUMBERS & STEAMFITTERS	12 43	35	,88		.07
ROOFERS:					
Composition	12 93	70			
Slate-Tile & Precast Slab	12 93	70			
SHEET METAL WORKERS					
Building	12 93	75+d	78		05
Residential	7.71	,50+d	,78		,05
SPRINKLER FITTERS	12.10	,75	1,05		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO IL79-2038

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTE:

a. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 6% of regular hourly rate for employee who has worked in business more than 5 years

b. 7 Paid Holidays: A through G

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday

d 3% of gross earning to $ASMI

DECISION NO IL79-2038

ILL-27-LAB-1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS:					
UNSKILLED	$11 35	45	50		035
SEMI-SKILLED	11 55	45	50		035
SKILLED	11 70	45	50		035

LABORERS:

UNSKILLED All Sewer Workers plus Depth Pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenter Tenders, Cleaning Lumber, Cofferdam Workers plus depth pay, Deck Hand, Dredge Hand & Shore Laborer, Dispatchers, Driving of Stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Fire Shop Laborers, Flagmen, Form Handlers, Gravel Box Men, Dumpmen & Spotters, Janitors, Laborers w/de-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plastic Installers, Planting of Trees, Removal of Trees, Rip-Rap Men, Rod & Chairmen, Scaffold Workers, Tool Cribmen, Track Laborers, Unloading Explosives, Unloading & Carrying Lath; Unloading & Carrying of Re-Bars, Wrecking, Dismantling Buildings, Wallmen & Housemovers, Wrecking Laborers, Writer of Scale Tickets

SEMI-SKILLED Asphalt Workers with Machine, Asphalt Raker & Layers, Cement Handlers, Cement Silica, Fly Ash, Line & Plasters, Handlers (Bulk or Bag); Chain Saw, Chloride Handlers, Concrete Workers (wet), Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle Tar Men, on Concrete Paving, Placing, Cutting & Typing of Reinforcing, Signal Man on Crane, Tank Cleaners, Tunnel Helpers in Free Air

SKILLED Air Tamping Hammerman, Caisson Workers plus depth pay, Concrete Burning Machine Operator Concrete Saw Operator, Coring Machine Operator, Curb Asphalt Machine Operator, Gunnite Nozzle Men, Jackhammer & Drill Operators, Laborers handling Masterplate or similar materials, Laborers tenders Masons with hot material or where foreign materials are used for wet concrete or handling of Building Materials, Multiple Concrete Duct - Leadman; Plasterer Tenders, Ready Mix Scaleman, Portable or Temporary Plant, Screenman on Asphalt Pavers, Steel Form Setters (Street & Highway), Vibrator Operators, Cutters, Burners & Torchmen

DECISION NO IL79-2038

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
CLASS I	$12 40	70	80		05
CLASS II	10 85	70	80		05
CLASS III	9 70	70	80		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu yd capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL79-2038

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP I	$10 80	60	a20 00		
GROUP II	11 20	60	a20 00		
GROUP III	11.40	60	a20 00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & fireman, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs , capacity

GROUP II: - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributores, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a Per week Per Employee

SUPERSEDEAS DECISION

STATE: Maryland COUNTIES: Allegany and Garrett
DECISION NO : MD79-3010 DATE: Date of Publication
Superseded Decision No MD77-3086 dated August 5, 1977 in 42 FR 39880
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	11 10	60	70		
BOILERMAKERS	12 025	1 075	1 00		02
BRICKLAYERS	10 89	65	40		
CARPENTERS	11 37	50	60		02
CEMENT MASONS	11 81	50			
ELECTRICIANS:					
Allegany County	10 90	80	3%+ 60		1%
Garrett County	11 30	80	3%+ 60		1%
ELEVATOR CONSTRUCTORS	11 77	745	56	4%+a+b	025
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	745	56	4%+a+b	025
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	50%JR				
IRONWORKERS:					
Structural, Ornamental and Reinforcing	11 36	60	1 10		
LATHERS	9.25		35		01
LINEMEN - Allegany County:					
Lineman	10.90	.80	3%+ 60		
Equipment Operator	10 36	80	3%+.60		
Truck Driver	7 09	.80	3%+.60		
Groundman	7 09	80	3%+ 60		
LINEMEN - Garrett County:					
Lineman	11.30	.80	3%+.60		
Equipment Operator	10.76	.80	3%+.60		
Truck Driver	7.49	.80	3%+ 60		
Groundmen	7.49	.80	3%+ 60		
MARBLE MASONS	10 89	65	40		
MILLWRIGHTS	11.73	.50	.60		02
PAINTERS:					
Brush, rollers, wall covering hangers, & installation of seamless type floors	7 95		50		
Spray, sandblasting & use of flame burning & power tools	8.95		.50		
Toxic materials - brush & roller	8.45		.50		
Toxic materials - spray	9 45		.50		
PILEDRIVERMEN	11 67	50	.60		02
PLASTERERS	11 81	.50			
PLUMBERS & STEAMFITTERS	10.25	.50	.70	1.00	.05

DECISION NO MD79-3010

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS:					
Composition	9 25	45	40		
Mopmen - composition	9 50	45	40		
Slaters	9 40	45	40		
SHEET METAL WORKERS	11 12		28		02
SPRINKLER FITTERS	11 31	65	95		08
STONE MASONS	10 89	65	40		
TERRAZZO WORKERS	10 89	65	40		
TILE SETTERS	10 89	65	40		

FOOTNOTES:

a-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

b-Employer contributes 4% of basic hourly rate for 5 years of service or more and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

DECISION NO MD79-3010

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Laborers:					
Group I	8 60	80	1 10		
Group II	8 63	80	1 10		
Group III	8 74	80	1 10		
Group IV	8 80	80	1 10		
Group V	8 85	80	1 10		
Group VI	8 94	80	1 10		
Group VII	9 43	80	1 10		
Group VIII	9 05	80	1 10		
Group IX	9 05	80	1 10		

LABORERS CLASSIFICATION DEFINITIONS

Group I - Unskilled & landscape workers
Group II - Handy man, tool checker, dump men & spotter
Group III - Power tool operators, mortar mixer by hand, scaffold builder, hod carrier, concrete puddler, rammer, pipelayer, chainman - rodman, grade checker, masons' & plasterers' tenders, tampers, & gunnite laborers on scaffolds
Group IV - Mortar mixer by machine
Group V - Large wacker
Group VI - Blaster/dynamite, & wagon drill operators (air track)
Group VII - Tunnel workers: caisson, driller, & mucker
Group VIII - Tunnel workers: Unskilled laborers
Group IX - Gunnite workers: Nozzlemen & gun operators

DECISION NO MD79-3010

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
Group 1	9 93	85	85		10
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus $ 40					
170' to 209' " 60					
210' to 249' " 80					
250' to 299' " 1 00					
300' and over " 1 25					
Group 2	9 50	85	.85		10
Group 3	9 16	.85	85		.10
Group 4	8 92	85	85		10
Group 5	8 80	85	85		10
Group 6	8 45	85	.85		10
Group 7	10 33	85	.85		10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds), over 4 welders top scale (more than 6, another man), Eimco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds and over), mechanic, mechanic's welder, grader

Group 2 - Tractor with attachments (2 or more), bulldozer

Group 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4)single compressors (over 210 C F M.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds), excavating scoop

Group 4 - Finishing machine, bull float, longitudinal float, screeding machine concrete spreader, sub grader

Group 5 - Fireman, truck crane oiler,wheel tractor, grease truck operator

Group 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 C.F.M)

Group 7 - Operators handling or setting steel, stone, prestressed concrete or machinery, tower cranes

DECISION NO MD79-3010

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS					
Group 1	8 01	70	90		
Group 2	8 16	70	90		
Group 3	8 36	70	90		
Group 4	8 55	70	90		
Group 5	8 79	70	90		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group 1 - Dumpmen and flagmen

Group 2 - Pick-ups, dumps (under 5 yds , capacity), straight trucks

Group 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds , capacity, transit mix, dumps (5 to 9 yds , capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

Group 4 - Dump trucks (10 to 15 yds , capacity)

Group 5 - Dump trucks (over 15 yds , capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, athey wagons, A-frame, mechanics,semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcretes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St Charles, Warren & City & County of St Louis

DECISION NO: M079-4063

DATE: Date of Publication

Supersedes Decision No M077-4271 dated September 30, 1977 in 42 FR 53068

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS:					
Asbestos workers	$12 63	80	.97		
Swing stage or bosun's chair	12 88	80	.97		
Asbestos workers requiring spray in application	12.88	80	97		
BOILERMAKERS	12.15	1.15	1.00		.02
BRICKLAYERS; STONEMASONS	11.10	.72	.70	.90	.03
CARPENTERS; MILLWRIGHTS; PILE-DRIVERMEN:					
Zone 1 - St Louis City & County	11.66	.70	.80		
CARPENTERS:					
Zone 2 - Franklin County:					
Contracts $200,000.00 & under	9.80	.70	80		
Contracts over $200,000 00	11 66	.70	.80		
Zone 3- Jefferson County:					
Contracts $25,000.00 & under					
Contracts over $25,000 00	11.66	.70	.80		
Zone 4 - St Charles County:					
Contracts under $250,000.00	10.80	.70	.80		
Contracts over $250,000 00 or more	11 66	70	80		
Zone 5 - Lincoln & Warren Counties:	11.66	.70	.80		
Contracts $250,000 00 & under	10 15	70	80		
Contracts over $250,000 00	11 66	70	80		
CEMENT MASONS:					
Zone 1 - Jefferson & St Charles Counties and St Louis City & County	10.15	1 00	95		
Zone 2 - Franklin, Lincoln & Warren Counties:					
Projects less than $100,000 00	9 50	1 00	.95		
Projects $100,000 00 & over	10 15	1 00	95		
ELECTRICIANS:					
Zone I - City & County of St Louis and St. Charles County	11 60	70	3%+5½%	15½%	10
Zone II - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contracts exceeds $15,000.00	11 60	70	3%+5½%	15½%	10
Zone III - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contract does not exceed $15,000 00	10 85	70	3%+5½%	15½%	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELEVATOR CONSTRUCTORS	10 96	745	.56	3%+a	025
ELEVATOR CONSTRUCTORS HELPERS	70%JR	745	56	3%+a	025
ELEVATOR CONSTRUCTORS HELPERS' (PROB)	50%JR				

FOOTNOTES:

a - Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, Also 6 Paid Holidays

GLAZIERS	10 73	45	1 13	8%+c	01

FOOTNOTE: c-Paid Holidays; New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday

IRONWORKERS	11.625	55	90		.09
LABORERS:					
Zone 1 - City & County of St: Louis,					
General laborer	9.775	45	1.00		
Wrecking	9.65	.45	1.00		
Plumber laborer	10.15	.45	1.00		
Dynamiter or powderman	10.275	.45	1.00		
Mason tenders (brick)	10 30	.45	1 00		
Residential rehabilitation work	6.05	.45	1.00		
Zone 2 - Franklin County:					
Contracts $250,000.00 or less:	8.25				
General labor	8.25	.60	.50		
Mason tenders, plumber laborer plaster tender	8 45	60	.50		
Contracts over $250,000 00:					
General laborer	9.75	.60	50		
Mason tenders, plumber laborer plaster tender	9 95	60	50		
Zone 3 - Jefferson County:					
Laborers	8 35	50	.30		
Powderman, mason tenders, plaster tenders	8 85	50	.30		
Zone 4 - St. Charles County:					
General laborer	10.125	50	50		
Dynamiter or powdermen	10.625	50	50		
Pier hole & creosoted materials	10.375	50	50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS CONTD:					
Zone 5 - Lincoln & Warren Counties:					
General laborer	9.625	50	50		
Dynamiter or powdermen	10 125	50	50		
Pier hole & creosoted materials	9 875	50	50		
LATHERS	10.955	57	55		½ of 1%
MARBLE SETTERS	10 26	.785	1 17		
MARBLE SETTERS HELPERS'	10 08				
PAINTERS:					
Zone 1 - Lincoln County:					
Brush	7.85				
Spray	8.35				
Zone 2 - Franklin, Jefferson, St Charles, Warren Counties & City & County of St Louis					
Brush	11 24	68	.33		04
Spray	12.74	68	33		04
PIPEFITTERS (Franklin, Jefferson, St Charles, St Louis & Warren Counties)	12.15	2 165	1 51		
PIPEFITTERS & PLUMBERS (Lincoln County)	12 15	2 165	1 51		
PLASTERERS	10 295	48	.80		.03
PLUMBERS (Franklin, Jefferson, St Charles, St Louis and Warren Counties)	11.755	.80	.80	80	20
POWER EQUIPMENT OPERATORS:					
Zone 1					
Group 1	10 52	50	1 00		
Group 2	9 97	50	1.00		
Group 3	9 52	.50	1 00		
Group 4:					
(a)	11 32	.50	1 00		
(b)	12 07	.50	1.00		
(c)	12.52	.50	1 00		
(d)	13.27	.50	1.00		
(e)	11 02	50	1 00		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick; steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker, combination concrete hoist & mixer such as mixermobile; compressors, tow, not more than 50 ft apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumperete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating greader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile, mucking machine, pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or reading-mix-job site; plant, heating-job-site; plant-mixing-job-site; plant, power generating-job site; pumps, two self-powered, over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine, tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level, curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a vator, other hoisting; manlift; mixer, asphalt, over 8 cu ft capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, pump-self-powered, automatic controller over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS CONTD:

Group 3 - Boat operator-outboard motor (job-site); conveyor (such as con-vay-it); regardless of how used; oiler; sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds (b)Air pressure, oiler engineer operating over ten pounds (c)Air pressure engineer operating under ten pounds (d)Air pressure engineer operating over ten pounds (e)Crane-pile driving and extracting; crane using rock socket tool, dragline-7 cu yds & over;shovel, power-7 cu yds and over, crane, climbing (such as linden), derrick, diesel, gas or electric hoisting material or erecting steel 150' or more above ground, hoist, three or more drums; scoop, tandem; tractor; tandem crawler

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 1 00) above basic rate for cranes

Work in tunnel or tunnel shaft, 50¢ above base rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS:					
Composition; slate and tile	11 55	82	.60		03
Kettlemen	9 35	82	60		03
SHEET METAL WORKERS	11 94	3%+.56	76	96	04
SOFT FLOOR LAYERS	8 74	58	35	50	14
SPRINKLER FITTERS	13 81	.75	1 05		.12
TERRAZZO WORKERS	12 75				
TILE SETTERS	10 23	.785	1 17		
TILE SETTERS HELPERS	8 58	.325	40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11 99 cu. yds or less fork lift trucks; job site ambulances, pick-up trucks, flat bed trucks	6 99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22 0 cu yds. including euclids, speedace & similar equipment of same capacity	7 19	d	e	f&g	
Truck or trailers of a water level of 22 0 cu yds & over including euclids; speedace & all floats, flat bed trailers & boom equipment of same capacity	7 29	d	e	f&g	

FOOTNOTES: d=Employer contribution of $12 50 per week; e-Employer contribution of $12 00 per week; F-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day; Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid Vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year

WELDERS - receive rate prescribed for craft performing operation to which is incidental

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTIES: Hillsboro & Merrimack
DECISION NUMBER: NH79-2040 DATE: Date of Publication
Supersedes Decision No NH78-2100, dated October 6, 1978 in 43 FR 46466
DESCRIPTION OF WORK: Building & Heavy Construction Projects

HILLSBORO COUNTY BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ASBESTOS WORKERS	$ 12 11	1 10	1 00		01
BOILERMAKERS	12 30	1 05	10%		02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	9 39	80	.60		02
CARPENTERS:					
Carpenters & Soft Floor Layers	8 42	65	70		01
Piledrivermen & Millwrights	9 27	.65	70		01
ELECTRICIANS:					
Pelham	10 02	35	3%+ 20		02
Remainder of County	10 75	50	3%		03
ELEVATOR CONSTRUCTORS:					
Constructors	12 02	895	69	6%+a+b	03
Helpers	8 41	895	69	6%+a+b	03
Helpers (Prob)	6 01	895	69	6%+a+b	03
IRONWORKERS:					
Structural Ornamental & Reinforcing	10 50	1 15	1.20		02
LATHERS	9 75	1 00	55		
LINE CONSTRUCTION:					
Linemen	9 84	70	3%+.50	c	3/8 of 1%
Equipment Operator	9 24				
Groundman	6 86	70	3%+ 50	c	3/8 of 1%
Driver Groundman					
PAINTERS:					
Brush	7 30	25			
Paperhangers	7 55	25			
Spray & Sandblasting	8 80	25			
Open Structural Steel	8 55	25			
Enclosed Structural Steel & Steeple jack	8 30	25			

DECISION NO. NH79-2040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS AND STEAMFITTERS:					
Hudson and Pelham	12 02	1.10	60		02
Remaindor of County	10 90	73	55		02
ROOFERS:					
Roofers	7 00				
SHEET METAL WORKERS	9 92	65+a	65		02
SPRINKLER FITTERS	10 91	75	1 05		08

DECISION NO. NH79-2040

MERRIMACK COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
BUILDING AND HEAVY CONSTRUCTION		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	12 11	1 10	1 00		01
BOILERMAKERS	12 30	1 05	10%		02
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, & TILE SETTERS	9 39	80	60		02
CARPENTERS	8 42	65	70		01
Millwrights & Piledrivers	9 27	65	70		01
ELECTRICIANS:					
Hookset	10 75	50	3%		03
Remainder of County:					
Gen Contracts $300,000 & over	10 70	70	3%+ 50		02
General Contract less than $300,000	7 00	70	3%+ 50		02
ELEVATOR CONSTRUCTORS:					
Constructors	12 02	895	69	6%+a+b	03
Helpers	8 41	895	69	6%+a+b	03
Helpers (Prob)	6 01	895	69	6%+a+b	03
IRONWORKERS - Structural, Ornamental and Reinforcing	10 50	1 15	1 20		02
LATHERS	9 75	1 00	55		
LINE CONSTRUCTION:					
Lineman	9 84	70	3%+ 50	c	3/8 of 1%
Equipment Groundman	9 24	70	3%+ 50	c	3/8 of 1%
Groundman	6 86	70	3%+ 50	c	3/8 of 1%
Driver Groundman	7 88	70	3%+ 50	c	3/8 of 1%
PAINTERS:					
Brush	7.30	.25			
Open Structural Steel work to 25'	8.55	.25			
Enclosed strucutral steel work & steeplejack	8.30	.25			
Paperhangers	7 55	25			
Spray and Sandblasting	8 80	25			
PLUMBERS AND STEAMFITTERS	10 90	73	55		02
ROOFERS:					
Roofers	7.00				
SHEET METAL WORKERS	9 92	.65+a	.65		02
SOFT FLOOR LAYERS	6 56	25	20		01
SPRINKLER FITTERS	10 91	.75	1 05		08

DECISION NO. NH79-2040

	Basic Hourly Rates	Fringe Benefits Payments			
		H &W	Pensions	Vacation	Education and/or Appr Tr
LABORERS:					
Building Construction					
Laborers	7 27	60	80		10
Plasterers' Tender	7 42	60	80		10
Pipelayers, fence & guard rail erectors	7 52	60	80		10
Pneumatic tool ops , pavement breakers, drillers, chipping gun op , powdermen & Blasters	7 77	60	80		10
All other pneumatic tool ops on boiler and stack work	8 17	60	80		10
Heavy Construction					
Laborers and pipelayers	7 12	60	80	d	10
Pneumatic tool ops , drillers, concrete vibrators, & electric chipping machine	7 62	60	80	d	10
Blasterers and Powdermen	7 87	60	80	d	10

DECISION NO. NH79-2040

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Day after Thanksgiving Day

FOOTNOTES:

a Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic houlry rate for 6 months to 5 years of service as Vacation Pay Credit

b Holidays: A through G

c Holidays: A through F, provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday

d Holidays: B, C, E provided employee works day before and after each holiday

e 3% of Gross Earnings to SASMI

DECISION NO. NH79-2040

NH-1-PEO

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	10.10	.95	.75	a	.05
CLASS 2	9.85	.95	.75	a	.05
CLASS 3	9.65	.95	.75	a	.05
CLASS 4	8.915	.95	.75	a	.05
CLASS 5	8.89	.95	.75	a	.05
CLASS 6	8.14	.95	.75	a	.05
CLASS 7	8.34	.95	.75	a	.05
CLASS 8	11.40	.95	.75	a	.05
CLASS 9	10.90	.95	.75	a	.05

CLASS 1 - Shovel, crane, dragline, derrick, backhoe, elevator with Chicago boom, gradall, elevating grader, front end loader 6 yds. and over, cherry picker, pile driving rigs, concrete road paver, all three dum hoisting and Trenching machines.
CLASS 2 - Rotary drill with mounted compressor, compressor house (3-6 compressors), rock and earth boring machine excluding McCarthy and similar drills, graders, 4 yds. and over front end loader, two drum hoists, high fork lifts with capacity of 15' & over, scrapers, sonic hammer, vibratory hammer.
CLASS 3 - Bulldozers, push cats, scrapers (tractor drawn), asphalt paver, front end loader 3/4 to 4 yds., well driller, mechanics, pumperete machines, concrete pumps and similar type pumps, engineer or fireman on high pressure boiler (on job), self loading batch plant, well point operators including installing, engineer-in-charge of powered grease truck all automatic elevators permanent or temporary operated manually or by remote controls
CLASS 4 - Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders under 3/4 yds. McCarthy and similar drills, batch plant not self loading, bulk cement plants, self-propelled material spreaders, A-frame trucks, fork lifts up to 15'
CLASS 5 - Compressor 315 cubic ft. and over, (one or two), pumps (4 inches & over total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller compactors or other machines.
CLASS 6 - Compressors (up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor oiler including helpers on grease trucks and grease trucks with hand greasing equipment.
CLASS 7 - Oilers on truck cranes and gradalls.
CLASS 8 - Cranes with boom lengths of 200 feet or more
CLASS 9 - Cranes with boom length of 150 feet or more

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A thru F, Veterans Day, Washington Birthday and Columbus Day

DECISION NO. NH79-2040

NH-2-PEO

POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.15	.85	.75	a	.05
CLASS 2	8.90	.85	.75	a	.05
CLASS 3	8.70	.85	.75	a	.05
CLASS 4	8.15	.85	.75	a	.05
CLASS 5	7.825	.85	.75	a	.05
CLASS 6	7.30	.85	.75	a	.05
CLASS 7	9.65	.85	.75	a	.05

CLASS 1 - Shovels, Crawler & Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Gradall, Piledrivers, Concrete Pavers, Engineers on site processing plant, Dragline, Clamshell, Cableways.
CLASS 2 - Rotary drill (with mounted compressor), Compressor house (3 to 6 compressors) Rock and earth boring machines (excluding McCarthy and similar drills), Grader, Front End Loader (4 yds. or over)
CLASS 3 - Bulldozer, Push Cats, Scraper (Self propelled or tractor drawn), Self-Powered Asphalt paver, (Front end loader 3/4 to 4 yds.), Mechanics, Well driller, Pumperete machine, Engineer or Fireman on high pressure boiler (on job) Self-loading Batch plant (on job), Well point operators.
CLASS 4 - Hoists, conveyors, Self-powered rollers and Compactors, Self-propelled Material Spreader, Self-powered concrete finishing machine, Mixers (2 bag with skip, front end loader (under 3/4 yd.), McCarthy & similar drills, Batch plant (not self-loading), Bulk cement plant.
CLASS 5 - Compressor (315 C.F. or over-one or two), Pump 4" or over, Tractor without blades, Drawing sheeps-foot, rubber roller or other type compactor includes machines for pulverizing and aerating soil
CLASS 6 - Compressor (up to 315 C.F.), Small mixers with skip, Oiler Pumps up to 4", Grease truck, Power heaters, Welding machines (when 3 or more welding machines Class 4 rate applied), A-Frame, Forklifts, (Where agrease truck contains powered grease equipment, engineer in charge shall be paid Class 3 rate)
CLASS 7 - Crane with boom length of 200 feet or more including jib.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A thru F; Washington's Birthday; Veteran's Day; Columbus Day

DECISION NO. NH79-2040 NH-1-TD-1-2-3-L

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	5.21	.55	.40	a	
CLASS 2	5.44	.55	.40	a	
CLASS 3	5.67	.55	.40	a	

CLASS 1 - Two Axle equipment
CLASS 2 - Three axle equipment including low beds
CLASS 3 - Special earth hauling equipment other than conventional type on the road truck and semitrailers trailer dumps.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: A. Holidays: A through F, plus Washington's Birthday Veteran's Day and Columbus Day; provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first assigned following the holiday).

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTIES: Rockingham & Strafford
DECISION NO.: NH79-2041 DATE: Date of Publication
Supersedes Decision No. NH78-2101, dated October 6, 1978 in 43 FR 46470
DESCRIPTION OF WORK: Building, Heavy and Marine Construction Projects

ROCKINGHAM COUNTY BUILDING, HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.11	1.10	1.00		.01
BOILERMAKERS	12.30	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, Marble Masons, Plasterers, Stonemasons, Tile Setters & Terrazzo Workers	9.39	.80	.60		.02
CARPENTERS:					
Salem:					
Carpenters & Soft Floor Layers	11.05	.90	1.00		.05
Remainder of County:					
Carpenters & Soft Floor Layers	8.42	.65	.70		.01
Piledrivermen, Wharf & Dock Builders & Millwrights	9.27	.65	.70		.01
ELECTRICIANS:					
Twps, of Exeter, Greenland, Hampton, Hampton Falls, Portsmouth, Newington, Newmarket, Northwood, Nottingham, Rye, Seabrook Strathan & S. New Market	10.85	.75	3%+.25		.02
Kingston, Kensington, N. Kingston, Hampstead, Plaistow, Westville, Atkinson N. Salem & Salem	10.02	.35	3%+.20		.02
Remainder of County	11.25	.50	3%		.03
ELEVATOR CONSTRUCTORS:					
Constructors	12.02	.895	.69	6%+a+b	.03
Helpers	8.41	.895	.69	6%+a+b	.03
Helpers (Prob.)	6.01	.895	.69	6%+a+b	.03
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.50	1.15	1.20		.02
LABORERS, BUILDING:					
Laborers	7.27	.60	.80		.10
Plasterers Tenders	7.42	.60	.80		.10
Drillers, Pavement Breakers, Pneumatic Tool Ops., Chipping Gun Ops., Blasters & Powdermen	7.77	.60	.80		.10
All other Puneumatic Tool Ops. on Boiler & Stack Work	8.17	.60	.80		.10
Pipelayers, Fence & Guard Rail Erectors	7.52	.60	.80		.10

DECISION NO. NH79-2041

STRAFFORD COUNTY BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	12 11	1 10	1 00		01
BOILERMAKERS	12 30	1 05	10%		02
BRICKLAYERS, CEMENT MASONS, Marble Setters, Plasterers, Stone Masons, Terrazzo Workers and Tile Setters	9 39	80	60		.02
CARPENTERS & SOFT FLOOR LAYERS	8 04	50	60		01
ELECTRICIANS	10 85	75	3%+ 25		.02
ELEVATOR CONSTRUCTORS:					
Constructors	12 02	895	69	6%+a+b	.03
Helpers	8 41	895	69	6%+a+b	03
Helpers (Prob)	6.01	895	69	6%+a+b	03
IRONWORKERS:					
Structural, Ornamental & Reinforcing	10 50	1 15	1 20		02
LABORERS:					
Laborers	7 27	60	80		10
Plasterers Tenders	7 42	60	80		10
Boilers, Stack Work, Pneumatic Tool Op , Drillers, Pavement Breakers, Electric Chipping Ops , Blasterers & Powdermen, Creosote Work	7 77	60	80		10
Pipelayers, fence & guardrail erectors	7 52	60	80		.10
Pneumatic Tool on Boiler & Stack Work	8 17	60	80		10
LINE CONSTRUCTION:					
Linemen	9 84	.70	3%+ 50	c	3/8 of 1%
Equipment Operator	9 24	70	3%+ 50	c	3/8 of 1%
Groundman	7 88	70	3%+ 50	c	3/8 of 1%
Driver Groundman	6 86	70	3%+ 50	c	3/8 of 1%
PAINTERS:					
Brush	7 00	25	.25		
Spray and Tender	8 00	.25	25		
Structural Steel	7 60	.25	25		
PILEDRIVERMEN & MILLWRIGHTS	8 05	55	50		01
PLUMBERS & STEAMFITTERS	10 90	73	55		02
ROOFERS	7 00				
SHEET METAL WORKERS	9 92	65+e	65		02
SPRINKLER FITTERS	10.91	.75	1.05		08

DECISION NO. NH79-2041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
LABORERS, HEAVY					
Laborers & Pipelayers	$ 7 12	.60	80	d	.10
Pneumatic Tool Op , Drillers Concrete Vibrators, & Pneumatic Breakers	7 62	60	80	d	10
Blasters & Powderman	7 87	60	80	d	10
LATHERS	9 75	1 00	.55		
LINE CONSTRUCTION:					
Lineman	9 84	70	3%+ 50	c	3/8 of 1%
Equipment Operator	9 24	.70	3%+ 50	c	3/8 of 1%
Groundman	6 86	70	3%+ 50	c	3/8 of 1%
Driver Groundman	7 88	.70	3%+ 50	c	3/8 of 1%
PAINTERS:					
Brush	7 00		25		
Spray & Sandblasting	8 00		25		
Open Structural Steel	7 60		25		
Salem:					
Brush	10 96	82	1 20		04
Structural Steel	13 08	82	1 20		.04
Spray & Sandblasting	11 96	82	1 20		04
Repaint	9 26	.82	1 20		.04
PLUMBERS & STEAMFITTERS:					
Plaistow, Atkinson, Danville, Hampstead, and Kingston	10 95	1 65	.62		05
Salem and Windham	11 15	.87	1 00		05
Remainder of County	10 90	73	55		02
ROOFERS	7 00				
SHEET METAL WORKERS	9 92	65+e	65		02
SPRINKLER FITTERS	10 91	75	1 05		08

DECISION NO. NH79-2041

Welders - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a Employer contributes 4% basic houly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit

b Holidays: A through F

c Holidays; B through F provided employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holidays

d Holiday: B,C, & E provided employee works the scheduled work days before & after each holiday

e 3% of gross earning to SASMI

DECISION NO. NH79-2041

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

NH-1-PEO

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	$10 88	1 10	1 00	a	03
CLASS 2	10 76	1 10	1 00	a	03
CLASS 3	10 03	1 10	1 00	a	03
CLASS 4	9 24	1 10	1 00	a	03
CLASS 5	8 69	1 10	1 00	a	03
CLASS 6	8 26	1 10	1 00	a	03

Boom lengths including jib" over 150' add $ 55; over 185' add $ 90; over 210' add $1 25; over 250' add $1 90; over 295' add $2 65

CLASS 1 - Shovels, cranes, truck cranes, cherry pickers, dragline, trench hoe, backhoe, 3 drum machine, derricks, pile, elevator tower, hoist, gradall, shovel dozer (except when pushing), front end loader (except when pushing), fork lift auger, boring machine, rotary drill, post hole hammer, post hole digger, pumpcrete machine
CLASS 2 - Sonic or vibratory hammer, grader, scraper more than 21 yds struck, tahdem scraper, concrete pump, bulldozer, scraper 21 yds struck or less, portable steam boiler, portable steam generator, roller, spreader, tamper, asphalt paver, Mechanics, Maintenance
CLASS 3 - Assistant engineers (firemen)
CLASS 4 - Pumps (1-3 grouped), compressor, welding machine (1-3 grouped), generator, concrete vibrator, lighting plant, heater (power driven 1-5), wellpoint system (operating & installing), syphons-pulsometers, conc mixers, valves controlling permanent plant air or steam conveyor, Jackson type tamper cranes & gradalls
CLASS 5 - Oilers on truck cranes & gradalls
CLASS 6 - Oilers (other than truck cranes & gradalls)

FOOTNOTE: a 10 paid holidays; New Year's Day; Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Fast Day, Columbus Day, and Armistice Day

DECISION NO. NH79-2041

HEAVY CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	$10 07	1 10	1 00	a	03
CLASS 2	10 87	1 10	1 00	a	03
CLASS 3	9 95	1 10	1 00	a	03
CLASS 4	8 795	1 10	1 00	a	03
CLASS 5	9 41	1 10	1 00	a	03
CLASS 6	8 01	1 10	1 00	a	03
CLASS 7	8 09	1 10	1 00	a	03

Boom length including jib: over 150' - additional $.25 per hour; over 185' additional $ 50 per hour; over 220' - additional $ 75 per hour; over 275' additional $1 00 per hour; over 295' additional $2 00 per hour

CLASS - Power shovels, cranes, truck cranes, derrick, pile drivers, trenching machines, mechanical hoist, pavement breakers, cement concrete pavers, draglines,hoisting engines, three drum machines, pumperete machines elevating graders, shovel dozers, (when used for digging or loading), front end loaders (when used for digging or loading), mucking machines (when used as in shafts and tunnels), shaft hoists, steam engineers, backhoes, gradalls and cableways
CLASS 2 - Master Mechanics
CLASS 3 - Grader, scrapers, more than 21 yds , struck and tandem scrapers, bulldozer, scrapers 21 yds , struck or less, grout pumps, portable steam boilers, roller, spreaders, asphalt pavers, locomotive and tampers self-propelled or tractor-drawn, Mechanics, maintenance, sonic or vibratory hammers
CLASS 4 - Pumps (s) (1-3 grouped), compressors welding machine (s) (1-3 grouped) generators, lighting plants, heaters (power driven (105), syphons, pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, wellpoint systems (operating and installing)
CLASS 5 - Assistant engineers (Firemen)
CLASS 6 - Oilers (other than truck cranes and gradalls)
CLASS 7 - Oilers on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a Holidays A through F; Washington's Birthday; Columbus Day; Veterans' Day; Fast Day

DECISION NO. NH79-2041

NH 5-PEO-4-F

POWER EQUIPMENT OPERATORS
MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	$11 75	1 10	1 00	a	02
CLASS 2	11 70	1 10	1 00	a	02
CLASS 3	11 63	1 10	1 00	a	02
CLASS 4	11 63	1 10	1 00	a	02
CLASS 5	10 71	1 10	1 00	a	02
CLASS 6	9 81	1 10	1 00	a	02
CLASS 7	8 68	1 10	1 00	a	02
CLASS 8	9 705	1 10	1 00	a	02
CLASS 9	9 21	1 10	1 00	a	02

Booms over 150' including jib-additional $ 25 per hour
Booms over 185' including jib-additional $ 50 per hour
Booms 220' including jib-additional $.75 per hour
Booms over 275' including jib-additional $1 00 per hour

CLASS 1 - Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine,lighter, derrick boat, trenching machine, mechanical hoist, pavement breaker, cement concrete paver, dragline, hoisting engine, pumperete machine, elevating grader, shovel dozer (except when pushing front end loader (except when pushing), backhoe, gradall, cableway, boring machine,rotary drill, post hole hammer, post hole digger, for, lift
CLASS 2 - Swinger engine
CLASS 3 - Sonic or vibratory hammer, grader, scraper (over 21 yds struck), tandem scraper concrete pump, Bulldozer, scraper (21 yds Struck or less)
CLASS 4 - Portable steam boiler, portable steam generator, roller, tractor, mechanic (maintenance), concrete mixer with side loader
CLASS 5 - Assistant engineer (fireman)
CLASS 6 - Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon, pulsometer, concrete mixer,
CLASS 7 - Oiler (other than truck crane and gradall)
CLASS 8 - Oiler on scow
CLASS 9 - Oiler on truck crane and gradall

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F-Christmas Day

FOOTNOTE: a Holidays: A through F; Washington's Brithday, Patriot's Day, Columbus Day; & Veteran's Day; Provided the employee has worked 3 days during the week in which the holidays falls and is availbale for work the days preceding the holidays.

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NH 1-TD-1-2-3-L

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	$ 5 21	55	40	a	
CLASS 2	5 44	55	40	a	
CLASS 3	5 67	55	40	a	

CLASS 1 - Two Axle Equipment
CLASS 2 - Three Axle Equipment including low beds
CLASS 3 - Special earth hauling equipment other than conventional type on the road truck and semitrailers trailer dumps

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a Holidays: A through F, plus Washington's Birthday, Veteran's Day and Columbus Day; (provded employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first assigned following the holiday).

SUPERSEDEAS DECISION

STATE: NEW HAMPSHIRE COUNTIES: STATEWIDE
DECISION NUMBER: NH79-2046 DATE: DATE OF PUBLICATION
Supersedeas Decision No NH78-2164 dated December 1, 1978 in 43 FR 56350
DESCRIPTION OF WORK: Highway Construction Projects (and Airport Runway and Taxiway Construction, but does not include bridges over Navigable Water; Tunnels; Buildings in Highway Rest Areas; and Railroad Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS:					
Belknap, Carroll, Cheshire, Hillsboro, Strafford and Sullivan Counties	$ 7 09	45	30		01
Coos and Merrimack Counties	7 45	55	50		01
Grafton County	7 95	65	50		01
Rockingham County	6 78				
CEMENT MASNON:					
Belknap County	8.49	75	50		01
Hillsboro County	8 31				
Rockingham County	8 19	55	40		01
Strafford County	7 92				
Sullivan County	7 65	45	40		.01
ELECTRICIANS:					
Sullivan County	9 00				
IRONWORKERS:					
Cheshire, Coos, Grafton & Hillsboro Counties	9 20	70	1 00		02
Rockingham & Merrimack Counties	9 70	70	1 00		02
Sullivan County	8 65	55	90		01
LABORERS:					
Belknap County	6 16	60	70		10
Carroll County	5 68				
Cheshire County	5 25	50	45		10
Coos, Grafton, Hillsboro, Merrimack, Strafford & Sullivan Counties	5 91	.50	45		10
Rockingham County	6 23				
Air Tool Operator:					
Cheshire County	5 75	50	45		10
Sullivan County	6 31	50	45		10
Driller:					
Hillsboro County	7 06	50	45		.10
Pipelayers:					
Hillsboro County	6 56	50	45		10
Strafford County	6 41	60	.70		10
Pneumatic Tool Operator:					
Hillsboro County	5 00	40	40		05
Blaster:					
Sullivan County	6 41	50	45		10
Piledrivermen:					
Merrimack County	8 80	65	50		01

DECISION NO NH79-2046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS:					
Belknap County	$ 5.50				
2 Axle					
Carroll County	3 50				
Hillsboro County	5 21				
Strafford & Sullivan Counties	4 71	55	.25		
3 Axle					
Carroll County	3 50				
Cheshire County	5 44	55	40		
Coos, Grafton, Merrimack, & Sullivan Counties	4 94	45	25		
Hillsboro County	5 67	55	40		
Rockingham County	4 80				
Strafford County	4.94	55	.25		
Earth Moving Equipment:					
Coos & Grafton Counties	5 17	45	25		
Strafford & Sullivan Counties	5 17	55	25		
Hillsboro and Merrimack Cos	5.67	.55	.40		
Dump, Trailer Truck					
Hillsboro County	5 67	55	40		
POWER EQUIPMENT OPERATORS:					
Asphalt Paver:					
Belknap & Carroll Counties	9 20	1 10	1 00	a	03
Cheshire County	6 85				
Coos & Grafton Counties	8 85				
Hillsboro County	8 30	80	75	a	05
Merrimack County	8 15	45	60	a	05
Strafford County	8 53	75	60	a	05
Sullivan County	7 90	45	60	a	.05
Asphalt Roller:					
Carroll County	9 20	1 10	1 00	a	03
Cheshire County	6 78				
Hillsboro County	7.82				
Merrimack County	8 15	.45	60	a	.05
Strafford County	8.81	1.10	80	a	.02
Sullivan County	7 025	.45	60	a	.05

DECISION NO NH79-2046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: (Cont'd)					
Backhoe:					
Belknap County	7.18				
Carroll County	9.32	1 10	1 00	a	03
Coos, Grafton & Sullivan Cos	8.93	1.10	80	a	02
Hillsboro & Merrimack Counties	9.60				
Rockingham County	8.30	55	.60		03
Strafford County	8.93	1 10	80	a	02
Sullivan County	8.35	45	.60	a	05
Bulldozer:					
Belknap County	6.50				
Carroll County	7.47				
Cheshire & Sullivan Counties	7.90	45	.60	a	05
Coos & Grafton Counties	8 53	75	60	a	
Rockingham County	9 20	1 10	1 00		.03
Merrimack County	10 05				
Strafford County	8 81	1 10	80	a	02
Sullivan County	7 90	45	.60	a	05
Crane:					
Hillsboro County	9.90				
Rockingham County	9.32	1 10	1 00		03
Merrimack County	8.75	80	.75	a	05
Front End Loader:					
Belknap County	7.66				
Carroll County	6.76				
Coos, Grafton & Strafford Cos	8.93	1 10	80	a	02
Rockingham County	8.93	1 10	1.00		.03
Up to 3/4 yds :					
Cheshire & Sullivan Counties	7.35	.45	.60	a	.05
3/4 to 4 yds :					
Cheshire County	8.10	.45	60	a	05
Hillsboro County	7 91				
Merrimack County	8.30	80	.75	a	.05
Over 4 yds :					
Hillsboro County	9.80				
Merrimack County	10.25				
Sullivan County	8.10	45	.60	a	.05
Gradall:					
Hillsboro County	8.75	.80	75	a	.05
Rockingham County	9.32	1.10	1.00		.03
Strafford County	8 93	1 10	.80	a	.02
Sullivan County	8.35	.45	.60	a	.05

DECISION NO NH79-2046

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS: (Cont'd)					
Grader:					
Carroll County	$ 6 37				
Cheshire County	8 10	45	60	a	05
Coos & Grafton Counties	8 67				
Hillsboro & Merrimack Counties	8 50	80	75	a	05
Rockingham County	9 20	1 10	1 00		03
Sullivan County	8 35	45	60	a	05
Mechanic:					
Belknap County	7 39				
Carroll County	8 53	75	60	a	
Cheshire County	7 90	45	60	a	05
Coos & Grafton Counties	8 81	1 10	80	a	02
Hillsboro County	8 33				
Merrimack County	8 30	80	75	a	05
Rockingham County	8 95				
Sullivan County	6 43				
Oiler:					
Hillsboro County	6 90	80	75	a	05
Paver:					
Rockingham County	7 00				
Roller:					
Belknap County	8 85				
Rockingham County	8 49				
Roller, Self-Powered:					
Carroll County	8 865	1 10	1 00	a	03
Cheshire County	6 78				
Coos & Grafton Counties	8 53	75	60	a	
Hillsboro County	7 63				
Merrimack County	8 30	80	75	a	05
Strafford County	8 81	1 10	80	a	02
Sullivan County	7 35	45	60	a	05
Scraper:					
Hillsboro County	8 50	80	75	a	05
Shovel:					
Coos & Grafton Counties	8 65	75	60	a	
Hillsboro County	9 15	85	75	a	05

FOOTNOTE:
a New Year's Day; Washington's Birthday; Memorial Day; Fourth of July; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day; Christmas Day

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: See below*
DECISION NUMBER: NC79-1082 DATE: Date of Publication
Supersedes Decision No. NC77-1014 dated February 4, 1977 in 41 FR 7065.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and garden type apartments up to and including 4 stories).

*Alexander, Burke, Caldwell, Catawba, and Iredell

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
AIR CONDITIONING MECHANIC	$5.75				
BRICKLAYERS	6 23				
CARPENTERS	5.04				
CEMENT MASONS	5.25				
ELECTRICIANS	6.41				
GLAZIERS	5.65				
IRONWORKERS	5.92				
LABORERS:					
Unskilled	3.51				
Mason Tenders	3.51				
Mortar mixer	4.50				
LATHERS	6.00				
PAINTERS, Brush	5.00				
PLUMBERS & PIPEFITTERS	5.66				
ROOFERS	4.45				
SHEET METAL WORKERS	5.06				
SPRINKLER FITTERS	5.50				
TERRAZZO WORKERS	4.90				
TILE SETTERS	5.00				
TRUCK DRIVERS	3.80				
WELDERS - Receive rate for craft to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Asphalt pavers	4.36				
Backhoes	5.25				
Bulldozers	4.60				
Cranes, derricks, draglines	5.75				
Fork lifts	4.50				
Front end loaders	4.50				
Mechanics	5.57				
Motor graders	4.65				
Rollers	3.62				
Scrapers - Pans	4.00				
Screeds	5.50				
Tractors	4.30				

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH79-2047 DATE: Date of Publication
Supersedes Decision NO : OH78-2152, dated November 24, 1978 in 43 FR 55185
DESCRIPTION OF WORK: Building Construction Projects (Does not include family homes & garden type apartments up to and including 4 stories)

*ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, DARKE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GEAUGA, GREENE, HAMILTON, HIGHLAND, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MUSKINGUM, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, SHELBY, UNION AND WARREN

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ABESTOS WORKERS:					
Adams, Brown, Butler (excluding Middletown & vic.), Clermont, Hamilton, Highland, & Warren (excluding Twps of Clear Creek Franklin, Massie, Turtle Creek, & Wayne) Cos	$13 16	75	1,00		02
Butler (Middletown & Vic.), Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) Cos	13 02	55	1,35		02
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross & Union Cos	13 07	60	1,15		02
Gallia, Lawrence, Meigs, Pike, & Scioto Cos,	13 10	50	70		03
Geauga County	14 78				
BOILERMAKERS:					
Darke, Delaware, Shelby & Union Cos	13 575	1 075	1 00		03
Geauga Co	12 68	90	1 20		03
Remaining Counties	10 70	1 05	1 10	1 50	02
BRICKLAYERS; CAULKERS; CLEANERS; Marble Setters; Pointers; Stonemasons; Terrazzo Workers; & Tile Setters:					
Brown, Butler, Clermont, Hamilton, Preble (Twps. of Dixon, Israel, Lanier, Somers, & Gratis), & Warren Cos :					
Bricklayers; Caulkers; Cleaners; Pointers & Stonemasons	12 845	.65	35		02
Marble Setters	12 285	65	.35		
Terrazzo Workers & Tile Setters	12 235	65	35		
Champaign, Clark & Logan Cos :					
Bricklayers; Caulkers; Cleaners; Pointers & Stonemasons	10 72	.85	.75		03
Marble Setters; Terrazzo Workers & Tile Setters	9.81	.85	.35		
Clinton & Highland Cos	9 25				
Darke, Miami & Shelby Cos.	11 48	.85	.75		03
Delaware, Franklin, Madison, Pickaway & Union Cos.:					

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BRICKLAYERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Bricklayers; Stonemasons	12 29	.80	1 00		03
Rubble work	10 24	40	80		.01
Marble setters; Terrazzo workers & Tile setters	12.30				
Fairfield & Perry Cos	10 43	.60	90		.10
Fayette, Pike & Ross Cos :					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	12 20				
Gallia & Meigs Cos.	12 05	50			
Geauga County	13 12	60	1 00		
Greene, Montgomery, & Preble (Rem. of Co) Cos :					
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons	11 93	85	.75		03
Marble setters; Terrazzo workers; & Tile setters	10,66	85	35		
Lawrence County	11,50		.50		05
Licking & Muskingum Cos.	10 70	.60	90		.10
CARPENTERS; Millwrights;					
Piledrivermen; & Soft floor layers:					
Adams, Fayette, Gallia, Highland, Lawrence, Meigs, Pike, Ross, & Scioto Cos.:					
Carpenters; Soft floor layers	9 24	55	1 00		.03
Piledrivermen	9 53	55	1,00		.03
Millwrights	10 79	.40	.37		.03
Brown, Butler, Clermont, Clinton, Hamilton & Warren Cos.:					
Carpenters; Piledrivermen	12 20	.75	.85		.075
Millwrights	12 34	55	1 10		.10
Soft floor layers	10,55	75	85		.05
Champaign, Clark, Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, & Union Cos.:					
Carpenters	11 47	.60	1.00		.04
Millwrights	12.12	.60	1.00		.04
Piledrivermen	12.12	.60	1 00		.04
Soft floor layers	11 47	60	1.00		.04
Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos :					
Carpenters; Piledrivermen	11,55	90	1.25		07
Millwrights	11,61	.90	1.00		.07
Soft floor layers	10 40	.90	90		.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Geauga Co :					
Carpenters; Soft floor layers	12 87	85	1 25		03
Millwrights	12 60	85	1 52		03
Piledrivermen	12 60	85	1 52		03
CEMENT MASONS:					
Adams, Lawrence (excluding Fayette, Union, & Rome Twps), Pike, & Scioto Cos	12 52		.60		
Brown, Butler, Clermont, Hamilton & Warren Cos	12 08	80	.95		20
Champaign, Clark, Darke, Greene Miami Montgomery, Preble, & Shelby Cos	11 38	60	60		.07
Clinton & Highland Cos.	9 25				
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Pickaway, Ross, & Union Cos	10 99	60	1 00		05
Geauga Co	13 12	60	1 00		
Lawrence Co (Fayette, Union & Rome Twps)	11 50		50		05
ELECTRICIANS:					
Adams, Pike (S part), & Scioto Cos	11 60	50	3%+ 60	1 00	04
Brown, Clermont & Hamilton Cos :					
Up to & incl 18 mi radius from Hamilton Co court House	12 90	70	3%+ 60		½%
18 to 21 mi radius from Hamilton Co Court House	13 20	.70	3%+ 60		½%
21 to 25 mi radius from Hamilton Co Court House	13 30	70	3%+ 60		½%
Over 25 mi radius from Hamilton Co Court House	13 45	.70	3%+ 60		½%
Butler, & Warren (Twps of Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington) Cos :					
W of Interstate #75:					
Electricians	12 35	.50	3%+ 75		½%
Cable Splicers	12 85	50	3%+ 75		½%
E of Interstate #75:					
Electricians	12 90	50	3%+ 75		½%
Cable Splicers	13 40	50	3%+ 75		½%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
Champaign, Clark, & Madison (Twps of Paint, Pike, Somerford, Stokes, & Union) Cos	$11 64	75	3%+ 90		.04
Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Rem of Co) Cos :					
Electrical communications installers within 11 mi radius of 3rd & Main Street, Dayton	12 43	.75	3%+1 00		5%
Electrical communications installers beyond 11 mi radius of 3rd & Main Street, Dayton	12.66	75	3%+1 00		.5%
Delaware, Fairfield, Franklin, Madison (E portion), Pickaway (N & central portions), & Union Cos	12 18	38	3%+1 00		06
Fayette, Highland, Pickaway (S part), Pike (N part), & Ross Cos.	12 35	40	3%		.02
Gallia Co.	12 27	50	3%+ 80	1 00	04
Geauga Co (Bainbridge, Chester, & Russell Twps)	13 75	.55	3%+ 48		.02
Geauga Co. (Auburn, Middlefield, Parkman, & Troy Twps)	13 39	60	7%		7%
Geauga Co. (Rem of Co)	13 88	70	3%+ 70		2%
Lawrence Co	11.82	50	3%+ 80	1 00	04
Licking, Muskingum, & Perry Cos	11,40	40	3%+ 85		03
Meigs Co	11 55	50	3%+ 80	1 25	.04
Shelby Co	12 41	45	3%+ 37		.04
ELEVATOR CONSTRUCTORS:					
Adams, Brown, Butler, Clermont, Clinton, Darke, Hamilton, Highland, Miami, Preble, & Warren Cos :					
Elevator Constructors	12 36	.745	56	a+b	035
Helpers	70%JR	745	.56	a+b	035
Helpers (Prob)	50%JR				
Champaign, Clark, Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Perry, Pickaway, Ross, Shelby & Union Cos :					
Elevator constructors	$12.22	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Gallia & Meigs Cos :					
Elevator Constructors	12 06	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Geauga Co :					
Elevator constructors	13 335	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Greene & Montgomery Cos :					
Elevator Constructors	12 36	745	56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
Lawrence, Pike, & Scioto Cos :					
Elevator Constructors	12 06	745	.56	a+b	035
Helpers	70%JR	745	56	a+b	035
Helpers (Prob)	50%JR				
GLAZIERS:					
Lawrence, & Scioto Cos	10 60		70		
Adams, Brown, Butler (Hamilton & Vic.), Clermont, Clinton (Southern part), Hamilton, Highland (Part), & Warren (Lebanon & south) Cos	13.10		60		01
Champaign, Butler (excluding Hamilton & Vic), Clark, Clinton (Northern Part), Darke, Fayette (Eastern Part), Greene, Highland (Part), Miami, Montgomery, Preble, Shelby (Southern Part), & Warren (North of Lebanon) Cos.	11 38		70		01
Delaware, Fairfield, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Pike, Ross, & Union Cos	11 22		.57		005
Geauga Co	13 68	.55	.65		.01
IRONWORKERS:					
Adams (Part), Gallia, Lawrence, Pike (Part), & Scioto Cos :					
To 10 mi. from Union Hall in Ashland, Kentucky	11.27	.90	1.05		01

DECISION NO. 0H179-2047

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
10 to 15 mi from Union Hall in Ashland, Kentucky	$11 42	.90	1 05		01
15 to 20 mi from Union Hall in Ashland, Kentucky	11 52	90	1 05		01
20 mi & over from Union Hall in Ashland, Kentucky	11 62	90	1 05		.01
Adams (Part), Brown, Butler (S ½ of Co.), Clermont, Hamilton & Warren (S ½ of Co) Cos :					
Ornamental; Structural	12 33	90	1 20		.03
Reinforcing	11 53	90	2 00		.02
Butler (N ½ of Co), Champaign (W. 2/3 of Co), Clark (W 3/4), Clinton, Darke, Fayette (Part), Greene, Highland (W 4/5), Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos :					
Within 15 mi radius of Local Union #290 office	10 96	.90	1 25		.04
Beyond 15 mi radius of Local Union #290 office	11 11	90	1 25		.04
Champaign (Rem of Co), Clark (E ½), Fayette (Part), Highland (E 1/5), Muskingum, Perry, Pike (Part), & Ross Cos	11 55	90	1 95		05
Delaware, Fairfield, Licking, Madison, Pickaway, & Union Cos.	11 45	90	1 95		05
Franklin Co	11.30	90	1 95		.05
Geauga Co	12 72	1 05	1:30		.03
Meigs Co	11.67	.75	85		.01
LATHERS:					
Butler, Champaign(W½), Clinton, Darke, Fayette(W½), Greene, Miami, Montgomery, Preble, Shelby, & Warren (N. ½) Cos	12 54		.40		.01
Champaign(E½), Clark(E½), Delaware, Fairfield, Fayette (E½), Franklin, Highland(NE Tip), Licking, Madison, Muskingum, Perry, Pickaway, Pike, Ross, & Union Cos	12.45		40		.01
Clermont, Hamilton, Highland, & Warren (S ½) Cos	13 32		.25		.025
Geauga Co	13.38		1.50		.01
Lawrence Co.	11 725		.10		

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LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Adams, Gallia, Lawrence, Meigs, Pike (Twps of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & Scioto Cos :					
Linemen	$12 73	50	3%+ 50	1 00	½%
Operators: All mechanized equipment	10.18	50	3%+.50	1 00	½%
Cable splicers; Linemen welder	14 00	50	3%+ 50	1 00	½%
Groundmen	8 27	50	3%+ 50	1 00	½%
Brown, Clermont, & Hamilton Cos.:					
Linemen up to & incl. 18 mi radius from Hamilton Co Court House, Cincinnati	12 90	70	3%+ 60		½%
Linemen over 18 to & incl 21 mi radius from Hamilton Co Court House, Cincinnati	13 20	70	3%+ 60		½%
Linemen over 21 to & incl 25 mi. radius from Hamilton Co. Court House, Cincinnati	13.30	70	3%+.60		½%
Linemen over 25 mi. radius from Hamilton Co Court House, Cincinnati	13 45	70	3%+ 60		½%
Butler & Warren (Twps. of Deerfield, Hamilton, Harlem, Massie, Salem, Turtle Creek, Union & Washington Twps) Cos :					
E. of Interstate 75:					
Linemen	12.35	.50	3%+.75		½%
Cable splicers	12 85	50	3%+ 75		½%
Groundmen:					
0-1 yr	6.175	.50	3%+.75		½%
1-2 yrs.	7.41	.50	3%+.75		½%
Over 2 yrs.	8 645	50	3%+ 75		½%
W. of Interstate 75:					
Equipment ops ; Linemen	12.90	.50	3%+.75		½%
Cable splicers	13.40	.50	3%+.75		½%
Groundmen:					
0-1 yr.	6.65	.50	3%+ 75		½%
1-2 yrs	7.74	.50	3%+.75		½%
Over 2 yrs	9 03	.50	3%+ 75		½%

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Champaign, Clark, Geauga (Bainbridge, Russell, & Chester Twps) Cos.:					
Linemen; Cable Splicers; Equipment Operators	$13 11	50	3%		½%
Groundmen:					
0-6 months	6 33	50	3%		½%
6-12 months	6 71	50	3%		½%
12-18 months	7 13	50	3%		½%
18 months & over	7 52	50	3%		½%
Clinton, Darke, Greene, Miami, Montgomery, Preble & Warren (Twps of Wayne, Clear Creek, & Franklin) Cos.:					
Linemen; Cable Splicers	12 43	75	3%+1 00		½%
Operators:					
Hole digging equipment; Crane; Hydraulic lift or bucket	12.43	.75	3%+1 00		½%
Line truck with winch or pole & steel handling	9 32	75	3%+1 00		½%
Non-specialized truck & misc equipment	7 46	75	3%+1 00		½%
Groundman-Truck Driver:					
0 - 1 yr.'s experience	6 84	75	3%+1 00		½%
Over 1 yr.'s experience	7 46	75	3%+1.00		½%
Delaware, Madison, Pickaway (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenberg, Scioto, Walnut, & Washington), & Union Cos :					
Cable splicers; Linemen; Equip Equipment Operators	13 11	50	3%		½%
Groundmen:					
Beginning	6 17	50	3%		½%
After 6 months	6.57	.50	3%		½%
After 12 months	7 02	50	3%		½%
After 18 months	7 44	50	3%		½%
Fairfield & Licking Cos.:					
Cable Splicers; Linemen; Operators: All mechanized equipment	12 03	60	3%		½%
Groundmen - Truck Drivers - over 1 yr.	9.53	60	3%		½%
Groundmen - Truck Drivers - 0-1 yr.	8 51	60	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D)					
Groundmen:					
Starting	$ 6 07	60	3%		½%
6 - 12 months	6 49	60	3%		½%
12 - 18 months	6 92	60	3%		½%
18 months & over	7 34	60	3%		½%
Fayette, Highland, Pickaway (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps), Pike (excluding Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps), & Ross Cos :					
Equipment ops ; Linemen	10 95	28	3%		½%
Truck Drivers	6 47	28	3%		½%
Groundman	6 17	28	3%		½%
Franklin Co::					
Cable Splicers; Linemen	10 88	50	3%		½%
Operators:					
0 - ½ yr	7 30	50	3%		½%
½ - 1 yr	8 52	50	3%		½%
1 yr or more	9 81	50	3%		½%
Geauga (Auburn, Middlefield, Parkman, & Troy Twps):					
Linemen; Cable splicers; Operator pole digging equipment	14 07	45	3%		½%
Groundmen 1st 6 mos	7 035	45	3%		½%
Groundmen 2nd 6 mos	8 44	45	3%		½%
Groundmen 2nd yr	9 85	45	3%		½%
Groundmen 3rd yr	10 55	45	3%		½%
Groundmen over 3 yrs	11 26	45	3%		½%
Geauga (Rem of Co):					
Linemen; Cable splicers; Equipment operators	13 88	70	3%+ 70		½%
Truck Drivers Groundmen; Groundmen more than 2 yrs ' experience	9 02	70	3%+ 70		½%
Truck Drivers Groundmen; Groundmen less than 2 yrs ' experience	7 63	70	3%+ 70		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D)					
Muskingum, & Perry Cos :					
Linemen; Cable splicers; Equipment operators	$12 13	50	3%		½%
Groundmen:					
Beginning	6 17	50	3%		½%
After 6 mos	6 57	50	3%		½%
After 12 mos	7 02	50	3%		½%
After 18 mos	7 44	50	3%		½%
Shelby Co :					
Linemen	12 63	60	3%		½%
Groundmen; Truck Drivers	8 44	60	3%		½%
Equipment Operators	11 37	60	3%		½%
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finisher; & Tile Setters' Finishers:					
Adams, Brown, Butler, Clermont, Fayette, Gallia, Hamilton, Highland, Lawrence, Meigs, Pike, Ross, Scioto, & Warren Cos :					
Marble Setters' Finishers	11 285				
Marble Sanders; Polishers; Stockmen; Waxers; & Sawyers	11 45				
Terrazzo Workers' Finishers; & Grinders	11 235				
Terrazzo base grinders (While operating Base grinding machine)	11 655				
Tile setters' finishers	11 185				
Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble & Shelby Cos	8 34				
Delaware, Fairfield, Franklin, Madison, Pickaway & Union Cos :					
Marble Setters' Finishers; Terrazzo Workers' Finishers; & Tile Setters' Finishers	9 70				
Terrazzo base grinders	10.05				
Terrazzo floor grinders	9 85				
Geauga Co :					
Marble Setters' Finishers	11 76		1 50		
Terrazzo Workers' Finishers	12 62		1 20		
Tile Setters' Finishers	12 29		1.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS:					
Adams, Highland, Pike & Scioto Cos.:					
Brush; Paperhangers; Tapers; Wall covering, washing; Exterior buildings under 40'	$11 55		50		
Rollers; Floor Sanding; Power Tools	12 05		50		
Sandblasting; Steamcleaning; & Burning	12 55		50		
Brown, Clermont, & Hamilton Cos Commercial:					
Brush	12 35		25		25 00p/yr
Spray	12 75		25		25 00p/yr
Industrial:					
Brush	12 50		25		
Spray	12 90		25		
Butler & Warren Cos :					
Commercial:					
Brush	10 58				
Spray	11 08				
Industrial:					
Brush	10 73				
Spray	11 23				
Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.:					
Brush; Roller	12 59		.80		.08
Scaffold; Structural Steel; & Swing Stage	12 99		.80		.08
Sandblasting; Spray; & Steam-cleaning	13 09		.80		.08
Spackling & Finishing; & Taping	12 94		.80		.08
Steeple Jackwork	13 34		80		.08
Delaware, Fairfield, Fayette, Franklin, Madison, Pickaway & Union Cos.:					
Brush; Paperhangers; Rollers; & Wall Washing	11 39	65	65		02
Spray	11 89	65	56		02
Structural Steel; & Swing Stage	11 69	65	65		02
Sandblasting; Steamcleaning; & Water Tanks	12 09	65	.65		.02
Drywall Tapers & Finishers	11 79	65	.65		02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS: (CONT'D)					
Gallia, Lawrence, & Meigs Cos :					
Brush; Roller	$ 9 05			d	
Drywall Taping; Paperhangers; & Wall Washers	9 68			d	
Spray	10 15			d	
Open Structural Steel	9 70			d	
Geauga Co.:					
Brush; Paperhangers; Rollers	12 21	67	1 00		05
Swing Stage; Windowjack & Bos'n Chair	12 51	67	1 00		05
Spray	12 61	67	1 00		05
Tapers	12 91	67	1 00		05
Licking, Muskingum, & Perry Cos					
Brush; Paperhangers	8 50				
Spray	8 95				
Ross County:					
Brush; Roller; & Taping	9 25				
Structural Steel	9 50				
Sandblast & Spray	10 00				
Shelby Co.:					
Brush; Roller; Drywall Taping	10 05	73	.50		03
Wallcovering; Swing Stage; Safety belts; Spiders; Cherry pickers - brush or rollers	10 30	73	50		03
Spray; Sandblasting; Steam-cleaning; Mitts; High pressure water cleaning & blow down	10 55	73	50		03
Stilts & automatic drywall tools	10 80	73	50		03
Petroleum Storage tanks (over 30' high) brush, rollers	10 45	73	50		03
Structural Steel (open skeleton) - brush or rollers	10 35	73	.50		.03
Elevated water tanks & stacks - brush, roller or spray	11 55	73	50		03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Adams, Lawrence (except Twps. of Fayette, Union, & Rome); Pike & Scioto Cos.	$12.52		.60		
Brown, Butler, Clermont, Hamilton, & Highland & Warren Cos.	13.095		.75		.02
Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.	12.95				
Clinton Co.	9.25				
Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Muskingum, Perry, Pickaway, Ross and Union Cos.	11.94	.60	.30		.02
Gallia & Meigs cos.	12.05	.50			
Geauga County	13.12	.60	1.00		
Lawrence Co. (Twps. of Fayette, Union & Rome Twps.)	11.50		.50		.05
PLUMBERS; Steamfitters:					
Adams, Gallia, Highland, Lawrence, Pike, & Scioto Cos.:					
Within 10 mi. radius of Portsmouth	12.47	.55	.75		
10 - 20 mi. radius of Portsmouth	12.72	.55	.75		
20 - 35 mi. radius of Portsmouth	12.82	.55	.75		
Over 35 mi. radius of Portsmouth	13.07	.55	.75		
Brown, Clermont, Hamilton, & Warren (N. of Rte #63 excl. Lebanon & S. Lebanon) Cos.:					
Plumbers; Gas Fitters	12.82	1.05	1.20		.07
Pipefitters; Steamfitters	13.00	1.025	1.30		.08
Butler Co. (N. ½)	13.05	.90	1.00		.05
Butler (S. ½) & Warren (S. of Rte. #63 incl. Lebanon & S. Lebanon) Cos.	13.12	.80	1.10		.02
Champaign, Clark, Greene (Twps. of Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), & Madison (N. of Rte. #38 incl. city of London) Cos.	12.40	.83	.85		.04
Clinton, Darke, Fayette, Greene (excl. Twps. of Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper), Miami, Montgomery & Preble Cos.	12.46	.80	1.05		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Delaware, Fairfield, Franklin, Licking, Madison (E. of Rte. #38 not incl. city of London), Perry, Pickaway, Ross, & Union Cos.	$13.00	.93	.82		.06
Geauga Co:					
Pipefitters	13.70	1.22	1.30		.05
Plumbers	14.13	.90	1.10		.02
Meigs Co.	11.73	.52	.60		.045
Muskingum Co.	12.55	.50	.60		.08
Shelby Co.	12.80	.50	.75		.05
ROOFERS:					
Adams, Gallia, Lawrence, Meigs, Muskingum, Pike & Scioto Cos.	11.55		.50		
Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.:					
Roofers	13.32		.85		.01
Pitch	13.92		.85		.01
Champaign, Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Perry, Pickaway, Ross, & Union Cos.	11.795	.60	.65		.01
Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.:					
Slate, Tile, & Asbestos Composition, Damp & Waterproof Workers	12.47	.80	.75		
	12.25	.80	.75		
Geauga Co.	14.03	.25	.50		
SHEET METAL WORKERS:					
Adams, Delaware, Fairfield, Fayette, Franklin, Gallia, Lawrence, Licking, Madison, Meigs, Muskingum, Perry, Pickaway, Pike, Ross, Scioto, & Union Cos.	12.07	.86+a	1.12		.15
Brown, Clermont, Hamilton, & Highland Cos.	12.865	1.03	.85		.04
Butler, Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, Shelby, & Warren Cos.	12.28	.95+f	1.15		.16
Geauga Co.	12.85	.60	1.33		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
SPRINKLER FITTERS:					
Geauga Co	12 45	1 22	1 30		05
Remainder of Counties	12.75	75	1 05		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a 7 paid holidays: A through F, & Day after Thanksgiving
b Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years
c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee who has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday
d. 6 paid holidays: A,C,E,F, Decoration Day & Veterans' Day
e 3% of gross earnings to SASMI
f 3% of gross earnings to SASMI

LABORERS:					
Adams, Gallia, Highland, Lawrence, Meigs, Pike, & Scioto Cos :					
Common laborers; Signalmen	7 77	65	55		.10
Sheeting & Shoring men	7 87	65	55		10
Bottom men; Carpenters' tenders; Mason tenders; Mortar mixers; Plasterers' tenders; & Sewer pipe layers	7 92	65	55		10
Air & machine driven tool op ; Asphalt rakers & smoothers; Burning & cutting torches; Chain saws; & Powered concrete buggies; Hand spikers	8 02	65	55		10
Gunnite machine op ; Gunnite nozzlemen; Powdermen & blasters	8 34	65	55		.10
Brown, Clermont, Clinton, & Hamilton Cos :					
GROUP 1	10 50	70	70		10
GROUP 2	10 60	70	70		10
GROUP 3	10 65	70	70		10
GROUP 4	10 70	70	70		10
GROUP 5	10 85	70	70		10
GROUP 6	11 00	70	70		10
GROUP 7	11 25	70	70		10
GROUP 8	9 97	70	70		10
GROUP 9	10 12	70	70		10

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LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr

GROUP 1: Common laborers; Cement Masons' helpers; Hand operated mechanical mule; Mechanical sweeper; Signal man
GROUP 2: Bottom man; Pipelayer
GROUP 3: Burning torch operator; Jackhammer; Mechanical & air tamper operator; Mechanical concrete buggies; Power operated mechanical mule; Concrete pump hose man; Vibrator man
GROUP 4: Plasterers' tender; Mason tender; Stone mason tender; Bottom jackhammer man
GROUP 5: Plaster mixer pump operator
GROUP 6: Tunnel laborer
GROUP 7: Gunnite nozzle operator
GROUP 8: Demolition Construction - Wrecking laborers
GROUP 9: Demolition Construction - Jackhammer man; Burner; & wall map

Butler & Warren Cos :					
Common laborers	9 79	70	70		10
Asphalt rakers; Tampers; Smoothers hand air pump; Hand air tamper chisel; Vibrator power tamper op	9 89	70	70		10
Gunnite operators; Sandblasters; Concrete pumps & hose men	10 14	70	70		.10
Mason tenders; Mortar mixers; & scaffold builders	10 12	70	70		10
Champaign, & Clark Cos :					
Laborers general; Carpenters' tenders; Flagman; & Signalmen	8 60	80	80		10
Plasterers' tenders; Mason Tenders; Mortar mixers	9 00	80	80		10
Air and Machine driven tool ops.; Jackhammer; Barko & chain saw; Sewer pipe layer; Bottom man; Wagon drill; Hand Spikers; Asphalt raker & tamper; Power concrete & buggies; Gunnite machine op & nozzle man	8 85	80	80		10
Miners & muckers for tunnel & caisson; Powdermen & blaster	9 10	80	.80		10
Darke, Greene, Miami, Montgomery, & Preble Cos :					
Unskilled	9 44	70	70		10
All machine & Power driven tools; Power buggies; Vibrators; Chipping hammers, & railroad spikers					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS: (CONT'D)					
by hand; Swinging scaffold over 15'	$ 9 59	70	.70		10
Jackhammer; Air drill; Sand blaster; Sewer pipe layers; Man-hole builders, & bottom man	9 64	70	.70		10
Caisson work; Scaffold with power tools	9 69	.70	70		.10
Torch man on wrecking	9.74	70	70		10
Caisson work with jackhammer	9 89	70	70		.10
Gunnite op.; Wagon drill op.; & blaster-powderman	9 94	70	70		10
Tenders to bricklayers & masons	10 07	70	70		.10
Tenders to lathers & plasterers	10 11	70	.70		10
Delaware Co :					
Building & Construction laborers; Signalman; Flagman; Tool crib-man; Carpenter tender; Finisher tender; Concrete handler; Utility construction laborers; Guardrail erectors	9 36	.70	.70		.10
Bottom men; Scaffold builders; Tupnel laborers; Pipelayers; Air & power driven tools; Burner on demolition work; Swinging scaffold; Mucker; Caisson work; Cofferdam worker; Powder men & dynamite blasters; Creosote worker; Mortar mixer tenders; Plasterers' tenders; Hod carrier; Laser beam set up man	9 56	.70	.70		.10
Gunnite op.	9.96	70	.70		.10
Fairfield, Fayette, Franklin, Madison, Pickaway, & Union Cos.:					
Common laborers; Carpenter tenders; Pouring of all concrete; Cleaning debris; Cleaning of all material; General clean up; Landscape Sod layers; Salamander; Flagmen; Wire mesh handlers or setters; Loading & unloading all trucks; Handling & conveying all material; Washing of all					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (CONT'D)					
windows; A man on bucket pouring concrete; Conveyor belt	9 04	.80	80		10
Brick tender; Stone mason tender; Plasterers' tenders; Mortar Mixers & Operator; Cement mason tender; All scaffold builders (swinging scaffolds); Jackhammer op.; Air or electrical pneumatic tool op.; Power driven tools; Power buggy op.; Power Wheelbarrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sand & vacuum cleaning; Gunnite nozzle man; Wagon & churn drill ops; Concrete saw op & brush feeders on pulverizers; Pipelayers; Bottom man; Laser gun, Burners; Sandblasting of concrete; Vibrator man; Signal man; Caisson bottom man; & Forklift op.	9 34	.80	.80		.10
Geauga Co :					
Laborers; Equipment replacing wheelbarrow & concrete buggy	10 52	1 37	1.40		
Power driven tools & vibrators; Sewer & Utilities laborers; Fine brick tenders	10.67	1 37	1.40		
Jackhammer; Acetylene burner mucker	10 72	1.37	1.40		
Swinging scaffold; Mason tender handling carbon block & bottom block material; Air track & Wagon drill	10.77	1.37	1 40		
Gunnite op ; Blasters & Shooters; Caisson; Wall; Cylinder; Cofferdams; Mine workers w/o air	10.84	1.37	1.40		
Topman on free standing radial stack	11.02	1.37	1.40		
Acid brick tenders	10.92	1.37	1.40		

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LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Licking Co :					
Brick tender; Stonemason tender; Plasterer tender; Mortar mixer & operator; Cement mason tender; All scaffold builders; Swinging scaffolds; Jackhammer ops ; Air or electrical pneumatic tool ops ; Power driven tools; Power buggy ops ; Fork lift ops ; Power wheelbarrow ops ; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolitions; Gunnite nozzle man; Wagon & churn drill ops ; Concrete saw ops ; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man	8 49	55	40		05
Common laborers; Carpenter tender; Pouring of all concrete; Cleaning of all material; General clean-up incl vacuum cleaning; Landscape; Sod layers; All portable heaters; Loading & unloading all trucks; Handling & Conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; Water pumps up to & incl 4" intake	8 27	.55	40		.05
Muskingum & Perry Cos :					
Planters (landscape); Tree Trimmers; Plumbers' helpers; Carpenters' tender; Building & construction laborers	8 72	70	70		10
Air & machine driven tool ops ; Asphalt plant aggremeter ops ; Asphalt plant mixer men; Brick slingers; Car pushers & tunnel laborers; Caulkers; Yarners & Wrenchmen; Cement handlers; Concrete puddlers (behind mixers); Curb cutters & setters;					

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LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Hand spikers ops ; Jackhammer ops ; Muckers; Mason tenders; Mortar mixers; Pipe layers; Proportioning plant ops ; Pump men (under 4"); Road form setters; Sewer bottom men; stone mason tenders; Sheeting & Shoring men; Vibrator op ; Plasterers' tenders; Cutting with burning torches; Dumpmen (batch trucks)	$ 8 82	70	.70		10
Brick droppers; Lock tenders; Powdermen or blasters	8 97	70	70		10
Ross Co :					
Brick tenders; Stonemasons' tenders; Plasterers' tenders; Mortar mixer & ops ; Cement masons' tenders; All scaffold builders (Swinging scaffolds), Jackhammer ops.; Air or electrical pneumatic tool ops ; Power driven tools; Power buggy ops ; Fork lift ops ; Power wheelbarrow ops ; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolition; Gunnite nozzle man; Wagon & churn drill ops ; Concrete saw ops ; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser gun; Burners; Sandblasting of concrete; Vibrator man; Carpenters' tenders	8 56	70	70		.10
Common laborers; Pouring of all concrete; Cleaning debris; Clean-up incl. vacuum cleaning; Landscape; Sod layers; Loading & unloading all trucks; Handling & conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; All water pumps up to & incl 3" intake	8 36	70	70		10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
LABORERS: (CONT'D)					
Shelby Co :					
Building laborers; Laser beam; Power wheelbarrow or Power buggy	$ 8 65	80	80		.10
Vibrators; spikers by hand (Railroad); Cement finishers helpers	8 80	.80	80		.10
All machine-driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tampers; Torchman; Tunnel	8 80	80	80		.10
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & Wagon drill helper	8 95	80	80		.10
Blaster-Powderman; Gunnite op; Muckers & miners (Tunnel & caisson) free air; Sandblasters; & Wagon drill/operator	8 95	80	80		.10

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POWER EQUIPMENT OPERATORS	Geauga Co	Remaining Cos	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	$13 97	$13 41	71	1 00		11
GROUP B	13 82	13 25	71	1 00		.11
GROUP C	13 47	12 89	.71	1 00		.11
GROUP D	12.69	12 11	71	1 00		11
GROUP E	12 37	11.78	71	1 00		11
GROUP F	10 19	9 58	71	1 00		11

GROUP A: A-frame; All rotary drills used on caisson work for foundations & sub-structure work; Boiler operator or compressor operator (when compressor or boiler is mounted on crane, piggyback Op); Boom trucks; Cableways; Cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes; Derricks; Draglines; Elevating grader or Euclid loader; Floating equipment; Gradalls; Helicopter op hoisting building materials; Helicopter winch operator hoisting builders material; Hoes; Hoisting engines (2 or more drums); Lift slab or panel jack operators; Locomotives; Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps w/boom; Panelboard (all types on site); Piledriver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Trench machines(over 24" wide)

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats

GROUP C: Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (1 drum); House elevators; Man lift; Power boilers (over 15 lbs., pressure); Pump op installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D: Compressors on building construction; Conveyors (building material); Gunnite machines; Mixers (cap. more than 1 bag); Mixers (1 bag cap. side 1 loaders); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welding op.

GROUP E: Backfillers & tampers; Batch plant; Bar & joint installing machine; Bullfloats; Burlap & curing machines; Cleftplanes; Concrete spreading machines; Crushers; Drum fireman (asphalt); Farm type tractor (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over ½' discharge); Hydro seeders; Self-propelled power spreaders; Self-propelled sub-grader; Tire repairman; Tractors pulling sheep foot roller or grader; Vibratory compactors (with integral power)

GROUP F: Oiler; Helper; Signalman; Light plant operator; Power driven heaters (oil fired); Power boiler (less than 15 lbs., pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS:					
Adams, Brown, Highland, Lawrence (W of Coal Grove & W of St Rte #75), Pike, Ross, & Scioto Cos :					
Jeep; Station Wagons; Pickups; Fuel trucks; Dumps to & incl 2 tons; Bus drivers (incl all equipment used for hauling men & materials)	8 96	21 50a			
Dumps over 2 tons; Tandems; Semi-tractor; Lowboys; Fork lifts (incl. mason Tending work); Euclids	9 88	21 50a			
Butler Co. (N. ½):					
Tandem axle trucks; Tandem axle dump trucks; Winch trucks; Fork lifts; Truck warehouse men	9 54	25.00b	31 00a		
Single axle trucks; Jeeps; Pickups	9 39	25 00b	31 00a		
Euclid trucks; Mechanics	9 84	25.00b	31 00a		
Lowboys & drags	9.80	25.00b	31 00a		
Semi combination & combination of hauling units	9 64	25 00b	31 00a		
Clinton, Darke, Greene, Miami, Champaign, Montgomery, & Preble Cos :					
Straight flat & dump truck; Winch truck	6 23	21 50a	8 00a	c&e	
Ready mix dump crete	6 29	21 50a	8 00a	c&e	
Tandem truck & tractor trailer combination	6.34	21 50a	8 00a	c&e	
Euclid to 12 yds	6.40	21 50a	8 00a	c&e	
Euclid over 12 yds	6 76	21 50a	8 00a	c&e	
Delaware, Fayette, Franklin Madison, & Pickaway cos :					
Dump & straight	9 71	33 00a			
Tandem & semi-farm tractor	9 81	33 00a			
Lowboy	9 91	33 00a			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
TRUCK DRIVERS (CONT'D)					
Gallia, Lawrence (E of Ohio St. Rte #75), & Meigs Cos :					
Truck helpers; pickups; Station wagons; Panel trucks; Yardmen; Warehousemen; Flatbody material truck (straight job); Greasers; Washers; Tiremen; Gas pump attendants; Dump trucks (up to 5 cubic yards)	$ 9 84	93.17d	60 67d	1 00	
Tank trucks (straight)	9 94	93 17d	60 67d	1 00	
Dump trucks (5 cu yds. & over); Semi-dump trucks; Semi-trailers (whether flat, rack or pole & hauled or pushed by truck or tractors); Agitator or mixer trucks (up to 5 cu. yds); Tank truck (semi)	10.09	93 17d	60 67d	1 00	
Low boy trailers; Winch trucks; Fork trucks; Distributor trucks (front end & back end); Truck crane; Monorail truck	10 14	93 17d	60 67d	1 00	
Material checker & receiver	10 19	93 17d	60.67d	1 00	
Agitator or mixer truck (5 cu yds & over)	10 24	93 17d	60 67d	1 00	
Mechanic's helper	10.19	93.17d	60 67d	1 00	
Mechanic	10 49	93 17d	60 67d	1.00	
Tri-axle dump trucks; Hydraulic lift tailgate truck & farm type tractors; End dumpsters; Turnarockers; Ross carriers; Athey wagon or similar equipment; A-frame; Hydrolift; Dual purpose trucks	10 49	93 17d	60 67d	1.00	

FOOTNOTES:

a per week per employee
b. per week per employee providing employee has been on payroll at least 30 days
c. 1 yr's employment - 1 wk's paid vacation; 7 yrs' employment - 2 wks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period
d. per month per employee
e. an employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Yr's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hrs pay for said holidays

SUPERSEDEAS DECISION

STATE: OHIO
COUNTIES: *SEE BELOW
DECISION NUMBER: OH79-2048
DATE: Date of Publication
Supersedes Decision No. OH78-2153, dated November 13, 1978 in 43 FR 52660
DESCRIPTION OF WORK: Building & Residential Construction

*ASHTABULA, CUYAHOGA, LAKE, LORAIN, PORTAGE, STARK, & SUMMIT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake, & Lorain Cos.	$14.78				
Ashtabula (Rem. of Co.)	12.89	.55	1.00		.02
Remaining Cos.	12.95	.60	.80		.02
BOILERMAKERS	12.68	.90	1.20		.03
BRICKLAYERS; Stonemasons:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	12.65	1.05	1.20		.01
Lake Co.	13.12	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage & Summit Cos.:					
Commercial Construction	13.16	.88	.55		.02
Residential Construction	11.16	.88	.55		.02
Stark Co.	12.29	.95	.70		.01
CARPENTERS; Millwrights; Piledrivermen; Soft Floor Layers:					
Ashtabula, Cuyahoga, & Lake Cos					
Carpenters; Soft Floor Layers	12.87	.85	1.25		.03
Millwrights	12.60	.85	1.52		.03
Piledrivermen	12.60	.85	1.52		.03
Portage & Summit Cos.:					
Carpenters	12.85	.60	1.00		.02
Millwrights	12.60	.85	1.52		.03
Piledrivermen	12.60	.85	1.52		.03
Soft Floor Layers	10.40	.40	.70		
Stark Co.:					
Carpenters	11.88	.60	.70		.02
Millwrights; Piledrivermen	12.36	.60	.70		.02
Soft Floor Layers	11.71	.60	.70		.02
Lorain Co.:					
Carpenters; Soft Floor Layers	11.59	.85	1.00	b	.06
Millwrights; Piledrivermen	12.60	.85	1.52		.03
CEMENT MASONS:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	14.58				
Lake Co.	13.12	.60	1.00		
Lorain Co.	12.85		.60	a	.01
Portage, Stark, & Summit Cos.:					
Commercial Construction	12.39	.60	.75		.02
Residential Construction (excluding Stark Co.)	11.42	.60	.75		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Cuyahoga & Lorain (Twp. of Columbia) Cos.	13.75	.55	3%+.48		.02
Lake Co.:					
Commercial Construction	13.88	.70	3%+.70		.2%
Residential Construction	6.50	.70	3%		1%
Lorain (Except Columbia Twp.):					
Commercial Construction	13.25	.75	3%+.80		.1%
Residential Construction	7.68	.60	3%		.1%
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:					
Commercial Construction	12.01	.74	3%+.65		.2%
Residential Construction	8.18	.74	3%+.20		.2%
Stark County:					
Commercial Construction	12.60	.50	3%+.50		.3%
Residential Construction	8.65	.50	3%+.40		.3%
Ashtabula co. (Twps. of Colebrook, Wayne, Willaimsfield, Orwell, & Windsor) & Portage (Remainder of Co.) Co.	13.39	.60	7%		.7%
Ashtabula co. (Rem. of Co.):					
Commercial Construction	13.05	.90	3%+.85		.2%
Residential Construction	6.60		3%		.002%
ELEVATOR CONSTRUCTORS:					
Ashtabula Co.:					
Elevator Constructors	11.70	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Cuyahoga, Lake, & Lorain Cos.:					
Elevator constructors	13.335	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
Portage, Stark, & Summit Cos.:					
Elevator Constructors	12.49	.745	.56	c+d	.035
Helpers	70%JR	.745	.56	c+d	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Ashtabula, Cuyahoga, Lake & Lorain Cos.	13.68	.55	.65		.01
Portage, Stark & Summit Cos.:					
Commercial	11.79	.71	1.01		
Residential	7.19	.64	.52		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
IRONWORKERS:					
Ashtabula (NE ¼ of Co)	12 00	1 86	1 01		15
Ashtabula (except NE ¼ of Co), Cuyahoga, Lake, Lorain, Portage (excluding Ravenna Ordnance Depot), & Summit Cos	12 72	1.05	1 30		03
Portage (Ravenna Ordnance Depot) Co :					
Ornamental; Reinforcing; & Structural	12 03	40	1 30		07
Bucker-up	12 155	40	1 30		07
Sheeter	12 53	40	1 30		07
Stark Co :					
Ornamental; Reinforcing; & Structural	12 58	80	95		.05
Bucker-up	12 705	.80	95		.05
Sheeter-side	12.83	80	95		05
Sheeter-roof	13 08	80	95		.05
LATHERS:					
Ashtabula, Cuyahoga, Lake, Lorain (Eastern portion), & Summit (No part of Co) Cos	13 38		1 50		01
Lorain (Rem of Co)	13.30				.01
Portage & Summit (So part of Co) Cos.	13 56	88	50		.01
LINE CONSTRUCTION:					
Ashtabula Co. (Twps of Colebrook, Orwell, Wayne, Williamsfield, & Windsor); Portage Co (Twps of Charleston, Edinburgh, Freedom, Hiram, Nelson, Palmyra, Paris, & Windom)					
Cable splicer op ; Linemen; Pole digging equipment op	14 07	45	3%		½%
Groundmen:					
Over 3 yrs	11 26	45	3%		½%
3rd yr	10 55	45	3%		½%
2nd yr	9 85	45	3%		½%
2nd 6 mos	8 44	45	3%		½%
1st 6 mos	7.035	45	3%		½%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (CONT'D)					
Ashtabula co (Rem of Co):					
Cable splicer; Equipment Op ; Line Truck Driver; Linemen	13 05	90	3%+ 35		½%
Groundmen:					
Over 12 mos	9 80	90	3%+.85		½%
6 - 12 mos	8 50	90	3%+ 85		½%
0 - 6 mos	7 20	90	3%+ 85		½%
Cuyahoga Co.:					
Cable splicers; Equipment Ops ; Linemen	14 28	50	3%		½%
Beginning Truck Drivers Groundmen	7 85	50	3%		½%
Advanced Truck privers (winch) Groundmen	9 28	50	3%		½%
Lorain (Columbia Twp) Co :					
Cable splicers; Equipment Ops ; Linemen	13.11	50	3%		½%
Beginning Truck Driver Groundmen	6 17	50	3%		½%
Advanced Truck Driver (winch) Groundman over 2 yrs, experience	6 57	50	3%		½%
Lorain (Rem, of Co,) Co,:					
Cable Splicers; Equipment ops,; & Linemen	13.25	75	3%+.80		½%
Lake Co,:					
Equipment Operators; Linemen	13 88	70	3%+.70		½%
Portage (Twps of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro, & Suffield), & Summit Cos,:					
Linemen	12 81	74	3%+.65		½%
Cable Splicers	13 61	74	3%+ 65		½%
Groundmen; Truck Drivers	6 41	74	3%+ 65		½%
Equipment Operators	9 61	74	3%+ 65		½%
Stark Co,;					
Cable Splicers; Linemen	12 60	50	3%+ 50		3%
Truck Drivers; Groundmen	7 50	50	3%+ 50		3%
Line Equipment Ops	11 10	50	3%+ 50		3%
MARBLE SETTERS:					
Ashtabula Co	11 21	.95	.70		
Cuyahoga Co	12 65	1.05	1 20		01
Lake Co.	13 12	60	1.00		
Lorain Co	12 85		.60	a	01
Portage & Summit Cos	12 12	81	50		
Stark Co	11.22	95	70		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE SETTERS' FINISHERS:					
Cuyahoga, Lake & Lorain Cos	11 76		1 50		
Portage & Summit Cos	11 62	81	50		
PAINTERS:					
Ashtabula, Cuyahoga, Lake, Portage (No of East West Turnpike), & Summit (No of East West Turnpike), Lorain (NE part):					
Brush; Rollers; Paperhangers	12 21	67	1 00		05
Swing Stage; Window Jack	12 51	67	1 00		05
Tapers	12 91	67	1 00		05
Lorain (Except NE part):					
Commercial Construction:					
Brush	9 70			e	
Roller; Taping	9 95			e	
Residential Construction:					
Brush	9 35			e	
Taping	9 60			e	
Portage Co (Ravenna Ordnance Depot):					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro jet cleaning; Steam Cleaning	11 50	75	1 00		
Spray; Epoxy-mastic (brush or roller)	12 00	75	1 00		
Swing; Interior scaffold (over 30 ft); Window jacks & safety belts	11 67	75	1 00		
Drywall Taping	11 65	75	1 00		
Open Structural Steel	11 71	75	1 00		
Dipping (when permitted)	11.85	75	1 00		
Epoxy - mastic (spray)	12 50	75	1 00		
Paperhangers (furnishing own tools)	11 75	75	1 00		
Stark Co : (Commercial)					
Brush; Roller	10 31	93	60		02
Paperhangers	10 41	93	.60		02
Drywall	10 71	93	60		02
Spray	10 81	93	60		02
Drywall with machines	11 06	93	60		02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS (CONT'D)					
Stark Co.: (Residential)					
Brush; Roller	9 87	93	60		02
Paperhangers	9 97	93	60		02
Spray	10 37	93	60		02
Drywall	10 27	93	60		02
Drywall with machines	10 62	93	60		02
PIPEFITTERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos	13 70	1 22	1 30		05
PLASTERERS:					
Ashtabula Co	11 21	95	70		
Cuyahoga Co	14 88				01
Lake Co	13 12	60	1 00		
Lorain Co	12 85		60	a	01
Portage & Summit Cos	12 26	60	75		01
Stark Co	12 29	95	70		01
PLUMBERS:					
Ashtabula, Cuyahoga, Lake, & Summit (No of Rte #303) Cos	14 13	90	1 10		02
Lorain Co	13 23	60	88		05
Portage & Summit (So. of Rte #303) Cos	12 15	85	1 00		05
Stark Co	12 12	50	70	f	05
ROOFERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos	14 03	.25	50		
Portage, Stark, & Summit Cos	12 52	94	70		02
SHEET METAL WORKERS:					
Ashtabula, Cuyahoga, & Lake Cos	12 85	60	1 33		04
Lorain Co	13 00	85	88		04
Portage, Stark, & Summit Cos	12.41	81	84		05
SPRINKLER FITTERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	13.70	1 22	1 30		05
Lake, Portage, Stark, & Summit Cos	12 75	75	1 05		08
STEAMFITTERS:					
Lorain Co	13.23	60	88		05
TERRAZZO WORKERS:					
Ashtabula Co	11 21	.95	.70		
Cuyahoga Co.	13 65	1.05	1 20		01
Lake Co.	13.12	60	1 00		
Lorain Co	13.85		60	a	01
Portage & Summit Cos	11 12	81	60		
Stark Co	11 14	95	70		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TERRAZZO WORKERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos	12 62		1 20		
Portage & Summit Cos	11 62	81	50		
Stark Co	10 26	95	70		
TILE SETTERS:					
Ashtabula Co	11 21	95	70		
Cuyahoga Co	12 905		1 50		
Lake Co	13 12	60	1 00		
Lorain Co	12 85		60	a	.01
Portage & Summit cos	12 12	81	50		
Stark Co	11 05	95	70		
TILE SETTERS' FINISHERS:					
Cuyahoga, Lake, & Lorain Cos	12 29		1 50		
Portage & Summit Cos	11 62	81	50		
Stark Co	10 14	95	70		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a 2 paid holidays: C & D
b 2 paid holidays: B & D
c 7 paid holidays: A through F, & Day after Thanksgiving
d Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years
e 2 paid holidays: C & D
f 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday

LABORERS (Ashtabula County): Sheeting & Shoring Men; Ashphalt Rakers & Tampers; Dumpmen (Batch Truck); Signalmen; Concrete Workers; Building Wreckers; Tool Checkers; Carpenters' Tenders; Construction Laborers; All work not mentioned in classifications below to be paid at the rate of construction laborers	$10 45				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (CONT'D):					
Spreader Box Men (asphalt); Stone Masons' Assistant; Plasterers or Mortar Mixers; Squeegee man	10 60				
Air & Machine Driven Tool op ; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of floors	10 65				
Stackmen; Swinging Scaffold men	10 75				
Tunnel Laborers	10 85				
Gunnite ops	10 95				
Power Blasters	11 00				
LABORERS (Cuyahoga County):					
Construction	10 52	1 37	1 40		
Sewer & Utility; Power Driven Tools & Vibrators	10 67	1 37	1 40		
Jackhammer; Acetylene Burners; Muckers	10 72	1 37	1 40		
Swinging Scaffolds	10 77	1 37	1 40		
Gunnite ops ; Blasters; Shooters; Caisson; Well Cylinders; Mine Workers w/o air; & Cofferdams	10 84	1 37	1 40		
Topman on free standing radial stack	11 02	1 37	1 40		
LABORERS (Lake County):					
Building & Construction	10 65	55	40		
Gunite op ; Blasters & Shooters; Caissons; Wells; Cylinder cofferdams; Mine Workers w/o air; Swing Scaffolds; Acetylene Burners; Vibrators; Top man on free standing radial stacks; Slip forms higher than 30'; Fire Brick Tenders	10 90	55	40		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (Lorain County): Building & Construction; Signalmen; Flagmen; Tool Crib; Carpenter Tender; Finisher Tender; Concrete Handler; Guard Rail Erector	10.63	80	80		10
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipelayers; Air & Power Driven Tools; Burner on demolition work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blasters; Creosote Workers; Mortar Mixers; Form Setter; Mason Tender; Plasterers' Tenders; Hod Carrier; Laser Beam set up man	10 83	80	80		.10
Gunnite Operator	11 23	80	80		10
LABORERS (Portage & Summit Cos.): Residential Construction	9 37	80	80		16
Common Laborers; Welders' Helpers; Carpenters' Tenders; Landscape Laborers; Mason Tender; Concrete Bucket Tender	10.92	80	80		.16
Air Driven Boring Machine; Tamper ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up man on demolition work; Scaffold Erector; Structural Precast Erector; Power Tools-Air, Gas, or electric	11.07	80	80		.16
Pipe Layers; Rock Drillers; Muckers--Tunnel; Burners; Form Setters; Power Saws; Jackhammer; Barco Type Tampers; Bottom man; Hod Carrier; Power Buggy or Power Wheelbarrow	11.12	.80	.80		.16

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (CONT'D) Gunite Nozzlemen; Tunnel Miners Water Line Caulkers; Dynamite Men; Pump Hose Nozzlemen	11 42	80	80		.16
LABORERS (Stark County): Building & Construction; Signalmen; Flagmen; Tool Cribman; Carpenters' Tenders; Finisher Tenders; Concrete Handler; Utility Construction Laborer; Guard Rail Erector	9 36	.70	70		10
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blaster; Creosote Workers; Mortar Mixers; Form Setter; Mason Tender; Plasterers' Tenders; Hod Carrier; Laser Beam Set-Up Men	9 56	70	70		.10
Gunnite Operator	9.96	.70	70		.10
POWER EQUIPMENT OPERATORS: Ashtabula, Cuyahoga, Lake, & Lorain Cos :					
GROUP A	13 97	.71	1.00		.11
GROUP B	13 82	71	1 00		11
GROUP C	13 47	71	1 00		11
GROUP D	12 69	71	1 00		.11
GROUP E	12 37	71	1 00		11
GROUP F	10 19	71	1.00		.11
Portage, Stark, & Summit Cos :					
GROUP A	13 69	71	1 00		11
GROUP B	13 53	71	1 00		11
GROUP C	13.18	71	1.00		.11
GROUP D	12 37	71	1 00		.11
GROUP E	12 04	.71	1 00		.11
GROUP F	9 83	.71	1 00		11

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GROUP A - A-Frames; All rotary drills used on caisson work for foundations & sub-structure work; Boiler op or compressor op when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes (all types); Derricks (all types); Draglines; Elevating grader or Euclid loader; Floating equipment; Gradalls; Helicopter op (hoisting builders materials); Helicopter winch op ;(hoisting builders materials); Hoes (all types); Hoisting engines (two or more drums); Lift slab or panel jack ops ; Locomotives (all types); Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps with booms; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction site); Tower derricks; Trench machines (over 24" wide)

GROUP B - Asphalt paver; Bulldozer; CMI type equipment; Endloaders; Kohlman type loaders (dirt loading); Mucking machines; Power graders; Power scoops; Power scrapers; Push cats

GROUP C - Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boiler (over 15 lbs., pressure); Pump op installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D - Compressors on building construction; Conveyors (building material); Gunite machines; Mixers (cap , more than one bag); Mixers (one bag cap , side loader); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder operator

GROUP E - Backfillers and tampers; Batch plant; Bar & joint installing machine; Bull floats; Burlap & curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman (asphalt); Farm type tractors (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over ½" discharge); Hydro seeders; Self-propelled power spreader; Self-propelled subgrader; Tractors (pulling sheep foot roller or grader); Tire repairman; Vibratory compactors (with integral power)

GROUP F - Oiler; Helpers; Signalman; Light plant op ; Power driven heaters (oil fired); Power boilers (less than 15 lbs pressure); Submersible pumps (under 4" discharge); Pumps (under 4" discharge)

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO : OH79-2049 DATE: Date of Publication
Supersedes Decision No OH78-2154, dated November 13, 1978, in 43 FR 52666
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories)

*ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS:					
Ashland, Coshocton, Holmes, Medina, Tuscarawas & Wayne Cos	$12 95	60	.80		02
Carroll & Columbiana Counties	12 89	55	1.00		02
BOILERMAKERS:					
Ashland County	13 575	1 075	1 00		03
Carroll, Coshocton, Holmes, Medina, Tuscarawas, & Wayne Counties	12 68	90	1 20		03
Columbiana County	11 785	7 5%	7%		01
BRICKLAYERS; Marble Setters; Stonemasons: Terrazzo Workers; and Tile Setters:					
Ashland, Holmes & Wayne (except Milton & Chippewa Twps) Cos	12 23	70	1 00		02
Carroll, Columbiana (Twps of Knox, Butler, West & Hanover), and Tuscarawas Counties: Bricklayers; Stonemasons	12 29	95	70		01
Carroll and Tuscarawas Counties:					
Marble Setters	11 22	95	70		
Terrazzo Workers	11 14	95	70		
Tile Setters	11 05	95	70		
Columbiana (Twps of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem, and Unity) County: Bricklayers; Stonemasons Marble Setters; Terrazzo Workers; and Tile Setters	11 74 13.055	75	1 00		02
Columbiana (Rem of Co) Co	11 15	60	50		
Coshocton County	10 70	60	90		10
Medina (Twps of Hinckley, Grander, Brunswick, Medina, Liverpool, Montville, and York) Co : Bricklayers; Marble Setters; Stonemasons; and Terrazzo Workers	12 65	1 05	1 20		01
Tile Setters	12 905		1 50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Medina (Twps of Wadsworth, Guilford, Westfield, Lafayette, & Sharon) & Wayne (Chippewa & Milton Twps) Cos :					
Bricklayers; Stonemasons	$13 16	88	55		02
Marble Setters; Terrazzo Workers; & Tile Setters	12 12	81	50		
Medina (Twps of Litchfield, Chatham, Harrisville, Homer, & Spencer) Co	12 85		60	a	01
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:					
Ashland Co :					
Carpenters; Soft Floor Layers	11 59	85	1 00	b	06
Millwrights	12 60	85	1 52		03
Piledrivermen	12 60	85	1 52		03
Carroll, Tuscarawas, & Wayne Cos :					
Carpenters	11 88	60	70		02
Millwrights; Piledrivermen	12 36	60	70		02
Soft Floor Layers	11 71	.60	70		02
Columbiana Co :					
Carpenters	10 75	.92	95		02
Millwrights	11 73	.50	6%	5%	02
Piledrivermen	11 85	5 5%	10%		5%
Coshocton & Holmes Cos :					
Carpenters; Soft Floor Layers	11 47	60	1 00		04
Millwrights	12 12	60	1.00		04
Piledrivermen	12 12	60	1.00		04
Medina Co :					
Carpenters	12 85	60	1 00		02
Millwrights	12 60	.85	1 52		03
Piledrivermen	12 60	.85	1 52		.03
CEMENT MASONS; Plasterers:					
Ashland Co.:					
Cement Masons	11 65	.60			
Plasterers	10 95				
Carroll & Tuscarawas Cos.	12.29	95	.70		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Columbiana Co :					
Cement Masons	$11 80	60	50		05+f
Plasterers:					
Twps of Knox, Butler, West, & Hanover	12 29	95	70		01
Remainder of Co	12 11	60			03
Coshocton Co :					
Cement Masons	10 70	60	90		10
Holmes & Wayne (except Chippewa & Milton Twps) Cos	12 88		1 00		02
Medina Co (exclusive of Twps of Homer, Harrisville, Chatham, Litchfield, & Spencer)					
Cement Masons	12 39	60	75		02
Plasterers	12 26	60	.75		01
Medina Co (Rem of Co):					
Cement Masons; Plasterer	12 85		60	a	01
ELECTRICIANS:					
Ashland Co	12 30	45	3% + 50		.1%
Carroll (N ½ incl Fox, Harrison, Rose & Washington Twps), Columbiana (Knox Twp), Holmes, Tuscarawas (N of Auburn, Clay, Rush, & York Twps), & Wayne (S of Baughman, Chester, Green, & Wayne Twps.) Cos	12 60	.50	3% +.50		.3%
Carroll (Rem of Co) Co	13 50	7%	10%	10%	½%
Columbiana (Twps. of Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St Clair, Washington, Wayne, West, & Yellow Creek) Co	11 90	95	3% + 48		.07
Columbiana (Twps, of Butler, Fairfield, Perry, Salem, & Unity) Co	13 03	59	7%		.3%
Coshocton & Tuscarawas (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry, & Bucks Twps) Cos	11.40	.40	3% + 85		.03
Medina (Twps of Litchfield, & Liverpool) Co	13 25	.75	3% + .80		1%
Medina (Rem. of Co.), & Wayne (N½ of Co.)	12 81	74	3% + 65		.2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELEVATOR CONSTRUCTORS:					
Ashland, Coshocton, Holmes, & Tuscarawas Cos :					
Elevator Constructors	$12 22	745	56	c+d	035
Helpers	70%JR	745	56	c+d	035
Helpers (Prob)	50%JR				
Carroll Co :					
Elevator Constructors	10 405	745	.56	c+d	035
Helpers	70%JR	745	.56	c+d	035
Helpers (Prob)	50%JR				
Columbiana Co :					
Elevator Constructors	11 99	.745	56	c+d	035
Helpers	70%JR	745	56	c+d	035
Helpers (Prob)	50%JR				
Medina & Wayne Cos :					
Elevator Constructors	12 49	745	56	c+d	035
Helpers	70%JR	745	56	c+d	035
Helpers (Prob)	50%JR				
GLAZIERS:					
Carroll, Coshocton, Holmes, Medina (S ½), Tuscarawas, & Wayne Cos	11 79	71	1 01		
Medina (N ½) Co	13.68	55	.65		01
IRONWORKERS:					
Ashland, Carroll, Coshocton, Holmes, Tuscarawas, & Wayne Cos :					
Ornamental; Reinforcing; & Structural	12 58	80	95		05
Sheeter-roof	13 08	80	95		05
Sheeter-side	12 83	80	95		05
Bucker-up	12 705	80	95		.05
Columbiana Co :					
Ornamental; Reinforcing; & Structural	12 03	40	1 30		07
Sheeters	12 53	40	1 30		07
Bucker-up	12 155	40	1 30		07
Medina Co	12 72	1.05	1.30		03
LATHERS:					
Wayne Co	13 56	.88	.50		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE SETTERS' FINISHERS; Terrazzo Workers' Finishers; & Tile Setters' Finishers:					
Ashland, & Medina (exclu Twps. of Wadsworth, Guilford, Westfield, Lafayette, & Sharon) Cos :					
Marble Setters' Finishers	11 76		1 50		
Terrazzo Workers' Finishers	12 62		1.20		
Tile Setters' Finishers	12 29		1 50		
Columbiana Co.	11 455				
Medina (Rem of Co.) & Wayne (Twps. of Milton & Chippewa)	11 62	81	50		
PAINTERS:					
Ashland Co.:					
Brush; Roller; Washer; Cleaner	9 80		.50		
Drywall; Paperhanger; Wall Coverer; Pot Tenders	10 55		50		
Structural Steel Tanks & Towers; Hazardous Materials incl. epoxy or any 2 component materials	10 30		50		
Spray; Riggers & helpers on scaffolding over 30' above base level	10 55		50		
Sign & Pictorial	10 66		50		
Sandblaster Cleaner	10 95		50		
Carroll, Holmes, Tuscarawas, & Wayne Cos :					
Brush; Roller	10 31	93	60		02
Paperhanger	10 41	93	60		02
Spray	10 81	93	60		02
Drywall	10 71	93	60		02
Drywall with machines	11 06	93	60		02
Columbiana Co.:					
Brush; Rollers; Waterproofing; Paperhanging; Wallwashing; Hydro-jet cleaning; Steam cleaning	12 35	75	1 00		
Spray; Epoxy-mastic (brush or roller)	12 85	75	1 00		
Swing; Interior scaffold (over 30 ft); Window jacks & safety belts	12 52	75	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Drywall taping	$12.50	75	1 00		
Open structural steel	12 56	75	1 00		
Dipping (when permitted)	12 70	75	1 00		
Epoxy-mastic (spray)	13 35	75	1 00		
Paperhangers (furnishing own tools)	12 60	75	1 00		
Coshocton Co.:					
Brush; Paperhangers; Wall washers; Wallpaper cleaners; & Drywall tapers	6 00				
Spray	6 50				
Swing stage; Scaffold & removal of wallpaper	6.25				
PIPEFITTERS; Sprinkler fitters:					
Medina (No of State Rte #18)	13 70	1.22	1.30		05
PLUMBERS; Steamfitters:					
Ashland Co	13.23	60	88		05
Carroll (Twps of Ross, Monroe, Union, Lee, Orange, Perry, & Loudon), Coshocton, Holmes, & Tuscarawas Cos	12 55	.50	60		08
Carroll (Rem. of Co), & Wayne Cos	12.12	.50	.70	a	.05
Columbiana (Washington & Yellow Creek Twps., & Liverpool Twps Secs. 35 & 36 - West of County Rd. #427)	12 61	50	8%	8%	12
Columbiana (Rem of Co)	12.29	1.37	.50		03
Medina (N Of St Rte 18 & Smith Rd. incl city of Medina) Co :					
Plumbers	14 13	.90	1.10		.02
Medina (Rem. of Co.) Co.:					
Plumbers	12.15	.85	1 00		05
ROOFERS	12 52	.94	70		02
SHEET METAL WORKERS:					
Ashland, Carroll, Coshocton, Holmes, Medina, Tuscarawas, & Wayne Cos	12 41	.81	84		05
Columbiana Co.	12.26	.75	.79		.04
SPRINKLER FITTERS (Excluding					
Medina Co. (No. of State Rte 18)	12.75	.75	1.05		.08
Medina (S. of State Rte 18)	13 70	1 22	1 30		05

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a. 2 paid holidays: C & D
b. 2 paid holidays: B & D
c. 7 paid holidays: A through F, & Day after Thanksgiving
d Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years
e 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.
f. $25.00 per year

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS:					
Ashland Co :					
General laborer; Carpenter tender; Concrete handler	$ 9 36	.70	.70		.10
Mason & Plasterers' tenders; Air & power driven tools; Pipelayers; Dynamite blaster; Mortar mixer; & formsetter	9 56	.70	.70		.10
Gunnite operator	9.96	.70	.70		.10
Carroll Co :					
Building & construction; Signalmen; Flagmen; Tool crib-man; Carpenters' tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guard rail erector	9 36	.70	.70		.10
Bottom men; Scaffold builder; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition; Swing-ing scaffold; Mucker; Caisson worker; Cofferdam worker; Powder men & dynamite blaster; Creosote workers; Mortar mixers; Form setter; Mason tender; Plasterers' tenders; Hod carrier; Laser beam set-up men	9 56	.70	.70		.10
Gunnite operator	9 96	.70	.70		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Columbiana Co.:					
General laborers; Carpenters' tenders	$ 8 70	70	70		10
Brick & cement mason tenders; Plasterers' tenders; Mortarmen	8 865	70	70		10
Pipelayers; Air tool & power tool operators; Jackhammer ops	8 90	70	70		.10
Coshocton, Holmes, & Tuscarawas Cos.:					
Laborers; Carpenters' tenders; Concrete handlers; Finisher tenders; Guard rail erector	9.36	70	.70		10
Bottom men scaffold builders; Air & power driven tools; Burners; Pipelayers; Mason & plasterers' tenders; Hod carriers; Laser beam set up men; Blasters & Dynamite man	9 56	70	70		10
Gunnite operators	9 96	70	70		10
Medina Co :					
Common laborers; Welders helpers; Carpenters' tenders; Landscape laborers; Mason tender; Concrete bucket tender	10 92	80	80		16
Air driven boring machine; Tamper ops ; Asphalt raker; Paving bed maker; Material mixer; Wire mesh handler; Hook-up man on demolition work; Scaffold erector; Structural precast erector; Power tools-air, gas, or electric	11 07	80	80		16
Pipe layers; Rock drillers; Muckers--Tunnel; Burners; Form setters; Power saws; Jackhammer; Barco type tamper; Bottom man; Hod carrier; Power buggy or Power wheelbarrow	11 12	80	80		16
Gunite nozzlemen; Tunnel miners; Water line caulkers; Dynamite men; Pump hose nozzlemen	11 42	80	80		16

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Wayne Co :					
Building & Construction; Signalmen; Flagmen; Tool crib-man; Carpenters' tenders; Finisher tenders; Concrete handler; Utility construction laborers; Guard rail erector	$ 9 36	70	70		10
Bottom men; Scaffold builder; Tunnel laborers; Pipe layers; Air & power driven tools; Burner on demolition; Swing-ing scaffold; Mucker; Caisson worker; Cofferdam worker; Powder men & dynamite blaster; Creosote workers; Mortar mixers; Form setters; Mason tender; Plasterers' tenders; Hod carrier; Laser beam set-up men	9 56	70	70		10
Gunnite operator	9 96	70	70		10
POWER EQUIPMENT OPERATORS:					
Ashland, Carroll, Coshocton, Holmes, Tuscarawas, & Wayne Cos :					
Group A	13 69	71	1 00		11
Group B	13 53	71	1 00		11
Group C	13 18	.71	1 00		11
Group D	12 37	71	1.00		.11
Group E	12 04	.71	1 00		11
Group F	9 83		1 00		11
Medina Co :					
Group A	13 97	71	1 00		11
Group B	13 82	71	1 00		.11
Group C	13 47	71	1 00		11
Group D	12 69	71	1 00		11
Group E	12 37	71	1 00		.11
Group F	10 19	71	1 00		11

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GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24"wide), tug boat

GROUP B - Asphalt paver, bulldozer, C M I type equipment , endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity; side loader), post driver, post hole digger, pavement breaker (hydraulic or cable),road widening trencher rollers,welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach , crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. presssure, pumps under 4" discharge, submersible pumps under 4" discharge

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POWER EQUIPMENT OPERATORS
Columbiana Co

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS I	$12.01	65	80		.14
CLASS II	11 32	65	80		.14
CLASS III	10 68	65	.80		.14
CLASS IV	10 27	65	80		.14
CLASS V	10 17	65	80		.14
CLASS VI	12.28	65	.80		.14

CLASS I - Asphalt planer heater; Austin western & similar type; Backhoe; Batch plant-central mix; Batch plant-portable concrete; Berm builder-automatic; Backfiller w/drag attachment; Boat derrick; Boat-tug; Boring mach. attached to tractor; Bullclam; Bulldozer; C M I road builder & similar types; Cable placer & layer; Carrier-straddle; Carryall - scraper or scoop; Chicago boom; Compactor w/blade attached; Concrete spreader finisher comb., Crane; Crane-stationary or climbing; Crane-electric overhead; Crane-side boom; Crane truck; Crane-tower; Derrick-boom; Derrick-car; Diggers-wheel (not trencher or road widener); Double nine; Drag line; Dredge; drill-Kenny or similar type; Electromatic; Fork lift; Frankie pile; Gradall; Grader-power; Gurry; Gurry-self-propelled; High lift; Hoist-monorail; Hoist-stationary & mobile tractor; Hoist-2 or 3; Jackall; Jumbo mach ; Kocal or Kuhlman; land-seagoing vehicle; Loader - Elevating; Loader-front end; Locomotive; Mechanic as welder; Metro clip harvester w/boom; Mucking mach ; Paver-asphalt finishing mach.; Paver-road concrete; Paver-slip form; Place crete mach; Post driver; Power driven hydraulic pumps & jacks; pump crete machine; Regulator-ballast; Reigs-drilling; Shovels; Spikemaster; Stonecrusher; Tie puller & loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-boom; Truck-tire-assigned to job; Trench mach.; Tunnel machine (Mark 21 Java or similar); Whiley

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester w/o boom; cleaning mach - pipeline type; Coating Mach-pipeline type; Concrete belt placer; concrete finisher; Concrete planer or asphalt; Concrete spreader; Elevator; Fork lift walk behind; form line mach ; Grease truck op ; Grout pump; Gunnite mach ; Huck bolting Mach ; Hydraulic scaffold; Paving breaker; Pipe dream; Pot firemen; Power broom; Refrigeration plant; Saugen derrick; Seeding Mach.; Self-propelled mobile vibrator compactor or roller; Hoist-single drum; Soil stabilizer (pump type); Spray cure Mach -Self propelled; Straw blower mach ; Sub-grader; Tube Finisher or broom C.M.I. or similar type; Tugger Hoist

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CLASS III - Batch plant-job related; Boiler op ; Compressor (125 CFM or over); Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven; Mixer-concrete; Mulching Mach ; Pin puller; Pulverizer; Pump; Road finishing mach (pulltype); roller; Saw-concrete-self propelled; signal man; spray cure mach -motor powered; Spreader (side driver shoulder attachment); Tractor; Trencher-form; Water Blaster
CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; Conveyor 12 feet or under other than servicing bricklayers; Deck hand; Drill wagon; fireman; Generator sets; Heaters-portable power (2 to 5); Helper-mechanic, Jacks Hydraulic (railroad); Ladavator; Roller (walk behind 1 ton or over); Steam jenny; Syphons; Vibrator-gasoline; Welding machines (2) (fuel burning)
CLASS V - Oiler
CLASS VI - Rigs-pile driving or caisson type

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Ashland Co :					
Equipment operators; Linemen	$12 30	45	3% + 50		½%
Line truck drivers	8 00	45	3% + 50		½%
Groundman	7 38	45	3% + 50		½%
Carroll (S of Fox, Harrison, Rose, & Washington Twps) Co :					
Linemen; Line equipment ops ; & truck drivers	13 50	7%	10%	10%	½%
Groundman	8 78	7%	10%	10%	½%
Cable splicer	14 00	7%	10%	10%	½%
Carroll (Rem. of Co), Columbiana (Knox Twp), Holmes, Tuscarawas (N of Auburn, Clay, Rush, & York Twps), & Wayne (S of Baughman, Chester, Green, & Wayne Twps) Cos :					
Cable splicers; Linemen	12 60	50	3% + 50		3%
Line equipment operators	11 10	50	3% + 50		3%
Groundmen; Truck Drivers	7 50	50	3% + 50		3%

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Columbiana Co (Rem of County):					
Linemen; Heavy Equipment Operator	$11 03	8%	7%		½%
Groundmen; Truck Drivers	9 97	8%	7%		½%
Cable Splicers	11 43	8%	7%		½%
Columbiana (Butler, Fairfield, Perry, Salem and Unity Twps) Co :					
Linemen; Cable Splicers; Operator - Pole digging equipment	14 07	45	3%		½%
Groundman 1st 6 mos	7 035	45	3%		½%
Groundman 2nd 6 mos	8 44	45	3%		½%
Groundman 2nd yr	9 85	45	3%		½%
Groundman 3rd yr	10 55	45	3%		½%
Groundman over 3 yrs	11 26	45	3%		½%
Coshocton;-Tuscarawas (Rem of Co) Co :					
Cable Splicers; Linemen; Equipment Operators	12 13	50	3%		½%
Groundmen:					
0 - 6 mos	6 17	50	3%		½%
After 6 mos	6 57	50	3%		½%
After 12 mos	7 02	50	3%		½%
After 18 mos	7 44	50	3%		½%
Medina (NW part) County:					
Linemen; Cable Splicers; Equipment Operators	13 25	75	3%+ 80		½%
Beginning truck driver groundman; Beginning groundman	5 96	60	3%+ 80		½%
Advanced truck driver (winch) groundman; Groundman (over 2 years' experience)	7 04	60	3%+ 80		½%
Medina (Rem of Co), and Wayne (N ½ of County):					
Linemen	12 81	74	3%+ 65		½%
Cable Splicer	13 61	74	3%+ 65		½%
Truck Drivers; Groundmen	6 41	74	3%+ 65		½%
Equipment Operators	9 61	74	3%+ 65		½%

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW
DECISION NUMBER: OH79-2050 DATE: Date of Publication
Supersedes Decision No : OH78-2156, dated November 24, 1978, in 43 FR 55197
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to 6 including 4 stories)

* ALLEN, AUGLAIZE, CRAWFORD, DEFIANCE, ERIE, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, VAN WERT, WILLIAMS, WOOD, & WYANDOT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS:					
Allen, Defiance, Mercer, Paulding, Van Wert, & Williams Cos	$12 60	55	1 25		
Auglaize, & Logan Cos	13 02	55	1 35		02
Crawford, Hardin, Knox, Marion, & Morrow Cos	13 07	.60	1 15		02
Erie (W½), Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood, & Wyandot Cos	13 08	55	1 30		04
Erie (E ½), & Huron Cos	14 78				
Richland Co	12 95	60	80		02
BOILERMAKERS	13.575	1 075	1 00		.03
BRICKLAYERS; Marble Setters; Stonemasons; Terrazzo Workers; & Tile Setters:					
Allen, Auglaize, Mercer, & Van Wert Cos	12 29		60		02
Crawford, Hardin, Marion, Morrow, Richland, Wyandot (except Twps. of Crawford, Ridge, Richland, & Tymochtee) Cos	12 23	70	1 00		02
Defiance, Henry (except Twps of Monroe, Barlo, Liberty, Washington, Richfield, Marion, & Damascus & that part of Harrison outside city limits of city of Napoleon), Paulding, Putnam, & Williams Cos : Bricklayers; Marble Setters; & Stonemasons	11 97	1 06	50		
Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood, (Perry & Bloom Twps), Wyandot (Tymochtee Crawford, Ridge, & Richland Twps), & Island of Lake Erie North of Sandusky	11.84	.60	.80		.01
Henry (Twps of Washington, Damascus, Richfield, Bartlo, Liberty, Harrison, Monroe, & Marion), & Wood (Twps of Perrysburg, Ross, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids): Bricklayers; Marble Setters; Stonemasons	$12 425	1 06	1 30		01
Knox Co	10 70	60	90		10
Logan Co	10 72	85	.75		03
CARPENTERS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	11.47	60	1 00		04
Crawford, Erie, Hancock (Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fostoria) Cos	11 59	85	1.00		06
Defiance, Henry, Paulding, & Williams Cos.	12 26	1 06	.75		
Hancock & Wood Cos. (excluding Fostoria)	12 99	1 06	75		.05
CEMENT MASONS:					
Allen, Auglaize, Hardin, Logan, & Mercer, Van Wert Cos	12 35	60			05
Crawford, Marion, Morrow, Richland, & Wyandot Cos	11 65	60			
Defiance, Paulding & Williams Cos	12 70	60			
Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps), & Wyandot (Twps. of Tymochtee, Crawford, Ridge, & Richland), & Island of Lake Erie North of Sandusky	11.84	.60	.80		.01
Hancock, Henry, Putnam, & Wood (except Perry & Bloom Twps) Cos.	14.14	.60			.02
Knox Co	10 95	.60	1.00		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELECTRICIANS:					
Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot (Twps of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge, & Salem) Cos	$12 41	45	3%+ 37		.04
Crawford, Huron (Twps of Richmond, New Haven, Ripley, & Greenwich), Knox (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Twps of Sycamore, Crane, Eden, Pitt, & Antrim) Cos	12 30	45	3%+ 50		1%
Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos	13.80	65	3%+ 55		1%
Erie, & Huron (Twps of Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London) Cos	13 05	73	3%		1%
Knox (Twps of Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College) Co	11 40	40	3%+ 85		03
ELEVATOR CONSTRUCTORS:					
Allen, Auglaize, Defiance, Mercer, Paulding, Putnam, Van Wert, & Williams Cos :					
Elevator constructors	11 635	745	56	b+o	035
Helpers	70%JR	745	56	b+o	035
Helpers (Prob)	50%JR				
Crawford, Hardin, Knox, Logan, Marion, Morrow, & Richland Cos :					
Elevator constructors	12.22	745	56	b+o	035
Helpers	70%JR	745	56	b+o	035
Helpers (Prob)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Erie & Huron Cos :					
Elevator constructors	$13 335	745	56	b+o	035
Helpers	70%JR	745	56	b+o	035
Helpers (Prob)	50%JR				
Hancock, Henry, Ottawa, Sandusky, Seneca, Wood, & Wyandot Cos :					
Elevator constructors	13 225	745	56	b+o	035
Helpers	70%JR	745	56	b+o	.035
Helpers (Prob)	50%JR				
GLAZIERS:					
Allen, Auglaize, Crawford, Hancock, Hardin, Mercer, Putnam, Van Wert, & Wyandot Cos	9 10		60		
Defiance, Henry, Ottawa, Sandusky, Seneca, Williams, & Wood Cos	11 825	55	1 00		01
Erie, & Huron Cos	13 68	.55	65		01
IRONWORKERS:					
Allen, Auglaize, Logan (W 2/3), & Mercer Cos.:					
Within 15 mi radius of Local Union #290	10 96	90	1 25		04
Beyond 15 mi radius of Local Union #290	11 11	.90	1 25		04
Crawford, Hardin, Knox, Logan (Rem of Co), Marion, Morrow, & Wyandot Cos	11 55	90	1 95		.05
Defiance, Paulding, Putnam, Van Wert, & Williams Cos	11 80	90	1 45		.02
Erie, & Huron Cos	12 72	1 05	1 30		.03
Hancock, Henry, Ottawa, Sandusky, Seneca, & Wood Cos	12 86	1 06	1 22		05
Richland Co :					
Ornamental; Reinforcing; & Structural	12 58	80	95		05
Sheeter-roof	13 08	80	95		05
Sheeter-side	12 85	80	95		05
Bucker-up	12 705	80	95		05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LATHERS:					
Auglaize, Logan (W ½), and Mercer Counties	$12 54		40		01
Crawford, Hardin, Knox, Logan (E½), Marion, Morrow, & Wyandot Cos	12 45		40		01
Defiance, Hancock, Ottawa, Paulding, Sandusky, Seneca, Williams, and Wood Counties	13 05	1 06	10		01
Erie, and Huron Counties	13 30				01
MARBLE SETTERS' FINISHERS; Terrazzo workers' Finishers; & Tile setters' Finishers:					
Allen, Defiance, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.	11.00	1 06	.40	50	
Auglaize, Hardin, Logan, & Mercer Cos.	8.34				
Erie, Huron, & Richland Cos.:					
Marble setters' Finishers	11 76		1 50		
Terrazzo workers' Finishers	12 62		1.20		
Tile setters' Finishers	12.29		1 50		
MILLWRIGHTS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	12 12	60	1 00		.04
Crawford, Huron, & Richland Cos.	12 60	85	1 52		03
Defiance, Erie (W of B & O RR Tracks), Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos	12 99	1.06	75		.05
Erie (E of B & O RR Tracks)	12 60	.85	1 52		.03
PAINTERS:					
Allen, Auglaize, Defiance, Hardin, Mercer, Paulding, Putnam, Van Wert, & Williams Cos.:					
Brush; Drywall taping; & Roller Wall covering; Swing stage; Safety belts; Spiders & cherry pickers - brush or rollers	10 05	.73	.50		.03
	10 30	.73	50		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Sandblasting; Spray; Steam-cleaning; Mitts; High pressure water cleaning; Blow down	$ 10 55	.73	.50		.03
Stilts & automatic drywall tools	10 80	73	50		03
Petroleum storage tanks (over 30 ft. high) brush, rollers	10 45	73	50		03
Structural steel (open skeleton) - brush or roller	10 35	.73	.50		.03
Elevated water tanks & stacks - brush, roller or spray	11 55	73	.50		.03
Crawford, Marion, Morrow, & Richland Cos :					
Brush; Roller; Washer & cleaner	9.80		.50		
Drywall; Paperhangers; Wall coverer; Pot tender	10 55		.50		
Structural steel tanks & towers; Hazardous materials incl epoxy or any 2 component materials	10 30		50		
Spray; Riggers & helpers on scaffold over 30 ft. above base level	10 55		.50		
Sign & pictorial	10 65		50		
Sandblaster cleaner	10 95		.50		
Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos.:					
Old Commercial					
Brush; Roller; Wash; Clean	9 40	.50	.70		$50 00p/yr
Drywall; Paperhanging; 30' to 60'	9 65	.50	.70		50.00p/yr
60' or over	10 50	50	70		50 00p/yr
Sandblasting; Spray; Swing stage; Boatswain chair; Needle beam	9 90	.50	70		50.00p/yr
Hazardous work & material; Stacks, Tanks, Towers over 40' in ht.	10 40	.50	.70		50.00p/yr
New Commercial					
Brush; Roller; Wash; Clean	10.15	50	.70		50.00p/yr
Drywall; Paperhanging	10 40	50	.70		50 00p/yr
Structural steel; 30' to 60'	10.60	50	.70		50.00p/yr
60' & over	11 00	.50	70		50.00p/yr
Sandblast; Spray; Swing stage; Needlebeam; Boatswain chair	10 65	.50	70		50.00p/yr
Hazardous work & material; Stacks, tanks, & towers over 40' in ht.	11.15	.50	.70		50.00p/yr

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Henry, Ottawa, & Wood Cos :					
Brush; Paperhangers; Drywall tapers & finishers	$11 28	1 06	1 10		
Sandblasting; Spray; Pressure cleaning	11 83	1 06	1 10		
Knox Co :					
Brush; Paperhangers	8 50				
Spray	8 95				
PILEDRIVERMEN:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	12 12	60	1 00		04
Crawford, Huron, & Richland Cos	12 60	85	1 52		03
Defiance, Erie (W of B & O RR Tracks), Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams, & Wood Cos.	12 99	1 06	75		05
Erie (E. of B & O RR Tracks)	12 60	85	1 52		.03
PLASTERERS:					
Allen, Auglaize, Hardin, Knox, Logan, Mercer, & Van Wert Cos	11 94	60	:30		02
Crawford, Marion, Morrow, Richland, & Wyandot (excluding Tymochtee, Crawford, Ridge, & Richland Twps) Cos	10:95				
Defiance, Hancock, Henry, Paulding, Williams, & Wood (excluding Perry & Bloom Twps:) Cos:	13 80	60			01
Erie; Huron; Ottawa; Sandusky, Seneca; Wood (Perry & Bloom Twps:); Wyandot (Tymochtee, Crawford; Ridge; & Richland Twps:); & Island of Lake Erie N: of Sandusky	11 84	60	80		01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS; Steamfitters:					
Allen; Auglaize; Hardin; Mercer; & Van Wert Cos	12:80	.50	75		.05
Crawford, Erie, Huron, Knox, Morrow; Richland; & Wyandot Cos.	13:23	:60	.88		.05
Defiance; Hancock, Henry, Ottawa, Paulding; Putnam, Sandusky, Seneca, Williams, & Wood Cos.	13 13	1 10	1 05		09
Logan Co.	12.40	:83	85		.04
Marion Co:	13 00	93	82		06
ROOFERS:					
Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos	11 795	.60	65		.01
Crawford, & Richland Cos	12 52	94	70		02
Defiance, Hancock, Henry; Paulding, Williams, & Wood Cos:	12 63	1 06	1 00		.02
Erie, Huron, Ottawa, Sandusky, & Seneca Cos.	14.03	25	.50		
SHEET METAL WORKERS:					
Allen, Auglaize; Hardin, Logan, Mercer; Van Wert, & Wyandot Cos	12 28	95+d	1 15		.16
Crawford, & Richland Cos	12 41	81	:84		05
Defiance, Hancock, Henry; Ottawa, Paulding, Putnam, Seneca; Williams, & Wood Cos.	12 655	1 06	1 36		045
Erie, Huron, & Sandusky Cos	13 00	85	:88		04
Knox; Marion, & Morrow Cos:	12:07	86+d	1 12		15
SOFT FLOOR LAYERS:					
Allen; Auglaize, Hardin, Knox, Logan, Marion; Mercer; Morrow, Putnam, Van Wert; & Wyandot Cos	11:47	:60	1:00		.04
Crawford; Erie; Hancock (Fostoria); Huron; Ottawa; Richland; Sandusky; Seneca, & Wood (Fostoria) Cos:	11:59	85	1:00	a	.06
Defiance; Hancock (excluding Fostoria), Henry, Paulding, Williams; & Wood (excluding Fostoria) Cos:	11 32	1 06	75		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
SPRINKLER FITTERS	$12 75	75	1 05		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:
a 2 paid holidays: B & D
b 7 paid holidays: A through F, & Day after Thanksgiving
c Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 3% of gross earnings to SASMI

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
LABORERS:					
Allen, Auglaize, Mercer, Paulding, Putnam, & Van Wert Cos :					
Building laborers; Laser beam; Power wheelbarrow or power buggy	$ 8 65	80	80		.10
Vibrators; Spikers by hand (Railroad); Cement finishers' helpers; All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Tamper; Torch man; & tunnel	8 80	80	80		.10
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil pipeline, except mainlines; & wagon drill helper	8 95	80	80		.10
Blaster-powder man; Gunite ops.; Huckers & miners (tunnel & caisson) free air; Sandblasters; & wagon drill/operator	8 95	.80	80		.10
Crawford, Knox, Morrow, & Richland Cos.:					
General laborer; Carpenter tender; Concrete handler	9.36	70	70		.10
Mason & Plasterers' tenders; Air & power driven tools; Pipelayer; Dynamite blaster; Mortar mixer & formsetter	9 56	70	.70		.10
Gunnite operator	9.96	.70	.70		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Defiance, Henry, & Williams Cos :					
Unskilled laborers; Cement finishers' helpers; Carpenters' helpers; Carpenters' tenders	$ 9 27	70	70		10
Mason tenders; Gunite pot man	9 39	70	70		10
All power driven tools & buggies, burners, torchmen & nozzle man for concrete pump	9 42	70	70		10
Plasterers' tenders	9 445	70	70		10
Nozzle operator for gunite work	9 92	70	70		10
Bellman; Bottom man; & Brick expeditor	9 505	70	70		10
Erie, Huron, Ottawa, & Sandusky Cos :					
Building & construction laborers; Signalman; Flagman; Tool cribman; Carpenter tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guardrail erectors	10 51	80	80		10
Bottom men; Scaffold; Tunnel laborers; Pipelayers; Air & power driven tools burner on demolition work; Swinging scaffold; Mucker; Caisson workers; Cofferdam worker; Power men & dynamite blasters; Creosote workers; Mortar mixers; Form setter; Mason tenders; Plasterers' tenders; Hod carrier; Laser beam set up man	10 71	80	80		10
Gunnite operator	11 11	80	80		10
Hancock; Hardin, Marion; Seneca; & Wyandot Cos :					
Building & construction laborers; Signalman; Flagman; Tool cribman; Carpenter tenders; Finisher tenders; Concrete handler; Utility construction laborer; Guardrail erectors	9 36	70	70		10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Bottom men; Scaffold builders; Tunnel laborers; Pipelayers; Air & power driven tools; Burner on demolition work; Swinging scaffold; Mucker; Caisson work; Cofferdam worker; Powder men & dynamite blasters; Creosote workers; Mortar mixers tenders; Plasterers' tenders; Hod carriers; Laser beam set up men	$9.56	70	70		10
Gunnite operators	9 96	70	70		10
Logan Co.:					
Laborers; general; Carpenters' helpers	8.60	.80	80		10
Plasterers' tenders; Mason tenders; Mortar mixers	9 00	.80	.80		10
Air & machine driven tools ops.; Jackhammer; Barko & chain saw; Wagon drill; Hand spikers; Power concrete & buggies; Gunnite machine ops; & Nozzle man; Sewer pipe layer; Bottom man; Asphalt raker & tamper	8 85	80	80		10
Powderman & blaster	9 10	80	80		10
Wood Co.:					
Unskilled laborers	11 11	70	70		11
Mason tenders	11 24	70	70		11
Mortar mixers; Gunnite pot men	11 31	70	70		11
All power driven tools & buggies	11 265	70	70		11
Pipelayers	11 365	70	70		11
Plasterers' Tenders	11.13	70	70		11

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POWER EQUIPMENT OPERATORS

	ZONE I	ZONE II	ZONE III	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP A	$13 69	$13 41	$13 97	71	1 00		11
GROUP B	13 53	13 25	13 82	71	1 00		11
GROUP C	13 18	12 89	13 47	71	1.00		11
GROUP D	12 37	12 11	12 69	71	1 00		11
GROUP E	12 04	11 78	12 37	71	1 00		11
GROUP F	9 83	9 58	10 19	71	1 00		.11

ZONE I: Allen, Defiance, Hancock, Hardin, Henry, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, & Wood Counties
ZONE II: Auglaize, Crawford, Knox, Logan, Marion, Mercer, Morrow, & Wyandot Counties
ZONE III: Erie & Huron Counties

GROUP A - A-frames, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crane (piggy-back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

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POWER EQUIPMENT OPERATORS (CONT'D):

GROUP B - Asphalt paver, bulldozer, C M I type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat
GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under
GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator
GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach, crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)
GROUP F - Oiler, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs pressure, pumps under 4" discharge, submersible pumps under 4" discharge

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION:					
Allen, Auglaize, Hardin, Logan, Mercer, Van Wert, & Wyandot (Twps of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge, & Salem) Cos :					
Linemen	$12 63	60	3%		½%
Groundman; Truck drivers	8 44	60	3%		½%
Equipment operators	11 37	60	3%		½%
Crawford, Huron (Twps. of Richmond, New Haven, Ripley, & Greenwich), Knox (Twps of Liberty, Clinton, Union, Howard Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson), Marion, Morrow, Richland, & Wyandot (Twps of Sycamore, Crane, Eden, Pitt, & Antrim) Cos :					
Linemen; Equipment operators	12 30	45	3%+ 50		½%
Line truck drivers	8 00	45	3%+ 50		½%
Groundman	7 38	45	3%+ 50		½%
Defiance, Hancock, Henry, Ottawa Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos :					
Linemen	14 26	50	3%	a	½%
Technicians	13 76	50	3%	a	½%
Cable splicers	14 51	50	3%	a	½%
Operator Class 1	11 36	50	3%	a	½%
Operator Class 2	10 01	50	3%	a	½%
Groundman:					
Driver 1st 6 mos	7 16	50	3%	a	½%
Driver 2nd 6 mos	7 77	50	3%	a	½%
Driver 3rd 6 mos	8 58	50	3%	a	½%
Erie, Huron (Twps of Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London) Cos ;					
Linemen; Equipment operators; Cable splicers	13 05	73	3%		½%
Beginning truck driver groundman; Beginning groundman	7 18	73	3%		½%

[FR Doc. 79-14415 Filed 5-10-79; 8:45 am]
BILLING CODE 4510-27-C

DECISION NO OH79-2050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Advanced truck driver (winch) groundman; Advanced groundman (over 2 years' experience)	$ 8 48	73	3%		½%
Knox Co (Rem of Co):					
Linemen; Equipment operators; Cable splicers	12.03	.60	3%		½%
Groundmen:					
Beginning	6 07	60	3%		½%
After 6 mos	6 49	60	3%		½%
After 12 mos	6 92	60	3%		½%
After 18 mos	7 34	60	3%		½%

FOOTNOTE:
a 10 paid holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Day after Thanksgiving Day; Christmas Eve; & New Year's Eve

Friday
May 11, 1979

Part IV

Department of Housing and Urban Development

Federal Disaster Assistance Administration

Temporary Housing Assistance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[24 CFR Part 2205]

Federal Disaster Assistance; Temporary Housing Assistance

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice of Proposed Rulemaking permits the States and local governments to assume operational and financial responsibility for the disaster temporary housing program as authorized by Section 404 of Pub. L. 93–288 for Presidentially declared disasters. This change is necessary because States and local governments have accepted this responsibility and rules have not been available for its implementation. These rules are intended to encourage increased State and local participation.

DATE: Comments due July 10, 1979.

ADDRESS: Send Comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Hugh Richardson, Federal Disaster Assistance Administration, Room B–133, 451 7th Street, SW., Washington, D.C. 20410, (202–557–0437) This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On June 23, 1978, 43 FR 27206, the Administrator published an Advance Notice of Proposed Rulemaking soliciting comments and background information prior to issuance of more specific proposed rulemaking concerning increased State and local government participation in disaster temporary housing porgrams. The Administrator was prompted to take this action based on his interest in providing better service to disaster victims, more efficient management of the program and making the program more truly supplemental to the efforts of the State and local governments.

Comments were received with reference to the Advanced Notice of Proposed Rulemaking from 27 States, 6 local governments or local planning bodies, the American National Red Cross and the National League of Cities. These comments were evaluated carefully and are covered in the following discussion. We look forward to equally substantive comments to this Notice.

Discussion of Major Comments

1. General Comments on State and Local Participation

All commenters agreed that State and local governments are generally incapable of providing any funds to this program. Proposed regulation changes do not *require* financial participation but do permit participation at option of State and agreement with the Administrator or his/her designee. Although comments said non-Federal entities are incapable of providing funds, experience has shown that some States have been willing to assume part of the expense as part of the State's committment to the disaster. In addition, we do not wish to accept this comment because the General Accounting Office has notified FDAA that Federal involvement in temporary housing, both operational and financial must at some point end. We have decided to maintain an option in both operational and financial responsibility so that the State may consider accepting either one at some time during the program.

Local government commenters stressed the limitations imposed by manpower and fiscal shortages at the local level. These restraints are taken into consideration in the proposed regulations as part of the evaluation of State and local government capability (2205.45(a)(1)).

Seven States felt that the Federal government should continue to administer the program with very limited State participation. The flexibility of the proposed regulation would permit States to choose not to participate.

Three commenters suggested that States be given an option in each disaster of operating the program or having the Federal government operate the program. We have been responsive to these comments in that this option is contained in the proposed regulation. No States will be forced to agree to participate if they feel they do not have the capability.

Two commenters suggested that disaster temporary housing should be a joint Federal/State effort with operational decisions being made through consultation rather than either entity having sole responsibility. The proposed regulation contains sufficient flexibility to permit joint responsibility for the overall housing program if both parties agree.

Sixteen States commented that they could operate the total disaster temporary housing program in a manageable size disaster (not defined) with full Federal reimbursement and technical assistance. Proposed regulation changes give States the option of operating the temporary housing program either with or without Federal reimbursement. Optional Federal reimbursement has been included even though commenters indicated full Federal reimbursement would always be necessary. We have experience with States which have chosen to assume some of the costs and we want to leave this option available to be used by the States, if they agree, as part of their commitment. Federal technical assistance will be provided at State request.

2. Legislative Change

Two commenters suggested changes which would require legislative action modifying the Individual and Family Grant program. Since comments were solicited regarding regulations for the disaster temporary housing program these comments will not be addressed at this time.

3. State Identification of Resources

Sixteen commenters agreed that the State government, local governments or a combination of both could develop lists of available housing resources.

One State commented that although local governments could develop such lists they would have to be continually updated which would be costly and time consuming.

One State commented that such a list would be worthless because there are no existing housing resources available.

This information was solicited in the Advance Notice to provide additional information upon which to determine whether States have the capability which would warrant offering the option of State operation of the program. While this type of procedural item is not considered appropriate for inclusion in regulations it is assumed that any non-Federal entity assuming the program may want to participate in the identification of resources. Specific assignment of this function would take place during negotiation between FDAA and the non-Federal entity.

4. Mobile Home Sites

All commenters noted that Federal moneys and technical assistance are often necessary to select and develop mobile home sites and urged that they be made available when it is obvious that State and local governments are incapable of performing this function. This provision remains unchanged in the

regulations which allow a waiver to permit Federal funding when in the public interest.

One commenter suggested that the Federal government advance funds on a loan basis to facilitate rapid development of mobile home sites. This is currently possible using the project application method of reimbursement which is the only vehicle that has been used for reimbursing States when the State administers temporary housing.

Two commenters suggested that Federally-owned land be made available following a disaster to be used for mobile home sites. Legislative history on this program indicates Congressional intent that Federal lands be used when necessary.

Five commenters preferred that the Federal government provide funds to support this activity in all disasters regardless of the State capability. The regulations remain unchanged on the subject of development of mobile home sites in keeping with Section 404(a) of Pub. L. 93–288 which requires that sites be provided without charge to the United States unless waived in the public interest.

5. Determination of Rent Levels

All commenters agreed that State and local governments have access to information which would enable them to determine appropriate levels of rent after the twelve month rent-free period expires. The question was asked to provide us with information concerning this aspect of State capability and helped us to determine that all States have at least some capability which would enable them to participate in administration of the temporary housing program.

6. Identification of Potential Temporary Housing Applicants

Twelve commenters noted that the State and local governments have the capacity to identify potential temporary housing applicants through outreach, damage assessments, disaster assistance centers, and pre-identification of likely disaster sites.

One State suggested that the State and local governments would be unable to identify potential applicants any better than the Federal government. However, this will be the responsibility of the State if it is so identified in negotiations between the State and the Regional Director.

One State commented that use of the Disaster Assistance Center be replaced by use of a phone bank operation followed up by home visits for verification and inspections. This was suggested as a way to eliminate confusion. It is believed that this suggestion would not provide sufficient opportunity for applicnats to apply and get information on available assistance in most disasters, although phone banks have been used successfully as an additional service. In a few very small disasters phone banks have been used to replace DACs.

7. State and Local Participation in the Mortgage and Rental Assistance Program

Twelve States commented that they could administer the mortgage and rental assistance program with Federal funds.

Two States suggested that existing regular housing programs might be able to provide assistance to disaster victims who are unable to meet mortgage or rent payments.

Two States indicated that manpower and financial restrictions would preclude effective State operation of this program.

Proposed regulation changes will permit State operation of mortgage and rental assistance when the State assumes operation of any part of the temporary housing program and the Administrator agrees.

One State suggested that mortgage and rental assistance be made part of the IFG program. This suggestion will be considered in revising IFG regulations but would require legislative action to remove section 404(b) of Pub. L. 93–288 from the temporary housing section.

8. Minimal Repair Program

Eleven States commented that States and local governments can operate the MRP program given Federal funds.

One State commented that States have no legislative responsibility for doing minimal repair work. No State would be permitted to operate any part of the temporary housing program without appropriate authorities under State law.

One State suggested that MRP be provided through the IFG program. Provision of limited home repairs, similar in scope to the MRP has been field tested in several States with good success using the IFG program.

Two States commented that State and local contribution to MRP would be limited to outreach and identification of qualified local contractors. These restrictions would be carefully considered prior to any agreement allowing States to participate in providing minimal repairs.

One State commented that State and local participation would be limited to an advisory capacity to the Federal Government.

Proposed regulation would allow the State to operate MRP when both parties agree and the minimal repair program is authorized by the Administrator. Thus the regulation is broad enough to allow those States which feel they have the capability to participate when the Administrator agrees, without obligating any State to participate.

9. Period of Federal Responsibility

Nine States felt that the current 18 month limit on Federal responsibility in the temporary housing program could be shortened either through State and local assumption of the program with Federal reimbursement at the outset or through State and local assumption of operational and financial responsibility at some time during the program.

Eight States commented that the 18 month period of Federal responsibility should not be shortened.

Two States felt that they did not have sufficient experience to judge whether the period should be shortened.

Proposed regulation changes would allow a non-Federal entity to assume responsibility for the program before the 18 month period, even at the beginning of the program, if they so choose and the Administrator agrees.

Prior to asking for comments in the Advanced Notice a few States had attempted limited operational and financial responsibility for the program. The financial participation primarily involved assumption of administrative costs for State employee salaries and equipment.

Concurrently with the receipt of comments additional States participated and it is this experience which helped shape the proposed rule which we are now submitting. Although comments received from the Advance Notice were valuable in determining the capabilities of non-Federal entities, experience made it clear that the great variation among administering agents and among conditions in disaster areas mandated that the rules be general in nature to allow those States who wish to participate to do so as much or as little as is mutually agreed. The details of each situation would be worked out in negotiation and through the agreement between both parties.

Currently 10 States have participated in administration of the program. In some cases the States have administered temporary housing using only donated mobile homes provided through FDAA and this single resource has been sufficient. In two States, a greater variety of resources allowed the

States to manage and operate the program and meet all housing needs with reimbursement from FDAA for salaries, administrative costs, and all program costs. The States participated financially through their 25% of the Individual and Family Grant program. In a recent disaster, a State provided limited home repairs through the Individual and Family Grant program while the Federal Government administered all other resources used including mobile homes, available rental properties and transient accommodations.

In all cases the State governments and disaster-affected citizens have expressed satisfaction with the increased State participation. The Federal Government has realized cost savings through increased efficiency when reimbursing State efforts. The Administrator is pleased with these efforts and wishes to encourage increased State and local participation when it appears that the administering party is willing and interested in participating and is capable of meeting the needs for temporary housing.

It is evident that past experiences have allowed for great flexibility on the part of States and local governments in negotiating how best to meet the needs. The proposed regulation is intended to retain this flexibility in administering the program and determining reimbursement and funding requirements so that temporary housing programs can be tailored to fit the situation for each disaster or emergency.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1 (38 FR 19182). It is the position of the signatories to the Finding that this amendment in itself has no significant impact on the human environment. Interested parties may inspect and obtain copies of this Finding of Inapplicability of Environmental Impact at the Office of the Rules Docket Clerk of the Department of Housing and Urban Development in Washington, D.C. 20410.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Each person submitting a comment should identify this notice, and give reasons for any recommendations. Comments received on or before July 10, 1979, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the above address. This proposal may be changed in light of the comments received.

Accordingly, 24 CFR 2205.45 is amended by adding a new paragraph (r) and redesignating the current paragraph (r) as paragraph (s):

§ 2205.45 Temporary housing assistance.

* * * * *

(r) State operation of the temporary housing program

(1) The Administrator or his/her designee may provide disaster temporary housing through assumption of operational and/or financial responsibilties for the program on the part of State and/or local governments and/or other administering agents. The administering agent may assume the responsibilities for any or all of the types of assistance available through the temporary housing program (for example, mobile homes, mortgage and rental payments, etc. . . .), based upon a voluntary agreement with the Administrator or his/her designee. This agreement may be in the form of an approved project application or other document.

The Administrator or designee may enter into an agreement to allow participation in the temporary housing program based on an evaluation of the capabilities and commitment of the administering agent in the three primary areas:

(i) The adequacy of the administering agent's plan describing a comprehensive program for provision of temporary housing assistance;

(ii) The adequacy of staff designated by the administering agent to implement the above plan; and

(iii) The past performance of the administering agent in providing relief and assistance to individuals needing housing following a major disaster or similar occurrence.

(2) Administering agents participating in a disaster temproary housing program shall be bound by these regulations (2205.45) and pretermination regulations (24 CFR Part 470).

(3) Administering agents may be reimbursed for selected program costs and administrative expenses as agreed upon between the Administrator or his/her designee and the appropriate official for the administering agent.

(4) The representative for the administering agent may request Federal technical assistance in carrying out the provisions of the agreement to participate from the Administrator or his/her designee.

* * * * *

(Sec. 404, Pub. L. 93-288, 88 Stat. 150 (42 U.S.C. 5150), Executive Order 11795 as amended by Executive Order 11910, 39 FR 25939, Delegation of Authority, 39 FR 28227).

Issued at Washington, D.C., May 2, 1979.

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket No. R-79-551]

[FR Doc. 79-14724 Filed 5-10-79; 8:45 am]

BILLING CODE 4210-22-M

Friday
May 11, 1979

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 Housing Assistance Payments Program—Existing Housing; Special Provisions for Mobile Home Owners

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 882]

Section 8 Housing Assistance Payments Program—Existing Housing; Special Provisions for Mobile Home Owners

AGENCY: Assistant Secretary for Housing-Federal Housing Commissioner.

ACTION: Proposed Rule.

SUMMARY: The Department is proposing to amend the Section 8 Existing Housing Program regulations to permit assistance payments to be made through Public Housing Agencies (PHAs) to assist lower-income mobile home owners in paying the rents for the spaces on which their mobile homes are located. This proposed rule would implement recent statutory changes.

DATE: Comments due: July 10, 1979.

ADDRESSES: Comments should include a reference to the docket number and date of publication, and be sent to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Roy Santos, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202/755-8116. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Section 8(j) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) (Act,) which was added by Section 206(f) of the Housing and Community Development Amendments of 1978, authorizes the Secretary to execute Annual Contributions Contracts (ACCs) with Public Housing Agencies (PHA.) for the purpose of assisting lower-income families, who own and occupy their mobile homes as their principal places of residence, in connection with rental of the space on which their mobile homes are located.

Purpose

This proposed rule specifies criteria under which assistance payments may be made on behalf of eligible families in accordance with the new Section 8(j). Except as indicated by this Subpart, the provisions of Part 882, Subparts A and B shall apply. References in Subparts A and B to units leased by the family shall be deemed in this Subpart F to refer to mobile home spaces on which mobile home units, owned and occupied by assisted families, are located.

Subparts D and E, Special Procedures for the Moderate Rehabilitation Program, published for comment on December 28, 1978, will not apply because that rule when published for effect will specifically exclude moderate rehabilitation of mobile homes.

Eligibility

This proposed rule would authorize PHAs to provide Section 8 assistance on behalf of eligible mobile home owners in leasing the spaces (commonly referred to as pads) on which their mobile homes are located. Eligible mobile home owners must occupy the unit as their principal place of residence, and must have a Certificate of Family Participation appropriate for the family size. For example, if a two-person elderly family applies for assistance payments, the maximum number of bedrooms which could be assigned on its Certificate would be two bedrooms. With such a Certificate, the family could rent a larger space but the amount of assistance would be limited to what is necessary for the appropriate size (2-bedroom) space rather than for the larger space. The Department is interested in receiving comments on whether mobile home owners who own and live in units larger than necessary for their family size should be able to qualify for the larger payment.

A family's income for eligibility shall be determined in accordance with 24 CFR § 889.103, Determination of Family Income for Eligibility, except that the value of equity in a mobile home owned by an Assisted Family shall not be counted as a family asset. Section 889.103 states that "when a family has Net Family Assets in excess of $5,000, income shall include the actual amount of income, if any, derived from all the Net Family Assets or 10 percent of the value of all such assets, whichever is greater." In many cases the Mobile Home equity would exceed $5,000, and under § 889.103, income would be counted as the larger of 10 percent of equity in the asset or actual income derived from the asset. The effect of this computation could be to increase the family's income to an amount exceeding its applicable income limit. Since the very purpose of Section 8(j) is to assist owners of mobile homes in paying the rent for their mobile home spaces, the Department has determined that the statute did not intend that the family's equity in its home be counted as an asset for this purpose.

Definitions

A definition of Mobile Home is added for purposes of the entire Existing Housing program (both owner and renter occupied mobile homes). Although this definition is based on the one in the National Mobile Home Construction and Safety Standards Act of 1974 (Standards Act), it is less restrictive than the Standards Act definition. This is because the Standards Act definition is applicable to the construction of new mobile homes subsequent to December 31, 1976, rather than to existing mobile homes constructed prior to that date.

The following are new or modified definitions, applicable only to mobile home owners who lease Mobile Home Spaces:

1. Contract Rent is the monthly rent to the Owner of the pad, including any separate fees or charges, for the leasing of the Mobile Home Space. This rent includes the maintenance and management services described in the definition of Mobile Home Space, but excludes ongoing utility charges. Separate fees of charges for other services or facilities are included in the Contract Rent only if their payment is required as a condition of the leasing of the Mobile Home Space.

2. A new definition of Fair Market Rent is to be utilized under this Subpart. Fair Market Rents include maintenance and management services consistent with the definitions of Contract Rent and Mobile Home Space. The Fair Market Rents are those which, as determined at least annually by HUD, would be required to be paid in order to obtain decent, safe and sanitary Mobile Home Spaces of modest nature with the required maintenance and management services.

3. A new definition of Family Contribution for this Subpart is also included. The Family Contribution is twenty-five percent of one-twelfth of annual income after allowances, in accordance with 24 CFR, Part 889.

HUD interprets the legislation as intending that Family Contributions of mobile home owners be based on twenty-five percent of monthly, income, after allowances are made for minors and medical and other unusual expenses as in the Section 8 program generally.

4. Definitions of Set-Up Charges and Utility Hook-Up Charges are provided for in this Subpart. Set-Up Charges, which are treated as part of the cost of purchasing the mobile home, include the cost for transporting the Mobile Home to the Mobile Home Space and the costs of assembling, skirting and anchoring the

home. Utility Hook-up Charges, which are treated as part of the cost of renting the Mobile Home Space, are the costs for connecting the Mobile Home to utilities such as water, gas, electrical and sewer lines.

5. A definition of Mobile Home Space is included in this Subpart F. This definition refers to the space, leased by an owner to an Assisted Family, on which a mobile home, owned and occupied by the Family, is located. The definition includes all maintenance and management services necessary for decent, safe and sanitary housing such as maintenance of utility lines, garbage and trash collection, and maintenance of roadways, walks and other common areas and facilities.

Allocation Process

These special provisions for mobile home owners will be implemented as a part of the Section 8 Existing Housing Program. Therefore, no additional allocation of units or of contract authority will be necessary to implement this Subpart.

Contract Rent

The Contract rent shall not exceed the applicable Fair Market Rent by more than ten percent. The prerogative to approve Contract Rents up to 20 percent above Fair Market Rents is not applicable since it is not authorized by Section 9(j) of the Act.

Fair Market Rents

Separate Fair Market Rents will be established by publication in the Federal Register for spaces suitable for various sizes (by bedroom) of mobile home units. Fair Market Rents will be developed using the Annual Housing Survey data sources for four Census Regions and sixty Standard Metropolitan Statistical Areas.

Maximum Assistance Payment

In accordance with Section 8(j) of the Act, the maximum assistance payment for the rental of a Mobile Home Space is the difference between the Family Contribution and the sum of (1) the payment by the Family to amortize the purchase price of its mobile home, (2) the utility allowance and, (3) the Contract Rent. However, the assistance payment may not exceed the Contract Rent. See § 882.603. The examples below illustrate how this limitation affects the amount of assistance:

A	
Fair market rent is:	$130
1. Mortgage payment	142
2. Utility allowance	55
3. Space rental (minus utilities)	+115
Total family cost	312
Minus family contribution	−140
Difference	172
Assistance payment is	$115

B	
Fair Market rent is:	$130
1. Mortgage payment	142
2. Utility allowance	55
3. Space rental (minus utilities)	+115
Total family cost	312
Minus family contribution	−200
Difference	112
Assistance payment is	$112

The assistance payment in Example A is $115 (cost of space rental), even though the difference between the total family cost and the family contribution is greater than the space rental. In example B, however, the computation is based on a higher family contribution of $200 so that the difference between the total family cost and family contribution is $112. In this instance, the assistance payment is limited to the $112 difference even though it is less than the space rental cost.

Amortization payments on the purchase price of the Mobile Home include principal and interest payments. The purchase price to be amortized may include the price of the home, the Set-Up Charges and other costs normally included in the purchase price of mobile homes, but may not include the purchase cost of furniture. Although furniture is frequently included in the purchase price of a Mobile Home, we have determined that it may not be included in determining the amount of assistance in the Section 8 program. Set-Up Charges may be included in the amount to be amortized, whether incurred by a Family on a newly purchased mobile home or by a Family which transports its existing mobile home to another Mobile Home Space. Set-Up Charges previously incurred may be included only to the extent that monthly payments are still being made to amortize them.

Separate utility allowances will be established for Mobile Home Owners assisted under this Subpart. The utility allowance shall be an appropriate amount for the bedroom size of the family's Mobile Home and shall include a reasonable allowance, for the first twelve months, that will assist the family in defraying its payable Utility Hook-Up Charges, including where these charges are incurred by reason of a move. The Department feels that allowances for Utility Hook-Up Charges will be necessary only in those instances where the Family actually incurs the expense and only for the first twelve months of the leasing of the Mobile Home space because this is a relatively small one-time cost which the family should be able to pay within a reasonably short time. Allowances for Utility Hook-Up charges shall not be applicable to families leasing the Mobile Home space in place.

Housing Quality Standards

All Housing Quality Standards of § 882.109 apply to this Subpart except for § 882.109(m), Congregate Housing, and § 882.109(n), Independent Group Residences. In addition, a standard would be added in a new § 882.109(o), to require mobile homes assisted under the Section 8 Existing program (both owner and renter occupied) to have at least one smoke detector. The Housing Quality standard now in effect requiring anchoring of Mobile Homes would be moved to Section 882.109(o). The Department is interested in receiving comments concerning the use of these standards and the effect on the availability of housing to be assisted under this Subpart.

Other Changes

The following provisions of Part 882 are inappropriate and would be made inapplicable. Section 882.115, Rent Reduction Incentive, does not apply because there are significantly fewer opportunities to lease mobile home spaces and correspondingly fewer opportunities for families to shop for alternative mobile home spaces. Section 882.120, Recently Completed Housing, is not applicable because the rental of the space is predominately for the rental of the land rather than improvements.

Purchase Prices of Mobile Homes

The Report of the House Committee on Banking, Finance and Urban Affairs, with respect to this legislation, included the following statement: "The Secretary should consider setting standards on the level of amortization costs which a family could include for purposes of calculating the level of assistance. The Committee does not wish to encourage a family to over extend themselves in purchasing a mobile home in expectation of Federal assistance." This proposed rule does not include standards on levels of amortization cost because HUD does not have sufficient data at this time. Comments and recommendations from interested

groups and individuals concerning this issue are specifically invited.

NEPA

A Finding of Inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, at the address specified above.

Accordingly, 24 CFR, Part 882 is proposed to be amended as follows:

1. In § 882.102 *Definitions,* add:

§ 882.102 Definitions.

* * * * *

Mobile Home. A structure, with or without a permanent foundation, which is built on a permanent chassis, is designed for use as a principal place of residence, and meets the Housing Quality Standards set forth in Section 882.109.

* * * * *

§ 882.109 [Amended].

2. In § 882.109—Housing Quality standards, add a new paragraph (o) Mobile Home, to read:

(o) *Mobile Home.* A Mobile Home unit, whether owner or renter occupied, shall comply with the foregoing standards except for paragraph (m) of this section, Congregate Housing, and paragraph (n) of this section, Independent Group Residences. In addition, the unit shall: (1) meet the definition of a Mobile Home set forth in Section 882.102, (2) be equipped with at least one smoke detector, and (3) be securely anchored by a tiedown device which distributes and transfers the loads imposed by the unit to appropriate ground anchors so as to resist wind overturning and sliding.

3. In § 882.109(f)(2), the last sentence is deleted.

4. Subpart F, Section 8 Assistance on Behalf of Mobile Home Owners Leasing Mobile Home Spaces, is added as follows:

Subpart F—Section 8 Assistance on Behalf of Mobile Home Owners

Sec.

882.601 Applicability and scope.
882.602 Definitions for this subpart.
882.603 Assistance payments.
882.604 Maximum Contract Rent.
882.605 Schedule of Allowances for Utilities and Other Services.

Subpart F—Section Assistance on Behalf of Mobile Home Owners

§ 822.601 Applicability and scope.

This Subpart provides for the making of assistance payments on behalf of lower-income mobile home owners through Contracts executed by PHAs with owners leasing the spaces on which the mobile homes are located. The mobile homes must be used by lower-income Families as their principal places of residence. Except as indicated by this Subpart, Part 882, Subparts A and B shall apply. References made in Part 882 to dwelling units or units shall, for purposes of this Subpart F, be read as referring to Mobile Home Spaces. Subparts D and E (published for comment on December 28, 1978) shall not apply because moderate rehabilitation of mobile homes is excluded under that rule.

§ 882.602 Definitions for this subpart.

The definitions in Section 882.102 shall apply except for Contract Rents, Fair Market Rent, Gross Rent, Recently Completed Housing and Rent Reduction Incentive.

Assisted Family. A Family which qualified as an eligble lower-income Family occupies a mobile home as its principal place of residence, is issued a Certificate of Family Participation, leases but does not own the Mobile Home Space and is assisted under this Subpart. A Family's income for eligibility shall be determined in accordance with 24 CFR Section 889.103, except that the value of equity in a mobile home owned by an Assisted Family shall not be counted as a family asset.

Contract Rent. The monthly rent which an Owner is entitled to recieve for the leasing of a Mobile Home Space to an Assisted Family, including any separate fees of charges. This rent includes the maintenance and management services described in the definition of Mobile Home Space, but excludes ongoing utility charges. Separate fees or charges for services or facilities not included in the definition of Mobile Home Space shall be included in the Contract Rent only if their payment is required as a condition of the leasing of the Mobile Home Space.

Fair Market Rent. The rent which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, decent, safe and sanitary Mobile Home Spaces of modest nature. This rent includes maintenance and management services described in the definition of Mobile Home Space, but excluded ongoing utility charges. Separate Fair Market Rents will be estabished by publication in the Federal Register for spaces suitable for various sizes (by bedroom) of mobile home units.

Family Contribution. The Family Contribution shall be twenty-five percent of one-twelfth of the Family's annual income after allowances in accordance with 24 CFR, Part 889. Section 882.115 and § 882.210(c) shall not apply.

Mobile Home Space. The space, leased by an owner to an Assisted Family, on which a mobile home, owned and occupied by the Family, is located. The space shall inlude all maintenance and management services necessary for decent, safe and sanitary housing, such as maintenance of utility lines, garbage and trash collection, and maintenance of roadways, walk and other common areas and facilities.

Owner. Any person or entity having the leagal right to lease or sublease the Mobile Home Space.

Set-Up Charges. Charges payable by an Assisted Family for transporting a Mobile Home to a Mobile Home Space and for assembling, skirting and anchoring the unit.

Utility Hook-Up Charges. Costs payable by an Assisted Family for connecting its Mobile Home to utilities such as water, gas, electrical and sewer lines.

§ 882.603 Assistance payments.

The provisions of § 882.105, Housing Assistance Payments to Owners, shall apply except for paragraph (a). In lieu of § 882.105(a), the following shall apply:

Assistance payments to the Owner will cover the difference between the Family Contribution and the sum of (1) the monthly payment made by the Family to amortize the purchase price of the Mobile Home, (2) the utility allowance and (3) the Contract Rent. However, the assistance payment may not exceed the Contract Rent. Amortization payments may include Set-up Charges and other costs normally included in the basic purchase price, but the purchases cost of furniture may not be included. Set-Up Charges incurred by Assisted Families who relocate their Mobile Home may be included in the monthly amortization payment made by the Family. However, Set-Up Charges incurred prior to the effective date of the Contract may be included only to the extent that monthly payments are still being made to amortize them.

§ 882.604 Maximum contract rent.

(a) The provisions of § 882.106(a)(3) and (4) 882.106(c) shall not apply.

(b) The provisions of § 882.102, concerning the Recently Completed Housing, shall not apply.

(c) The Contract Rent shall not exceed the applicable Fair Market Rent my more than ten percent, nor shall it exceed the rent reasonable limitation of § 882.106(b).

§ 882.605 Schedule of allowance of utilities and other services.

The provisions of §§ 882.116 and 882.219 relative to PHAs establishing and adjusting a Schedule of Allowances for Utilities and Other Services shall apply. Separate utility allowances shall be established for mobile home owners assisted under this Subpart, and shall be appropriate amounts for the bedroom size of the Family's Mobile Home. Allowances shall include a reasonable amount, for the first twelve months, to assist the Family in defraying its payable Utility Hook-up Charges in those instances where the Family actually incurs the expense including where charges are incurred by reason of a move. The assistance payment shall automatically be reduced by the amount of those charges at the end of the twelve months. Allowances for Mobile Home Spaces shall not cover costs payable by an Assisted Family to cover the digging of a well or installation of a septic system.

Authority: Section 7(d) Department of HUD Act (42 U.S.C. 3535(d)); Section 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)).

Issued at Washington, D.C., April 6, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[Docket No. R-79-646]

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Friday
May 11, 1979

Part VI

Environmental Protection Agency

Regulations for the Enforcement of the Federal Insecticide, Fungicide and Rodenticide Act

Conditional Registration; Compensation for Use of Data; Revocation of Interim Policy Statements

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 162

Regulations for the Enforcement of the Federal Insecticide, Fungicide and Rodenticide Act; Interim Final Regulation Relating to Conditional Registration

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Interim Final Rule.

SUMMARY: This interim final regulation expands the pesticide registration program of the Environmental Protection Agency (EPA or Agency) to authorize the conditional registration of pesticide products which are identical or substantially similar to those currently registered. It also authorizes the registration of new uses of existing pesticides. This regulation sets forth the applicable definitions, the data requirements for obtaining conditional registration, the conditions under which such applications will be approved or denied, and the mechanism for cancellation of conditional registrations. The Agency is also revising § 162.7 and § 162.8 of its current registration regulation.

DATES: Effective May 11, 1979. Comments may be submitted by July 10, 1979.

ADDRESSES: Comments should be sent, in triplicate if possible, to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C 20460. All comments should bear the identifying notation OPP-30024. All written comments will be available for public inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Herbert S. Harrison, Registration Division (TS-767), EPA, 401 M Street, S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: This regulation implements sections 3(c)(7)(A) and 3(c)(7)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the Act), as amended by the Federal Pesticide Act of 1978 (Pub. L. 95-396, 92 Stat. 819, 7 U.S.C. 136 et seq.) as well as related provisions of FIFRA section 3(c)(5) and section 6(e). Final regulations (40 CFR Part 162) for the registration, reregistration, and classification of pesticides were published in the Federal Register on July 3, 1975 (40 FR 28242). This regulation amends Part 162 by adding new sections designated §§ 162.18-1 through 162.18-5, and by revising § 162.7 and § 162.8. Regulations implementing FIFRA section 3(c)(1)(D)(ii) appear elsewhere in this issue of the Federal Register.

Purposes of Conditional Registration

Prior to enactment of the Federal Pesticide Act of 1978, FIFRA section 3(c)(5) set forth the test for registrability of a pesticide. It states, in part:

> *Approval of registration.*—The Administrator shall register a pesticide if he determines that, when considered with any restrictions imposed * * *
>
> (A) its composition is such as to warrant the proposed claims for it;
>
> (B) its labeling and other material required to be submitted comply with the requirements of this Act;
>
> (C) it will perform its intended function without unreasonable adverse effects on the environment; and
>
> (D) when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

FIFRA section 3(c)(5) requires that before the Agency registers a product, or amends an existing registration, the Agency must conclude, based on a review of sufficient data, that neither the product itself nor any of its uses would cause an unreasonable adverse effect on the environment.

Data requirements designed to allow the Agency to make section 3(c)(5) determinations have increased over the years. Moreover, the Agency has concluded that data submitted in support of earlier pesticide registrations should be subjected to validation under modern standards.

In most cases, therefore, the Agency can grant a registration under FIFRA section 3(c)(5) only after it has determined that all required data have been submitted, and only after a comprehensive review of that data has been completed. Congress has directed the Agency to conduct reevaluations of all previously-registered pesticides (a process called reregistration). The Agency intends to conduct these evaluations systematically and to issue "generic standards" setting for the Agency's regulatory posture on each pesticide.

Under the pre-1978 FIFRA, the Agency felt compelled to deny registration of new products, even those containing only "old" ingredients, until all required testing of the pesticide had been done and the results reviewed. This created major problems for firms seeking to enter the market with products essentially like those already being sold legally, and also made it very difficult to obtain approval for new uses of already-registered products. This class of problems was referred to as a "double standard," and was of great concern to both EPA and the Congress.

In addition, the Agency believes that even where most or all of the data required for a "no unreasonable adverse effects" determination are available, it is imperative that the Agency's limited resources for data review be used in the most productive manner. This requires that the scheduling of chemicals for comprehensive review be based on factors such as the type, use pattern, and volume of use of the various chemicals. The Agency does not intend to immediately conduct a comprehensive data review merely because an application for registration has been submitted. But a system which would indefinitely deny registration to products containing chemicals low on the review priority list would be unacceptable. A mechanism to overcome these various problems was needed. The Agency thus requested, and Congress in 1978 enacted, legislation "authorizing the Administrator to conditionally register * * * products in certain situations, even though certain of the data that were required for complete registration [under section 3(c)(5)] * * * had not yet been generated, or, if on file with the Agency, had not yet been reviewed for validity or sufficiency." [1]

Conditional registration is a discretionary authority with a twofold purpose: (1) to eliminate existing barriers to registration and market entry resulting from the previously mentioned double standard; and (2) to provide a needed transition phase between the case-by-case approach under which the Agency has operated in the past and the new generic standards process. The Agency's objective is that all currently registered products, which are subject to reregistration, and similar products for which new registrations are sought, should be allowed to progress in an orderly fashion into a systematic and all-encompassing standards-setting program.

These goals must, however, be pursued in a manner consistent with the Agency's fundamental mission of the protection of human health and the environment from unreasonable adverse effects of pesticides. The Agency is *authorized* to issue conditional registration, but is not *obligated* to do so, and will not do so where a

[1] Report of the Senate Committee on Agriculture, Nutrition, and Forestry. S. Rep. No. 95-334, 95th Cong., 1st Sess. (July 6, 1977), ["Senate Report"] at page 20.

conditional registration would significantly increase the risk of unreasonable adverse effects.

Conditional registration will be used to register new products and to amend existing registrations of products containing a particular active ingredient until a final generic standard for that active ingredient is published. If the generic standard states that additional data must be submitted on an active ingredient before products containing it can be unconditionally reregistered, the products containing the active ingredient may be conditionally reregistered. If the generic standard states that all required data have been submitted and evaluated, products can be reregistered unconditionally.

Under the new conditional registration authority, a product may be registered, or its registration amended, if the Agency concludes that the action would not significantly increase the risk of unreasonable adverse effects on the environment, provided certain conditions are met. These regulations describe how EPA will exercise its conditional reregistration authority under FIFRA sections 3(c)(7)(A) and 3(c)(7)(B).

FIFRA section 3(c)(7) is divided into three parts. The third, section 3(c)(7)(C), deals with conditional registration of products containing new active ingredients. The regulations issued here do not concern section 3(c)(7)(C); for the time being, applications for registration under that authority will be handled on a case-by-case basis.

Sections 162.18–1 through 162.18–5 set forth the Agency's standards and procedures for conditional registration under FIFRA sections 3(c)(7)(A) and 3(c)(7)(B). Section 162.18–1 addresses the scope of the regulations; coverage, and contains necessary definitions. Section 162.18–2 establishes data requirements for the various types of products. Section 162.18–3 sets forth the requirements for applications for conditional registration. Section 162.18–4 describes the disposition of applications for conditional registration and the criteria for approval of such applications. Section 162.18–5 describes Agency procedures for cancellation of conditional reregistrations as specified in FIFRA section 6(e).

The final portions of 40 CFR 162.7 and 162.8 are also revised to conform the existing regulations to the new conditional registration authority, delete obsolete provisions, and acknowledge that the generic standards process will be used for reregistration.

Development of This Regulation

The Administrator has determined that there are compelling public interest reasons for this regulation to be published as an interim final regulation at this time. Because this conditional registration regulation permits the Agency to eliminate the double standard for registration and resume the registration program as quickly as possible, the Administrator believes that the public interest is best served by making this regulation effective upon publication.

Because this regulation is not being published as a proposed regulation, the Agency has provided considerable opportunity for public comment on the regulation during its development. An Advance Notice of Interim Final Rulemaking, published in the Federal Register on July 25, 1978 (43 FR 32154), invited comments from interested persons on the general aspects of conditional registration, compensation, efficacy data waiver, and other prospective issues perceived in the development of regulations. A working draft of the regulation was circulated (October 6, 1978) to over 2,500 interested industry, environmental and consumer groups, state and local agencies, and agricultural organizations. Specific comments on the issues involved were solicited. Three one-day public meetings were held in Washington, D.C., on November 6, 7, and 8, 1978, to receive comments on the major issues identified in the draft regulation.

As a result of the several opportunities accorded to interested persons for commenting on this regulation, a number of valuable comments were received and have been considered in developing this document. The majority of the comments were directed to a few new or changed policies that will be established by the regulation. Comments of major concern pertaining to the conditional registration regulation have been categorized, compiled, and reviewed. These comments are addressed when necessary in the following sections of this document.

Definitions

The October 6, 1978, draft of these regulations contained the term "substantially similar product," which several commenters believed was inadequately defined. The Agency has revised 162.18–2 of the regulation so that a definition of "substantially similar product" is not necessary. All products other than "identifical products" (a defined term) are addressed together in § 162.18–2, the hazard data requirements varying to reflect the level of risk assessment associated with a greater or lesser degree of similarity of the product or use to those currently registered. Therefore the separate definitions of "substantially similar product" and "identical or substantially similar use" have been deleted.

Several commenters suggested that the terms "major food or feed crop" and "minor food or feed crop" or variations thereof be defined. It is true that the application of the statutory prohibitions of FIFRA § 3(c)(7)(B) depends in certain instances on whether a crop is deemed a "major food or feed crop" or a "minor food or feed crop." Specifically, if a new use of a pesticide under a Rebuttable Presumption Against Registration (RPAR) involves a major food or feed crop, conditional registration is prohibited. The same holds true for a minor food or feed crop unless there are no available and effective alternatives to that pesticide.

The Agency has decided not to define these terms by regulation at this time. There is no overall consensus, within or without the Agency, of definitions which would be specific enough to be useful yet still allow the necessary flexibility for making sound regulatory decisions. There is general agreement that certain crops, such as corn, wheat or alfalfa, are "major food or feed crops" and that others, such as hazelnuts, leeks, or mangoes are "minor food or feed crops." However, definitions applicable to all food or feed crops would have to relate "major" and "minor" to some criteria such as acreage or percentage of diet. These factors have in the past proven to be inadequate in addressing many crops because they fail to take into account (1) differing segments of the consuming population (a crop which constitutes a minor part of an average person's diet may be a major portion of the diet of particular minority or regional populations); (2) minor food crops which are used as major feed items on a regional basis (few crops are grown solely as feed crops—most are by-products of food crops). For the time being, then, the Agency will classify crops as major or minor on a case-by-case basis.

Other commenters suggested that the Agency define additional terms which they deemed relevant to the conditional registration process. Some of the suggested terms, such as "exclusive use data," are adequately described by the Act. Others, such as "dietary RPAR," are not explicitly used in the Act or regulations and thus no definitioin is required.

Submission and Review of Data

As noted earlier, a conditional registration may be granted despite the fact that not all data required for a section 3(c)(5) registration have been submitted to EPA, or despite the fact that EPA has not yet reviewed all the data that have been submitted concerning the pesticide. If data required for an unconditional registration have not been submitted to the Agency, a conditional registrant must agree to submit the data when other registrants of similar pesticides must submit data—either at the time the product is reregistered or when the Administrator requires data submission.

However, the Agency will not grant even a conditional registration unless data sufficient to make the findings required by FIFRA section 3(c)(7) are available for review by the Agency.

In general, the Agency will review data for one or more of the following purposes in connection with the application for conditional registration:

1. To demonstrate that the product is identical to a currently registered product (Refer to *Incremental Risk Assessment*, Part A, Identical Products and Uses);

2. To evaluate the incremental risk posed by the product or its uses (Refer to *Incremental Risk Assessment*);

3. To establish that the product is efficacious, in certain instances (Refer to *Waiver of Efficacy Data Requirement*); or

4. To determine whether a new use should be classified for Restricted Use (Refer to *Classification*).

For these purposes, the Agency must have data available *prior to* issuance of conditional registration; such data may not be deferred under the conditional registration. It is readily apparent, and stated in § 162.18–2(d), that the formulator of an end-use product may be required to provide chemistry, efficacy, or acute toxicity data to satisfy requirements for obtaining conditional registration.

The responsibilities of end-use formulators for long-term or chronic testing are covered by FIFRA section 3(c)(2)(D). An applicant who purchases a registered manufacturing use product in order to formulate an end-use product is not responsible for the submission or citation of data pertaining to the safety of the purchased product. The formulator thus is not responsible for the development or submission or chronic toxicity data using the registered manufacturing use product. He should not assume, however, that the Agency is obligated to register his end-use product, or any product, when chronic toxicity data required to make an incremental risk assessment are lacking. *The Agency must have sufficient information to make a finding of no incremental risk before conditional registration can be issued.* (This applies to all studies; however, the exemption provisions of FIFRA section 3(c)(2)(D) are most directly relevant to chronic studies.) Whether missing data are supplied by the formulator (for formulation-related studies, this is the expected course of action), by the producer of the manufacturing use product, or by someone else, is inconsequential to the Agency. Thus the end-use formulator seeking conditional registration may find that unless he chooses to produce the data himself, he will be unable to obtain conditional registration.

For the conditional registration of identical products and identical or substantially similar uses, the Agency generally will not review again any data currently in its files. For other applications, the Agency may review data currently in its files to the extent necessary to evaluate the incremental risk associated with a new use or new product. The Agency will review all data which are required to be submitted by the applicant at the time of conditional registration in accordance with § 162.18–2.

Incremental Risk Assessment

Incremental risk assessment is central to the conditional registration program. The purposes of this section are to describe the risk assessment process and the underlying assumptions and rationales on which it is based, and to give some insight into the factors the Agency will weigh in evaluating whether the FIFRA section 3(c)(7) requirement of "no significant increase in the risk of unreasonable adverse effects" has been met.

Several commenters questioned the validity of an incremental approach to risk assessment. Such comments are not pertinent to this document because the statute provides for a conditional registration program based on incremental risk assessment rather than total risk assessment. The Agency intends to initiate a conditional registration program while addressing the risks associated with current uses of a pesticide through the generic standards program and, if necessary, the RPAR program.

Other concerns relative to risk assessment have already been addressed or are clarified in the preamble discussion which follows. These comments specifically related to the discussion of incremental risk assessment relative to food uses, the significance of incremental exposure to minor food and feed uses, and the presumption that conditional registration of "me-too" products and uses involves no significant incremental risk. No change in the regulation has been necessary as a result of these comments.

Section 3(c)(5) of the FIFRA, provides, among other things, that a pesticide shall be registered only if the product and its uses present no unreasonable adverse effects on the environment. The application of this standard was originally accomplished on an individual basis, product and uses being subject to the standard as they were submitted for registration. Because the assessment of unreasonable adverse effects required by FIFRA section 3(c)(5) resulted in a need for considerable additional data, the double standard, as discussed in the introductory section of this document, was created.

To place risk assessment on a more equitable and more manageable level and to give it the necessary priority within the registration program, the Office of the Pesticide Programs instituted the Rebuttable Presumption Against Registration (RPAR) procedure and the generic standards program.

The RPAR process was established to assess the risks and benefits of pesticides that were identified as having exceeded a threshold level of hazard. Initially, identification of RPAR candidates has been accomplished through the registration program. A pesticide placed within the RPAR system is fully evaluated relative to *all* products and uses affected to determine whether the adverse effects identified are unreasonable. In such a case, cancellation or denial of registration action may result.

In order to achieve efficient reregistration of the more than 40,000 pesticide products currently registered, the Agency has established a generic standards program. Under the generic system, EPA will systematically review pesticides, based on priorities for review consistent with the mandates of Congress and the Agency's needs. All pesticide products will be evaluated against the unreasonable adverse effects standard in an orderly manner.

The generic standards process reviews data from all sources for scientific value and regulatory utility concerning the pesticide, and identifies pesticides requiring RPAR consideration. Both generic standards and RPAR are designed to function systematically, addressing all aspects of

a chemical and its registered uses, evaluating all pertinent available data and resulting in broad regulatory decisions which can thereafter be applied without further data review to the registration decision for all products of a similar nature.

There are many pesticides registered that have not yet been addressed by either the generic standards program, or the RPAR program, and thus may not have been evaluated against the unreasonable adverse effects standard of FIFRA section 3(c)(5). The Agency intends to move ahead rapidly with both programs. Nevertheless, it will be some time before a significant number of pesticides are reviewed within these systems, and an even longer time before chronic hazard studies to serve as a basis for reaching regulatory decisions are completed by registrants. During this interim period, many of the risks associated with the use of pesticides will not be identified or fully quantified. Usually this is so because the data necessary to assess the risks have not been generated by pesticide producers. Data have been submitted in the past, but most of those studies have not been reviewed in light of current regulatory and scientific standards—a task to be accomplished within the generic standards development program.

Conditional registration of products and uses will be based on the acceptance of the existing risks, both known and unknown, of pesticide products and uses already registered and in the marketplace. The Agency recognizes the potential risks but generally has no basis upon which to quantify them or to believe that they outweigh the benefits of continued use. Until the risks can be identified and addressed through the generic standards and, if necessary, the RPAR processes, little or no environmental protection is achieved by discriminating between products registered prior to 1975 and other prospective pesticide products. At such time as a pesticide is reviewed for generic standards development or RPAR, all registered products and uses will be included in the overall assessment of adverse effects. Risks and benefits will be weighed against the unreasonable adverse effects standard of FIFRA section 3(c)(5).

Sections 3(c)(7) (A) and (B) of the FIFRA direct the Agency to focus its attention only on *increased* risks (incremental risks) posed by the registration of "old" pesticides and new uses of "old" pesticides. Specifically, conditional registration of both identical/substantially similar products and uses [section 3(c)(7)(A)] and new uses [section 3(c)(7)(B)] is authorized only if the new product or use "would not significantly increase the risk of unreasonable adverse effects on the environment." Properly adminstered, this test of approval will assure adequate protection of the public and the environment from adverse effects attributable to any increased exposure that might result from the conditional registration of a pesticide.

The Agency has carefully considered how best to assess the incremental risks associated with additional pesticide use. Incremental risk becomes significant only when conditional registration would involve either exposure to non-target populations not previously exposed, or increased exposure to the populations that are at risk from current pesticide usage. As previously stated, it is clear that the Agency is required to assess the incremental risk of each product and each use as a part of the review of all applications for conditional registration. As the potential for risk from the added product or use grows, the need for new data and Agency review of such data will increase. The risk assessment program set forth below is structured to incorporate this concept.

A. *Identical Products and Uses*

The Agency has concluded that conditional registration of identical products and identical and substantially similar uses poses no risks beyond those which may be present in the existing pesticide usage. The existing pesticide market represents an essentially finite quantity of pesticide availability, governed largely by the acreages and available sites to which end-use products are to be applied, and by the demands of users for those products.

As stated in testimony before Congress,[2] we expect that the entry into the market of additional identical products and uses will divide the existing market availability among a larger number of pesticide products and registrants, but not significantly increase overall pesticide usage. No increase in risks results if existing exposure remains constant. Consequently, no further incremental risk assessment is necessary. The Agency is prepared to conditionally register products and uses of this type without individual risk assessments provided that other requirements of these conditional registration regulations are met (unless major changes in pesticide usage emerge after these regulations are effective).

The Agency recognizes that, in reality, there are few products that are "identical" to others. Moreover, applicants for new registration will not generally be able to independently ascertain identicality. The definition of identical product in § 162.18-1 is so restrictive with respect to inert ingredients that many products will not meet the criteria. Products that are repackaged from other registered products are obvious examples of identical products. There also will be instances when a registrant authorizes a second applicant to manufacture an identical product, according to precise specifications. The Agency will determine identicality by a comparison of active ingredients, inert ingredients, impurities, and uses appearing on the label.

General chemistry data are required to be submitted for all new products to enable the Agency to determine whether a product is identical to a currently registered product. If the product is not identical, these data are used in incremental risk assessment (discussed in *Incremental Risk Assessment*). For end-use products the chemistry data needed for this purpose are minimal and routine: a Confidential Statement of Formula, completely and accurately filled out, will normally suffice to meet the requirement.

Some commenters suggested deleting several items of chemistry data originally required in the draft regulation, since those data were unnecessary to a determination of identicality of products. The Agency concurs with respect to end-use products and § 162.18-2(d)(1)(i) now reflects this reduced data requirement.

The same argument does not hold true for technical and manufacturing-use products. Beyond consideration of the active ingredients, and any intentionally-added inert ingredients, the Agency is concerned about the presence of harmful impurities in such products, and thus requires information related to identity of, and analysis for, impurities. When the type and/or level of impurities differs from that found in the currently registered product, a risk assessment is required to evaluate the significance of the variation.

Data on physical and chemical properties are also required for technical and manufacturing use products. They serve as confirmatory data in the determination of identicality and subsequent risk assessment procedures. Section 162.18-2(c)(1) includes these requirements.

[2] Statement of Honorable Douglas M. Costle, Administrator, EPA, before the House Committee on Agriculture, April 27, 1977.

B. *New Products and Uses That Are Not Identical*

Products that are not identical may result from any of a number of variations:

1. Variation in percentages of active and inert ingredients.
2. Variation in inert ingredients, including impurities in technical and manufacturing-use products.
3. Variation in formulation type.
4. Different uses (excluding "new uses" which are discussed in the next section).

For some products in these categories, risks associated with the new product will not be significantly different from those associated with the currently registered similar product. An example is a product that, although not an identical product as defined in this regulation, has a composition and uses that fall within the range of currently registered products.

Products with similar risks, together with identical products, are commonly considered "me-too" products and no data are required to be submitted for risk assessment purposes.

However, there will be a number of products that will raise questions of risk that cannot be resolved solely by comparison with currently registered products. The applicant may be required to submit acute toxicity data to determine the appropriate precautionary labeling. Products listed in items 1 through 3 above may fall into this category.

By definition, a variation in the use pattern of a product may be characterized in one of two ways: either it is a "new use" which may generate a requirement for toxic effects data which are essential to the incremental risk assessment, or it is a "substantially similar use," as listed in item 4 above. This latter category of use does not generate the same requirement for toxic effects data, since it does not involve exposure to new organisms, or exposure by different routes than currently exist.

However, when a specific "substantially similar use" (new site or pest) has never been registered in conjunction with the active ingredient contained in the new product, incremental risk assessment entails an evaluation of the additional exposure to the product, corresponding to that encountered with some new uses. Addition of a new pest on the same site or expansion of the site may significantly increase exposure to applicators, to other people, or to fish and wildlife. This aspect of risk assessment is more fully addressed in STEP 5 of the discussion of new uses below. The factors enumerated in STEP 5 of new use risk assessment will be applied to such substantially similar uses. Consequently, it is possible that the applicant may be required to submit the data described in STEP 5 on the potential for increased exposure related to the added use.

C. *New Uses*

New uses pose incremental risks, the significance of which must be assessed to determine whether the use is acceptable for conditional registration. The Agency will proceed through the following steps to evaluate incremental risk of new uses.

STEP 1: *Determine whether the new use is a food or feed use requiring the establishment of a tolerance*

If a proposed new use is a food or feed use, the Agency must determine whether the use would require establishment of a new tolerance or an increase in an already established tolerance, in which case the evaluation proceeds to STEP 2.

If the new use is not a food or feed use, the Agency will determine whether the use is a "changed use pattern" as defined in section 162.3(k) of the regulations. A changed use pattern involves significant new exposures to human or fish and wildlife populations not previously exposed or exposures by different routes than result from current use patterns. Determination that a use is a "changed use pattern" moves the risk assessment to STEP 4.

A use which is neither a new food or feed use nor a changed use pattern is by definition a similar or "me-too" use and may be conditionally registered with the less exhaustive level of risk assessment discussed in B above.

STEP 2: *Exclude new uses presenting a significant incremental risk: Apply the statutory prohibitions against conditional registration*

The FIFRA specifically prohibits conditional registration of new uses that meet certain criteria. If the new use is a major food or feed crop use, dietary exposure may be significantly increased. If RPAR evaluation has revealed that toxic effects may be expected to occur at existing levels of dietary exposure to a chemical, then increasing dietary exposure by conditionally registering a *new major food use* for the chemical is prohibited by the statute.

Minor food and feed uses under RPAR raise similar concerns, but of lesser degree since the increase in dietary exposure from a minor use compared to the existing level of exposure is likely to be insignificant. Moreover, there are offsetting benefits that accrue in making a pesticide available for a minor use. Alternative pesticides may not be available to cope with a particular pest problem on minor crops or, if available, they may not be effective. The law thus provides that where dietary exposure is low, and alternatives are either not available or not effective, conditional registration of a minor use is not automatically precluded by the existence of an RPAR for dietary effects. The law does not, however, provide that conditional registration necessarily be granted in these circumstances. The Agency will grant such registrations only if persuaded that benefits of a proposed use exceed its risks.

The statutory prohibitions apply to *issued* RPAR's, that is, where the Agency has concluded that available evidence demonstrates that risk criteria have been exceeded. The statutory prohibition does not apply to pesticides which are in the RPAR review process (candidate RPAR's), where no finding has yet been made that risk criteria have been met or exceeded.

STEP 3: *Assess the incremental dietary exposure from food uses: Can a tolerance be established?*

Tolerance-setting procedures and principles under the Federal Food, Drug & Cosmetic Act have been well established over the last two decades. An issue paper explaining the process, the underlying considerations and the scientific principles of tolerance-setting as it currently functions in the Office of Pesticide Programs was submitted to the Agency's Scientific Advisory Board in April 1977 as background for an overall evaluation of the entire tolerance process. This document is available for review from the External Affairs Unit, OPP (TS-766), EPA, 401 M Street, S.W., Washington, D.C. 20460.

Some tolerances have been established in the past without the complete set of data that are currently desirable in the proposed Registration Guidelines. The Agency will continue this practice during conditional registration. However, no additional tolerance is now granted (or will be granted) when a significant data gap exists unless the incremental residue contribution from the new use is calculated to be insignificant or unless it can be demonstrated that there are no detectable residues from application to a new crop. The Agency will generally consider as insignificant an increase in the Theoretical Maximal Residue Contribution (TMRC) of 1% or less. The TMRC is a "worst case estimate" of the exposure of the U.S. population to residues of a pesticide in food. Details on the calculation of the TMRC are included in the paper referenced above. This additional criterion of acceptability

has been applied to tolerances established in the absence of a complete toxicity data base. By limiting the permissible incremental residues in this manner, the Agency can assure that significant increases in dietary exposure will not occur for a chemical whose toxicity is incompletely characterized. In some cases, the Agency will continue to require evidence that missing studies will be initiated (or are under way) before establishing a tolerance.

The need for establishment of a tolerance in conjunction with conditional registration of a new use imposes certain additional data requirements on the applicant. Generally, only residue chemistry data and certain rotational crop data to assess the potential for residue uptake by subsequent crops will be required. In most cases, the toxicity data on which previous tolerances were based will suffice to meet the requirements. Evaluation of incremental risk for chemicals which proceed through this step will be carried forward to STEP 4.

STEP 4: *Assess the risks associated with "new" toxic effects solely attributable to the new use: Are RPAR criteria exceeded?*

The Agency must also assess the toxic effects to new organisms or populations from exposures to the pesticide that would be introduced into the environment by conditional registration of a new use. The applicant must submit satisfactory data pertaining to the new use which will enable the Agency to evaluate any "new" toxic effects.

A general rule of thumb for determining which data would be required to be submitted for a particular new use is to compare proposed Guidelines requirements for all uses of the active ingredient, including the new use, with the Guidelines requirements for all existing uses. The differences between the two are those requirements that pertain solely to the new use. The results of these studies must be submitted by the applicant so the Agency can determine whether the new use will pose adverse effects.

If the new use proposes the first change from indoor to outdoor use for the active ingredient(s), new data requirements will include fish and wildlife data and environmental chemistry data. A change from terrestrial use to aquatic use will require data on toxic effects to fish and aquatic life. A change from non-domestic to domestic use will create a need for inhalation studies and long-term chronic studies because of the potential for repeated and prolonged exposure to people. A change from non-food uses to food crop uses will trigger a requirement for data necessary to establish a tolerance, including the full range of toxicity data as well as data to characterize applicator exposure. It is impossible to specify all situations that could arise. In general, if a new use can be expected to expose human subpopulations not previously exposed (such as women of child-bearing age, children, applicators, or field workers) or non-target organisms (such as fish, birds or other wildlife), data to evaluate the toxic effects of that exposure will be required.

The Agency will review the submitted data to see if the results meet or exceed any of the criteria for RPAR referral. If so, the Agency will proceed with a complete evaluation of the pesticide through the RPAR process. Referral to the RPAR process, however, does not necessarily preclude conditional registration of the new use in question or of other new uses which may be proposed. If the *new use* offers benefits which outweigh the *new risks*, the new use may proceed through the remaining steps of the risk assessment. Benefit considerations may lead to conditional registration of a minor use for which no alternatives are available, or of a pesticide product relatively less hazardous than the alternative it would displace.

If the new use is ultimately conditionally registered, its RPAR status notwithstanding, its continued registrability will be subject to the outcome of the RPAR review of the total risks and benefits of the pesticide.

STEP 5: *Assess the increase in "old" (existing) toxic effects resulting from increased exposure to the pesticide*

This last step of risk assessment involves a consideration of the known toxic effects of the pesticide to populations and organisms which have been previously exposed, and the risks associated with extending these effects by the introduction of *more* pesticide into the environment. The Agency anticipates that the bulk of the new uses proposed for conditional registration will be new crop uses. Thus the major portion of the additional exposure will be dietary exposure from pesticide application to new food crops. Establishment of tolerances, discussed earlier, will adequately cover this aspect of incremental risk assessment.

The known toxic effects of a pesticide have been identified and evaluated in conjunction with the registration of the product for previously accepted uses. Some of the effects data have been further reviewed through the RPAR process, providing greater certainty about the risks that pesticide presents.

Incremental risk assessment of "old" toxic effects may be viewed as an evaluation solely of the increased exposure to "old" non-target organisms attributable to the new use of the pesticide. Insofar as the Agency's stated intent is not to review previously submitted toxic effects data at the time of conditional registration, the toxic effects are factors that are constant in the risk equation. Incremental exposure is therefore a measure of incremental risk. Where effects data have been reviewed according to current standards, as in the RPAR process, the Agency will have greater assurance that incremental risk has been accurately characterized. Where an RPAR has been issued on the basis of a toxic effect that may be expected to result from the new use, any increased exposure takes on added significance and may preclude conditional registration.

Exposure analysis includes the use of judgmental factors. Because there is such a wide variety of types and routes of exposure, each individual new use offers a distinct exposure pattern which must be separately evaluated. In addition, most forms of exposure cannot be easily quantified or judged against a single standard of acceptability, such as exists for dietary exposure in the tolerance-setting process. The Agency sees no certain quantitative method of evaluating exposure factors for the purposes of conditional registration and therefore will assess the anticipated pattern of exposure and the relative significance of the various routes of exposure on a case-by-case basis.

In addition to the dietary exposure for food uses discussed earlier, the following types of exposure will be evaluated for each new use:

1. *Applicator Exposure.*—Registration of a new major crop may result in the exposure of a significant number of applicators not previously exposed to the pesticide. Moreover, some use patterns may require a higher concentration or more frequent application of the pesticide, resulting in individual applicators being exposed to higher levels of pesticides that did not exist for previously registered uses. The Agency may require that applicants submit information on which to base an evaluation of such increased hazards.

2. *Field Worker Exposure.*—For crops which are hand-picked or hand-cultivated routinely, determining whether there is an increased exposure to field workers may involve consideration of the preharvest interval for application to the crop. The method of application must also be considered—

some application techniques may expose field workers more than others.

3. *Incidental Human Exposure Other Than Applicator or Field Worker Exposure.*—To some extent, incidental exposure to humans accompanies almost every use situation. Moreover, large numbers of people may be exposed to pesticides without being aware that they have been exposed or without being able to avoid such exposure: the aged or infirm in hospital environments, persons in homes and school areas, outdoor recreational areas, lakes and streams, and urban areas. Each situation offers some potential for exposure to unprotected humans. The Agency will consider such exposures in risk assessment of specific uses.

4. *Fish, Wildlife And Other Non-Target Species Exposure.*—Fish and wildlife exposure is of concern for all applications to new crops and other outdoor areas such as forest and aquatic sites. Certain croplands are important wildlife habitats. Possible harm to fish and aquatic invertebrates is of concern when a new aquatic use is proposed. The drift potential of air application, and the time of the application (spring, summer, fall) may be of great significance in determining the extent of exposure. A further consideration is the status of endangered species within the application area.

The Agency will use whatever information sources are necessary to determine the extent of incremental exposure. We anticipate that much information will be available from published sources, such as Department of Agriculture statistics for agricultural uses, or from knowledgeable experts. In the absence of complete data on incremental exposure, the scientific reviewer's knowledge and experience may on occasions be sufficient to judge the extent and significance of additional pesticide exposure from a new use.

However, the Agency may require that the applicant submit data on the extent of the proposed use to fully evaluate exposure from smaller or less easily defined uses. Market analyses or projections are the primary types of information that might be requested in this context. Such data will be eligible for trade secret protection to the extent provided by FIFRA § 10. The Agency will make every effort to obtain sufficient information from sources which are more readily accessible and available to the public, but applicants are often the only source of exposure information essential to the incremental risk assessment.

Step 6: *Issuance or denial of conditional registration: Reduction of exposure potential*

When all of the above steps have been completed, the Agency will make a decision whether to issue or deny the conditional registration of the new use. If the decision is to issue the conditional registration, the Agency may review the labeling of the product, seeking ways to further reduce exposure. Proper labeling of the product with precautionary statements for protection of humans and fish and wildlife, use restrictions such as geographical or timing restrictions, requirements for protective clothing and respirators, reentry intervals for field workers, storage and disposal requirements and packing can be effective means of reducing the exposure potential of the product from intended application, misuse or accident.

In addition, if the product has previously been classified Restricted by regulation (a systematic review of all uses of the product—primarily involving acute human and fish and wildlife data), then the new use must be classified in accordance with § 162.11.

D. *Documentation of the Incremental Risk and Conditional Registration Decision Process*

The Agency is required by FIFRA section 3(c)(2) of the Act to make available to the public all data and other scientific information used in support of a registration, including conditional registration, consistent with the trade secret provisions of FIFRA section 10.

The establishment of tolerances under the Federal Food, Drug and Cosmetic Act requires publication in the Federal Register. Such publication will include a discussion of the safety of the dietary exposure resulting from a new food use. Notice of receipt of applications for changed use patterns must be published in the Federal Register, with comments requested. A notice of approval after registration will also be published. These provisions ensure that the public will be fully informed about the conditional registration of new uses and the factors used in evaluating the incremental risks associated with their use.

Waiver of Efficacy Data Requirement

Section 3(c)(5) of the Act provides that the Adminstrator may waive data requirements pertaining to efficacy of a product under consideraion for registration, and that if he waives the requirement for data, he may also waive the finding of efficacy required by FIFRA section 3(c)(5)(A). Since efficacy data waiver is a major deregulation action, the Agency will consider the waiver policy enunciated in these regulations as an experiment in public policy. If there is sufficient evidence to clearly establish that this deregulation is being abused (such as a significant increase in complaints from the agricultural community, other user groups, or the general public about ineffective products), the Administrator may take any steps necessary to correct the abuses, including withdrawal of any or all waivers of efficacy data requirements.

The decision to pursue efficacy waiver as an Agency policy stemmed from a need to reduce the amount of resources devoted to reviewing product performance so that additional effort could be devoted to the evaluation of health and safety data, and from a desire to reduce regulatory burdens in pesticide registration. Data review obligations placed on the Agency by the requirements for registration were important factors influencing the decision. Maintenance of a rigorous efficacy data submission and review posture for registration and reregistration would require the reevaluation of much of the 1.5 million items of product performance data that have been amassed by the EPA. Because many of these studies are quite old, their value as tools for assessing current levels of product performance is questionable in many cases. Therefore, commitment of the resources needed to fully evaluate these data for purposes of reregistration was determined to be less than an ideal use of limited resources for pesticide regulation.

The Agency's viewpoint concerning waiver of efficacy data requirements is in line with a general belief among persons in the pesticide industry, the U.S. Department of Agriculture and the agricultural community that the efficacy of agricultural pesticides can be effectively regulated by the marketplace (in conjunction with extension services and university research personnel). This opinion has subsequently received some qualified support from the findings of A.D. Little, Inc. (Draft Report: Evaluation Design for a Change in the Pesticide Regulatory Process: The Waiver of Efficacy Data). As originally proposed in the draft Conditional Registration regulation of October 6, 1978, the efficacy waiver was to apply to all product uses except for those termed "public health uses." These public health uses were restricted to certain disinfectant uses and a limited number of vertebrate and invertebrate control agents aimed at potential disease

vectors such as bats, rats, and mosquitoes.

The proposal of efficacy data waiver generated a mixed response from commenters. The pesticide industry was generally supportive of the concept of efficacy waiver. On the other hand, comments from State researchers and Cooperative Extension Service personnel expressed reservations about various facets of the proposed waiver. Many commenters expressed concern over the extent of efficacy waiver, arguing that the scope of "public health" uses should be greater than that proposed. The efficacy data requirement contained in § 162.18–2 retains the concept of public health uses, but has clarified and expanded public health uses to include additional disinfectant, rodenticide and insecticide uses, and one fungicide use.

Some commenters expressed the belief that waiver of efficacy data requirements will signal an open season to unscrupulous "fly-by-night" operators who will defraud the public by marketing ineffective products, or products with exaggerated or unwarranted efficacy claims on labeling and in advertising. Undoubtedly, there will be instances in which the marketplace will fail to operate as expected. The Agency believes that foreseeable imperfections in marketplace self-regulation are acceptable tradeoffs in return for a reduction of overall Federal regulation in the efficacy area.

EPA, in cooperation with the Experimental Technology Incentives Program of the National Bureau of Standards will monitor the impacts of the efficacy waiver policy to determine if:

(1) Consumer fraud increase; or

(2) Consumer fraud is effectively reported and curtailed through existing market institutions including State regulation processes, USDA and the Extension Service, farmers associations, and the marketplace.

The Agency expects that all registrants will perform the tasks necessary to assure themselves that the products they market will perform their intended functions when applied in accordance with label directions and commonly accepted pest control practices. The Agency must rely upon the integrity of the industry, the soundness of extension service recommendations and the good judgment of pesticide users to insure that abuses seldom occur. The Administrator reserves the right to request submission of efficacy data in support of label claims for any registered product. A request may be made for any product for which a pattern of inadequate performance has been reported.

Some respondents feared that efficacy data waivers would lead to a lack of sound information on the "benefits" side of the risk/benefit analyses performed as part of the Rebuttable Presumption Against Registration (RPAR) or cancellation processes. Benefits analysis in the RPAR process entails subtantially more than reconsideration of efficacy data supporting the original registration. Concern in the benefits analysis is not with historical but with current product performance. In addition, economic factors pertaining to the current use of the pesticide and efficacy of alternative chemicals or non-chemical control practices must be considered. Front-end efficacy review does not provide useful information on the suitability of alternatives. However, when a substantial risk of unreasonable adverse effects has been identified via the RPAR or cancellation/suspension processes for *old use patterns* of a pesticide, it is incumbent upon the Agency to more carefully scrutinize *new or added uses* of the pesticide, weighing those risks with the benefits they offer. Thus, the waiver policy has been amended to include a requirement for efficacy data for *new or added uses* of products which have been RPAR'd, cancelled or suspended for adverse effects of other uses, if the identified adverse effects would also be expected to occur with the new or added use.

A. The Agency is limiting its direct concern to, and requiring efficacy data for, health-related use patterns and new and added uses of chemicals which have been identified as posing a risk of unreasonable adverse effects. Specifically, the Agency will require product performance data in support of registration for the following uses:

1. *Public Health Uses*—A public health use exists whenever the continued presence of the target pest organisms may pose a threat to human health, either by direct action or through transmittal of disease. Such uses include, but are not limited to:

a. *Disinfectant Uses*—Performance data will be required for all antimicrobial products intended to control miscroorganisms infectious to man in any area (inanimate surface) where these microorganisms may present a health hazard.

b. *Fungicide Uses*—Performance data will be required for products intended for control of organisms that produce aflatoxins.

c. *Invertebrate Uses*—Performance data will be required for: (1) Invertebrate control products intended for use in or on humans (or in or on pets for control of pests which attack humans) to control pests such as fleas, mites, lice, ticks, biting flies, and mosquitoes. (2) Invertebrate control products intended for use either in premises or in the environment to control pests of sanitary or public health significance such as mosquitoes, biting flies, ticks, fleas, houseflies, cockroaches, fire ants, hornets, wasps, poisonous spiders, scorpions, centipedes, and bedbugs.

d. *Rodenticide Uses*—Performance data will be required for: (1) Commensal rat and mouse products. (2) Products used to control or disperse birds from buildings, roosts and other areas where they present health hazards. (3) Products used to control rabies vectors such as bats, skunks, raccoons and canids. (4) Products used to control rodents considered to be significant plague vectors.

2. New uses of pesticides containing active ingredients some uses of which have been:

a. Suspended, or cancelled by the Agency for reasons of human or environmental safety (if the risks identified in the suspension/cancellation action also apply to the new use).

b. The subject of a Notice of Rebuttable Presumption Against Registration (if the risks identified in the RPAR notice also apply to the new or added use).

If efficacy data are required, the applicant may in all cases satisfy the requirement by submitting data developed in accordance with the Registration Guidelines. In some cases, the applicant may choose instead to cite all applicable data in Agency files, in accordance with §§ 162.9–1 through 162.9–8.

For disinfectant products and bait formulations of rodenticides, efficacy data, when required, must be developed and submitted for the individual formulation proposed by the applicant. The applicant may *not* rely on, and need not offer to pay compensation for, data already in our files pertaining to similar formulations. It has been the Agency's experience, borne out by efficiacy data submitted in the past and by enforcement actions, that efficacy data in the disinfectant and rodenticide bait areas cannot be transferred from one formulation to another, even though the formulations may be virtually identical. Small variations in manufacturing process, order of addition of ingredients,

or quality and age of ingredients in bait formulations appear to radically affect the ability of the product to perform as intended. Thus each individual product must be supported by its own efficacy data.

B. Efficacy data will generally not be required for products of the following types:

1. Nearly all agricultural pesticide products (including forest and crop uses). Exceptions include products falling into category A.2 above;

2. Disinfectants—Products used to control bacteria producing odor or deterioration and spoilage of products such as paint, industrial fluids, leather, where product failure does not have human health consequences;

3. Algaecides and slimicides, herbidies, fungicides, nematicides, and rodenticides except as provided in A above. Several commenters in the public meeting requested clarification as to whether phytotoxicity data are included within the meaning of efficacy data. The Agency takes the position that data on phytotoxicity to the target site, i.e., crop or plants, are part of an efficacy evaluation and are thus waived. On the other hand, data on phytotoxicity to crops or other plants that are non-target sites are considered to be hazard data and must be submitted for all products as prescribed in the Registration Guidelines (Subpart J).

Notwithstanding the waiver of efficacy data, the Agency must have sufficient information about the use patterns proposed to permit evaluation of the hazards of the product to humans and fish and wildlife. In the past, efficacy data have served the purpose of providing supplementary information to the labeling use directions, enabling the Agency to accurately assess the hazards of the proposed use, and to label and classify the product to protect the public and the environment.

If the labeling submitted with an application for conditional registration is not sufficiently detailed as to the use pattern proposed, the Agency will request more detailed information on the use pattern. Any such information may be required to be placed on the label in the form of use directions, precautionary statements, or use restrictions if it is deemed essential to the proper use of the pesticide, or if lack of such information could potentially result in adverse effects from use of the pesticide.

Classification

Most products and uses will not be classified until reregistration under a final generic standard or by regulation under § 162.31. Under conditional registration, the Agency will classify individual products only to maintain consistency with current registrations and to avoid a double standard.

New products which are identical to products currently classified will bear the classification assigned to that identical product. Other products will be classified for Restricted Use if all products containing the same active ingredient(s) have been so classified under § 162.30.

New uses will be classified Restricted if the data submitted for the incremental risk assessment indicate that such a classification is needed. Other uses will generally not be classified separately from the uses of the product being amended. The Agency will permit "splitting" of products to separate Restricted uses from other uses, as described in § 162.30(d)(2)(iii).

There were no substantive public comments in regard to classification.

Cancellation of Conditional Registration

Section 6(e) of the amended FIFRA provides for the cancellation of conditional registrations for failure to meet the conditions imposed. Section 162.18–5 sets forth the basis for such cancellation, the procedures the Agency will use in notifying registrants and the public, and the hearing rights available to registrants and interested parties. The cancellation section generated few comments as a result of the distributed drafts and public meetings. Two specific questions related to cancellation were received. Several commenters requested clarification of the Agency policy with respect to the cancellation of products braring conditionally-registered use patterns. Whether similar or new uses. Concern focused on whether approval of an added use renders the entire product conditional or whether only the added use becomes conditional. The distinction becomes significant only when a registrant fails to meet conditions imposed on the registration, resulting in cancellation proceedings.

The Agency position is that *only* the added use accepted under FIFRA sections 3(c)(7) (A) or (B) is conditional; the remaining uses were not registered in accordance with FIFRA section 3(c)(7). In a practical sense, however, if a cancellation action is necessary under FIFRA section 6(e), it must be applicable to the entire product. The registrant may, however, avoid cancellation of the unconditional uses of his product by either meeting the conditions originally imposed, or by deleting the conditionally registered use from the labeling. Clarification of this policy does not require revision of § 162.18–5.

Several commenters pointed out that § 162.18–5 as originally proposed provided that cancellation decisions after a hearing were not subject to judicial review. They pointed out that the statute provides no basis for this interpretation of section 6(e). The Agency agrees and has deleted the statement.

Effective Date

This regulation is effective May 11, 1979. Applications for registration received after the effective date that are not in compliance with the provisions herein will be returned to the applicant without processing. Applications received prior to the effective date and currently pending or under review must be revised to comply with the regulations in § 162.8, 162.9–1 through 162.9–8 and 162.18–1 through 162.18–5 within 75 days after this date, in accordance with PR Notice 75–4. "Intrastate" products for which a valid "Notice of Intent to Register" was submitted under § 162.17 are eligible for conditional registration as new products if they meet the requirements of these regulations.

Statutory Review

This regulation was submitted for review to the Agency's Scientific Advisory Panel, which concurs unanimously in its promulgation. Copies have also been provided to the U.S. Department of Agriculture for comment in accordance with FIFRA section 25(a) and to the appropriate committees of the U.S. Congress. The comments of the U.S. Department of Agriculture and the Agency's response are provided at the end of this document as Appendices I and II.

Evaluation Plan

Section 2(d)(8) of Executive Order 12044 requires that each significant new regulation have a plan for evaluating its effectiveness. Since this regulation is interim final in nature, the Agency will review it for effectiveness within two years after promulgation.

The Environmental Protection Agency, after conducting a screening study, has determined that the regulation does not require preparation of a regulatory analysis under Executive Order 12044. The screening study indicates the following:

1. Conditional Registration will result in lower costs for registration and should increase competition in the marketplace.

2. There will be considerable annual savings in testing.

3. A significant increase in registered products will result.

4. Conditional registration will lower prices for pesticide products because of an increase in competition.

Copies of the screening study are available from the Economic Analysis Branch, Benefits and Field Studies Division (TS-768), OPP, EPA, 401 M Street, SW., Washington, D.C. 20460.

Effective Date: May 11, 1979.

Dated: May 2, 1979.

Douglas Costle,
Administrator.

(Sections 3(c)(7) and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975 and 1978 (92 Stat. 819; 7 U.S.C. 136 et seq.).)

40 CFR Part 162 is amended as set forth below.

1. 40 CFR Part 162 is amended by adding new § 162.18-1 through 162.18-5 to read as follows:

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RHODENTICIDE ACT

Subpart A—Registration, Reregistration and Classification Procedures

Sec.

162.18-1 Conditional registration overview
162.18-2 Data required to be made available for agency review in support of conditional registration
162.18-3 Application for conditional registration
162.18-4 Disposition of applications
162.18-5 Cancellation of conditional registration

Authority: Sections 3(c)(7) and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975 and 1978 (92 Stat. 819; 7 U.S.C. 136 et seq.).

§ 162.18-1 Conditional Registration overview.

(a) *General.* FIFRA Section 3(c)(7) authorizes the Adminstrator to conditionally register a pesticide product despite the fact that certain of the data required by § 162.8 and the Registration Guidelines (40 CFR Part 163) may not have been submitted or evaluated comprehensively by EPA. A conditional registration is a registration for which the submission (or Agency review) of some supporting data has been deferred to a future date. These sections describe the requirements for submission of an application for conditional registration, the disposition of applications, the conditions under which applications will be approved or denied, and the cancellation of conditional registrations.

(b) *Scope.* Sections 162.18-1 through 162.18-5 apply to all applications for registration and amended registration including those for technical, manufacturing use, and end-use products, except for:

(1) Any application for registration of a product containing a new chemical;

(2) Any application for amendment of a registration of a type listed in § 162.9-1(b) (which addresses applications which may be approved without review of data); and

(3) Any application for registration or amended registration of a product that may be unconditionally registered under § 162.7(d)(2).

(c) *Definitions.* All words and terms shall have the same meanings as given in the Act, and § 162.3. In addition, the following terms are defined for the purposes of §§ 162.18-1 through 162.18-5:

(1) The term "new chemical" means an active ingredient that is not listed in the ingredients statement of any currently registered pesticide product.

(2) The term "new use" means a use pattern, not included on labeling of any currently registered pesticide product containing the same active ingredient(s), that:

(i) Is a "changed use pattern" within the meaning of § 162.3(k); or

(ii) Is subject to the establishment of, or the increase in, a tolerance or food additive regulation for the active ingredient under the provisions of the Federal Food, Drug, and Cosmetic Act, as amended, for the active ingredient(s) involved; or

(iii) Is subject to the establishment of an exemption from the requirement of a tolerance for the active ingredient(s) involved.

(3) The term "identical product" means a product that, when compared to a currently registered product:

(i) Contains the same active and intentionally-added inert ingredients, and, in the case of a manufacturing use product, the same impurities, each ingredient being in the same percentage; and

(ii) Bears identical or substantially similar uses.

§ 162.18-2 Data Required to be Made Available for Agency Review in Support of Conditional Registration

(a) *Data Available for Review.* An item of data is available for review by Agency if:

(1) It is submitted by the applicant in support of the application, or is already in the Agency's files; and

(2) The applicant has acknowledged reliance on the item of data and the Agency may consider it in support of the application, under §§ 162.9-1 through 162.9-8.

(b) *Exclusive Use of Data.* If any data required by this section are exclusive use data as described in FIFRA section 3(c)(1)(d)(i), the applicant must submit written authorization from the original data submitter to use those data in support of his application.

(c) *Manufacturing Use Products.* Each applicant for conditional registration or amendment of a manufacturing use product shall make available to the Agency the following data:

(1) *Chemistry data specific to the product.* (i) Product identity and disclosure of ingredients, including impurities; and

(ii) A description of the manufacturing process, including composition and purity of starting and intermediate materials; and

(iii) Analytical methods and sample assays for the impurities; and

(iv) Physical and chemical properties; and

(v) If requested by the Agency, a sample of the technical product.

(2) *Hazard data.* Data sufficient to allow the Agency to determine that approval of the application would not cause a significant increase in the risk of any unreasonable adverse effect on the environment.

(i) If the Agency determines that the product is an identical product, or that it contains impurities and inert ingredients that differ from those of a registered product only in ways that would not significantly increase the risk of unreasonable adverse effects on the environment, the Administrator will not require any additional hazard data other than those data currently in the Agency files.

(ii) For any other manufacturing use product, the Administrator will review data concerning the toxicity of the product, its ingredients and impurities, and the extent of exposure of populations and organisms to the toxic effects of the product, its ingredients and impurities.

(d) *End-use products.* Each applicant for conditional registration or amendment of an end-use product shall make available to the Agency the following data in a form acceptable to the Administrator:

(1) *Chemistry data specific to the product.* (i) Product identity and disclosure of ingredients; and

(ii) If requested by the Agency, a sample of the product proposed for registration; and

(iii) If any active ingredient of the formulated product is derived from any substance other than a registered product, data required by paragraph (c) of this section.

(2) *Efficacy data specific to the product.* Efficacy data specific to each product that bears a claim to control organisms that may pose a threat to human health, either directly or through transmittal of disease, including:

(i) Each antimicrobial product intended to control micro-organisms infectious to man in any area where these micro-organisms may present a health hazard; and

(ii) Each bait formulation intended to control vertebrates (such as rodents, birds, canids and skunks) that may transmit disease to man.

(3) *Other efficacy data.* (i) Efficacy data for products intended to control mosquitoes, cockroaches, fleas, ticks, lice, biting flies, houseflies, poisonous spiders, fire ants, hornets, wasps, bedbugs, scorpions, centipedes, or aflatoxin-producing fungi; and non-bait formulations intended to control vertebrates (such as rodents, birds, canids and skunks) that may transmit disease to man;

(ii) Efficacy data, in accordance with the Registration Guidelines, for each product for which a new or added use is proposed, if the product contains an active ingredient, some uses of which have been suspended, cancelled, or are the subject of a Notice of Rebuttable Presumption Against Registration (RPAR), and the risks identified in the RPAR Notice or suspension/cancellation action may reasonably be anticipated to exist as a result of the new use.

(4) *Hazard data.* Data sufficient to allow the Agency to determine that approval of the application would not cause a significant increase in the risk of unreasonable adverse effects on the environment.

(i) A product which the Agency determines to be an identical product will be regarded as one which would not cause a significant increase in the risk of any unreasonable adverse effect on the environment.

(ii) For a product which is not an identical product, the Agency normally will review data concerning the extent of additional exposure to the product that likely would result from use of the product as proposed, and the toxicity of the product or its ingredients to its ingredients to organisms that would be newly exposed to the product, or that would be exposed by routes of exposure different from those associated with already registered products or uses.

Applicants are encouraged to consult with the Agency to determine the data requirements applicable to a risk assessment of specific products and uses.

§ 162.18-3 Application for conditional registration.

(a) *General.* All provisions of §§ 162.1 through 162.17 apply to all applications submitted for conditional registration under FIFRA sections 3(c)(7) (A) and (B) except the following:

(1) Section 162.6(a)(5), *Completeness of Applications;*

(2) Section 162.6(b)(1), (2), and (5) *Applications for Registration* [under FIFRA section 3(c)(5)];

(3) Section 162.6(c), *Five-Year Cancellation;*

(4) Section 162.7(c), *Time for Action with Respect to Application;*

(5) Section 162.7(d), *Approval of Registration* [under FIFRA section 3(c)(5)];

(6) Section 162.7(f), *Denial of Registration;*

(7) Section 162.11 (a) and (b), *Rebuttable Presumption Against Registration,* except as provided in § 162.18-4(b); and

(8) Section 162.11 (c) and (d), *Use Classification,* except to the extent provided by § 162.18-3(b)(5).

(b) *Submission of applications.* (1) An application for conditional registration must be submitted (on forms provided by the Agency) for each conditional registration desired. Applications shall include the supporting information prescribed in paragraphs (b) (2)-(5) of this section.

(2) Each application must be accompanied by proposed labeling in accordance with § 162.6(b)(2)(i)(A) and § 162.10.

(3) Each application must be supported by the data prescribed in § 162.18-2, as applicable.

(4) Each application must comply with §§ 162.9-1 through 162.9-8.

(5) Classification requirements for end-use products (manufacturing use products are excluded):

(i) An end-use product must be labeled "Restricted Use":

(A) If an identical product is labeled "Restricted Use"; or

(B) If "Restricted Use" labeling is required by § 162.31.

(ii) The applicant shall request that a use not previously accepted on a registered product containing the same active ingredient be classified in accordance with § 162.11.

(iii) Applicants not required to label their products "Restricted Use" under paragraph (b)(5)(i) of this section and not seeking to add a use as described in paragraph (b)(5)(ii) of this section shall request that the product be classified at reregistration or when uses of other similar products are classified, whichever occurs sooner, and shall propose a classification for the product or added use(s).

§ 162.18-4 Disposition of applications.

(a) *Criteria for approval of conditional registration.* The Administrator shall approve a request for conditional registration under FIFRA sections 3(c)(7) (A) or (B) if he determines that, when considered with any restrictions or conditions imposed:

(1) The product is not misbranded, as defined in FIFRA section 2(q), and its labeling complies with §162.10; and

(2) The test data and other materials required to be submitted comply with the requirements of the Act, § 162.18-2, § 162.18-3, and §§ 162.9-1 through 162.9-8; and

(3) The use of the product will not cause a significant increase in the risk of unreasonable adverse effects on the environment; and

(4) Any tolerance, food additive regulation, exemption or other clearance required by the Federal, Food, Drug & Cosmetic Act (including clearance for pesticide uses which are also drug uses), has been obtained.

(b) *Conditional registration prohibition.* Notwithstanding the provisions of paragraph (a) of this section, the Administrator will not approve the conditional amended registration of any new use if:

(1) A Notice of Rebuttable Presumption Against Registration under § 162.11(a)(3)(ii) has been issued; and

(2) The new use proposed involves use on a major food or feed crop, or involves use on a minor food or feed crop for which there is an available and effective alternative pesticide registered which does not meet the criteria of § 162.11(a)(3)(ii). The determination of available and effective alternatives shall be made with the concurrence of the Secretary of Agriculture.

(c) *Conditions of conditional registration.* (1) Data not available at the time of application for conditional registration must be submitted or cited when all products containing the same active ingredient are reregistered, or at such other time as the Administrator may specify.

(2) The Administrator may establish other terms and conditions as necessary.

(3) If the terms or conditions of conditional registration are not satisfied, the Administrator will cancel the

conditional registration in accordance with § 162.18–5.

(d) *Notices Regarding Changed Use Pattern.* The Agency shall promptly publish in the Federal Register:

(1) Notice of receipt of each application that involves a changed use pattern, as required by FIFRA § 3(c)(4); and

(2) Notice of approval of any such application.

(e) *Denial of Conditional Registration.* The Administrator shall deny conditional registration if the application for conditional registration fails to meet any of the requirements of § 162.18–4(a) or if there are insufficient data to make the required determination. Denial of conditional registration shall be in accordance with the provisions set forth in § 162.7(f).

§ 162.18–5 Cancellation of conditional registration.

(a) *General.* FIFRA section 6(e) pertains to the cancellation of conditional registration for failure to satisfy the conditions imposed by the Administrator at the time of registration. The Administrator shall issue a Notice of Intent to Cancel the conditional registration of a product if the registrant fails to meet the conditions imposed under § 162.18–4(c). Cancellation under FIFRA section 6(e) may be accomplished by means of an expedited hearing.

(b) *Notice of intent to cancel.* The Administrator shall notify the registrant by certified mail, and subsequently notify the public by Federal Register notice, of his intent to cancel a conditional registration. The notice shall provide that the registrant or any person adversely affected by the cancellation may, within 30 days from receipt by the registrant of the notice, request that a hearing be held.

(c) *Effective date of cancellation.* If no hearing request is received, the cancellation shall become effective at the end of the 30-day period. The Administrator will notify the registrant by certified mail of the final cancellation.

(d) *Continued sale and use of existing stocks.* The Administrator may permit the continued sale and use of existing stocks of a pesticide whose conditional registration has been cancelled under such conditions and for such uses as he may specify. The Administrator may permit such sale and use only if he determines that:

(1) Such sale and use is not inconsistent with the purposes of the Act and the regulations promulgated thereunder; and

(2) Such sale and use will not result in unreasonable adverse effects on man or the environment.

(e) *Hearing.* (1) If a request for hearing is received, the hearing shall be conducted pursuant to FIFRA section 6(d), and 40 CFR Part 164.

(2) Such hearing shall be limited to the issue of whether the registrant complied with the conditions referred to in § 162.18–4(c), and whether the Administrator's determination regarding sale and use of existing stocks of the product is correct.

(3) A hearing shall be conducted and a decision made within 75 days from receipt of a request for such hearing.

(4) The Administrator's decision upon completion of the hearing shall be final.

2. 40 CFR Part 162 is amended by redesignating § 162.7 (d)(1) and (d)(2) as § 162.7 (d)(3) and (d)(4) respectively, by redesignating § 162.7 (e) and (f) as § 162.7 (f) and (g) respectively, and by adding new paragraphs § 162.7 (d)(1), (d)(2), and (e), to read as follows:

§ 162.7 Disposition of applications.

* * * * *

(d) *Criteria for approval.* (1) *Review of data.* The Agency will conduct complete data evaluations required for issuance of unconditional registration under FIFRA section 3(c)(5) only:

(i) As part of the process of reregistering currently registered products; or

(ii) When acting on applications for registration of products containing new chemicals; or

(iii) When the Agency determines that it would otherwise serve the public interest.

(2) *Basis for approval.* The Administrator will approve a request for unconditional registration, reregistration, or amendment to registration, under FIFRA section 3(c)(5):

(i) Only after a comprehensive review of all available, pertinent data; and

(ii) Only after he has determined that the available data satisfy the minimum requirements set forth in the Registration Guidelines; and

(iii) Only after he has determined that the product meets the standard for registrability set forth in FIFRA § 3(c)(5).

* * * * *

(e) *Conditional Registration.* Any application other than those enumerated in paragraph (d)(1) of this section which requires the review of scientific data will be considered as an application for conditional registration under FIFRA section 3(c)(7). The Administrator may approve an application for the registration of a new product, or amendment of an existing product, on a conditional basis to the extent set forth in §§ 162.18–1 through 162.18–5.

3. 40 CFR Part 162 is amended by revising § 162.8 in its entirety to read as follows:

§ 162.8 Data in support of registration and classification.

(a) An applicant for registration, reregistration, or amendment of an existing registration shall, in his application and as a prerequisite to approval of his application:

(1) Furnish or refer to data adequate to demonstrate that his application may be approved in accordance with § 162.7(d) or (e); and

(2) Comply with paragraph (b) of this section; and

(3) Furnish additional information as requested by the Agency under paragraph (c) of this section.

(b) An applicant shall submit with his application any factual information regarding adverse effects of the pesticide on the environment or man that:

(1) Has been obtained by him or has come to his attention; and

(2) Insofar as he is aware, has not previously been submitted to the Agency.

Such information shall include, but shall not be limited to, published or unpublished laboratory studies and accident experience.

(c) An applicant shall submit any additional data, other than those required by this Part and the Registration Guidelines, which the Agency has requested as necessary to support the registration application. The Agency shall periodically revise the Registration Guidelines to reflect current data requirements.

4. The following Appendices I and II will not appear in the Code of Federal Regulations.

Appendix I

Department of Agriculture
Office of the Secretary, Washington, D.C. 20250.

April 6, 1979

Mr. Edwin L. Johnson (TS–766)
Deputy Assistant Administrator for Pesticide Programs, U.S. Environmental Protection Agency Washington, D.C. 20460.

Dear Mr. Johnson:

Thank you for your letter of March 16, 1979, transmitting EPA's Interim Final Regulation on the Conditional Registration of Pesticides and request for USDA comments relative to FIFRA Section 25(a)(2)(B). We note that this regulation pertains to FIFRA Section 3(c)(7), Registration Under Special Circumstances and FIFRA Section 3(c)(5)(D) Waiver of Data Requirements Pertaining to Efficacy. We appreciate the opportunity to comment on these important regulations and request that our comments be published in the Federal Register along with the regulation.

Regulation Implementing FIFRA Section 3(c)(7) Relating to Conditional Registration

The conditional registration provisions relative to FIFRA Section 3(c)(7) should assist in making available an adequate supply of pesticides for protection of food, feed, fiber, and humans from pests. We concur in the necessity for rapidly developing the interim-final regulation so the registration process may proceed. However, the regulations, as set forth in Section 162.18-2(c) and (d) do not adequately describe data requirements for submission of an application for conditional registration. Further, the conditional registration regulation does not show clearly the stepwise relationship to full registration, nor is it apparent that the conditional registration regulations, as written, will result in lower costs for registration and related attributes, as stated in response to the need for a regulatory analysis required under Executive Order 12044. Also, the continued development of regulations, for FIFRA Section 3(c)(7)(C), conditional registration of a pesticide containing an active ingredient not contained in any currently registered pesticide, should be pursued and receive priority attention. In our opinion, the conditional registration of new materials would be of more potential value than for existing registered materials.

Regulation Implementing FIFRA Section 3(c)(5)(D), Waiver of Data Requirements

We understand this is the first regulation that speaks to the waiver of data requirements pertaining to efficacy. The USDA does not favor EPA's waiver of efficacy data requirements if it impacts on the availability of effective pest control materials or allows ineffective and/or unintended phytotoxic products to reach the market place. It is essential that adequate supplies of efficacious materials be available to meet the needs for production and protection of food, feed and fiber, and for protection of livestock and ornamental, nursery, and forest resources.

USDA is concerned that EPA's failure to review efficacy data submitted in support of registration of new uses, or the reregistration of old uses of pesticides could result in less than desirable formulations being available to users. We believe that current registration practice has been an effective mechanism for maintaining high quality formulations.

We would be pleased to discuss these comments with you if necessary to clarify our intent. We believe that an aggressive and workable conditional registration program is urgently needed.

Sincerely,

Barry R. Flamm,
Coordinator, Office of Environmental Quality Activities.

Appendix II

United States Environmental Protection Agency
Washington, D.C. 20460

Mr. Barry R. Flamm,
Environmental Activities Coordinator, U.S. Department of Agriculture, Administration Building, Room 412A, Washington, D.C. 20250.

Dear Mr. Flamm:

We have received your letter of April 6, 1979, expressing USDA's comments on EPA's Interim Final Regulation on the Conditional Registration of Pesticides and related regulation changes, written under authority of Section 3(c)(7) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. As requested, your letter will be appended to the Interim Final Regulation and will be published in the Federal Register in accordance with Section 25(a)(2)(B), of FIFRA, with our response to the specific items of concern, which are noted below:

1. You commented that §§ 162.18-2(c) and (d) did not adequately describe the data requirements for conditional registration. We assume that your comments refer exclusively to §§ 162.18-2(c)(2) and (d)(4), both of which describe the Agency's need for hazard data to make an incremental risk assessment. Data requirements for chemistry and efficacy are spelled out in detail.

Risk assessment of individual new use patterns as required by FIFRA § 3(c)(7)(B) involves consideration not only of the toxicity characteristics of the particular pesticide, but also the varying types and levels of exposure which may be anticipated to occur. Thus, the risk assessment for an indoor space spray must take into consideration different exposure factors than an outdoor agricultural product. Each use pattern presents distinct variations in hazard and exposure, a situation which precludes a single set of hazard data requirements in the regulations.

The Agency has published in the Federal Register [43 FR 29686 and 43 FR 37336] proposed Guidelines for hazard data requirements, which relate data requirements to pesticide characteristics and use patterns in a broad context. In addition, the Office of Pesticide Programs is considering the development of a reference guide giving examples of the requirements applicable to specific chemicals and use patterns.

An applicant for conditional registration may initially ascertain hazard data requirements for a new use by comparing the Guidelines requirements for all his uses, including the new use, with those for the "old" uses only. The Agency also encourages applicants to consult with Agency personnel prior to submission of an application to determine specific data requirements for individual products and uses.

2. You commented that the regulation does not show clearly the stepwise relationship to full registration.

Conditional registration is an interim administrative mechanism to permit registration of products posing no additional risks over and above those already registered during the development of generic standards leading to full unconditional registration. The regulation is not intended to impute a stepwise relationship from conditional to full registration.

3. You stated that it was not apparent that the regulation will result in lower costs for registration.

The decision that a Regulatory Analysis was not needed for these regulations was based on the Economic Impact Analysis conducted by the Benefits and Field Studies Division of the Office of Pesticide Programs, available for review from that Division at the address provided in the preamble.

The analysis indicated that cost savings in conditional registration are achieved primarily because of the deferred testing provisions. Without a conditional registration mechanism, applicants are required to provide all necessary data to meet the Guidelines standards. The last three years of registration activity have demonstrated the inhibiting effect of high development costs on the attainment of registration, particularly among small formulators.

The study indicates that the cost savings are only for an initial period of time. As generic standards progress, registrants will be called upon to supply missing data. A registrant may at that time request that his conditional registration be cancelled, thereby not having to produce the data or share in its development cost. Registrants wishing to maintain their registrations are encouraged to jointly produce missing studies; to the extent that they do so, saving in cost can be achieved by eliminating duplicative testing.

4. You expressed concern about an efficacy data waiver which might lead to marketing of ineffective or less than desirable formulations of pesticides, thereby jeopardizing the production of agricultural resources.

The Agency's waiver of efficacy data requirements for non-public health uses is clearly described in the preamble as experimental in nature. The USDA was an active partner in the development of the Administration's legislative proposal to amend FIFRA in early 1977 to incorporate the waiver provision of FIFRA § 3(c)(5). In hearings on the FIFRA amendments before Congressional committees, USDA supported this Agency in the concept of an efficacy data waiver. The policy embodied in the regulations reflects the regulatory priorities stated in our testimony from the very beginning.

The waiver policy is being implemented in the belief that the pesticide market is an effective force in regulation of non-efficacious products. We have been led to this belief by the assertions of the agricultural community itself, registrants, and by a study conducted by the A. D. Little Company under contract to the Agency. We are also motivated by a desire to reduce the regulatory burdens on pesticide registrants, and to concentrate the limited scientific resources available to the Agency on potentially harmful consequences of pesticides which are not readily apparent to users.

If the efficacy waiver fails to produce the desired benefits or abuses develop which undermine its purposes or effectiveness, the Agency will evaluate the public and private resource commitments which would be required to reinstate economic regulation of pesticides and may rescind any or all efficacy waivers to correct the situation.

We appreciate your comments on this regulation and we look forward to continuing

the spirit of cooperation that we have had with you on this matter.

Sincerely yours,

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs (TS-768).

[OPP-30024; FRL 1081-3]
[FR Doc. 79-14535 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 162

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Compensation for Use of Data

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Final rule.

SUMMARY: These rules implement the data compensation provisions of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136a(c)(1)(D).

The rules provide a system under which applicants for pesticide registrations who wish to rely on data submitted by other applicants must offer to pay for use of the data.

DATE: Effective May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Edward C. Gray, Office of General Counsel (A-132), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone: 202-755-0638, or Herbert S. Harrison, Registration Division (TS-767), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone: 202-426-4110.

SUPPLEMENTARY INFORMATION: On June 20, 1977, the Environmental Protection Agency published proposed rules (42 FR 31284) to implement section 3(c)(1)(D) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 et seq.

FIFRA section 3(c)(1)(D) was originally enacted in 1972 and has since been amended twice. It imposes restrictions on the use the Agency may make of data in Agency files which have been submitted under FIFRA by one person, when the Agency is deciding whether to approve another person's application for registration, reregistration, or amended registration of a pesticide product.

The June 1977 proposal was based on the provisions of the then-current statute and on the Agency's then-current policies and perceptions. Since then, section 3(c)(1)(D) has been drastically altered by the Federal Pesticides Act of 1978 ("FPA"), Pub. L. 95-396, September 30, 1978, 92 Stat. 819. In addition, a number of useful suggestions were received in response to the June 1977 proposal and on previously circulated earlier drafts of this document. Finally, for the past several months the Agency has spent considerable time analyzing the manner in which the 1978 amendments to FIFRA could be most rapidly and smoothly implemented, and analyzing what the Agency's capabilities and resources will and will not allow in such areas as scientific review of data, data retrieval, and data cataloging.

The regulation set forth in this document reflects these developments. This regulation governs only the data compensation aspects of registration actions taken after the effective date of the FPA, September 30, 1978.

Introduction

The single most obvious difference between the June 1977 proposal and these final regulations is the absence from the latter of any rules or procedures concerning the manner by which the entitlement to compensation, and the amount and terms of payment of compensation, will be determined. Section 3(c)(1)(D), as amended by the FPA, now provides that disputes on these issues will be decided by binding arbitration under rules and procedures of the Federal Mediation and Conciliation Service.

Under the 1978 amendments to section 3(c)(1)(D), the Agency's principal remaining duty is to ensure that no application for a registration action is approved unless the applicant has taken certain steps to initiate the process of compensation. As amended, section 3(c)(1)(D) provides that an applicant for registration shall file with the Administrator an application which includes:

> * * * a full description of the tests made and the results thereof upon which the claims are based, or alternatively a citation to data that appears in the public literature or that previously had been submitted to the Administrator and that the Administrator may consider in accordance with the following provisions:
>
> (i) [This paragraph contains the so-called "exclusive use" provisions, which are not directly pertinent to this regulation.]
>
> (ii) except as otherwise provided in subparagraph (d)(i) of this paragraph, with respect to data submitted after December 31, 1969, by an applicant or registrant to support an application for registration, experimental use permit, or amendment adding a new use to an existing registration, to support or maintain in effect an existing registration, or for reregistration, the Administrator may, without the permission of the original data submitter, consider any such item of data in support of the application by any other person (hereinafter in this subparagraph referred to as the 'applicant') within the fifteen-year period following the date the data were originally submitted only if the applicant has made an offer to compensate the original data submitter and submitted such offer to the Administrator accompanied by evidence of delivery to the original data submitter of the offer * * *.

In order to carry out these obligations, and to assist applicants in filing approvable applications, the Agency must:

(1) State which kinds of applications are subject to the requirements of FIFRA section 3(c)(1)(D);

(2) Describe the data set for which applicants for various kinds of registration actions must offer to pay compensation;

(3) Describe the required wording for the offer to pay compensation;

(4) Provide that applicants furnish the compensation offer to the Agency, and to the original data submitters (to the extent they can be identified) as well;

(5) Identify the original data submitters so that the applicant will know to whom the offers to pay compensation must be furnished; and

(6) Provide some workable mechanism to ensure that if an applicant inadvertently or deliberately fails to furnish notice to an original data submitter who should have been notified, the latter will nonetheless be able to avail himself of the compensation mechanism or other rights he has under section 3(c)(1)(D).

Registration Actions to Which the Regulations Apply

The duty to comply with the provisions of section 3(c)(1)(D) applies to any applicant who seeks to register a new product, to reregister a product, or (with certain exceptions) to amend the registration of an already-registered product, as stated in § 162.9-1.

By their very nature, some kinds of proposed amendments of existing registrations normally involve neither consideration of data by the Agency nor reliance by the Agency on the fact that data was considered earlier. These types of amendments are listed in § 162.9-1(b)(1)-(16). Applicants who seek to amend an existing registration for the sole purpose of making such a change need not comply with section 3(c)(1)(D)(ii) or with 40 CFR § 162.9-2 through § 162.9-8.

In some cases the Agency *requires* registrants to submit proposed amendments to their registered label as an alternative to the Agency's initiation of cancellation proceedings against the

registered product. The Agency has concluded that "involuntary" amendments of this type are not subject to the requirement to pay compensation under section 3(c)(1)(D). Accordingly, under 40 CFR 162.9-1(b)(17), applicants who seek to amend an existing registration for the sole purpose of complying with an Agency announcement that failure to request the amendment will result in initiation of a cancellation proceeding under FIFRA section 6(b), or a suspension proceeding under FIFRA section 6(c), need not comply with 40 CFR 162.9-2 through 162.9-8.

In a working draft version of this regulation circulated for comment in October 1978, the Agency proposed to exempt applicants from the requirements of FIFRA section 3(c)(1)(D)(ii) as to any proposed amendment to an existing registration which would not add uses to those already approved. The only comments submitted in response to this proposal stated that there is no basis in the statute for such a blanket exemption. The Agency agrees with these comments, and has revised the regulation to make the exemptions more specific.

Date Upon Which Various Kinds of Registration Decisions are Based

In the past the Agency has, for the most part, required an applicant to comply with the data requirements either by submitting data he generated or by citing specific items of data already in Agency files. The Agency's position was that it would "consider" an item of data only if the applicant requested that the Agency consider that specific item. If several studies concerning the same subject were in the Agency's files, the applicant theoretically could choose which ones he desired the Agency to "consider."

EPA no longer will allow this "pick-and-choose" approach, instead, the agency is moving toward an approach which will require the Agency to consider, and the applicant to rely on, *all* available data which are pertinent to the registrability of a particular product. Use of this new approach will be required immediately for some kinds of applications. For others, applicants will have the option of either using the new "cite-all" method or relying on data they have submitted themselves. There follows a discussion of how data will be reviewed, and the methods for complying with FIFRA section 3(c)(1)(D).

A. Unconditional registration under FIFRA section 3(c)(5).

As stated in 40 CFR 162.7(d) (as amended by another document in this issue of the Federal Register), the Agency will grant *unconditional* registrations under FIFRA section 3(c)(5) only when it is satisfied that the data submitted or cited are sufficient to support a finding of no unreasonable adverse effects for each of the product's intended uses. This will involve Agency determinations that all required data have been submitted, that all available data have been reviewed, and that the benefits of registration outweigh the risks.

Such in-depth data reviews will normally be done by the Agency as Part of—

—Preparation of generic standards, each covering all types of products containing a particular active ingredient;

—RPAR reviews under § 162.11; and

—Reviews of applications for registration of products containing active ingredients not contained in any currently-registered product.

By themselves these three kinds of review processes could usefully occupy more scientific resources than the Agency now has available in the pesticides program. It is important that the Agency be able to use its resources in an efficient manner and to be able to plan their use in advance so it can devote the earliest attention to pesticides which most urgently need review. It is also important, therefore, to avoid using resources for unschedulable, *ad hoc* reviews of portions of the data base concerning any one chemical.

The Agency has also concluded that it would be improper as a matter of scientific logic to operate a registration process geared to making unconditional section 3(c)(5) findings on risks and benefits while deliberately ignoring pertinent data which the applicant did not choose to have the Agency review.

In comments on a draft version of this regulation, some persons argued that language in section 3(c)(1)(D)'s introductory phrase suggests that the statute does not allow the Agency to required applicants for unconditional registration to acknowledge reliance on all pertinent data in Agency files. The introductory phase states that each applicant for registration shall file with the Administrator an application which includes:

> if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, or alternatively a citation to data that appears in the public literature or that previously has been submitted to the Administrator and that the Administrator may consider in accordance with [section 3(c)(1)(D)(i) and (ii)] * * *.

The commenters argue that this language means that an applicant has the option of submitting all required data himself or instead relying on previously-submitted data.

These comments appear to be premised on the idea that if the Agency has specified (in data guidelines or elsewhere) the *minimum* number of tests for various toxic effects that must be conducted, and the applicant has furnished test reports complying with those minimums, and showing no unreasonable adverse effect, then the Agency should unconditionally register the product based *solely* on the data submitted, even though other pertinent data are available. What this premise overlooks is that the Agency, for good reason, is unwilling to confine its section 3(c)(5) review to what the applicant presents if, in fact, a broader range of data exist. In toxicity testing, for instance, the issue often is not merely whether a pesticide causes a particular toxic effect or how toxic the pesticide is, but also *how certain* we are of the validity of a set of findings. If a second test of a pesticide for some toxic effect produces results which corroborate the findings of an earlier test, each set of test results gains credibility from the other. On the other hand, if the second test results are significantly different (as is not uncommon in some kinds of toxicity testing), careful review is required to attempt to explain the differences and to decide what the Agency's position should be. Thus, the more data of a given type there are for comparison, the more confident the Agency can be that its regulatory decision is sound.

Moreover, the quoted portion of section 3(c)(1)(D) does not direct the Agency to grant a section 3(c)(5) registration based on consideration of less than all the available pertinent data, nor do we believe Congress would desire this. We read the language in question, rather, as a Congressional recognition that in some cases (e.g., application for registration of products containing newly discovered active ingredients) the *only* available data are those which the discoverer submits with his application, and that in such a case the applicant must submit "a *full* description of the tests made and the results thereof upon which the claims are based" (emphasis added). This phrase appeared in the 1947 FIFRA, and was retained in the 1972 FIFRA amendments. A 1972 Report of Senate

Committee on Agriculture and Forestry said, in rejecting a proposed amendment to this language:

> The major purpose of the act is to protect the public from pesticides which are not efficacious or which endanger health or the environment. The Administrator should be able to request and obtain a full description of the tests upon which claims for the pesticide are based. He should not be restricted to such tests as the applicant may choose to offer. There should be no question about this. The Administrator must make a decision, which is subject to judicial review, on the basis of the information available to him. For the protection of the public and as a simple matter of reasonable administration, all relevant information should be available to him.
>
> S. Rep. No. 92–838, 92d Cong., 2d Sess., Supplement p. 34 (October 3, 1972).

It would be ironic indeed if this same "full description" language were to be transformed into a justification for obtaining unconditional registration on the basis of some *portion* of the available data chosen by the applicant.

What is newly added (by the 1978 amendments) to the introductory portion of section 3(c)(1)(D) is the language concerning support of applicatons by *citation* of data. EPA does not believe this new language was added because Congress wished to affect the scope of the scentific review EPA should conduct in connection with section 3(c)(5) registrations. EPA believes instead that Congress intended it as a way of acknowledging that most applications do in fact rely on previously-submitted data, and indicating clearly that such reliance is subject to the immediately following provisions on "exclusive use" (section 3(c)(1)(D)(i)) and data compensation (section 3(c)(1)(D)(ii)).

There remains for resolution the issue of just *which* data are scientifically pertinent to a given application for registration. With respect to manufacturing-use products, it is clear that any data from tests concerning the safety, properties, or behavior of the active ingredient of one such product generally would be scientifically pertinent to EPA's consideration of the registrability of any other such product having the same active ingredient. The only exception to this statement would arise if the Agency were to allow a product to be registered under FIFRA section 3(c)(5) for use in manufacturing end-use products, with restrictions as to the use patterns that could appear on the label of any end-use product made from that particular manufacturing-use product. EPA is considering, but has not yet adopted, such an option.

In the case of end-use products, however, the issue of scientific pertinence of particular items of data is a good deal more complex. Some types of tests must be performed using the particular formulated product as the test substance, because the product's toxicity, efficacy, or environmental behavior may depend not only on the product's active ingredient, but also on the nature and relative amounts of the various deliberately-added inert ingredients that the particular product contains. Accordingly, data from test of end-use product A may not be pertinent to the registrability of end-use product B, even though both products are intended to be used in the same way and contain the same amounts of the same active ingredients. Of course, if products A and B are sufficiently similar in composition, the product A data may be pertinent to product B's registrability.

Further complicating the matter is the fact that the formula of an end-use product on file with the Agency normally would be entitled to confidential treatment (with certain exceptions). Thus, EPA normally could not disclose the indentities or percentages of product A's deliberately-added inert ingredients to the person seeking to register product B. There thus would be no simple method for an applicant to unilaterally determine which if any end-use product data submitted by other firms may be scientifically pertinent to his application.

EPA will deal with this problem of end-use product data pertinence in establishing its system of generic standards for reregistration and registration under FIFRA section 3(c)(5).

B. *Conditional registration under FIFRA section 3(c)(7)*

The other type of registration the Agency is authorized to issue is *conditional* registration under FIFRA section 3(c)(7). Issuance of conditional registrations is not required by the statute, but is within the Administrator's discretion subject to the restrictions in section 3(c)(7). Conditional registrations will be issued on the following basis:

(1) *Registrations under section 3(c)(7)(A) for products whose composition and proposed uses are identical or substantially similar to already-registered products, or which differ only in ways which would not significantly increase the risk of unreasonable adverse effects on the environment:*

In considering applications of this type, the Agency will actually review only those data necessary to establish that the product's composition and proposed uses would not significantly *increase* the risk of unreasonable adverse effects on the environment. (Under FIFRA section 3(c)(7)(A), the risks posed by already-registered uses are considered as "givens." Other procedures are available for evaluating whether those risks are acceptable, e.g., reregistration, RPAR proceedings, suspension, cancellation, and classification.) This incremental-risk review will involve examination of the identity and amount of the product's active ingredients and the type of formulation (e.g., granular) in comparison to other products, evaluation of the risks that the product's inert ingredients may pose, and evaluation of the incremental risks posed by the proposed uses. If no significant increase in risk is found, the product will be deemed registrable under section 3(c)(7)(A).

Section 3(c)(7)(A) requires an applicant to submit or cite "such data as would be required to obtain registration of a similar pesticide under [section 3(c)(5)]." The legislative history[1] makes it clear that this requirement was incorporated to protect the economic rights of original data submitters under section 3(c)(1)(D).

As discussed above, an applicant for a section 3(c)(5) registration of a technical-grade or manufacturing-use product would be required to acknowledge reliance on all scientifically-pertinent data. Accordingly, an applicant for a section 3(c)(7)(A) conditional registration must do the same.

Applicants seeking to register (or amend the registration of) an end-use product under section 3(c)(7)(A) can also satisfy their section 3(c)(1)(D)(ii) obligation by acknowledging their reliance on all scientifically-pertinent data. The Agency recognizes, however, that there are considerations favoring an alternative method of complying with section 3(c)(1)(D) for persons seeking to conditionally register or amend registration of end-use products. The problem of establishing just which data are pertinent to end-use product registrations has already been mentioned. In addition, the Agency has considered the transaction costs of using the cite-all approach (costs of identifying data submitters, making required compensation offers, and negotiating or arbitrating disputed matters). These costs generally would be proportionate to the number of data

[1] See Report to Accompany S. 1678, Report No. 95–334, Senate Committee on Agriculture, Nutrition, & Forestry, 95th Cong., 1st Sess., July 6, 1977 at 20–21; Report to Accompany H.R. 8681, Report No. 95–663, House Committee on Agriculture, 95th Cong., 1st Sess., October 5, 1977, at 28.

submitters an applicant would have to deal with. Because relatively large numbers of persons have submitted data to support end-use product registrations, transaction costs for registration of these products under the cite-all method could be high. In contrast, only a few persons will have submitted data concerning the safety of any particular active ingredient, and transaction costs would be correspondingly low for manufacturing-use product registrations.

Because of these problems, which are peculiar to applicants for conditional registration of end-use products, EPA is providing in § 162.9–8 an alternate method which many of these applicants may choose to use. An applicant using the alternate method of supporting an application will not be required to acknowledge reliance on all the data in EPA's files which ultimately might prove to be relevant to the merits of his application. Instead, the applicant may provide a copy of all data necessary to satisfy the minimum requirements for data pertaining to the safety, efficacy, and other properties of his own product (as these requirements are specified in the Registration Guidelines or by instructions to the applicant), including both old and new uses, and may direct EPA not to consider other data in support of the application (except data which, under FIFRA section 3(c)(2)(D), may be considered without regard to section 3(c)(1)(D). If EPA concludes that the application cannot be approved on that basis, the application will be denied, unless the applicant chooses to withdraw the application or to amend it to acknowledge reliance on all information in the Agency's files.

To qualify for the alternate method of support, the data the applicant submits must be derived from tests performed on the *applicant's own product* (in the precise formulation for which approval is sought) or on another product of *identical composition.* Results from tests on similar but unidentical formulations will not be acceptable, because to accept such results would require further and complicated evaluations of scientific pertinence. The test data that will be required will vary according to the type of product and its use pattern, but generally will cover acute mammalian toxicity, some aspects of environmental chemistry and fish and wildlife toxicity, and product chemistry.

This alternate method of supporting an application can be used by all persons who desire to conditionally register (or conditionally amend the registration of) an end-use product. It can only be used, however, to satisfy those data requirements pertaining to the properties, safety, or efficacy *of the formulated product itself.* To the extent that an applicant is not exempted by FIFRA section 3(c)(2)(D) from submitting or citing data pertaining to the safety of one or more of the product's active ingredients, the applicant must acknowledge his reliance on all available data concerning the safety of each such active ingredient, by the means set out in 40 CFR 162.9–4 and 162.9–5.

Many end-use products, however, derive their active ingredients solely from other registered products purchased by the formulator from other producers. Applicants seeking registration of such products could comply with section 3(c)(1)(D) merely by use of the alternate procedure set out in 40 CFR 162.9–8.

(2) *Amending registrations under section 3(c)(7)(B) to add previously-unregistered uses:* The Agency will actually *review* only those data which are necessary to determine whether the proposed new use would significantly increase the risk of unreasonable adverse effects. Normally, we will not review previously-submitted data which pertain to the risk posed by already-registered uses. For purposes of determining the significance of the incremental risk posed by the new use, the risk posed by "old" uses again will be regarded as a "given."

FIFRA section 3(c)(7)(B), like section 3(c)(7)(A), indicates that for data compensation purposes, an applicant must submit or cite *all* data required to obtain registration of a similar pesticide under section 3(c)(5), and states that this includes data "other than data pertaining to the proposed additional use." The Agency interprets this as meaning that the data upon which the applicant must rely for 3(c)(1)(D) purposes are the data required to obtain a section 3(c)(5) registration of a new product with uses identical to *all* uses (old and new) that the applicant's product will have if the request for the amendment is approved.

Applicants for registration under section 3(c)(7)(B) will satisfy their section 3(c)(1)(D) obligations in the same manner as applicants for section 3(c)(7)(A) applicants. Any applicant may acknowledge reliance on all pertinent data. Applicants seeking to add new uses to registered end-use products may instead use only the alternate method described in 40 CFR 162.9–8. Applicants for amendments of other end-use product registrations may use the alternate method with respect to data requirements applicable to the properties, safety and efficacy of the end-use product itself, but must acknowledge reliance on all data pertinent to safety of active ingredients to the extent that FIFRA section 3(c)(2)(D) does not exempt the applicant from this requirement.

Method of Acknowledging Reliance on Data

Under the regulations adopted here, the method of acknowledging reliance on data to be used depends on whether the product's active ingredients have or have not been covered by a published generic standard. If such a standard has been issued for an active ingredient, all the data which forms the basis for the standard will be listed in a bibliography that is part of the standard itself; applicants will merely have to indicate that they rely on all data listed in that bibliography (or on those portions of the bibliography pertinent to the uses for which the product will be labeled). However, no generic standards have yet been completed.

In other cases (except to the extent that the alternate method described in § 162.9–8 is used) the applicant is required to state that his application is based on (and that any resulting registration or amended registration should be regarded as if it were based on the Administrator's actual review of) the following categories of data:

(1) All data actually submitted or specifically cited by the applicant in support of the application; and

(2) All other data in the Agency's files which would be pertinent to the registrability of the applicant's product (with the uses appearing on the labeling for which applicant seeks approval) if EPA were to conduct a full scientific review of the registrability of that product and its uses under FIFRA section 3(c)(5) (whether or not such a review actually is conducted in connection with the particular application).

The lack of a listing, in such an application, of all the individual studies of data upon which the registration "relies" should be of no concern to the original submitters of the data relevant to the registration action. Original data submitters know (or should know) which data they have *submitted.* Once they know what active ingredients a product contains and what its uses are, they can, by reference to the Agency's data requirements, determine whether any of their data are relevant to the Agency's decision to register the product.

Over the next several months the Agency will publish listings which describe the kinds of data the Agency

considers to be pertinent to registration decisions on various kinds of pesticides and their more common uses. These listings will be based primarily on the data guidelines published as proposed rules (see 43 FR 29686, July 10, 1978, and 43 FR 37336, August 22, 1978). Listings of this type should be helpful to parties in negotiation or arbitration proceedings.

Some persons have commented that applicants would be required to offer to pay for a set of data, the scope and value of which are not known to the applicant at the time registration is granted and the obligation to pay compensation becomes fixed. This, they say, makes it impossible for them to know whether the compensation payable will be too large to justify their entry into the market. There are several ways by which the applicant may reduce or eliminate this uncertainty. First, he may consult the Agency's data catalogs. Although the listings are not complete, a considerable body of information is available and the applicant can learn much about what data the Agency has on file. Second, instead of first obtaining a registration and later negotiating, he can first contact the firms that have submitted data to EPA concerning his product's active ingredients, and negotiate compensation matters *prior* to actually seeking registration.

The Agency believes that many firms in the pesticide business will find it advantageous to enter into broad, long-term negotiated agreements concerning the use of data, thereby eliminating or reducing the need for application-specific negotiations.

A third way that an applicant can reduce or eliminate uncertainty concerning the compensation payable is by obtaining a decision under the arbitration provisions of section 3(c)(1)(D)(ii), before the registration issues. This could be accomplished by furnishing the listed data submitters a notification of intent to rely on data and an offer to pay compensation, either well before the application to the Agency is made or after application is made but before the registration issues. If, within the 90-day period after the data submitter receives such a notice, the parties are unable to reach agreement, either party may request a decision by an arbitrator. The statute does not state or imply that this 90-day period may commence only upon the Agency's receipt of an application for registration. The statute and its legislative history contemplate that in some cases the arbitration decision will precede the issuance of a registration, and that the duty to pay compensation fixed by arbitration awards will be contingent upon the issuance of the registration in question.

Of course, if an applicant seeks to fix the amount and terms of compensation prior to registration, in some cases he may have to disclose to the original data submitter(s) the proposed uses of the product in question well before registration, in order that the parties can determine which data are pertinent to the application. Some applicants may wish to avoid disclosing such information at that stage.

It should be noted that an applicant may have no duty to actually *pay* compensation for much of the data upon which an application is based. The statute places in the non-compensable category all data submitted to the Agency or its predecessors prior to January 1, 1970 (and all data submitted more than 15 years before the approval of the application in question, although this provision will be meaningful only after January 1, 1985). Moreover, the only data for which compensation is due are those which were submitted by applicant or registrant, to support an application for registration, reregistration, or amendment of a registration to add new uses, to support an application for an experimental use permit, or to satisfy a requirement imposed by the Administrator. See also the discussion in the following section of FIFRA section 3(c)(2)(D). Finally, the Agency assumes that arbitration decisions will not award compensation in cases where the data submitter incurred no expense in developing (or acquiring rights to) the data (see Conference Report on the FPA, S.Rep. No. 95-1188, 95th Cong., 2d Sess., September 12, 1978, at 29).

An applicant who chooses to use solely the alternate method of supporting his application set forth in § 162.9-8 will submit copies of data sufficient to satisfy the minimum requirements for unconditional registration of his product, and will direct the Agency to consider as supporting his application only those data, plus the data pertaining to the safety of the active ingredients which are exempt from compensation under FIFRA section 3(c)(2)(D).

Nature of the Offer to Pay Compensation

Once there is an identification of the data which are relevant to the Agency's decision to approve a registration, the statute itself is quite clear regarding the persons who may be eligible to receive compensation and regarding the data which, despite their relevance, are not compensable. The Agency expects that the Federal Mediation and Conciliation Service will issue rules under which the amount of compensation, the terms of payment, and related matters are to be determined by arbitration if parties cannot agree.

Accordingly, the Agency's responsibility simply is to ensure that the offer to pay compensation which accompanies the application for registration is as broad as the law requires. The regulation requires each application to include the following statement:

> [Name of applicant] hereby offers and agrees to pay compensation to other persons, with regard to the approval of this application, to the extent required by section 3(c)(1)(D) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. § 136a(c)(1)(D).

The inclusion of a generalized offer to pay compensation in the application itself will ensure that even if, for whatever reason, the applicant fails to furnish a data submitter with an offer to pay compensation that should have been furnished, the obligation contemplated by the statute will still exist.

An applicant who uses the § 162.9-8 alternate method of support still must submit the generalized offer to pay compensation with his application, in order to protect any rights that other data submitters may have with respect to data the applicant has relied on.

Notification of Data Submitters by Applicant

A. *Applications concerning products with active ingredients for all of which a final generic standard has been published.* The generic standard will list the data upon which the standard is based, and the identify of the original data submitters. A registration or reregistration will be issued only if the applicant states he has furnished a compensation offer to each such submitter of any item of data (except for data submitted before 1970, and data with respect to which the applicant and the original submitter have reached written agreement permitting the applicant's use of the data to support the application).

B. *Applications concerning products with active ingredients for which a final generic standard has not been published.*

(1) *Applicants who have acknowledged reliance on all pertinent data.* The Agency will prepare and publish a listing called "Pesticide Data Submitters by Chemical," which will consist of a computer scan of the

Agency's so-called "Level 2" data catalog, by active ingredient, for names of companies which, according to the computerized data base, have submitted any item of data pertaining to each particular active ingredient. This publication will be available for use by applicants, and will be updated periodically.

A registration will be issued only if the applicant has furnished to the Agency a certification that he has examined this listing, and that he has furnished a compensation offer to all persons listed as the original submitters of the data pertaining to each of the active ingredients this product contains. (Compensation offers need not be sent, of course, to any person with whom the applicant already has reached written agreement concerning the amount and terms of payment of compensation payable with regard to approval of the application.)

The compensation offer the applicant is to furnish the original data submitter(s) prior to registration must include the name of the applicant's product, identification of each of its active ingredients, its intended uses, the applicant's name, address, and telephone number, a statement that the applicant offers to pay compensation as required by FIFRA, and an offer to commence negotiations with the data submitter.

The applicant's certification concerning the compensation offers he has made to original data submitters may accompany the application when it is first sent to EPA, or the applicant may instead furnish it later. However, no application to which the requirement applies will be approved until the applicant's certification has been received.

The EPA modified FIFRA section 3(c)(2) by adding a new subparagraph (D), which states:

> No applicant for registration of a pesticide who proposes to purchase a registered pesticide from another producer in order to formulate such purchased pesticide into an end-use product shall be required to—
>
> (i) submit or cite data pertaining to the safety of such purchased product; or
>
> (ii) offer to pay reasonable compensation otherwise required by paragraph (1)(D) of this section for the use of any such data.

This provision clearly relieves certain applicants of the duty to offer to pay, or pay, for certain data for which compensation might otherwise be owed. At the present time, however, EPA's data catalogs are not complete enough to allow an applicant to ascertain whether or not a particular original data submitter has submitted *only* data which pertain solely to "the safety of [a particular] purchased product." Whether or not this provision exempts an applicant from a duty to actually pay compensation to a particular data submitter can best be determined by asking the submitter what kinds of data he submitted. EPA advises applicants not to rely on FIFRA section 3(c)(2)(D) as an exemption from the requirement that offers to pay compensation must be furnished to each person who is listed in the pertinent portion of the Listing of Pesticide Data Submitters.

(2) *Applications using the alternate method of support described in § 162.9–8:* We expect that few applicants using solely this method of satisfying FIFRA section 3(c)(1)(D) will have any duty to offer to pay compensation to other data submitters, because in most cases the data upon which the applicant relies will have been generated by the applicant himself or by someone who has already consented to the applicant's use of the data to support the application. (We expect this because the data must be derived from tests using the applicant's own product, or a product of identical composition as the substance tested.)

However, it is conceivable that an applicant using this method may rely on "compensable" data originally submitted by a firm which has not consented to its use by the applicant. To the extent the applicant knows of this, FIFRA section 3(c)(1)(D) requires him to offer to compensate the original data submitter. If the applicant does not know the data is "compensable" or does not know who originally submitted it to EPA, he need not offer to compensate for its use unless the original data submitter contacts him.

An applicant who uses the § 162.9–8 method of support but whose product contains any active ingredient other than ones derived from purchased, registered pesticide products must comply with §§ 162.9–4 and 162.9–5 insofar as each such active ingredient is concerned. Thus if a formulator/applicant intends to buy from another person a registered technical-grade product containing active ingredient A, and to combine it with another active ingredient B which the formulator himself produces in order to make an end-use product, the formulator/applicant *must* send an offer to pay compensation to each person the listing of "Pesticide Data Submitters By Chemical" shows as having submitted data concerning ingredient B, but he need *not* send offers to persons listed as having submitted data concerning ingredient A. Under FIFRA section 3(c)(2)(D), he will have an actual duty to *pay* compensation only for data concerning the safety of ingredient B, not for data pertinent only to the safety or efficacy of end-use products *containing* ingredient B.

Periodic Public Announcement of Registration Actions

EPA will publish monthly notices describing all registration actions to which §§ 162.9–2 through 162.9–8 apply. The notices will be arranged by active ingredient. Under each active ingredient will appear information concerning any product containing that ingredient, including the registration number, the product name, and the registrant's name and address. The approved labels for such products will be on file at EPA, and copies will be furnished on request. To be placed on the mailing list for the monthly notices, write to:

> Process Coordination Branch, Registration Division (TS–767), Environmental Protection Agency, Washington, DC 20460.

Perusal of this listing of registration actions will allow an original data submitter to determine whether or not he has received an offer-to-pay notice with respect to each registration action involving any active ingredient for which he has submitted data to EPA. If an applicant has failed to furnish such a notice, and the data submitter believes notice should have been furnished, the data submitter can then contact that person. If the failure was inadvertent, the parties can promptly commence negotiations; if it was deliberate, the original data submitter can inform EPA of the circumstances and request that EPA initiate summary cancellation procedures with respect to the product, under amended FIFRA section 3(c)(1)(D).

Effective Date and Related Matters

Although these regulations differ significantly from those proposed in June 1977, the Agency finds that reproposal under 5 U.S.C. 553(b) would be contrary to the public interest because of the long delay that reproposal would cause in the ability of persons to obtain pesticide registrations or to know the bases upon which registration will be granted. The need to quickly remedy statutory and administrative difficulties which have nearly halted pesticide registration activity was a major reason for passage of the EPA, as the legislative history of the EPA clearly shows. Moreover, a working draft of these regulations was circulated widely in October 1978, and a public meeting to discuss their content

and to obtain comments was held in November 1978. Finally, EPA will revise these regulations to the extent appropriate, as judged by Agency experience and by comments received. A review will be conducted in late 1979 to decide whether revisions are needed.

For the same reasons, the Agency finds good cause for making these regulations effective on the date of their publication in the Federal Register, in accordance with 5 U.S.C. 553(d)(3).

The Agency has received comments to the effect that persons seeking to register manufacturing-use products should also be able to obtain registration by submitting a complete set of data satisfying the minimum requirements specified in the Registration Guidelines, and that the Agency should not in such a case refer to or rely on other data to support the application. As indicated earlier in this preamble, the Agency's current thinking is that this approach would unduly restrict our decision-making. However, the Agency desires to receive further comments on this matter. We would appreciate receiving these comments within the next 60 days.

The Agency conducted an economic impact analysis of this regulation and the regulation concerning conditional registration which is published elsewhere in this issue of the Federal Register. The analysis concluded that no regulatory analysis of this regulation would be required under Executive Order 12044. Although the analysis was completed before the Agency decided to make available the alternative means of complying with FIFRA section 3(c)(1)(D) which is set forth in 40 CFR 162.9-8, the availability of that alternative cannot increase, and may decrease, any economic impact of the regulation. Accordingly, the Agency concludes that no regulatory analysis of this regulation is required.

Statutory Review

This regulation was submitted for review to the Agency's Scientific Advisory Panel, which concurs unanimously in its promulgation. Copies were also provided to the U.S. Department of Agriculture in accordance with FIFRA section 25(a) and to the appropriate committees of the U.S. Congress. The Department of Agriculture had no comment on the regulation.

Effective date: May 11, 1979.

Dated: May 2, 1979.

Douglas Costle,
Administrator.

(Sections 3, 6, and 25 of FIFRA, as amended, 7 U.S.C. § 136 et seq.)

40 CFR Part 162 is amended as follows:

1. 40 CFR § 162.2(g) is revised to read as follows:

§ 162.2 Principal statutory provisions.

* * * * *

(g) *Exclusive use of data; data compensation.* (1) *Exclusive use.* FIFRA section 3(c)(1)(D)(i) provides that data submitted in support of an application for registration of a product containing an active ingredient not contained in any currently-registered or formerly-registered product, and pertaining to that ingredient (or to a new *combination* of active ingredients) are entitled to a 10-year period of protection, commencing on the date the product is first registered. Data supporting applications which resulted in registrations on or before September 30, 1978, are not entitled to this period of protection. During the ten-year period the Administrator may not grant any application for registration which relies on the protected data unless the original submitter of the data has consented in writing. Data submitted during the 10-year period to support an application for an amendment adding a new use of such a product are entitled to the same kind of protection, for the balance of the 10-year period. However, "defensive" data, i.e., data which the Administrator has required the applicant to submit to maintain a registration, and data pertaining solely to individual ingredients which were contained in products registered on or before September 30, 1978, are not entitled to such protection.

(2) *Data compensation.* FIFRA section 3(c)(1)(D)(ii) requires that applicants whose applications rely on certain data submitted by others after December 31, 1969, in support of requests for registration, reregistration, amended registration, or experimental use permits, or to maintain in effect an existing registration, must offer to pay compensation to the original data submitter. The statute further provides a mechanism for determining the amount and terms of any such compensation. FIFRA section 3(c)(2)(D) exempts certain data from this compensation requirement when the applicant seeks a registration action concerning an end-use product produced from a purchased, registered product. The requirements for compliance with FIFRA section 3(c)(1)(D)(ii) and section 3(c)(2)(D) are set forth in §§ 162.9-1 through 162.9-8.

2. 40 CFR Part 162 is amended by deleting "§ 162.9" wherever it appears in the text and substituting "§§ 162.9-1 through 162.9-8."

§ 162.7 [Amended]

3. 40 CFR § 162.7(g) (as redesignated in FR Doc. 79-14535 elsewhere in this issue of the Federal Register) is amended by deleting the phrase "section 3(c)(1)(D) and."

4. 40 CFR Part 162 is amended by deleting the present section title for § 162.9 and by adding new §§ 162.9-1 through 162.9-8, to read as follows:

§ 162.9-1 Registration actions to which compensation requirements apply.

(a) Unless the Administrator first finds that the applicant has complied with §§ 162.9-2 through 162.9-8, the Administrator will deny any application for reregistration, for registration of a new product, or for an amendment to an existing registration, except as provided by paragraph (b) of this section.

(b) Sections 162.9-2 through 162.9-8 do not apply to applications to make only one or more of the following types of amendments to existing registrations, unless the Administrator or his designee finds that Agency consideration of scientific data would be necessary in order to approve the amendment under FIFRA § 3(c)(5):

(1) An increase or decrease in the percentage in the product of one or more of its active ingredients or deliberately-added inert ingredients;

(2) A revision of the identity or amount of impurities present in the product;

(3) The addition or deletion of one or more deliberately-added inert ingredients;

(4) The deletion of one or more active ingredients;

(5) A change in the source of supply of one or more of the active ingredients used in the product, if the new source of the active ingredient is a product which is registered under FIFRA § 3;

(6) Deletion of approved uses or claims;

(7) Redesign of the label format involving no substantive changes, express or implied, in the directions for use, claims, representations, or precautionary statements;

(8) Change in the product name or addition of an additional brand name, if no additional claims, representations, or uses are expressed or implied by the change;

(9) Clarification of directions for use;

(10) Correction of typographical errors;

(11) Changes in the registrant's name or address;

(12) Adding supplemental registrants under § 162.6(b)(4);

(13) Changes in the package or container size;

(14) Changes in warranty, warranty disclaimer, or liability limitation statements, or addition to or deletion of such statements;

(15) "Splitting" a label for the sole purpose of facilitating the marketing of a product in different geographic regions with appropriate labels, where each amended label will contain previously-approved use instructions (and related label statements) appropriate to a particular geographic region;

(16) Any other type of amendment, if the Administrator or his designee determines, by written finding, that Agency consideration of scientific data would not be necessary in order to approve the amendment under FIFRA section 3(c)(5); and

(17) Compliance with Agency regulations, adjudicatory hearing decisions, notices, or other Agency announcements that unless the registration is amended in the manner the Agency proposes, the product's registration will be suspended or cancelled, or that a hearing will be held under FIFRA section 6. (However, this paragraph does not apply to amendments designed to avoid cancellation or suspension threatened under FIFRA section 3(c)(2)(B) or because of failure to submit data.)

§ 162.9-2 Generalized offer to pay compensation.

Except as provided in § 162.9-1(b), each application for any registration action shall include the following statement:

[Name of applicant] hereby offers and agrees to pay compensation to other persons, with regard to the approval of this application, to the extent required by § 3(c)(1)(D) and § 3(c)(2)(D) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. §§ 136a(c)(1)(D) and 136(c)(2)(D).

§ 162.9-3 Data compensation in cases where a generic standard exists for an active ingredient.

Except as provided in § 162.9-1(b), each application for any registration action concerning a product containing any active ingredient for which the Agency has published a final generic standard shall include:

(a) A citation of each such standard;

(b) The registrable uses listed in the standard(s) (or additional registrable uses, in the case of amendments) for which approval is sought;

(c) An acknowledgment that the application relies on all data which, according to the standard(s), support the registrability of each such use;

(d) A statement that the applicant has furnished to each person who, according to the cited standard(s), is an original submitter of an item of data submitted on or after January 1, 1970 which supports the registrability of applicant's product (other than persons with whom the applicant has agreed in writing on the amount and terms of payment of any compensation that may be payable under FIFRA section 3 with regard to approval of the application):

(1) A notification of the applicant's intent to apply for registration, including the proposed product name, a listing of the product's active ingredients, and the product's intended uses (or proposed additional uses, in the case of amendments);

(2) An offer to pay the person compensation, with regard to the approval of the application, to the extent required by FIFRA sections 3(c)(1)(D) and 3(c)(2)(D);

(3) An offer to commence negotiations to ascertain the amount and terms of compensation to be paid; and

(4) The applicant's name, address, and telephone number.

§ 162.9-4 Acknowledgment of reliance on data for products with active ingredients for which no generic standard exists.

Except as provided in §§ 162.9-1(b) and 162.9-8, each application for any registration action concerning a product containing any active ingredient for which EPA has not published a final generic standard shall include an acknowledgment that for purposes of FIFRA section 3(c)(1)(D) the application relies on (and any resulting registration should be regarded as if it were based on the Administrator's consideration of) the following data:

(a) All data submitted or specifically cited by the applicant in support of the registration; and

(b) Each other item of data in the Agency's files which:

(1) Concerns the properties or effects of:

(i) Applicant's product;

(ii) A product which is identical or substantially similar in composition to applicant's product; or

(iii) One or more of the active ingredients of applicant's product for which EPA has not yet published a final generic standard; and

(2) Is one of the types of data that EPA would require to be submitted for scientific review by EPA if the application sought the initial registration under FIFRA section 3(c)(5) of a product with composition and intended uses identical or substantially similar to those of the applicant's product, under the data requirements in effect on the date EPA approves applicant's present application.

§ 162.9-5 Offer of compensation in cases where § 162.9-4 applies.

Each application to which § 162.9-4 applies shall also include a statement that the applicant has carefully examined the most recently published version of the EPA publication entitled "Pesticide Data Submitters by Chemical," and has furnished to each person listed as the original submitter of any data concerning any active ingredient of applicant's product for which EPA has not yet published a final generic standard (other than persons with whom the applicant has agreed in writing on the amount and terms of payment of any compensation that may be payable under FIFRA section 3 with regard to approval of the application):

(a) A notification of the applicant's intent to apply for registration, including the proposed product name, a listing of the product's active ingredients, and the uses (or a summary of those uses) which will appear on the product's labeling if the application is approved (including previously-approved uses and proposed added uses);

(b) An offer to pay the person compensation, with regard to the approval of the application, to the extent required by FIFRA section 3(c)(1)(D) and § 3(c)(2)(D);

(c) An offer to commence negotiations to ascertain which data is subject to the compensation requirement of FIFRA section 3(c)(1)(D) and the amount and terms of compensation, if any, to be paid; and

(d) The applicant's name, address, and telephone number.

§ 162.9-6 When required statements must be furnished.

The materials required under §§ 162.9-3(d), 162.9-5, and 162.9-8(e) may be furnished to EPA with the original application or at any later time prior to EPA's approval of the application.

§ 162.9-7 Exemption.

(a) Under FIFRA section 3(c)(2)(D), an applicant who seeks registration, reregistration, or amended registration of an end-use product (as defined in

paragraph (c) of this section) is exempt from the compensation requirement imposed by FIFRA section 3(c)(1)(D) with respect to data which pertain to the safety of any other registered pesticide product which the applicant purchases from another producer and uses in formulating his product.

(b) Data pertain to the safety of a purchased product if they would be scientifically pertinent to an Agency evaluation of the safety of the purchased product or one or more of its ingredients, rather than pertinent merely to an evaluation of the safety of an end-use product. To be pertinent to the purchased product's safety, the data need not have come from a test using the particular producer's product. For instance, any toxicity data from a test in which a reagent-grade, laboratory-grade, or technical-grade active ingredient was the substance tested normally would be scientifically pertinent to an evaluation of the safety of any pesticide product containing that active ingredient (with certain exceptions depending on use patterns). However, toxicity data from a test in which the substance tested was a formulated, end-use product (whether or not use-diluted) normally would pertain only to the safety of the same end-use product, closely similar end-use products, or their ingredients, but not to the safety of other end-use products.

(c) As used in this section, the term "end-use product" means a pesticide product whose labeling bears instructions for using or applying the product (as packaged and sold, or after dilution by the applicator) for controlling pests or regulating plant growth. The term excludes products whose labeling allows use of the product to formulate other pesticide products.

(d) FIFRA section 3(c)(2)(D) does not provide an exemption from the FIFRA section 3(c)(1)(D) compensation requirements to the extent that an application relies on efficacy data, or on safety data not pertinent to the purchased product's safety (e.g., data concerning the safety of similar end-use products). FIFRA sec. 3(c)(1)(D) requires the applicant to furnish a compensation offer to the original submitters of such data. The "Listing of Pesticide Data Submitters" (see § 162.9-5) does not at this time differentiate between types of data submitted. Accordingly, applicants for registration actions on end-use products should comply with the requirements in § 162.9-5 (furnish compensation offers to all listed data submitters with whom no written agreement has been reached), to avoid the risk of summary cancellation or denial as provided in FIFRA section 3(c)(1)(D)(ii). Negotiations with listed data submitters should quickly disclose which data are exempt from the compensation requirement.

§ 162.9-8 Alternate procedure for certain applicants for conditional registration.

(a) An applicant for conditional registration of a new product (or for conditional amendment of an existing registration) need not comply with §§ 162.9-4 and 162.9-5 if:

(1) Each of the product's active ingredients is contained in some product currently registered under FIFRA;

(2) The product will be labeled as an end-use product, as defined in § 162.9-7(c); and

(3) The applicant complies with paragraphs (b) through (f) of this section.

This section does not apply to other applicants.

(b) The applicant must furnish to EPA, with his application, a copy of each item of test data required to satisfy the minimum requirements for data that apply to the applicant's product and all of its uses, according to the Registration Guidelines (or instructions to the applicant by EPA), except that the applicant need furnish only data which are to be derived from tests using a formulated product as the test substance. All such data shall be derived from tests using the applicant's product (or another product with identical composition) as the substance tested.

(c) The applicant shall furnish with the data he submits a statement setting forth, to the best of his knowledge, the name and address of each person at whose expense each submitted item of data was generated, and how the applicant came into possession of each of the items of data (e.g., applicant generated the data; applicant obtained the data from another firm (identify); applicant copied data from a publication; applicant obtained a copy of the data from EPA).

(d) The applicant shall submit with his application a statement that EPA, in its evaluation of the properties, efficacy, and safety of the formulated end-use product, may not consider any data as supporting the application, except the following data:

(1) The data the applicant has submitted to EPA under paragraph (b) of this section;

(2) Other data pertaining to the safety of the product's active ingredients, rather than to the safety of the end-use product; and

(3) Existing tolerances, food additive regulations, exemptions, and other clearances issued under the Federal Food, Drug, and Cosmetic Act.

(e) If the applicant knows that any item of data he submitted under this section was generated by (or at the expense of) another person who originally submitted the data to EPA (or its predecessor, USDA) on or after January 1, 1970, to support an application for registration, experimental use permit, or amendment adding a new use to an existing registration, or for reregistration (unless the applicant and the original data submitter have reached written agreement on the amount and the terms of payment of any compensation that may be payable under FIFRA section 3(c)(1)(D)(ii) with regard to approval of the application), the applicant shall submit to EPA a statement that he has furnished to each such identified original data submitter:

(1) A notification of the applicant's intent to apply for registration, including the proposed product name;

(2) An offer to pay the person compensation, with regard to the approval of the application, to the extent required by FIFRA sections 3(c)(1)(D) and 3(c)(2)(D);

(3) An identification of the item(s) of data to which the offer applies;

(4) An offer to commence negotiations to ascertain the amount and terms of compensation to be paid; and

(5) The applicant's name, address, and telephone number.

(f) If the applicant's product contains any active ingredient other than those that are present solely because of the incorporation into the product, during formulation, of one or more other registered pesticide products purchased from another producer, then the applicant shall also comply with § 162.9-5 as to such active ingredient, and the application shall contain an acknowledgment that for purposes of FIFRA section 3(c)(1)(D) the application relies on (and any resulting registration should be regarded as if it were based on the Administrator's consideration of) the following data:

(1) All data submitted or specifically cited by the applicant in support of the registration; and

(2) Each other item of data in the Agency's files which:

(i) Concerns the properties or effects of any such active ingredient; and

(ii) Is one of the types of data that EPA would require to be submitted for scientific review by EPA if the applicant sought the initial registration under FIFRA Sec. 3(c)(5) of a product with composition and intended uses identical to those proposed for the applicant's product, under the data requirements in effect on the date EPA approves the applicant's present application.

[OPP-30025; FRL 1061-2]
[FR Doc. 79-14534 Filed 5-10-79; 8:45 am]
BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

Consideration of Data by the Administrator in Support of Applications; Revocation of Interim Policy Statements

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Revocation of interim policy statements regarding section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

SUMMARY: Interim policy statements regarding section 3(c)(1)(D) were publihed on November 19, 1973 (38 FR 31862) and January 22, 1976 (41 FR 3339). Since final regulations are being published today, these policy statements are hereby revoked.

DATE: Effective May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Edward C. Gray, Office of General Counel (A–132), EPA, 401 M St., S.W., Washington, D.C. 20460, (202) 755–0638.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency, on November 19, 1973, published a notice in the Federal Register entitled "Consideration of Data by the Administrator in Support of Applications: Interim Policy". On January 22, 1976, another notice was published in the Federal Register amending the interim policy. Both notices concerned the Agency's interim procedures for implementing section 3(c)(1)(D) of the FIFRA, 7 U.S.C. 136a(c)(1)(D).

Since publication of these notices, FIFRA section 3(c)(1)(D) has been extensively amended (Federal Pesticide Act of 1978, Pub. L. 95–396, September 30, 1978). The Environmental Protection Agency has issued regulations implementing FIFRA section 3(c)(1)(D), as amended; these regulations appear elsewhere in today's issue of the Federal Register.

Accordingly, the Agency is hereby revoking the "Interim Policy Statement" previously mentioned, insofar as they would apply to any application for registration which was not approved on or before September 30, 1978.

Dated: April 16, 1979.

Steven D. Jellinek,
Assistant Administrator for Toxic Substances.

[OPP–30027; FRL 1209–4]
[FR Doc. 79–14533 Filed 5–10–79; 8:45 am]
BILLING CODE 6560–01–M

Federal Register

Friday
May 11, 1979

Part VII

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

May 1979.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of May 1, 1979, of 11 rescissions and 57 deferrals contained in the first nine special messages of FY 1979. These messages were transmitted to the Congress on October 2, November 30, December 7, December 12, 1978, January 31, February 14, March 15, April 4, and April 26, 1979.

Rescissions (Table A and Attachment A)

Congressional action has been completed on all FY 1979 rescission proposals. Table A summarizes the status of rescissions proposed by the President as of May 1, 1979, while Attachment A shows the history and status of each rescission proposed during FY 1979.

Deferrals (Table B and Attachment B)

As of May 1, 1979, $2,863.2 million in 1979 budget authority was being deferred from obligation and another $2.9 million in 1979 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President, and Attachment B shows the history and status of each deferral reported during FY 1979.

Information from Special Messages

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the Federal Registers of:

Wednesday, October 11, 1978 (Vol. 43, No. 197, Part III)
Wednesday, December 6, 1978 (Vol. 43, No. 235, Part III)
Wednesday, December 13, 1978 (Vol. 43, No. 240, Part VI)
Monday, December 18, 1978 (Vol. 43, No. 243, Part VI)
Monday, February 5, 1979 (Vol. 44, No. 25, Part VI)
Wednesday, February 21, 1979 (Vol. 44, No. 36, Part VII)
Tuesday, March 20, 1979 (Vol. 44, No. 55, Part VIII)
Monday, April 9, 1979 (Vol. 44, No. 69, Part VI)
Tuesday, May 1, 1979 (Vol. 44, No. 85, Part V)

James T. McIntyre, Jr.,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1979 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President	$ 908.7 a/
Accepted by the Congress	-723.6 b/
Rejected by the Congress	-185.1 c/
Pending before the Congress	-0-

* *

Table B

STATUS OF 1979 DEFERRALS

	Amount (in millions of dollars)*
Deferrals proposed by the President	$4,373.8
Routine Executive releases (-$1,493.2 million) and adjustments (-$7.8 million) through May 1, 1979)*	-1,501.1
Overturned by the Congress	-6.6
Currently before the Congress	$2,866.2 d/

a/ This amount is net of a $6.0 million reduction proposed in a Small Business Administration rescission (R79-11A).

b/ Public Law 96-7.

c/ Of this amount, $51.0 million is presently deferred (D79-55 and D79-29A).

d/ This amount includes $2.9 million in outlays for a Department of the Treasury deferral (D79-25B).

* Detail does not add to total due to rounding.

AS OF MAY 1, 1979 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF ENERGY							
Energy Programs							
Fossil energy construction							
BA	R79- 2	50,000a		1 31 79			
DEPARTMENT OF ENERGY TOTAL BA		50,000					
DEPARTMENT OF HEALTH, EDUCATION AND WELFARE							
National Institutes of Health							
Buildings and facilities							
BA	R79- 3	37,000		1 31 79	37,000b		
Health Resources Administration							
Health resources							
BA	R79- 4	167,893		1 31 79	46,350b	121,543	3 28 79
Office of Education							
Special projects and training							
BA	R79- 5	22,365		1 31 79	12,500b	9,865	3 28 79
DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TOTAL BA		227,258			95,850	131 408	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Subsidized housing programs							
BA							

AS OF MAY 1, 1979 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R79- 6	600,000		1 31 79	600,000b		
New Communities Development Corporation							
New community assistance grants BA	R79- 7	8,167		1 31 79	8,167b		
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		608,167			608,167		
DEPARTMENT OF THE INTERIOR							
Bureau of Mines							
Helium fund BA	R79- 8	3,127		1 31 79	3,127b		
DEPARTMENT OF THE INTERIOR TOTAL BA		3,127			3,127		
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and program management BA	R79- 9	2,400		1 31 79	2,400b		
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA		2,400			2,400		
OTHER INDEPENDENT AGENCIES							
Foreign Claims Settlement Commission							

AS OF MAY 1, 1979 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Payment of Vietnam prisoner of war claims							
BA	R79-10	9,000c		1 31 79	8,000b	d	
Salaries and expenses							
BA	R79- 1	75		11 30 78		75	3 13 79
Small Business Administration							
Salaries and expenses							
BA	R79-11	14,665		1 31 79			
BA	R79-11A	-6,000		3 15 79	6,065b	2,600	3 28 79
OTHER INDEPENDENT AGENCIES TOTAL BA		17,740			14,065	2,675	
TOTAL BA		908,692			723,609	134,083	

FOOTNOTES

a These funds are included in a deferral (D79-55) transmitted to the Congress on April 26, 1979

b Public Law 96-7.

c This amount was initially deferred (D79-29) in a special message transmitted to the Congress on October 2, 1978

d. $1 0 million of the $9 0 million proposed for rescission is included in a deferral (D79-29A) transmitted to the Congress on April 26, 1979

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Military assistance	BA	D79-31	161,875		11 30 78	-161,875a			
International military education and training	BA	D79-35	24,312		12 7 78	-24,312a			
Foreign military credit sales	BA	D79-45	651,000		12 12 78	-601,690			49,310
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		837,187			-787,877			49,310
DEPARTMENT OF AGRICULTURE									
Foreign Agricultural Service									
Salaries & expenses (special foreign currency)	BA	D79- 1	415		10 2 78	-13			402
Agricultural Stabilization & Conservation Service									
Commodity credit corporation	BA	D79- 2	3,530		10 2 78				
	BA	D79- 2A			12 7 78	-3,530			
Forest Service									
Acquisition of lands for Wasatch National Forest	BA	D79-36	209		12 7 78				209
Timber salvage sales	BA	D79-37	5,500		12 7 78	-702			4,798
Expenses, brush disposal	BA	D79- 3	32,225		10 2 78				
	BA	D79- 3A		5,276	1 31 79				37,501

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
Restoration of forest lands	BA	D79- 4	48		10 2 78				48
DEPARTMENT OF AGRICULTURE TOTAL	BA		41,927	5,276		-4,245			42,958
DEPARTMENT OF COMMERCE									
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA	D79-47	500		1 31 79				500
Construction	BA	D79- 5	9,830		10 2 78				
	BA	D79- 5A		202	12 12 78				10,032
Promote and develop fishery products and research	BA	D79- 6	12,060		10 2 78	-5,481	-6,579b		
Fisheries loan fund	BA	D79- 7	5,429		10 2 78				
	BA	D79- 7A		208	1 31 79				5,637
United States Fire Administration									
Facilities	BA	D79-32	6,150		11 30 78	-6,150			
Maritime Administration									
Ship construction	BA	D79-33	157,000		11 30 78	-134,000			23,000
DEPARTMENT OF COMMERCE TOTAL	BA		190,969	410		-145,631	-6,579		39,169
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D79-34	563,940		11 30 78				563,940

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
Research, Development, Test, and Evaluation									
Navy									
	BA	D79-53	107,964		4 4 79	-107,964a			
Military Construction									
Military construction, all services									
	BA	D79- 8	548,451		10 2 78	-384,274		374	164,551
DEPARTMENT OF DEFENSE-MILITARY TOTAL	BA		1,220,355			-492,238		374	728,491
DEPARTMENT OF DEFENSE-CIVIL									
Corps of Engineers									
Alaska hydroelectric power development fund									
	BA	D79-10	5,450		10 2 78				5,450
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services									
	BA	D79- 9	458		10 2 78				
	BA	D79- 9A		130	1 31 79	-38			550
DEPARTMENT OF DEFENSE-CIVIL TOTAL	BA		5,908	130		-38			6,000
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy construction									
	BA	D79-55	50,000c		4 26 79				50,000
	BA	D79-56	570		4 26 79				570
Strategic Petroleum Reserve									
	BA	D79-57	113,528		4 26 79				113,528
Uranium enrichment - operating expenses									
	BA	D79-48	63,000		1 31 79				63,000

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1979 AS OF 05/07/79 17:35

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
DEPARTMENT OF ENERGY								
TOTAL BA		227,098						227,098
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St Elizabeths Hospital								
BA	D79-11	27,577		10 2 78				27,577
Social Security Administration								
Limitation on salaries and expenses								
BA	D79-12	1,725		10 2 78				1,725
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
TOTAL BA		29,302						29,302
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California grant lands								
BA	D79-46	12,811		12 12 78				
BA	D79-46A		1 901	1 31 79				14,712
Heritage Conservation and Recreation Service								
Land and water conservation fund								
BA	D79-13	30,000		10 2 78				30,000
Geological Survey								
Exploration of National Petroleum Res in Alaska								
BA	D79-54	1,792		4 4 79				1,792
Payments from proceeds, sale of water								
BA	D79-14	36		10 2 78				36
Bureau of Mines								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
Drainage of anthracite mines								
BA	D79-15	1,700		10 2 78	-363			1,337
Office of Territorial Affairs								
Administration of territories								
BA	D79-38	25,000		12 7 78	-25,000			
Trust territory of the Pacific Islands								
BA	D79-16	12,000		10 2 78	-12,000			
DEPARTMENT OF THE INTERIOR TOTAL BA		83,339	1 901		-37,363			47,877
DEPARTMENT OF JUSTICE								
Legal Activities								
Salaries and expenses, Community Relations Service								
BA	D79-49	572		1 31 79				572
Federal Prison System								
Buildings and facilities								
BA	D79-17	25,300		10 2 78				
BA	D79-17A		11,865	11 30 78	-160			37,005
DEPARTMENT OF JUSTICE TOTAL BA		25,872	11,865		-160			37,577
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
BA	D79-50	122,133		1 31 79				122,133
DEPARTMENT OF LABOR TOTAL BA		122,133						122,133

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Acquisition, operation, & maintenance of buildings	BA	D79-39	36,787		12 7 78				36,787
Other									
Emergency refugee and migration assistance fund	BA	D79-18	2,750		10 2 78				
	BA	D79-18A		9,500	11 30 78	-10,375			1,875
DEPARTMENT OF STATE TOTAL	BA		39,537	9,500		-10,375			38,662
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D79-19	3		10 2 78				3
Facilities & equip (Airport & airway trust fund)	BA	D79-20	290,176		10 2 78				
	BA	D79-20A		21,259	1 31 79				311,435
Federal Highway Administration									
Trust fund share of other highway programs	BA	D79-21	40,000		10 2 78				
	BA	D79-21A		14,169d	2 14 79				54,169
Overseas highway	BA	D79-22	13,100		10 2 78				13,100
Urban Mass Transportation Administration									
Urban mass transportation fund	BA	D79-51	968,616		1 31 79				968,616
DEPARTMENT OF TRANSPORTATION TOTAL	BA		1,311,895	35 428					1,347,323

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
Antirecession financial assistance fund									
	BA	D79-23	2,205		10 2 78				
	BA	D79-23A		73	12 7 78	-50			2,228
	O	D79-40	5		12 7 78				
	O	D79-40A		3	1 31 79	-8			
State and local government fiscal assistance fund									
	BA	D79-24	78,489		10 2 78				
	BA	D79-24A		1,665	12 7 78	-517			79,637
	O	D79-25	2,404		10 7 78				
	O	D79-25A		1 562	12 7 78				
	O	D79-25B		11.835e	2 14 79	-13,666		785	2,920
Bureau of the Mint									
Construction of mint facilities									
	BA	D79-26	5,730		10 2 78				5,730
DEPARTMENT OF THE TREASURY									
TOTAL	BA		86,424	1 738		-567			87,595
TOTAL	O		2,409	13 400		-13,674		785	2,920
GENERAL SERVICES ADMINISTRATION									
Property Management and Disposal Activities									
Rare silver dollar program									
	BA	D79-27	2,123		10 2 78				2,123
Federal Preparedness Agency									
State and local preparedness									
	BA	D79-28	80		10 2 78				80
GENERAL SERVICES ADMINISTRATION									
TOTAL	BA		2,203						2,203

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-79
OTHER INDEPENDENT AGENCIES								
Foreign Claims Settlement Commission								
Payment of Vietnam prisoner of war claims								
BA	D79-29	10,945		10 2 78				
BA	D79-29A		1,000	4 26 79	-1,051		-9,000f	1,894
International Communication Agency								
Salaries & expenses								
BA	D79-41	2,095		12 7 78				2,095
Acquisition & construction of radio facilities								
BA	D79-42	3,141		12 7 78				
BA	D79-42A		7,832	2 14 79				10,973
Interstate Commerce Commission								
Payments for directed rail service								
BA	D79-30	13,990		10 2 78				13,990
Small Business Administration								
White House conference on small business								
BA	D79-43	1,600		12 7 78				1,600
Navaho & Hopi Indian Relocation Commission								
Salaries and expenses								
BA	D79-44	12,000		12 7 78				12,000
Tennessee Valley Authority								
Tennessee Valley Authority fund								
BA	D79-52	15,000		1 31 79				15,000
OTHER INDEPENDENT AGENCIES TOTAL BA		58,771	8,832		-1,051		-9,000	57,552
TOTAL BA		4,282,920	75,080		-1,479,545	-6,579	-8,626	2,863,250
TOTAL O		2,409	13 400		-13,674		785	2,920

FOOTNOTES

a This amount was released before the special message containing the deferral was transmitted to Congress

b Impoundment resolution S Res 50 passed the Senate on March 13, 1979 rejecting this deferral

c This amount was included in a rescission proposal (R79-2) transmitted to the Congress on January 31, 1979

d This amount is net of a release of $10 831 thousand that was made prior to the transmittal of this supplementary report

e This amount is net of a release of $2,857 thousand that was made prior to the transmittal of this supplementary report.

f This amount was included in a rescission proposal (R79-10) transmitted to the Congress on January 31, 1979

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BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 44, No. 93

Friday, May 11, 1979

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

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

REMINDERS

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

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

14541 3-13-79 / Bacterial products standards; BCG vaccine

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development—

21750 4-11-79 / Section 312 Rehabilitation loan program; Legislative amendments

INTERSTATE COMMERCE COMMISSION

21647 4-11-79 / Certification of rates or fares to cover new operating authority

TRANSPORTATION DEPARTMENT

Materials Transportation Bureau—

14194 3-12-79 / Specification 1M glass carboy in expanded polystyrene packaging and cancellation of certain obsolete specification packagings

Rules Going Into Effect Saturday; May 12, 1979

TRANSPORTATION DEPARTMENT

Coast Guard—

21792 4-12-79 / Anchorage grounds and special areas in Newport, R.I.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing Apr. 24, 1979