
Friday
September 14, 1979

FEDERAL REGISTER

Highlights

ADDRESSES FOR DELIVERY OF COMMENTS

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ADDRESSES: Comments may be mailed to Box 1, Washington, D.C. 00000, or delivered to Room 1, 1 First Street, Washington, D.C. between 8:45 am and 5:15 pm. Comments received may also be inspected at Room 1 between 8:45 am and 5:15 pm.

- 53485 Refugee assistance for Indochina Presidential determination
- 53492 Natural Gas DOE/FERC sets forth interim regulations that provides for the circumstance of non-producing gas wells under the Act; effective 9-7-79; comments by 10-22-79
- 53598 Income Tax Treasury/IRS issues notice proposing to revise forms on wages withheld; comments by 10-26-79
- 53582 Allens Justice/INS publishes notice specifying conditions for granting extended voluntary departure to out-of-status nonimmigrant H-1 nurses

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays); by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

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- 53676 Citizens Band** CPSC proposes to develop standards for omnidirectional base station antennas; comments by 10-15-79 (Part III of this issue)
- 53538 Energy** FERC makes available draft relating to a change in wholesale electric rates by public utilities; 10-4 and 10-5-79
- 53505 Natural Gas** DOE/FERC establishes final rule on rate of interest on amounts held subject to refund applicable to all producers and pipelines, and electric utilities under the Act; effective 10-1-79
- 53539 Income Tax** Treasury/IRS proposes regulations on deferred compensatory payments; comments by 12-13-79; hearing 11-27-79
- 53538 Mobile Homes** FTC prints publication of presiding officer's report regarding proposed trade regulations
- 53487 Grants** USDA/FNS provides interim rule under the State Administrative Expense Funds program; effective 9-7-79; comments by 11-13-79
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Presidential Documents

Title 3—

Presidential Determination No. 79-14 of August 24, 1979

The President

Determination pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, (the "Act") authorizing the use of \$11,550,000 of funds made available from the United States Emergency Refugee and Migration Assistance Fund

Memorandum for the Secretary of State

In order to meet financial requirements related to the continued processing, movement, and reception and placement of increased numbers of refugees resettled from Indochina in the United States, I hereby determine, pursuant to Section 2(c)(1) of the Act, that it is important to the national interest that up to \$11,550,000 from the United States Emergency Refugee and Migration Assistance Fund be made available through the Department of State for grants to the Intergovernmental Committee for European Migration and private voluntary resettlement agencies to meet the related processing, transportation, and reception and placement expenses.

The Secretary of State is requested to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority.

This determination shall be published in the Federal Register.

THE WHITE HOUSE,
Washington, August 24, 1979.



Rules and Regulations

Federal Register

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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 235

School Nutrition Programs; State Administrative Expense Funds

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule; request for comments.

SUMMARY: This regulation amends 7 CFR Part 235, State Administrative Expense (SAE) Funds. It will serve as the interim authority for and guidelines under which a specified portion of discretionary funds will be allocated to State agencies for their use in improving school nutrition program management. This regulation will also be issued as a proposal setting forth a proposed system under which a portion of discretionary SAE Funds will be allocated to and utilized by State agencies in implementing the Assessment, Improvement and Monitoring System (AIMS), when AIMS regulations are proposed for public comment.

DATES: Effective September 7, 1979. Comments are due on or before November 13, 1979.

ADDRESS: Comments should be sent to Margaret O'K. Glavin, Director, School Programs Division, FNS-USDA, Washington, D.C. 20250. Comments received in response to the issuance of this regulation will be available for inspection by interested parties in Room 4300B, Auditors Building, 14th Street and Independence Avenue, S.W., Washington, D.C. during regular business hours (8:30 a.m. to 5:00 p.m.).

FOR FURTHER INFORMATION, CONTACT: Margaret O'K. Glavin, at the above address or by phone (202) 447-8130.

SUPPLEMENTARY INFORMATION: This regulatory amendment is one of three which will be issued by the Department which are related to the AIM System.

The others, a proposed amendment to 7 CFR Part 210, National School Lunch Program, which will outline AIMS and the procedures under which AIMS will be carried out and a proposed amendment to this part which will set forth sanctions to be imposed for failure to implement AIMS, will appear in a future edition of the Federal Register. A detailed explanation of the AIM System will accompany those proposals. This interim amendment sets out the Department's plan for providing fiscal assistance in the form of SAE funds to State agencies, which will bear the greatest responsibility for the management improvement process.

Background

Public Law 95-627, enacted on November 10, 1978, made several changes in the method by which SAE funds are to be allocated to State agencies which administer the child nutrition programs. It provides for an annual allocable amount equal to one and one-half percent of all program funds expended during the second preceding fiscal year in those programs (except for the Summer Food Service Program for Children). From that amount, the Department is to allocate to each State agency which administers the school feeding programs (the National School Lunch, School Breakfast, Special Milk and Food Service Equipment Assistance Programs) one percent of the program funds expended in those programs within the State during the second preceding fiscal year. A second allocation to State agencies which administer the Child Care Food Program is based on the application of a specified formula to the program funds expended in that program during the same time period. The funds which remain after these allocations have been made are, as the law provides, to be allocated to States by the Department "in amounts (it) determines necessary for the improvement in the States of the administration of the (child nutrition) programs * * * including, but not limited to, improved program integrity and the quality of meals served to children."

The fiscal year 1979 Agriculture, Rural Development and Related Agencies

Appropriation Act (Pub. L. 95-448), in language contained in U.S. Senate Appropriation Report No. 95-1058, also makes reference to improvement of program management. The Report earmarks \$4 million of the fiscal year 1979 SAE fund appropriation "for activities, including audits, to identify and take any needed corrective action concerning administrative problems in the school feeding programs—such as noncompliance with meal standards or (standards for implementation of) eligibility criteria and the submission of reimbursement claims which exceed actual meal costs."

Both laws reflect the concern of Congress and others concerning a number of areas of child nutrition program administration at the State and local levels. Studies conducted by the Department's Office of the Inspector General and the General Accounting Office have pointed to serious problems. The problems include, specifically, (1) free and reduced price meal applications being improperly approved or denied, (2) claims for free and reduced price meals exceeding the number of currently enrolled children approved for such meals, (3) meals being claimed in excess of average daily attendance, (4) inaccurate counting of free, reduced price and paid meals, (5) expenditure records not supporting reimbursements claimed, and (6) meals claimed for reimbursement lacking required components or quantities of components.

AIM System

Sharing the concern reflected in the referenced legislation and in response to the direction provided by it, the Department has worked over the past several months to develop a proposed system which it believes will resolve these problems. The system, known as AIMS is designed to assist States to identify management and operational problems and to develop effective corrective action procedures. Regulations to propose the AIM System will be publicly announced so that the public will be able to review the system and provide comments to the Department to assist in refining the proposed system. The objectives of AIMS are (1) to analyze current State agency program management; (2) to foster improved State agency program administration; (3) to monitor the use of

Federal funds; and (4) to protect the nutritional integrity of meals served under the child nutrition programs.

Funding for Management Improvement

In order to assist State agencies to meet the cost of dealing with these problems, the Department has set aside the \$4 million of SAE fund discretionary money referred to above and will make it available to States for this purpose for fiscal year 1979. In subsequent fiscal years, the Department will continue to use a portion of discretionary SAE funds in this manner in amounts that are necessary to operate the system in an effective manner. This interim regulation sets out the formulae for the management improvement fund allocations which will be used for fiscal year 1979 and until such time as public comment both on the formulae and the AIM System, which FNS will soon propose, have been evaluated and a final rule issued. The Department believes that given the time required to carry out the rulemaking process, to propose the formulae and subject them to comment and possible change for fiscal year 1979 would only impede the task of dealing with the problems cited above. In addition, the Department wishes to provide fiscal year 1979 funds under these conditions to States so that they can benefit from them while developing their comments based upon actual operating experiences.

Four allocation formulae have been established and function in the manner described below. In developing these formulae, the Department attempted to measure the workload that the anticipated AIM System would have on the individual States, linking the formulae to the problem areas with which the proposal would deal.

First, 40 percent of the management improvement funds will be allocated in equal shares to State agencies which administer the school feeding programs. This basic payment recognizes the fact that, other variables aside, implementation of management improvement activity will cause all States to incur additional administrative personnel costs.

Second, a percentage factor will be assigned to each State agency, based on a comparison of the number of School Food Authorities in the State to all School Food Authorities. The amounts allocated to the States will be determined by applying the percentage factor against an amount equal to 20 percent of the total management improvement SAE funds. This allocation is tied to the need under the proposed system to conduct specified numbers of reviews and audits of School Food

Authorities each year. A State with a large number of School Food Authorities will obviously have a greater workload than one with relatively few.

Third, an additional percentage factor for each State agency will be developed, based on the number of free and reduced price meals served within the State compared to the number of free and reduced price meals served in all States. Each State's share will be derived by applying the factor to 20 percent of the total funds. This formula points out the fact that a major portion of the anticipated AIM system is directed at ensuring accurate and timely management of free and reduced price meal applications and accountability. The system envisions a comprehensive review of free and reduced price applications in a school. Thus, the burden on State agency personnel will be dependent upon the numbers of free and reduced price applications involved.

Fourth, the remaining 20 percent will be allocated to State agencies as follows. Each State agency will be allocated one equal share for each School Food Authority in the State with an enrollment of 40,000 or more.

In States where there are two or fewer such School Food Authorities, the State agency will receive an equal share for each of the two largest, as long as each has an enrollment of more than 2,000. If either of the two has less than 2,000 enrollment, a share will not be provided for it. Finally, a State with only one School Food Authority regardless of size will receive one share. This last allocation is used because the anticipated AIM system would require more frequent reviews of and visits to the larger School Food Authorities on the grounds that generally speaking, large School Food Authorities are more likely to encounter the type of problem which AIMS addresses.

The percentages utilized under these allocations were chosen on the following basis. As suggested above, the base allocations representing 40 percent of total available funds, are provided in anticipation of increased personnel costs. The 40 percent figure was chosen because the dollar amount represented by its application to total available management improvement funds, divided equally among all States (approximately \$30,000) is the amount FNS estimates is necessary to employ one administrative staff person for one year, including salary, benefits, support staff, travel and other related expenses. The remaining 60 percent was divided equally into three 20-percent allocation formulae because each of the factors (i.e., numbers of School Food Authorities, numbers of large School

Food Authorities or numbers of free and reduced price meals) is significant and, at present, there is no evidence to warrant weighting one factor more heavily than the others. Given that fact, the Department is particularly interested in public comment on (1) the factors on which the formulae are based, (2) the percentages assigned to each factor, (3) the proposed allocation methodology itself, and (4) the methodology in light of the proposed AIM System. With regard to the last point, the Department believes that this system for providing management improvement funds must be analyzed as part of an overall analysis of the AIM System, when proposed for public comment.

Other Provisions

Current regulations provide that, in general, SAE funds are to be used by State agencies to pay salaries, including employee benefits and travel expenses; for support services; for office equipment; and for staff development, particularly for monitoring and training of local level food service personnel. Funds provided under this amendment are to be expended within the same guidelines. However, these funds must be used to establish systems for auditing, monitoring, technical assistance and follow-up.

This activity should center around the problems that will be suggested by the performance standards of the AIMS proposal. We anticipate that these will include analyzing approval procedures for free and reduced price meal applications; checking to determine whether or not approved free and reduced price meal applications reflect current enrollment; evaluating systems for recording and reporting meal counts; evaluating the validity of claims for reimbursement, including the number of meals reported by the category (i.e., free, reduced price and paid); evaluating the documentation and allowability of costs; and evaluating the nutritional integrity of meals, including the amounts of food served under required components.

Interim Fund Usage

At this time, the Department is aware that implementation of the AIM System cannot be expected until at least the second quarter of the 1979-80 school year, given the need to propose the AIM System for comment, evaluate comments, issue final rulemaking and allow States time to prepare for implementation. With this interim regulation, however, the Department intends to allocate management improvement SAE payments to State agencies according to the formulae

found in this interim amendment until the anticipated AIMS regulation and this amendment are finalized. Until such time as AIMS is formally implemented, the Department is requiring that State agencies use management improvement SAE funds to establish systems for auditing, monitoring, technical assistance, and follow-up activity related to the six areas set forth above. The Department is taking this approach because it believes that the problems are sufficiently serious and widespread as to merit immediate attention. As part of the development of AIMS, discussions were held with representative State agency personnel and, as a result, the Department believes that there is agreement as to the areas where problems exist and that States can make meaningful use of these funds.

Prior to the allocation of funds to be made available under this amendment, each State agency will be advised of the amount of funds it will receive under the formulae for fiscal year 1979. At the same time, each will be asked to determine to what extent it can obligate the funds for the current fiscal year. Funds which cannot be obligated will be removed from the individual State's allocation and be made available to other States where they can be used on the same formulae basis. The amounts each State agency will earn in fiscal year 1979 under the formulae are set forth below.

Connecticut	56,304
Maine	52,403
Massachusetts	85,246
New Hampshire	48,953
Rhode Island	45,331
Vermont	49,387
Delaware	42,191
District of Columbia	36,874
Maryland	62,439
New Jersey	84,033
New York	159,857
Pennsylvania	109,987
Puerto Rico	63,911
Virginia	70,142
Virgin Islands	35,841
West Virginia	53,700
Alabama	50,023
Florida	128,196
Georgia	82,889
Kentucky	64,525
Mississippi	68,828
North Carolina	85,866
South Carolina	64,019
Tennessee	66,162
Illinois	132,138
Indiana	70,947
Michigan	101,608
Minnesota	74,111
Ohio	136,730
Wisconsin	95,452
Arkansas	64,602
Louisiana	83,045
New Mexico	52,367
Oklahoma	73,572
Texas	165,260
Colorado	53,520
Iowa	71,489
Kansas	60,117
Missouri	89,633
Montana ED	51,789
Montana HD	28,306
Nebraska	59,283
North Dakota	51,216
South Dakota	51,488

Utah	45,041
Wyoming	42,744
Alaska	42,106
American Samoa	34,505
Arizona	73,338
California	206,115
Guam	34,595
Hawaii	37,022
Idaho	45,857
Nevada	41,836
Oregon	61,870
Trust Territory (including No. Marianas)	42,300
Washington	58,889
Total	4,000,000

Final Regulation Issuance

Robert Greenstein, Administrator, FNS, has determined that the issuance of this regulation in an interim, rather than proposed, form is necessary and in the best interest of the public, the programs, and the persons served by the programs. This is because the Department is interested in issuing funds earmarked for management improvement which are currently available for use in fiscal year 1979 as soon as possible so that States may use these additional funds to design and implement their own review and monitoring systems at this time, in anticipation of the establishment of a formal AIM System in the future. It was originally planned that this regulation would be issued at the same time the AIM System was proposed, and that it would be a part of the total AIM System package. However, the Department now believes the AIM System needs further review and study, including a complete review of Regional and State comments received over the past year, prior to its issuance as a proposal for public comment. It was therefore determined that this part of the AIM System governing fund allocations should be extracted out and allowed to be published for the purpose of immediate funds release for fiscal year 1979 AIMS funding and until such times as the AIMS regulations are finalized. The public is encouraged to comment on this interim rule. Comments on the allocation formula are welcomed from State agencies, who by actual operations, have received the benefits of this experience and can provide especially meaningful input into the development of a final AIMS allocation formula. For added public understanding of the AIM System and to encourage additional comments, this regulation will again be published in the Federal Register when the entire AIM System regulations are proposed (expected in the near future).

The Department expects to finalize this amendment when the entire AIMS package, having been proposed, is finalized. In the interval, until such time as the funding formulae are issued in final regulatory form, the formulae in this amendment will remain in effect.

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

Accordingly, 7 CFR Part 235 is amended on an interim basis as follows:
 1. § 235.4 is amended by adding a new paragraph (b-1) as follows:

§ 235.4 Allocations of funds to States.

(b-1) For the fiscal year ending September 30, 1979, and for each succeeding fiscal year, FNS shall allocate to each State agency amounts derived by application of the following formulae. Funds issued under this paragraph shall be subject to the recall and reallocation provision of paragraph (e) of this section, except that for the fiscal year ending September 30, 1979, funds shall be allocated to States only to the extent that FNS determines that they can be obligated by the States during that fiscal year.

(1) One equal share of the forty (40) percent of the funds designated by FNS for use in program management improvement.

(2) The ratio of the number of School Food Authorities within the State to School Food Authorities in all States times twenty (20) percent of the funds designated by FNS for use in program management improvement.

(3) The ratio of the number of free and reduced price meals served within the State during the second preceding fiscal year to free and reduced price meals served in all States in the second preceding fiscal year times twenty (20) percent of the funds designated by FNS for use in program management improvement.

(4) Equal shares of twenty (20) percent of the funds designated by FNS for use in program management improvement for each School Food Authority which has an enrollment of 40,000 or more; *Provided, however,* That in States where there are fewer than two School Food Authorities with enrollments of 40,000, or more, an equal share shall be provided to the State agency, for either, or both of the two largest School Food Authorities which have enrollments of more than 2,000 and; *Provided further,* That States with only one School Food Authority, regardless of size, shall be provided with one equal share.

2. § 235.6 is amended by adding a new paragraph (a-1) as follows:

§ 235.6 Use of funds.

(a-1) State Administrative Expense Funds paid to any State agency under § 235.4(b-1) shall be available for activities associated with improving

program management, and shall be used for administrative expenses in connection with auditing, monitoring and carrying out corrective actions to ensure adherence to the following program performance standards.

(1) All applications for free and reduced price meals are validly approved or correctly denied.

(2) Free and reduced price meals claimed for reimbursement are less than or equal to the number of currently enrolled children approved for (i) free and (ii) reduced price meals respectively, times the days of operation for the reporting period.

(3) The total number of meals claimed for reimbursement is equal to or less than the average daily attendance for days of operation times the days of operation for the reporting period.

(4) The system for counting and recording meal totals for paid, free and reduced price meals claimed for reimbursement at both School Food Authority and school levels yields correct claims.

(5) Reimbursement claimed for meals is limited to allowable costs, as documented by reviewable records.

(6) Meals claimed for reimbursement contain food components and quantities as required by regulations and as documented by reviewable production records.

* * * * *

This proposal has been reviewed under USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Draft Impact Analysis is available from the Office of the Director, School Programs Division, USDA, FNS, Washington, D.C. 20250.

Dated: September 7, 1979.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-28481 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 370

Availability of Information to the Public

AGENCY: Animal and Plant Health Inspection Service.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations on how the Animal and Plant Health Inspection Service (APHIS) will make available to the public records it maintains and which are

subject to the Freedom of Information Act (FOIA). This revision is required due to various organizational changes and physical relocations since these FOIA regulations were last published.

EFFECTIVE DATE: September 14, 1979.

FOR FURTHER INFORMATION CONTACT: Jean L. Lewis, 301-436-7239.

SUPPLEMENTAL INFORMATION: This amendment is issued in accordance with the regulations of the Secretary of Agriculture, 7 CFR 1.1 through 1.16 and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations in this part, govern the availability of the records of APHIS to the public. This amendment revises the APHIS FOIA regulations published on Friday, September 19, 1975 (40 FR 43223).

This rule deals only with agency organizational procedures and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 12044, Improving Government Regulations, and thus does not require the publication of a regulatory impact analysis.

Accordingly, 7 CFR 370 is amended as follows:

1. Section 370.2 is revised to read as follows:

§ 370.2 Published materials.

Rules and regulations of APHIS relating to its regulatory responsibilities are continuously published in the Federal Register and codified in this Chapter III, Title 7 and in Chapter I, Title 9 of the Code of Federal Regulations. APHIS issues publications explaining animal and plant health programs and the laws and regulations, including quarantines, under which the programs are conducted. These publications are, for the most part, available free from the Office of Governmental and Public Affairs, USDA, Washington, DC 20250; or, in some cases from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 at established rates.

2. Section 370.4 is revised to read as follows:

§ 370.4 Facilities for inspection and copying.

Facilities for public inspections and copying of the index and materials required to be made available under 5

U.S.C. 552 (c)(2) will be provided by APHIS on business days between 8 a.m. and 4:30 p.m. Requests for this information should be made to the FOIA Coordinator at the following address:

Freedom of Information Act Coordinator,
Animal and Plant Health Inspection Service, 6505 Belcrest Road, Room 264,
Hyattsville, MD 20782.

Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Office of Operations and Finance, USDA, pursuant to § 2.75 of this title. See § 1.10 and Appendix A—Fee Schedule in Part 1, Subtitle A of this title.

3. Section 370.5(a) is revised to read as follows:

§ 370.5 Requests for records.

(a) Requests for APHIS records or information other than material published or made available under the preceding sections, shall be made in writing in accordance with 7 CFR 1.3(a) and submitted to the APHIS Freedom of Information Coordinator at the following address:

Freedom of Information Act Coordinator
(FOIA Request), Animal and Plant Health Inspection Service, 6505 Belcrest Road,
Room 264, Hyattsville, MD 20782.

The request shall identify each record with reasonable specificity as prescribed in § 1.3(b) of this title. The APHIS FOIA Coordinator is hereby delegated authority to make determinations with respect to such requests in accordance with 7 CFR 1.4(c).

4. Section 370.6 is revised to read as follows:

§ 370.6 Appeals.

If a request for information made under § 370.5 is denied in whole or in part, the requester may file an appeal pursuant to § 1.3(e) of this title. The appeal should be in writing and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 313-E, U.S. Department of Agriculture, Washington, DC 20250.

(5 U.S.C. 552)

James O. Lee, Jr.,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 79-28458 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service**7 CFR Part 910**

[Lemon Reg. 216]

Lemons Grown in California and Arizona; Limitation of Handling**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 16-22, 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: September 16, 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.

The committee met on September 11, 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 has improved.

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.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

§ 910.516 Lemon Regulation 216.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period September 16, 1979, through September 22, 1979, is established at 210,000 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))

Dated: September 12, 1979.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-28837 Filed 9-13-79; 11:44 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service**9 CFR Part 92****Importation of Birds****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule.

SUMMARY: This document amends the regulations to provide for the approval of additional quarantine facilities for the importation of birds, contingent upon a determination made by the Deputy Administrator that adequate personnel are available to service the facility if approved. This action is necessary because of the limited personnel available to Veterinary Services. The effect of this action is to make the approval of any additional quarantine facility contingent upon a determination made by the Deputy Administrator that adequate personnel are available to service the facility if approved.

EFFECTIVE DATE: September 14, 1979.**FOR FURTHER INFORMATION CONTACT:**

Dr. E. C. Sharman, USDA, APHIS, VS, Import-Export Staff, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On April 3, 1979, there was published in the Federal Register (44 FR 19423), a

document which proposed to amend the regulations (9 CFR 92) to provide for the approval of additional quarantine facilities for the importation of birds, contingent upon a determination made by the Deputy Administrator that adequate personnel are available to service the facility if approved.

A period of 60 days which expired June 4, 1979, was provided for receipt of comments. Only one comment was received in response to the proposal. This comment generally opposed the proposed rule and stated a belief that all birds should be imported through USDA-owned and operated quarantine facilities only where control measures are believed by the respondent to be more satisfactory. This comment was not considered to be relevant to the proposed rule since the proposal spoke only to the question of whether or not the approval of additional quarantine facilities should be contingent upon availability of personnel to provide services required. Therefore, the amendment as proposed is incorporated into the regulations without change.

Accordingly, Part 92, title 9, Code of Federal Regulations is amended as follows:

In § 92.11(f), the introductory paragraph is amended to read:

§ 92.11 Quarantine requirements.

* * * * *

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* To qualify for designation as an approved quarantine facility^a and to retain such approval, the facility and its maintenance and operation must meet the minimum requirements of subparagraphs (1) through (6) of this paragraph (f): *Provided, however,* Approval of any quarantine facility shall be contingent upon a determination made by the Deputy Administrator that adequate personnel are available to provide services required by the facility if approved. The cost of the facility and all costs associated with the maintenance and operation of such facility shall be borne by the importer in accordance with the provisions of subparagraph (7) of this paragraph.

* * * * *

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 3, and 4, 76 Stat. 130, and sec. 11, 76 Stat. 132 (21 U.S.C. 111, 134a, 134b, 134c, and 134f, respectively).)

This final rulemaking has been reviewed under the USDA criteria established to implement E.O. 12044, "Improving Government Regulations," and has been designated "significant." An approved Impact Analysis Statement has been prepared and is available from

the Program Services Staff, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8695.

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

M. T. Goff,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-28325 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

[Docket No. RM79-78]

Rules Generally Applicable to Regulated Sales of Natural Gas; Interim Interpretive Regulation

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim Regulation; request for comments.

SUMMARY: The Commission is issuing an interim regulation defining the term "new well" in section 270.102 of its regulations under the Natural Gas Policy Act of 1978. The regulation provides for the situation of non-producing gas wells which were drilled prior to February 19, 1977, and then reopened to greater depths.

DATES: The regulation to be effective September 7, 1979; written comments due by October 22, 1979; oral presentation on October 11, 1979.

ADDRESSES: Written comments to be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426; Oral presentations to be held in Hearing Room A, Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. **FOR FURTHER INFORMATION CONTACT:** Carol Lane; Office of the General Counsel, Federal Energy Regulatory Commission, Room 4308-F, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8067.

A. Background

Section 501(b) of the Natural Gas Policy Act of 1978 (NGPA), 92 Stat. 3350, authorizes the Federal Energy Regulatory Commission "to define, by rule, accounting, technical and trade terms" used in the NGPA, so long as

such definition is "consistent with the definitions set forth in [the] Act." Pursuant to this authority, the Commission is issuing an interim interpretive regulation defining the term "new well." Our definition incorporates the statutory definition provided in section 2(3) of the NGPA and clarifies this statutory definition to provide for a particular situation not addressed by the statute.

B. Nature of Proposed Regulation

The Commission's decision to issue this interim rule arises from concern with wells spudded prior to February 19, 1977 which applicants are now attempting to qualify as "new wells" in order to meet the initial statutory requirement for a New Onshore Well under section 102(c)(1)(B) of the NGPA.¹ The statutory definition of "new well" in section 2(3) provides that a new well is "any well—

(A) The surface drilling of which began on or after February 19, 1977; or

(B) The depth of which was increased, by means of drilling on or after February 19, 1977, to a completion location² which is located at least 1,000 feet below the depth of the deepest completion location of such well attained before February 19, 1977."

This definition does not address a factual situation in which a well was spudded prior to February 19, 1977, but was not completed and never produced prior to that date, i.e., a dry hole. If the dry hole is redrilled and begins production in commercial quantities after February 19, 1977, there does not exist a "completion location" under the statutory definition from which to measure whether the newly completed well meets the 1000-feet-deeper test. Accordingly, a well which falls into this factual situation does not presently qualify as a "new well."

The Commission notes that it was impossible for Congress, when drafting the NGPA, to have foreseen every factual situation which might arise subsequent to its passage. Moreover, it was precisely because Congress envisaged the possibility of gaps in its definitional scheme that it granted the Commission specific authority in section 501(b) to define terms used in the NGPA. Accordingly, pursuant to section 501(b),

¹Section 102(c)(1)(B) of the NGPA provides that a "new onshore well" is "any new well which is 2.5 miles or more . . . from the nearest marker well; or any completion location of any new well which is located at a depth at least 1,000 feet below the deepest completion location of each marker well within 2.5 miles . . . of such new well."

²"Completion location" is defined in section 2(7) as "any subsurface location from which natural gas is being or has been produced in commercial quantities."

we are amending § 270.102(b) of our regulations by adding a new subparagraph (13) which defines the term "new well" to mean any well—

(i) The surface drilling of which began on or after February 19, 1977; or

(ii) The depth of which was increased, by means of drilling on or after February 19, 1977, to a completion location which is located at least 1,000 feet below:

(A) The depth of the deepest completion location of such well attained before February 19, 1977, if such well had a completion location; or

(B) If such well had no completion location because it was a dry hole the drilling of which was terminated prior to February 19, 1977, the deepest drilled depth attained in such dry hole.

Termination of drilling may be evidenced by a showing that the drilling rig was not in location on February 19, 1977.

We believe that this definition reaches a result which is consistent both with the definition of "new well" in section 2(3) and with what the Commission believes Congress intended under section 102, i.e., that an incentive price be provided for gas produced under conditions in which the bulk of the production cost was incurred on or after February 19, 1977.

The Commission makes this interim interpretive regulation immediately effective without prior notice and comment.

C. Written Comment Procedures

Any interested person may submit data, views and comments concerning this interim rule. Such comments should be addressed to the Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, and should not be submitted later than October 22, 1979. An original and 14 copies should be filed with the Commission, and should reference Docket No. RM79-78. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written comments shall be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 N. Capitol Street, N.E., Washington, D.C., during regular business hours.

All comments received by October 22, 1979 will be considered by the Commission prior to the promulgation of final regulations in this matter.

D. Public Hearing Procedures

A public hearing concerning this proposal will be held in Washington, D.C. on October 11, 1979, beginning at 9:30 a.m. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m., on October 4, 1979.

Requests to participate in the hearing should include a reference to Docket No. RM79-78, as well as a concise summary of the proposed oral presentation and a number where the person making the request may be reached by telephone. Prior to the hearing, each person filing a request to participate will be contacted by the presiding officer or his designee for scheduling purposes. At least five copies of the statement shall be submitted to the Secretary of the Commission prior to 4:00 p.m., October 10, 1979. The presiding officer is authorized to limit oral presentation at the public hearing both as to length and as to substance. Persons participating in the public hearing should if possible, bring 10 copies of their testimony to the hearing.

The hearing will not be a judicial or evidentiary-type hearing. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the time limitations permit it to be presented. If time permits, at the conclusion of the initial oral statements, persons who have made oral statements will be given the opportunity to make a rebuttal statement. Any further procedural rules will be announced by the presiding officer at the hearing. A transcript of the hearing will be made available at the Commission's Office of Public Information.

This interpretive interim regulation is being made effective immediately but shall not become a final regulation until the Commission has had an opportunity to receive oral and written presentation of relevant data, views and arguments.

(Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.* E.O. 12009, 42 FR 46267; Natural Gas Policy Act of 1978, P.L. 95-621, 92 Stat. 3350).

In consideration of the foregoing, Part 270 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

Section 270.102 is amended in paragraph (b) by adding a new subparagraph (13), to read as follows:

§ 270.102 Definitions.

* * * * *

(b) *Subchapter H definitions.* For purposes of this subchapter:

* * * * *

(13) "New well" means any well—

(i) The surface drilling of which began on or after February 19, 1977; or

(ii) The depth of which was increased, by means of drilling on or after February 19, 1977, to a completion location which is located at least 1,000 feet below:

(A) The depth of the deepest completion location of such well attained before February 19, 1977, if such well had a completion location; or

(B) If such well had no completion location because it was a dry hole the drilling of which was terminated prior to February 19, 1977, the deepest drilled depth attained in such dry hole.

[FR Doc. 79-28578 Filed 9-13-79; 8:45 am]

BILLING CODE: 6450-01-M

18 CFR Parts 270, 273, 284

[Docket No. RM77-22]

**Natural Gas Policy and Procedures;
Final Regulation and Request for
Comments**

Issued September 10, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Regulation and Request for Comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is promulgating a final rule which (1) ties the interest rate on carrying charges and refunds to the prime interest rate charged by banks for short-term business loans, (2) requires quarterly compounding of interest on carrying charges and on funds held subject to refund, and (3) reduces the number of reports that must be filed under §§ 35.19a and 154.67 of the regulations. The refund rules will be applicable to all gas producers and pipelines, and electric utilities under the Commission's jurisdiction. In addition, the preamble to the rule sets forth the procedure the Commission will utilize to receive further comments on whether similar regulations should apply to oil pipelines.

DATES: Effective date October 1, 1979. Comments due October 9, 1979.

ADDRESS: Comments to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

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I. Introduction

On March 9, 1979 (44 FR 18046, March 26, 1979) the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking in this docket, proposing to amend §§ 35.19a, 154.38(d)(4)(iv)(c), 154.67, 154.102, and 273.302(e)(1) of Chapter I, Title 18, of the Code of Federal Regulations (C.F.R.), and add a new Chapter XV, Part 1605, Title 49, C.F.R. The amendments proposed to tie the interest rate on carrying charges and refunds to the prime interest rate charged by commercial banks for short-term business loans, require monthly compounding of interest on funds held subject to refund, impose definitive refund obligations on oil pipelines, and reduce the number of reports that must be filed under §§ 35.19a and 154.67 of the regulations. The refund rules proposed would be applicable to all producers, pipelines (gas and oil) and electric utilities under the Commission's jurisdiction.

Comments were invited from interested parties on or before May 23, 1979. Timely comments were received from a large number of parties representing gas producers, gas and oil pipelines, electric utilities, wholesale distributors of gas and electricity (including municipalities and cooperatives), oil shippers, industrial users, and public interest groups.

II. Appropriate Standard for Refund Interest Rates

A. Summary of Comments. The issue which received the greatest number and variety of comments was that concerning the appropriateness of the Commission's proposal to use the prime rate charged by banks for short-term business loans as the standard for setting refund interest rates. All commenters generally supported the primary considerations for establishing a proper rate of interest on refunds, as

set forth in the March 9th Notice of Proposed Rulemaking. Specifically, there was a consensus that the interest rate should: (1) provide just compensation for the losses, or costs, imposed upon those who have paid excessive rates; (2) reflect the benefits which were available to companies which collected excessive rates; and (3) not provide incentives for any party to prolong litigation. Opinions varied widely, however, with respect to the weight to be afforded each criterion, and what would constitute a proper measure of both the costs and benefits associated with excessive payments.

Jurisdictional utilities (sellers) believe the Commission's decision should focus on the benefits which accrue to the collecting companies as a result of overpayments. With a few notable exceptions, sellers contend that these benefits are overstated by the prime rate charged by commercial banks for short-term business loans.

The majority of sellers do not disagree that overpayments may be used for investment purposes, or as a substitute for short-term financing. They argue, however, that the return on such investments, and the rate of interest on substitutable short-term financing, are less than the prime rate. In addition, sellers state that prime rate bank loans have several features (*i.e.*, a definite term and amount, lump-sum availability, line of credit required, charges included for a risk premium and other services) which distinguish them from customer-contributed loans.

Most of the standards proposed by the jurisdictional utilities for measuring the appropriate rate of interest on refunds averaged 100 to 200 basis points below the prime rate during comparable periods. Although the most popular suggestion was the rate of interest associated with short-term (90-119 days or 3-6 months) commercial paper, other proposals included:

- (1) The rate on 90-day treasury bills;
- (2) The composite commercial paper interest rate;
- (3) The rate on 3 to 5 year treasury notes;
- (4) The rate on 90-day marketable securities;
- (5) The average rate on the refunding company's short-term investment portfolio; and
- (6) The present 9 percent rate.

Two sellers, on the other hand, indicated that many of the varieties of short-term paper noted above are not available to all jurisdictional sellers. They argued that the usual term of commercial paper (3-6 months) has little or no correlation with the time period during which refundable amounts are held (usually a year or more). Thus,

despite the uncertainty as to when refunds may be required, funds subject to refunds can affect the timing and issuance of long-term borrowing as well as short-term credit. In addition, these sellers do not believe that the interest rate for commercial paper represents a proper compromise of all considerations, which should include customer costs. They support the Commission's proposal to tie the interest rate on refunds to the prime rate.

Several sellers pointed out that revenues received subject to refund are subject to Federal income taxes. As a result, the money actually available to a company because of overpayments is reduced by approximately 50 percent. It was argued that any rate on refunds imposed by the Commission should apply only to those funds actually available for use after taxes.

Finally, one jurisdictional utility argued that higher interest rates on refunds lead to higher rates of return and, as a result, have an inflationary impact upon the cost of energy for the ultimate consumer.

The comments submitted by jurisdictional customers (customers) generally focused on the losses, or costs to the consumer, resulting from excessive rates. Those losses are grouped into three types: (1) lost revenues because of increased borrowing; (2) lost income due to investments foregone; and (3) losses due to involuntary sacrifice of consumption. Additionally, customers indicated that, because the value of refunded monies continually declines and the price of postponed services and goods continually increases over time, there are also losses due to inflation.

Many customers stated that the interest rate on refunds should primarily reflect their average cost of borrowing money. According to customers, the prime rate is inadequate because if distributors or retail consumers are forced to replace rate overpayments with loans, few of them could borrow at rates as low as the prime. It is also of interest to note that customers alleged that many utilities are likewise unable to borrow at rates as low as the prime interest rate.

Another reason customers suggest a rate of interest on refunds higher than the prime rate concerns lost income due to foregone investments. Customers indicate that rate overpayments could have been invested in ventures (*e.g.*, common stock) which would earn more than the prime rate.

The prime rate is also alleged to be inadequate because it would not discourage jurisdictional utilities from filing excessive rates. Customers allege

that utilities find it to their advantage to regularly file for excessive rate increases, commonly known as "pancaking," and thereby maintain a continuous source of inexpensive capital.

According to customers, overpayments due to excessive rate increases replace some of a utilities' requirements for short-term and medium-term (1-4 years) debt and, in some instances, may even allow a utility to postpone the sale of equity securities. Customers also note that there are no restrictions as to the use of these revenues, hence the excess funds may be directed towards other, highly-profitable, non-regulated businesses. In addition, customers note that these funds do not affect a utilities' debt/equity ratio as a conventional loan would.

For the above reasons, customers have suggested a wide range of standards, most of which vary from the prime rate to the prime rate plus four percentage points. Some customers proposed that the rate of interest be tied to the return on equity requested by the utility, or the overall rate of return allowed by the Commission in the filing which promulgated the overpayment. The rate most favored was the prime rate plus two percentage points.

B. Discussion. The comments submitted in this proceeding indicate, as anticipated, that no single money market indicator perfectly reflects the costs and benefits associated with excessive payments made by customers to sellers. There are even significant differences of opinion among customers as to the costs, and among sellers as to the benefits, of overpayments.

Sellers argue convincingly that their short-term borrowing rate is often less than the prime rate. We cannot be certain, however, that overpayments, which are indistinguishable from just and reasonable payments until a rate case is finally decided, do not have an effect on the timing and variety of all types of borrowings and investments by the sellers. Even assuming maximum suspension periods for filed rates, the complexity and magnitude of most rate cases leads to refund periods considerably longer than the terms of most commercial paper. In addition, to the extent that filings are pancaked, this lends an effect of permanency to the pool of refundable monies held by the sellers. Thus, while a portion of refundable monies replaces the need to issue commercial paper, by no means is it clear that any commercial paper rate fully reflects the benefits a company derives from the availability of excess funds.

Some sellers have indicated that, because a utility must pay income taxes on all revenues received, including those which are eventually refunded, it actually has the use of approximately only half of the money it eventually refunds. Hence, sellers suggest that the rate of interest on refunds should apply only to those revenues received on an after-tax basis.

Although the Commission recognizes the effect of income taxes, we do not believe that adjustment of the refund base to which interest is applied is warranted. First, while sellers' arguments have some merit as far as the sellers are concerned, these arguments have no application to the customers. Customers are required to pay the full amount of the overcharge, and their costs are in no way diminished by the effect of income taxes on the sellers. To require interest on only a portion of their overpayment would not be fair.

Furthermore, although income taxes do have the effect of somewhat reducing the benefits which a seller receives from excessive payments¹, our selection of a rate of interest on refunds represents a compromise of all the cost and benefit considerations. We believe it is of importance to note that it is the filing company which makes the determination as to what rates it will propose. A more conservative approach will expose it to less risk of refunds, therefore, less risk of loss due to the effects of income taxes, and vice versa. We believe that our selection of the prime rate properly reflects these income tax considerations, as well as all other pertinent concerns.

The responses submitted by the customers indicate that the costs associated with overpayments may vary according to the class of customer (e.g., residential, industrial, other wholesale distributors, municipal, or co-operative). The variance is due to a number of factors, including lending rates available to the customer; the magnitude of any given rate increase upon a customer; the ability of a customer to pass on or take tax deductions for increases; and alternative uses to which the excess payments could have been put. Despite their unique characteristics, customers were unanimous in their opinion that the cost of overpayments to them is in excess of the prime rate.

The cost of borrowing short-term money is probably the greatest for the residential consumer, for whom credit is generally available only at 15-18%

interest. While it is unlikely that a residential consumer will borrow money specifically to pay his/her gas or electric bill, utility costs nevertheless represent one of the ever enlarging expenses for the individual consumer today. As such, it could well be that rising utility rates represent a major factor in leading individuals to seek and use commercial credit.

Depending on the individual company, many commercial and industrial consumers are able to get lower commercial borrowing rates than residential consumers. However, even these rates are often not as favorable as the prime rate. Moreover, although commercial and industrial consumers can eventually deduct higher utility rates as expenses for tax purposes (they must also pay income taxes on any refunds ultimately received) the sheer magnitude of an increase may be enough to force some users to: (1) go to the commercial credit market for additional funds; (2) forego investments, at least temporarily, that could have earned in excess of the prime; and (3) forego consumption, thus reducing production and profits. Each of these eventualities may produce losses in excess of the prime rate. Moreover, competition may make it impractical or impossible for the industrial user to pass utility increases on to the ultimate consumer immediately, if at all.

Although the customers' comments generally focused on the residential consumer, the wholesale distributor may not, in all instances, pass rate increases (or refunds for that matter) on to the consumers. In those instances, the wholesale distributor will have to bear the burden of the increase for some time. Just as is the case with the consumers, some distributors do not have access to loans at the prime rate. Recognizing that the magnitude, and thus the impact, of a rate increase grows as an entity moves closer towards the seller in the distribution chain, there is also a greater probability that the wholesale distributor will have to seek commercial loans, or forego lucrative investments, to meet the increased cost.

Despite the differences existing between the classes of customers, two factors which affect all customers to some extent are: (1) the impact of inflation, and (2) the immediacy of a rate increase. First, the impact of double-digit inflation on those who bear the burden of excessive rates cannot be ignored. A rate of interest on refunds which does not take account of this trend in inflation cannot be said to be fully compensatory to the ratepayer, nor

does it accurately reflect the benefits which have been received by the seller.

Second, we believe it is significant to note that it is not the customer who determines when and in what amount the rate increase will be filed; it is the seller. Thus, it may be assumed that the increase will commence at a time most advantageous to the financial needs of the seller, but may, in fact, come at a time when the customer is least able to withstand it.

The Commission has determined that the prime rate charged by commercial banks for short-term business loans achieves a proper balancing of the three primary considerations relevant to an appropriate interest rate on refunds (see discussion under II.A. *supra*.) As noted earlier, no one standard can perfectly reflect the costs and benefits associated with excessive payments. Our standard, however, comes as close as possible to a compromise solution that takes all of the above-mentioned considerations into account. Based on our analysis, we believe the prime rate generally may understate the costs to the ratepayer and overstate the benefits to the seller. While the situation will of course vary depending on individual sellers and customers, it is our belief that the prime rate will neither unduly prejudice nor advantage any party to a rate case. Moreover, to the extent that the prime rate understates the costs and overstates the benefits, the prime rate should provide a positive incentive for all parties to seek an early resolution of rate proceedings.

III. Compounding

A. Summary of Comments. Most of the sellers were opposed to the Commission's proposal to compound the rate of interest on outstanding refunds every month. It was alleged that compounding: (1) is not the standard banking practice on commercial loans; (2) is merely an add-on to the effective rate of interest thus simply increasing the refund burden; (3) attempts to add too much precision to a figure that is necessarily only an approximation; and (4) would be too complex. A minority of sellers, however, supported the concept of compounding.

All of the customers which submitted comments supported the Commission's compounding proposal. Some customers also suggested that because a utility uses overpayments daily and the consumer does without his money daily, the interest rate on refunds should be compounded daily.

B. Discussion. None of the sellers' arguments effectively refute the purpose of compounding, as expressed in the Notice of Proposed Rulemaking, *i.e.*, to

¹We note that even though a utility pays income taxes on revenues eventually determined to be excessive, it receives a tax deduction for the full amount of the refund (including accumulated interest) in the year in which the refund is made.

reimburse the customer for the use of the accumulated interest on his overpayments. The sellers' comments raise only secondary issues which do not mitigate this overriding purpose. However, the four principal arguments of the sellers do warrant a response.

First, even if it is true that most commercial loans are stated on a simple, annual interest basis, their method of payment produces the same effect as if the interest were compounded during the year. This is because payments are typically required on a periodic basis (e.g., monthly). As money is used to make these periodic payments, the borrower loses the potential earnings that this money could have earned elsewhere. The opportunity loss is the interest that these periodic payments could have earned during the year. Contrary to sellers' claims, the effect upon the borrower is therefore the same as if the borrower had paid a compound interest rate on his commercial loan.

Second, compounding is more than merely an addition to the specified rate of interest. It is a separate concept which addresses a goal distinct from determining the appropriate numerical rate of interest. Section II above, discusses the appropriate standard to be used as the numerical rate of interest to apply to refunds of the principal amount of overpayment. Here we are concerned with the reasonableness of allowing interest on accumulated interest. Compounding is the accepted method of providing for interest on interest. If compounding is correct in theory, as we have so determined, it should be adopted regardless of any implication it may have that the "effective" rate differs from a specified rate of interest.² However, the increased refund burden associated with compounding has, as we discuss below, had an effect on our determination as to the frequency with which we shall require interest to be compounded.

The third argument presented by the sellers is unconvincing. Merely because the interest standard we adopt cannot be precise in all respects, there is no reason not to strive for as accurate, fair, and comprehensive a refund methodology as possible.

The Commission has decided to adopt compounding on a quarterly basis, rather than the monthly basis which was proposed. Over a long period of time, the effects of compounding could become quite significant. It would, therefore, appear to be unduly

burdensome to require monthly compounding of interest when the protraction of a case may, in certain instances, be due to no fault of any party. Moreover, in view of the number of different customers served and rate schedules maintained by some utilities, it appears that daily, or even monthly, compounding could increase their administrative burden and expense to a great extent. Quarterly compounding will also be consistent with the frequency of adjustment of the refund interest rate, as explained in detail in Section IV.

IV. The Automatic Adjustment Mechanism

A. Summary of Comments. With few exceptions, there was general agreement among all commenters that the interest rate on refunds should be allowed to fluctuate according to changing financial conditions. Some commenters, however, did object to that feature of the Commission's proposal which would require a rounding off of the interest rate on refunds to the nearest half of a percentage point. It was argued that rounding would only serve to reduce the accuracy of the rate. Alternate suggestions were rounding to the nearest one-quarter or one-tenth of a point, or no rounding at all.

Suggestions were also made to revise the Commission's proposal to adjust the interest rate every three months. One customer recommended adjustment every month, while one seller advocated change every six months.

B. Discussion. The rounding feature of our proposal will be eliminated. Just as we have required compounding in order to achieve a more realistic representation of the costs and benefits associated with overpayments, so should we utilize the actual (not rounded) prime rate in arriving at an average for the most recent three full months.

The Commission will, however, retain the adjustment mechanism on a quarterly basis. Except in a few isolated instances, we do not believe that the prime rate fluctuates enough from month to month to warrant a monthly adjustment in the interest rate on refunds.

In addition, monthly adjustments would appear to be unduly cumbersome to administer. On the other hand, we believe that recent history demonstrates that the prime rate can fluctuate frequently enough to warrant interest adjustments more often than twice a year.

We have incorporated minor changes to the proposed adjustment procedure in order to clarify the procedure and to

delete the necessity for the Commission to regularly announce interest rates.

The automatic adjustment mechanism will operate in the following manner: the rate of interest on refunds to be applied during any given calendar quarter will be determined by calculating the arithmetic mean of the prime rates for the most recent three months for which values are available at the beginning of that quarter. Because the monthly *Federal Reserve Bulletin* in which the prime rate is published is not available until well into the next month, the most recent three months of known values will always be the second, third, and fourth months preceding each calendar quarter. Therefore, the interest rate on refunds during the first calendar quarter of any given year will be the arithmetic mean of the prime rates for the months of September, October, and November of the preceding year, as published in the December *Federal Reserve Bulletin*. Because the *Federal Reserve Bulletin* calculates the prime rate to the nearest one-hundredth percentage, we will require the same with respect to refund interest rate calculations.

It is impossible to predict with precision what effect the new standard will have upon future refunds because (a) base refund amounts and refund periods cannot be predicted, and (b) the prime interest rate cannot be projected with any certainty. However, we can gain a meaningful insight into the likely effects of our new standard by viewing it in light of the recent past. (See Appendix A.)

The chart attached hereto showing fluctuations in the prime rate suggests that money market conditions have changed more often over recent years than has our rate of interest on refunds. As we noted in Section II, *supra*, the burdens and benefits associated with overpayments are closely related to money market conditions. When money is difficult and expensive to obtain, overpayments become more of a burden to the ratepayer and more of a benefit to the seller than when money is easy to obtain. We believe the prime rate is the money market indicator which best achieves an even balancing of these burdens and benefits. The new procedure will reflect current market conditions, and thus the current burdens and benefits associated with overpayments, more accurately and fairly than did the former method of computing interest.

We tested the practical consequences of our action by comparing the current interest rate procedure (using 9% simple interest) with the proposed procedure as if it had been in effect for hypothetical refund amounts over a recent timespan,

²The compound interest concept was not foreign to the Federal Power Commission. It required compound interest on refunds in individual cases in the past. *Trunkline Gas Co. v. Superior Oil Co.*, 35 FPC 335 (1966).

thereby indicating generally the impact of our change in procedures. (See Appendix A.)

The results were consistent with our expectations. The closer the prime rate is to equalling or exceeding the present 9% rate, the more likely it is that refunds under our new method will exceed those payable under the current practice. Also, as can be seen from the tables in Appendix A, the length of time that revenues are held will now become significant due to the compounding feature. The larger the refund period, the greater will be the consequences of compounding. Upon review of the results reached in Appendix A, and in light of the interest rate goals hereinbefore stated, we do not believe the effects of our decision are unreasonable or will impose an undue burden upon any party.

V. Refund Requirements for Oil Pipelines

A. Summary of Comments. Comments received from the oil pipeline carriers allege that they are sufficiently dissimilar from natural gas pipelines and producers and electric utilities so as to warrant unique treatment, *i.e.*, a lower rate of interest on refunds. On May 23, 1979, the Association of Oil Pipelines (AOPL) filed a motion to initiate a separate interest rate on refunds rulemaking proceeding for oil pipelines, and sever it from this docket. The Commission has determined not to initiate a separate rulemaking proceeding with respect to oil pipelines. The motion of the AOPL is thus hereby denied. However, as discussed below, the Commission will give separate consideration to the arguments raised by AOPL.

The Oil Pipeline Board, the State of Alaska, and the Mid-Continent Petroleum Shippers unanimously support the Commission's oil pipeline refund proposals, with the exception of minor language changes to more accurately reflect the relationship between oil shippers and oil pipeline carriers.

B. Discussion. The Commission is not persuaded that the circumstances surrounding the transportation of oil by pipeline warrant treatment different from that accorded natural gas pipelines, producers, and electric utilities.³ However, because the regulation of oil pipelines is still a relatively new endeavor for this Commission, we have determined to

³For the most part, the arguments raised by AOPL for a separate proceeding are identical to those made in support of a lower interest rate for oil pipelines.

postpone the issuance of any oil pipeline refund regulations pending oral argument on this issue.⁴ The arguments should specifically address why the oil pipelines should or should not be subject to the same refund rates and procedures as are applicable to the other utilities under our jurisdiction. Specific changes in those refund rates and procedures, if any are recommended, should also be set forth. The Commission will announce refund regulations for the oil pipelines based upon the comments submitted thus far, and the oral argument, in a later order in this proceeding.

VI. Carrying Charges on Amounts Accumulated in the Deferred Purchased Gas Account

A. Summary of Comments. The majority of the comments received on this issue were in favor of the Commission's proposal to tie the carrying charge rate accrued on balances in Account 191 to that provided for interest on refunds, including quarterly compounding.⁵ Other suggested rates for carrying charges were the overall rate of return allowed, and a rate "substantially below" that applied to refunds.

B. Discussion. The Commission will adopt its proposal to tie the carrying charge on balances in Account 191 with that rate provided for interest on refunds, including quarterly compounding. It is apparent that there are sufficient similarities between the origin of the base amounts, and the purpose of the interest, to warrant similar treatment with respect to interest rates. Deferred purchased gas costs represent temporary, unexpected expenses incurred by the supplier which are eventually repaid by the consumer. Tariff overcharges are expenses incurred by customers which are repaid by the sellers. Until they are repaid, the Commission provides for the accumulation of interest (or carrying charges) on the amounts outstanding. The interest rate (or carrying charges) represents the time-value of the funds during the period in which these expenses occur. Consistent with the goals set forth in Section II of this order, the interest (or carrying charges) portion of this payment is intended to place the parties, to the greatest extent possible, in the same position they would have

⁴The notice of oral argument will be issued separately from this order.

⁵Clarifying language has been added to section 154.38 of our regulations in order to make clear the requirement that interest on carrying charges is to be compounded in the same manner as interest on refunds.

been in had there been no delay in the recoupment of expenses.

Also of importance is the fact that a pipeline's Account 191 balance (including the total carrying charges allowed) is directly reduced by refunds from pipeline suppliers. In view of the direct relationship between refunds and the balance in Account 191, it is reasonable that both reflect an identical interest rate.

VII. AFUDC Rate

A. Summary of Comments. A few commenters suggested that, in addition to applying the interest rate on refunds to the amounts accrued in the deferred purchased gas account, the Commission should make the same rate applicable to calculations of the allowance for funds used during construction (AFUDC).

B. Discussion. The same underlying factors do not apply to AFUDC. The three costs a utility is permitted to recover while constructing a new plant are as follows: financing capital investment, interest, and return on equity. These combined costs are known as AFUDC. There are two methods by which these costs may be recovered from the ratepayers, *i.e.*, capitalizing AFUDC or including construction work in progress (CWIP) in rate base. To the extent that CWIP is not presently included in rate base, AFUDC costs for construction are added to the overall cost of the plant, which is then paid by the future ratepayers in the form of depreciation and rate of return on the augmented rate base.

As the Federal Power Commission (the predecessor agency of the Commission) noted in Order No. 561,⁶ which established the formula for calculating AFUDC (*mimeo*, at 1):

The stated objective of [the AFUDC formula] was to establish a method which would give recognition to the interrelationship between capital utilized for rate case purposes and the capital components of AFUDC in a manner that would permit a utility to achieve a rate of return on its total utility operations, including the construction program, at approximately the rate which would be allowed in a rate case.

Therefore it is apparent that the interest rate on refunds and the AFUDC rate are not meant to achieve similar goals. A major distinction is that the interest rate on refunds (and the carrying charge rate) is intended to strike a compromise between the costs and benefits associated with the underlying expense, while the AFUDC rate is aimed solely at the utility's cost

⁶Order Adopting Amendment to Uniform System of Accounts, Docket No. RM75-27, issued February 2, 1977.

of money. As such, we do not believe it is appropriate or necessary to require that they be identical. (Furthermore, the proposal to adopt the interest rate on refunds as the AFUDC rate is beyond the scope of the Notice of Proposed Rulemaking in this docket.)

VIII. Reduction in Number of Refund Reports

A. Summary of Comments. The majority of responses that were received on this issue were in favor of the Commission's proposal to reduce the refund reporting requirement from a monthly to an annual basis, subject to change in individual cases by the director of the appropriate office of the Commission. A few customers objected, however, on the basis that the monthly reports were necessary for rate case purposes, and because no standards are suggested for determining when more frequent reports might be required.

A few commenters suggested that sellers should be permitted in their annual refund reports to show the requested data only for the twelve months combined rather than for each month individually.

B. Discussion. The Commission has determined that no substantial revisions to its refund reporting proposal are warranted. To the extent that more information is required by a customer than is contained in the annual reports, that customer may always: (1) request the information through a data request; or (2) petition the director of the appropriate office for more frequent reports. Timely requests for extensions of time necessitated by these procedures will be considered in the usual manner. Because it would be impossible to predict all the reasons why an office director may require refund reports more frequently than once a year, we will add to the proposed regulations that a request for more frequent reports will be granted if "good cause" is shown.

Despite the reduction in the number of reports, we will continue to require that the information be provided on a monthly, rather than on an annual, basis. Much, if not all, of the monthly information must be maintained by the seller for billing purposes. Moreover, this requirement should serve to minimize any inconvenience which customers may experience due to the reduction in the frequency of reporting.

IX. Miscellaneous

Some of the comments raised issues not addressed in the Notice of Proposed Rulemaking. To the extent they are relevant to this proceeding, they are addressed here.

It was suggested that because not all billing periods end at the termination of a calendar quarter, the proposed interest rate should apply only to bills rendered during subsequent quarters. Our concern here is with refundable amounts held during a particular period, not with when the billing period may end. Keying the applicability of a particular interest rate to the billing period misplaces the focus of the interest requirement.

One commenter proposed that the ratepayers should be charged with the expense of maintaining records and making refunds. Contrary to the views of the commenter, the administration of such matters is not for the benefit of the customers. These procedures are merely for the purpose of assuring that the ratepayers remain whole despite having to pay excessive rates for a time. In fact, a necessary part of the statutory process by which utilities are permitted to increase rates is the maintenance of records and making refunds.

The Department of Energy filed comments requesting clarification of the applicability of this proceeding to Federal power rate cases. The Notice of Proposed Rulemaking did not address this issue nor have we considered whether the policies established in this proceeding are equally suitable for Federal power rate cases. We intend to propose at a future date procedures and policies to be followed in the event that a Federal power marketing agency's rate ultimately confirmed and approved by the Commission is lower than an interim rate being collected under the authority of the Assistant Secretary for Resource Applications.

Finally, we note that our regulations require gas pipelines and producers under our jurisdiction to file (1) a motion to put a suspended rate into effect, and (2) an undertaking to comply with the refund and reporting procedures described in the refund regulations, before the suspended rate may become effective. We believe that the motion requirement adds nothing to the efficiency of the regulatory process, and should be eliminated. With respect to the undertaking requirement, the consistency with which gas pipelines and producers have made their required refunds over the years leads us to believe that undertakings are no longer necessary to assure that refunds will be made as prescribed by the Commission. Therefore, we are considering deleting the motion and undertaking requirements from sections 154.67 and 154.102 of the regulations. Written comments on this proposal should be submitted on or before October 9, 1979 to Kenneth F. Plumb, Secretary, Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

The regulations which follow include amendments to sections 270 and 284 in order to conform with the amendment to section 273, which was proposed and is adopted as set forth below.

Pursuant to section 553(d) of the Administrative Procedure Act, 5 U.S.C. § 553(d), the Commission finds good cause exists to make this final rule effective on October 1, 1979, which affords less than 30 days notice subsequent to publication of the rule. Specifically, the regulations are designed to commence at the beginning of a calendar quarter; the next calendar quarter begins October 1, 1979. A primary purpose of this rule is to track the average prime rate for refund purposes in order to reduce the financial burdens upon customers due to rate overpayments. The Commission finds that the rate at which the prime interest rate is rising requires that the rules be made effective for the upcoming calendar quarter in the order that customers may be adequately compensated with respect to refunds ultimately determined to be payable.

(Section 16, Natural Gas Act, 15 U.S.C. 7170; section 309, Federal Power Act, 16 U.S.C. 825h; section 15(7) of the Interstate Commerce Act, 49 U.S.C. 825h; section 15(7) of the Interstate Commerce Act, 49 U.S.C. § 15(7); Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 F.R. 46267.)

In consideration of the foregoing, Parts 35, 154, 270, 273 and 284 of Chapter 1, Title 18, of the Code of Federal Regulations are amended as set forth below, effective October 1, 1979.

By the Commission.

Kenneth F. Plumb,
Secretary.

Appendix A

Some Observations About the Comparative Magnitudes of Refunds Under the Existing and New Refunds Interest Rate (RIR) Procedures

We have noted that it is not possible to demonstrate with any precision what the "effect" of the RIR procedure we are here implementing will be. This is simply because, although it is certainly true that refund amounts cannot be predicted, it is perhaps even more important to realize that future values of the prime interest rate cannot be forecast with absolute certainty.

In lieu of such infeasible analysis, we have developed some hypothetical refund scenarios to illustrate the new RIR procedure. In so doing, we compare refund interest amounts on hypothetical refunds over selected historical timespans for (a) the existing (constant 9% simple interest) RIR procedure and (b) the new RIR process (as if it has been in effect) and can thereby gain some rough idea about what impact the new

procedure can have in relation to our current practice. We must qualify the results given here by stating at the outset that they are sensitive to both the refund principal amounts and the timespans (lengths and dates) used. Nonetheless, there are some general tendency conclusions that can be drawn, and we shall note these.

Table I gives raw monthly data on interest rates for the period Sept. 1976-April 1979. The values labeled "New RIR For Quarter" are seen to be the simple three-month averages of actual prime rate values which constitute the relevant derivation for the new RIR procedure. It will be recalled that the value for any quarter is applied to each of the three months that comprise that quarter. The last column displays the constant 9% interest rate currently used on a simple interest basis in RIR determinations.

Table II presents two hypothetical refund situations:

Case A—Refund of \$100,000 excess revenue collected in each of Quarters 77-2, 3, 4, is ordered halfway through the second quarter of this year (1979).

Case B—Refund of \$100,000 excess revenue collected in each of Quarters 78-4 and 79-1 is ordered, again halfway through Q79-2.

The new and current method RIR values are simply taken from Table I. Column 4 gives the total new method refund (principal + quarterly compound interest) in each of Cases A and B. To aid interpretation, the \$116,390 figure for Quarter 77-3, for example, is the total new method amount to be paid with respect to the \$100,000 excess revenue collected during Q77-3, where quarterly compounding has been applied for the 7½ quarters the money was held. In contrast, the \$116,875 amount in Column 7 shows the amount to be paid under the current RIR method where simple interest has been calculated, again for 7½ quarters.

It is seen that in Case A, all quarters would have had lower refunds under the new RIR procedure than under the existing constant simple interest rate. In Case B, however, the new procedure refunds for both quarters would have exceeded the current method amounts.

It is thus apparent that neither method will lead to higher (lower) refunds in all instances; specific situations must be examined individually. As tentative observations, however, we can observe that:

- (1) The closer the prime rate values over a timespan in question are to equalling or exceeding the 9% constant rate, the more likely it is that refunds under our new method will exceed those payable under the current practice. Case B shows this clearly, and Case A's Q77-4 new and current method values (which are almost equal) suggest it when one realizes that the prime rate values applicable to the Q77-4 timespan are, as a group, higher than the values for the preceding two quarters.
- (2) The length of time that excess revenues are held can make a difference (as one would intuit), since the longer compounding cumulates, the greater will be the value under the new procedure. One can see, for example, that the

difference between current and new method amounts is greater for Q77-2 (\$907) than for Q77-3 (\$485), where this result is primarily attributable to the additional quarter of time over which Q77-2's amount was held since the prime rates are virtually the same for both quarters.

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Table 1

Refunds Interest Rate (RIR) Values
(Interest Rates Are Annual Percentages)

<u>Year - Mo.</u>	<u>Prime Rate*</u>	<u>Quarter</u>	<u>New RIR for Quarter**</u>	<u>Current RIR for Quarter</u>
1976	Sept. 7.00	--	--	--
	Oct. 6.78	76-4		
--	Nov. 6.50			
	Dec. 6.35			
1977	Jan. 6.25	77-1	6.76	9.00
	Feb. 6.25			
	Mar. 6.25			
	Apr. 6.25	77-2	6.28	9.00
	May 6.41			
	June 6.75			
	July 6.75	77-3	6.30	9.00
	Aug. 6.83			
	Sept. 7.13			
	Oct. 7.52	77-4	6.78	9.00
	Nov. 7.75			
	Dec. 7.75			
1978	Jan. 7.93	78-1	7.47	9.00
	Feb. 8.00			
	Mar. 8.00			
	Apr. 8.00	78-2	7.89	9.00
	May 8.27			
	June 8.63			
	July 9.00	78-3	8.09	9.00
	Aug. 9.01			
	Sept. 9.41			
	Oct. 9.94	78-4	8.88	9.00
	Nov. 10.94			
	Dec. 11.55			
1979	Jan. 11.75	79-1	10.10	9.00
	Feb. 11.75			
	Mar. 11.75			
	Apr. 11.75	79-2	11.68	9.00

* From various issues of the Federal Reserve Bulletin.

** Calculated as the arithmetic mean of the most recent 3 months' prime rate values that are available on the last day of a calendar quarter and are published in the F.R. Bulletin. For the quarter 77-2, for example, the relevant observations are: Dec. 1976; Jan. and Feb. 1977. This is because the March 1977 prime rate was not published in the F.R. Bulletin until well into April.

Table II

**Illustrative Hypothetical Refund Calculations
For Current and New Refund Interest Rates (RIR's);
As If The Latter Had Been in Effect**

Quarter (1)	Refund Amount (2)	New RIR (%) (3)	Refunds + Interest, Compounded Quarterly 1/ (4)	Current Method RIR (%) (5)	Refunds + Interest, Currently 2/ (6)
77-1		6.76		9.0	
-2*	\$100,000	6.28	\$118,218	9.0	\$119,125
-3*	100,000	6.30	116,390	9.0	116,875
-4*	100,000	6.78	114,586	9.0	114,625
78-1		7.47		9.0	
-2		7.89		9.0	
-3		8.09		9.0	
-4#	100,000	8.88	106,320	9.0	105,625
79-1#	100,000	10.10	104,011	9.0	103,375
-2@		11.68		9.0	

*,# The locked-in periods during which excess revenues were collected --
Case A(*) and Case B (#)

@ Assume refund orders are issued halfway through 79-2 quarter.

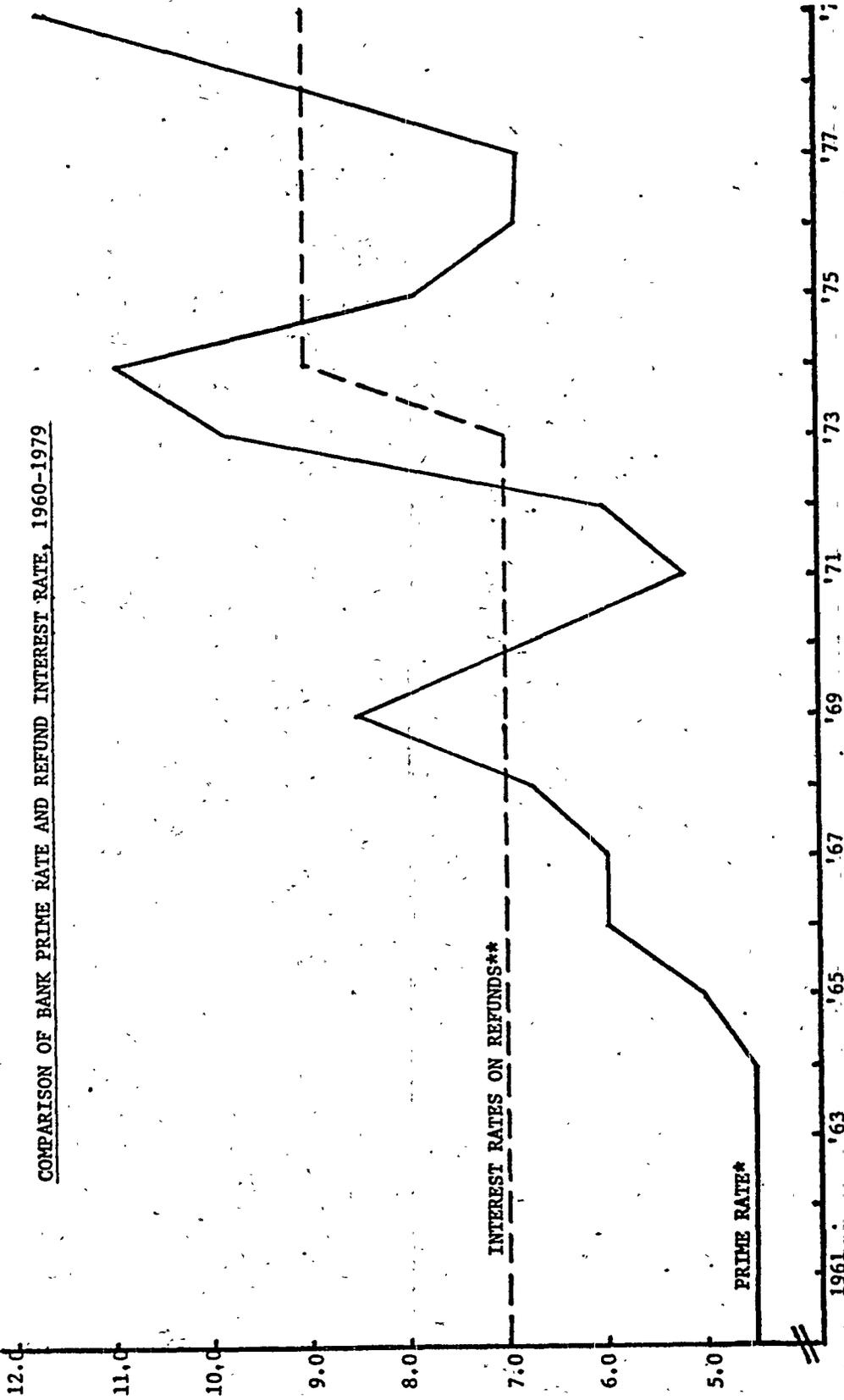
1/ Compound amounts are calculated by using for each quarter in which interest is owed the RIR specific to that period. The annual basis RIR values must be converted to the corresponding sub-annual rates and then be compounded for the correct number of periods. For example, the 77-4 quarter refund amount is calculated over 6 1/2 quarters as:

$$A_{77-4}^Q = (100,000)(1 + 0.0678/4)(1 + 0.0747/4) \dots (1 + 0.101/4) (1 + 0.1168/4) 0.5$$

2/ Simple interest amounts are calculated by forming a multiplier factor based on the number of years a refund amount was held. For example, Quarter 77-2's amount was held for 8 1/2 quarters, or 2.125 years. The refund plus interest is thus:

$$A_{77-2} = (100,000) [1 + (2.125)(0.09)] 7$$

COMPARISON OF BANK PRIME RATE AND REFUND INTEREST RATE, 1960-1979



* Rates shown reflect end-of-year levels for 1960-1973; rates shown for 1974-1978 reflect arithmetic averages of the twelve monthly weighted averages; rate shown for 1979 reflects arithmetic average of the monthly weighted averages through June.

** Rates reflect appropriate rates in effect at end of year.

Note: Order 215A (March 3, 1960) raised rate for independent natural gas producers to 7.0 percent, rates for pipelines and electric utilities set on a case by case basis; Order 442 (December 3, 1971) extended 7.0 percent coverage to pipelines and electric utilities; Order 513 (October 10, 1974) raised all refund rates to 9.0 percent.

1. Section 35.19a is amended to read as follows:

§ 35.19a Refund requirements under suspension orders.

(a) *Refunds.* (1) The public utility whose proposed increased rates or charges were suspended shall refund at such time in such amounts and in such manner as required by final order of the Commission the portion of any increased rates or charges found by the Commission in that suspension proceeding not to be justified, together with interest as required in subparagraph (2) of this paragraph.

(2) Interest shall be computed from the date of collection until the date refunds are made as follows:

(i) At a rate of seven percent simple interest per annum on all excessive rates or charges held prior to October 10, 1974;

(ii) At a rate of nine percent simple interest per annum on all excessive rates or charges held between October 10, 1974, and September 30, 1979; and

(iii)(A) At an average prime rate for each calendar quarter on all excessive rates or charges held on or after October 1, 1979. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate values published in the *Federal Reserve Bulletin* for the fourth, third, and second months preceding the first month of the calendar quarter.

(B) The interest required to be paid under clause (iii)(A) shall be compounded quarterly.

(3) Any public utility required to make refunds pursuant to this section shall bear all costs of such refunding.

(b) *Reports.* Any public utility whose proposed increased rates or charges were suspended and have gone into effect pending final order of the Commission pursuant to section 205(e) of the Federal Power Act shall:

(1) Keep accurate account of all amounts received under the increased rates or charges which became effective after the suspension period, for each billing period, specifying by whom and in whose behalf such amounts are paid;

(2) Submit annually on or before April 30 of each year to the Commission, in writing (original and one copy) and under oath the following information concerning each billing period for each purchaser for the previous calendar year:

(i) The monthly billing determinants of electricity sold and delivered to each purchaser under the suspended agreements and tariffs;

(ii) The revenues which would result from such sales if they were computed under the rates in effect immediately prior to the date the proposed increased rates or charges became effective;

(iii) The revenues resulting from such sales as computed under the proposed increased rates or charges that became effective after the suspension period; and

(iv) The difference between those revenues computed in clauses (ii) and (iii) of this subparagraph.

(3) The Director of the Office of Electric Power Regulation may require reports on a more frequent basis in individual cases when it is deemed appropriate and necessary to do so, or upon request where good cause is shown.

2. Section 154.38 is amended in subparagraph (d)(4)(iv)(c) by revising the first three sentences to read as follows:

§ 154.38 Composition of rate schedule.

(d) *Statement of rate.* * * *

(4) * * *

(iv) * * *

(c) Carrying charges shall be computed based on the ending balances in Account 191. The rate for computation of carrying charges shall be the current rate of interest on pipeline refunds set forth in § 154.67(d)(2)(iii)(A) with interest compounded in the manner set forth in section 154.67(d)(2)(iii)(B). * * *

3. Section 154.67 is amended to read as follows:

§ 154.67 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(a) *Effect of suspended changes in rate schedules.* If a rate suspension proceeding initiated under section 4(e) of the Natural Gas Act has not been concluded and an order issued by the Commission at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect upon motion of the pipeline company proposing the change so long as the pipeline company complies with all requirements of this section. The proposed rate, charge, classification, or service shall become effective as of the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later. Three copies of the motion shall be filed with the Commission.

(b) *Undertaking to comply.* (1) Concurrently with the motion to make the suspended rate effective, the

company shall file an undertaking, described in subparagraph (2) below, to comply with the provisions of paragraphs (c) and (d) of this section. Three copies of the undertaking shall be filed with the Commission. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such motion and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(2) The pipeline company shall file with the Secretary an undertaking to comply with the terms of this section. Such undertaking shall be signed by a responsible officer of the company, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon the purchasers under the rate schedules to be made effective by the motion of the company, and shall conform to the model undertaking below:

Agreement and Undertaking of [Company] To Comply With the Terms and Conditions of Section 154.67 of the Commission's Rules and Regulations Under the Natural Gas Act in Respect to [Company's] Motion To Have Its Proposed Tariff Sheets in Docket No. RP Placed Into Effect

In conformity with the requirements of § 154.67 of the Commission's rules and regulations under the Natural Gas Act [Company], hereby agrees and undertakes to comply with the terms and conditions of said section of the Commission's rules and regulations and has caused this agreement and undertaking to be executed and sealed in its name by its officer(s) thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____, 19____.

By: [Company].

Attest: _____.

(c) *Reports.* Any pipeline company whose proposed increased rates or charges were suspended and have gone into effect pending final order of the Commission pursuant to section 4(e) of the Natural Gas Act shall:

(1) Keep accurate account of all amounts received under the increased rates or charges which became effective after the suspension period, for each billing period, specifying by whom and in whose behalf such amounts are paid;

(2) Submit annually on or before April 30 of each year to the Commission, in writing (original and one copy) and under oath the following information concerning each billing period, for each purchaser for the previous calendar year:

(i) The monthly billing determinants of natural gas sold and transported to each purchaser under the suspended agreements or tariffs;

(ii) The revenues which would result from such sales if they were computed under the rates in effect immediately prior to the date the proposed increased rates or charges became effective;

(iii) The revenues resulting from such sales as computed under the proposed increased rates or charges that became effective after the suspension period; and

(iv) The difference between the revenues computed in clauses (ii) and (iii) of this subparagraph.

(3) The Director of the Office of Pipeline and Producer Regulation may require reports on a more frequent basis in individual cases when it is deemed appropriate and necessary to do so, or upon request where good cause is shown.

(d) *Refunds.* (1) Any pipeline company that collects rates or charges pursuant to this section shall refund at such time in such amounts and in such manner as may be required by final order of the Commission the portion of any increased rates or charges found by the Commission in that proceeding not to be justified, together with interest as required in subparagraph (2) of this paragraph.

(2) Interest shall be computed from the date of collection until the date refunds are made as follows:

(i) At a rate of seven percent simple interest per annum on all excessive rates or charges held prior to October 10, 1974;

(ii) At a rate of nine percent simple interest per annum on all excessive rates or charges held between October 10, 1974 and September 30, 1979; and

(iii) (A) At an average prime rate for each calendar quarter on all excessive rates or charges held on or after October 1, 1979. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate values published in the *Federal Reserve Bulletin* for the fourth, third, and second months preceding the first month of the calendar quarter.

(B) The interest required to be paid under clause (iii)(A) shall be compounded quarterly.

(3) Any pipeline company required to make refunds pursuant to this section shall bear all costs of such refunding.

(4) Until the pipeline company makes the refunds as may be required by order of the Commission, the undertaking required by this section shall remain in full force and effect.

4. Section 154.102 is amended to read as follows:

§ 154.102 Suspended changes in rate schedules; motions to make effective at end of period of suspension; procedure.

(a) *Effect of suspended changes in rate schedules.* If a rate suspension proceeding initiated under section 4(e) of the Natural Gas Act has not been concluded and an order issued by the Commission at the expiration of the suspension period, the proposed change of rate, charge, classification, or service shall go into effect upon motion of the independent producer proposing the change so long as the independent producer complies with all requirements of this section. The proposed rate, charge, classification, or service shall become effective as of the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later. Three copies of the motion shall be filed with the Commission. The Secretary, upon receipt of such a motion, shall, if the motion is legally adequate for the purpose, notify the movant that the proposed rate change shall be effective as provided in this section: *Provided*, That the Secretary shall refer to the Commission any motion requesting that a change in rate, charge, classification, or service be made effective, if in his judgment the motion should receive the specific attention of the Commission.

(b) *Undertaking to comply.* (1) There shall be filed by the independent producer a surety bond, or other undertaking, to be approved by the Secretary to comply with the provisions of paragraphs (c) and (d) of this section. Three copies of the undertaking shall be filed with the Commission. The bond or undertaking may be filed concurrently with the motion to make the increased rates effective. If with his/her motion the producer has not filed a satisfactory bond or undertaking such bond or undertaking must be filed within 30 days after the issuance of the Secretary's notice provided for in paragraph (a) of this section. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, such bond or undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(2) In compliance with subparagraph (1) of this paragraph, an independent producer may file a general undertaking affording blanket refund coverage of any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder. Upon acceptance of such general undertaking, the producer need not file further refund assurance when filing a motion to make increased rates effective unless specifically

required to do so by order of the Commission.

(c) *Record keeping.* Any independent producer whose proposed increased rates or charges were suspended and have gone into effect pending final order of the Commission pursuant to section 4(e) of the Natural Gas Act shall:

(1) Keep accurate accounts of all amounts received by reason of the increased rates or charges which became effective after the suspension period, for each billing period, specifying by whom and in whose behalf such amounts are paid;

(2) Record for each purchaser:

(i) The monthly billing determinants of natural gas sold and delivered to each purchaser under the suspended agreements and tariffs;

(ii) The revenues which would result from such sales if they were computed under the rates in effect immediately prior to the date the proposed increased rates or charges became effective;

(iii) The revenues resulting from such sales as computed under the proposed increased rates or charges that became effective after the suspension period; and

(iv) The difference between the revenues computed in clauses (ii) and (iii) of this subparagraph.

(d) *Refunds.* (1) Any independent producer that collects rates and charges pursuant to this section shall refund at such times, in such amounts to the persons entitled thereto and in such manner as may be required by final order of the Commission the portion of any increased rates or charges found by the Commission in that proceeding not to be justified, together with interest thereon as required in subparagraph (2) of this paragraph.

(2) Interest shall be computed from the date of collection until refunds are made as follows:

(i) At a rate of seven percent simple interest per annum on all excessive rates or charges held prior to October 10, 1974;

(ii) At a rate of nine percent simple interest per annum on all excessive rates or charges held between October 10, 1974, and September 30, 1979; and

(iii)(A) At an average prime rate for each calendar quarter on all excessive rates or charges held on or after October 1, 1979. The applicable average prime rate for each calendar quarter shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate values published in the *Federal Reserve Bulletin* for the fourth, third, and second months preceding the first month of the calendar quarter.

(B) The interest required to be paid under clause (iii)(A) shall be compounded quarterly.

(3) Any independent producer that is required to refund amounts collected pursuant to this section shall bear all costs of any such refunding.

(4) Until the independent producer makes the refunds as may be required by order of the Commission, the undertaking required by this section shall remain in full force and effect.

5. Section 270.101 is amended in paragraph (e) to read as follows:

§ 270.101 Application of ceiling prices to first sales of natural gas.

(e) *General refund obligation.* Any price collected with respect to a first sale of natural gas to which this subchapter applies is collected subject to a general obligation promptly to refund any portion of such price, together with interest determined in accordance with § 154.102(d), which is in excess of the maximum lawful price, or collection of which is not authorized by this subchapter. Compliance with the specific refund requirements of § 273.302 shall not terminate the general refund obligation under this subchapter.

6. Section 273.302 is amended in subparagraph (1) of paragraph (e) to read as follows:

§ 273.302 Refunds of interim collections.

(e) *Refund payment.*

(1) Within 45 days after an eligibility determination that a first sale is not eligible for the price collected under this part becomes final, the seller shall refund to the purchaser by cash or check the refund amount computed under paragraph (g) of this section together with interest determined in accordance with § 154.102(d), on the excess charges that have been collected from the date of payment until the date of refund.

7. Section 284.2 is amended in paragraph (b) to read as follows:

§ 284.2 Refunds and interest.

(b) *Interest.* All refunds made pursuant to this section shall include interest at an amount determined in accordance with § 154.102(d).

[FR Doc. 79-28576 Filed 9-13-79; 8:45 am]

BILLING CODE 6450-01-M

18 CFR Parts 271 and 274

[Docket No. RM79-72; Order 43]

New Onshore Production Wells; Erratum Notice

AGENCY: Federal Energy Regulatory Commission.

ACTION: Erratum Notice Correcting Final Regulations and Amendment to Interim Regulations.

SUMMARY: Notice is hereby given of correction to Commission's Final Regulations and Amendment to Interim Regulations, Docket No. RM79-72, issued August 20, 1979, and titled "Final Rule Amending Regulations on Natural Gas from New, Onshore Production Wells and Amendment to the Filing Requirements in § 274.204 of the Interim Regulations."

The following change should be made to the final regulations promulgated in the above-referenced order, issued August 20, 1979:

At the bottom of page 24 of the order (and at 44 Fed. Reg. 49,655, column 3, next to the last line) after the words "jurisdictional agency" add "must make a finding based on such review that prior to".

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-28577 Filed 9-13-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-79-711]

Section 8 Projects; Amendment of Fair Market Rent Schedules; Massachusetts

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

ACTION: Amendment of Section 8 Fair Market Rent Schedules.

SUMMARY: HUD is amending the schedules of Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation projects for all Massachusetts market areas to include two elevator structural classifications. These proposed rents will take effect without another publication unless HUD

determines further revision is appropriate.

COMMENT DUE DATE: September 21, 1979.

EFFECTIVE DATE: September 23, 1979.

ADDRESS: Please send comments to the Rules Docket Clerk, Room 5218, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-7603. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Supervisory Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-5743. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Data recently received from the Boston Area Office establishes an immediate need to amend the Fair Market Rents for Section 8 newly-constructed and substantially rehabilitated projects in order to include a 2-4 story elevator classification and a 5+ story elevator category. The 2-4 story classification relates to zero through four bedroom units in the Boston market area, while it relates to zero through two bedroom units in all other Massachusetts market areas. An additional amendment relates to a proposed zero bedroom rent applicable to the 5+ story elevator category for the Fall River, Massachusetts market area.

The last annual revision of all Fair Market Rents was published at 44 FR 41092 on July 13, 1979.

Opportunity for public comment must be limited to one week in order to permit these rents to become effective and projects to be processed before the expiration of this fiscal year. HUD will consider all comments. If HUD determines that further revision of these rents is appropriate, the effective date of the rents will be deferred and notice of the appropriate changes will be published in the Federal Register. If, however, no comments are received, or if HUD determines that the comments received are not relevant or do not establish the need for further changes in these rents, they will become effective without further publication by HUD on September 23, 1979.

HUD has made a finding of inapplicability respecting the National Environmental Policy Act of 1969 in accordance with HUD procedures. A copy of this finding of inapplicability is available for public inspection during regular business hours at the Office of

the Rules Docket Clerk at the address set forth above.

Waiver has been granted with respect to the legislative review requirements of section 7(o) of the Department of Housing and Urban Development Act.

Accordingly, the rents set forth below are:

(1) published for public notice and comment as explained above;

(2) published to become effective on September 23, 1979, unless notice is otherwise published by HUD on or before that date.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d))

Issued at Washington, D.C. on August 30, 1979.

Lawrence B. Simons,
Assistant Secretary for Housing, Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to April 1, 1981 to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

Area/Insuring Office, Boston, Mass.; Region I—Boston

Market area and structure type	Number of bedrooms				
	0	1	2	3	4 or more
Boston:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	336	433	488	649	712
5+ Story					
Cape Cod:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	291	378	408		
5+ Story					
Pittsfield:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	294	335	415		
5+ Story					
Springfield:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	260	335	395		
5+ Story					
Worcester:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	318	370	433		
5+ Story					
Fall River:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	320	352	416		
5+ Story	320				
Lowell:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	329	402	455		
5+ Story					
Salem:					
Detached					
Semidetached/row					
Walkup					
Elevator:					
2-4 Story	319	411	459		
5+ Story					

[FR Doc. 79-28575 Filed 9-13-79; 8:45 am]

BILLING CODE 4210-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Designation; Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on designation of certain State and local fair employment practices agencies so that they may handle employment discrimination charges within their jurisdiction, filed with the Commission.

EFFECTIVE DATE: September 14, 1979.

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, telephone 202-634-6040, Equal Employment Opportunity Commission (State and Local), 2401 E Street, NW., Washington, D.C. 20508.

SUPPLEMENTARY INFORMATION: Publication of this amendment to § 1601.74(a) effectuates the designation of the following agencies as 706 Agencies:

City of St. Petersburg (Fla.) Office of Human Relations¹

Clearwater (Fla.) Office of Community Relations

St. Louis (Mo.) Civil Rights Enforcement Agency.

Notice of proposed designation was published in the June 22, 1979 issue of the Federal Register, "44 FR 36432," with notice that written comments must have been filed with the Commission on or before July 9, 1979.

The Commission received no comments within the prescribed period for filing written comments regarding the proposed designation of the above agencies. With the addition of the above mentioned agencies, § 1601.74 (a) and (b) are amended and published as follows:

¹ On June 1, 1979, the St. Petersburg Office of Human Relations was designated a 706 Agency for all charges except those charges alleging retaliation under 704(a) of Title VII. Accordingly, "for retaliation charges" it was deemed a "Notice Agency," pursuant to 29 C.F.R. § 1601.71 (c). See 44 FR 31638. On May 23, 1979, an ordinance amended the St. Petersburg, Fla. Human Relations law to include charges of retaliation. Therefore, retaliation charges will be deferred to that agency effective immediately.

§ 1601.74 Designated and notice agencies.

(a) The designated 706 Agencies are:

Alaska Commission for Human Rights
 Alexandria (Va.) Human Rights Office
 Allentown (Pa.) Human Relations Commission
 Anchorage (Alaska) Equal Rights Commission
 Arizona Civil Rights Division
 Augusta/Richmond County (Ga.) Human Relations Commission
 Austin (Tex.) Human Relations Commission
 Baltimore (Md.) Community Relations Commission
 Bloomington (Ind.) Human Rights Commission
 Broward County (Fla.) Human Relations Division
 California Fair Employment Practices Commission
 Charleston (W. Va.) Human Rights Commission
 Clearwater (Fla.) Office of Community Relations
 Colorado Civil Rights Commission
 Colorado State Personnel Board
 Commonwealth of Puerto Rico Department of Labor
 Connecticut Commission on Human Rights and Opportunities
 Corpus Christi (Tex.) Human Relations Commission
 Dade County (Fla.) Fair Housing and Employment Commission
 Delaware Department of Labor
 District of Columbia Office of Human Rights
 East Chicago (Ind.) Human Relations Commission
 Evansville (Ind.) Human Relations Commission
 Fairfax County (Va.) Human Rights Commission
 Florida Commission on Human Relations
 Fort Wayne (Ind.) Metropolitan Human Relations Commission
 Fort Worth (Tex.) Human Relations Commission
 Gary (Ind.) Human Relations Commission
 Georgia Office of Fair Employment Practices
 Howard County (Md.) Human Rights Commission
 Hawaii Department of Labor and Industrial Relations
 Idaho Commission on Human Rights
 Illinois Fair Employment Practices Commission
 Indiana Civil Rights Commission
 Iowa Commission on Civil Rights
 Jacksonville (Fla.) Community Relations Commission
 Kansas Commission on Human Rights
 Kentucky Commission on Human Rights
 Lexington-Fayette (Ky.) Urban County Human Rights Commission
 Lincoln (Neb.) Commission on Human Rights
 Madison (Wi.) Equal Opportunities Commission
 Maine Human Rights Commission
 Maryland Commission on Human Relations
 Massachusetts Commission Against Discrimination
 Michigan Civil Rights Commission
 Minneapolis (Mn.) Department of Civil Rights
 Minnesota Department of Human Rights

Missouri Commission on Human Rights
 Montana Commission for Human Rights
 Montgomery County (Md.) Human Relations Commission
 Nebraska Equal Opportunity Commission
 Nevada Commission on Equal Rights of Citizens
 New Hampshire Commission for Human Rights
 New Jersey Division on Civil Rights, Department of Law and Public Safety
 New Mexico Human Rights Commission
 New York City (N.Y.) Commission on Human Rights
 New York State Division on Human Rights
 Ohio Civil Rights Commission
 Oklahoma Human Rights Commission
 Omaha (Neb.) Human Relations Department
 Oregon Bureau of Labor
 Orlando (Fla.) Human Relations Department
 Pennsylvania Human Relations Commission
 Pittsburgh (Pa.) Commission on Human Relations
 Prince George's County (Md.) Human Relations Commission
 Rhode Island Commission for Human Rights
 Rockville (Md.) Human Rights Commission
 St. Louis (Mo.) Civil Rights Enforcement Agency
 St. Paul (Mn.) Department of Human Rights
 St. Petersburg (Fla.) Office of Human Relations
 Seattle (Wa.) Human Rights Commission
 Sioux Falls (S.D.) Human Relations Commission
 South Bend (Ind.) Human Rights Commission
 South Carolina Human Affairs Commission
 South Dakota Division of Human Rights
 Springfield (Oh.) Human Relations Department
 Tacoma (Wa.) Human Rights Commission
 Tennessee Commission for Human Development
 Utah Industrial Commission
 Vermont Attorney General's Office, Civil Rights Division
 Virgin Islands Department of Labor
 Washington Human Rights Commission
 West Virginia Human Rights Commission
 Wheeling (W. Va.) Human Rights Commission
 Wichita (Ka.) Commission on Civil Rights
 Wisconsin Equal Rights Division, Department of Industry, Labor and Human Relations
 Wyoming Fair Employment Practices Commission

(b) The designated Notice Agencies are:

Arkansas Governor's Committee on Human Resources
 North Dakota Commission on Labor
 Ohio Director of Industrial Relations
 Raleigh (N.C.) Human Resources Department, Civil Rights Unit
 (Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e—12(a)).)

Signed at Washington, D.C. this 11th day of September, 1979.

For the Commission

Eleanor Holmes Norton,
 Chair, Equal Employment Opportunity Commission.

[FR Doc. 79-28674 Filed 9-13-79; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Chapter VII****Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Corrections**

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Corrections.

SUMMARY: This document corrects the errata notice that begins on page 49673 of the Federal Register of Friday, August 24, 1979.

EFFECTIVE DATE: September 14, 1979.

ADDRESS: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Toney Head, Jr., 202-343-4293.

SUPPLEMENTARY INFORMATION: This document corrects errors that appeared in the August 24, 1979, errata notice. The following instructions will aid the user in locating referenced corrections:
 Page—indicates the page number that appears in the upper margin
 Column—indicates the column number where the error is found
 Paragraph—indicates the number of full paragraphs down from the top of the column
 Line—indicates the number of lines down from the referenced paragraph or from the top of the column.

It is important to note that these corrections are being made to the Federal Register errata notice on August 24, 1979, not to the Preamble or the Regulations to the Permanent Regulatory Program that appeared in the March 13, 1979, Federal Register. This errata notice corrects typographical and printing errors, and clarifies the location of the original citations.

Dated: September 6, 1979.

Toney Head, Jr.,
 Acting Director, Office of Surface Mining Reclamation and Enforcement.

The following corrections are made:

Preamble

On page 49674, column 1, paragraph 18, line 2, "introductory paragraph" is corrected to read "paragraph 3".

On page 49674, column 2, paragraph 3, line 2, "line 10" is corrected to read "line 12".

On page 49674, column 2, paragraph 4, line 4, "1974." is corrected to read "1974,".

On page 49674, column 2, paragraph 6, line 3, "' drainage' as" is corrected to read "'drainage' as".

On page 49674, column 3, paragraph 13, line 2, "line 3, after "entirety,"" is corrected to read "line 3, "entirety," historically".

On page 49674, column 3, paragraph 13, line 4, "as it is used in Section 701(20) of the Act" is corrected to read "entirety, as it is used in Section 701(20) of the Act, "historically,".

On page 49675, column 1, paragraph 10, lines 2 and 3, "'(See Glossary of Geology'" is corrected to read "'(See Glossary of Geology, 1972, 1974, AGI, Washington, D.C., page 105.)'".

On page 49675, column 2, paragraph 1, line 2, "It could prove" is corrected to read "It could not prove".

On page 49675, column 2, paragraph 1, line 3, "it could not prove" is corrected to read "It could prove".

On page 49675, column 2, paragraph 6, line 1, "Section" is corrected to read "Part".

On page 49675, column 2, paragraph 8, line 4, "will issue a permit" is corrected to read "will issue".

On page 49675, column 3, paragraph 7, line 2, "minerials" is corrected to read "minerals".

On page 49676, column 1, paragraph 11, line 2, "paragraph 3" is corrected to read "paragraph 5".

On page 49676, column 3, paragraph 2, lines 1 and 2, "column 2" is corrected to read "column 1".

On page 49676, column 3, paragraph 12, lines 1 and 2, "column 1, line 11" is corrected to read "column 1, paragraph 4, line 11".

On page 49676, column 3, paragraph 15, is deleted.

On page 49676, column 3, paragraph 18, line 2, "paragraph 9" is corrected to read "paragraph 8".

On page 49677, column 1, paragraph 3, line 2, "line 3, Rev. 43 "481-530" is corrected to read "line 3, "Rev. 43:481-530".

On page 49677, column 1, paragraph 3, line 3, "read Rev:43 "481-529." is corrected to read "read "Rev: 43 481-529."".

On page 49677, column 1, paragraph 6,

line 2, "Journal 24" is corrected to read "Journal, 24".

On page 49677, column 3, paragraph 7, line 2 "paragraph 1" is corrected to read "paragraph 2".

On page 49677, column 3, paragraph 10, line 2, "paragraph 2" is corrected to read "paragraph 1".

On page 49678, column 1, paragraph 4, line 2, "paragraph 1" is corrected to read "paragraph 3".

On page 49678, column 1, paragraph 13, lines 1 and 2, "column 2, line 10" is corrected to read "column 2, paragraph 1, line 10".

On page 49678, column 2, paragraph 4, line 2, "lines 24" is corrected to read "lines 29".

On page 49680, column 1, paragraph 8, line 2, "2, line 25," is corrected to read "2, paragraph 1, lines 18 and 19,".

On page 49680, column 1, paragraph 12, line 4 "and line 13," is corrected to read "and column 3, paragraph 1, line 13,".

On page 49680, column 1, paragraph 14, is deleted.

On page 49680, column 2, paragraph 1, lines 2 and 3, "paragraph 8 "Agency" is corrected to read "paragraph 8, line 4, "Agency".

On page 49680, column 2, paragraph 4, line 3, "W. J." is corrected to read "W.J.,".

On page 49680, column 2, paragraph 9, line 2, "paragraph 1, line 1, line 8," is corrected to read "paragraph 1, line 8,".

On page 49680, column 3, paragraph 4, line 3, "variable" is corrected to read "variable".

On page 49680, column 3, paragraph 8, line 3, "and line 13, heading" is corrected to read "On page 15195, Section Title, paragraph 2,".

On page 49680, column 3, paragraph 10, line 2, "3, paragraph 3," is corrected to read "1, paragraph 1,".

On page 49680, column 3, paragraph 12, line 2, "1, paragraph 1," is corrected to read "3, paragraph 3,".

On page 49681, column 1, paragraph 4, line 2, "paragraph 10," is corrected to read "paragraph 11,".

On page 49681, column 1, paragraph 10, line 2, "1, "816.71" is corrected to read "3, Section Title, "816.71" ".

On page 49681, column 2, line 1, "1976": and line 16," is corrected to read "1976." On page 15205, Section 816.72, column 1, paragraph 2, line 16,".

On page 49681, column 2, paragraph 14, line 2, "paragraph 3, line 22, "Perterson and" is corrected to read "paragraph 2, line 22, "Peterson and".

On page 49681, column 3, paragraph 7, line 2, "paragraph 6, lines 5 and 6," is corrected to read "paragraph 5, line 6,".

On page 49681, column 3, paragraph 13, line 2, "applies" is corrected to read "applies".

On page 49681, column 3, paragraph 15, line 2, "1, line 1," is corrected to read "1, paragraph 4, line 18,".

On page 49682, column 1, paragraph 11, line 2, "paragraph 20," is corrected to read "paragraph 2,".

On page 49682, column 2, paragraph 12, line 3, "availability" is corrected to read "availability".

On page 49682, column 3, paragraph 2, line 5, "regarding," is corrected to read "regarding,".

On page 49683, column 1, paragraph 2, line 3, "Clenkner" is corrected to read "Cleckner".

On page 49683, column 2, paragraph 2, lines 4-11 are deleted. The following paragraph is inserted: On page 15245, Section 816.150-816.176, column 3, paragraph 8, line 1-5, "American Association of State Highway and Traffic Officials (AASHTO) Standard Specifications for Transporting Materials and Methods of Sampling and Testing, 1978s." is corrected to read "Specifications for transportation materials and methods of sampling and testing Part Specifications. Part II, Methods of sampling and testing. American Association of State Highway and Transportation Officials, Washington, D.C. Part I, 828 pp.; Part II 998 pp. 1978s.".

On page 49683, column 2, paragraph 5, lines 2 and 3, "paragraph 11, line 1, AASHTO, T-99" is corrected to read "paragraph 12, line 1, AASHTO, T-180" ".

On page 49683, column 2, paragraph 7, lines 1 and 2, "paragraph 13," is corrected to read "paragraph 14,".

On page 49683, column 3, paragraph 8, lines 1 and 2, "817.50, paragraph 1," is corrected to read "817.50, column 2, paragraph 1,".

On page 49683, column 3, paragraph 9, line 2, "817.61-817.68, line 12," is corrected to read "817.61-817.68, column 1, paragraph 6, line 12,".

On page 49684, column 1, paragraph 1, line 2, "paragraph 11," is corrected to read "paragraph 12,".

On page 49684, column 1, paragraph 10, line 3, "line 29," is corrected to read "line 5,".

On page 49684, column 1, paragraph 12, line 2, "Agriculture" is corrected to read "Agriculture" ".

On page 49684, column 2, paragraph 2, line 2, "paragraph 1," is corrected to read "paragraph 4,".

On page 49684, column 2, paragraph 3, line 2, "Furthermore" is corrected to read "Futhermore" ".

On page 49684, column 2, paragraph 4, line 2, "878.15" is corrected to read "787.15".

On page 49684, column 2, paragraph 7, line 2, "paragraph 5, lines 5 and 6," is corrected to read "last paragraph, lines 1 and 2,".

On page 49684, column 2, paragraph 9, line 2, "paragraph 2, line 13," is corrected to read "paragraph 4, line 4,".

On page 49684, column 3, the following paragraph is inserted after paragraph 3: On page 15308, Section 845.15, column 1, paragraph 3 is deleted.

On page 49684, column 3, paragraph 4, lines 1 and 2, "845.15, column 1," is corrected to read "845.17, column 2,".

Regulations

On page 49684, column 3, paragraph 6, line 8, "of" is corrected to read "for".

On page 49684, column 3, paragraph 8, line 1, "700.5," is corrected to read "700.5(a),".

On page 49685, column 1, paragraph 8, line 1, "741.14[E]" is corrected to read "741.14[e)".

On page 49685, column 2, Title, "741.19" is corrected to read "741.21".

On page 49685, column 2, paragraph 3, line 2, the first word, "States" is corrected to read "states".

On page 49685, column 2, paragraph 5, lines 2 and 3, "744.11(c), lines" is corrected to read "744.11(c), column 1, lines".

On page 49685, column 2, paragraph 11, line 2, "the" corrected" is corrected to read "the" is corrected".

On page 49685, column 3, Title, "4PART 771" is corrected to read "PART 771".

On page 49686, column 2, paragraph 3, line 2, "(C)" is corrected to read "(c)".

On page 49686, column 2, paragraph 6, line 2, "endure" is corrected to read "ensure".

On page 49686, column 3, paragraph 8, lines 1 and 2, "816.65(e)(2), line 4, "200" is corrected to read "816.65(e)(2), column 2, line 4, "100" ".

On page 49686, column 3, paragraph 8, line 2, "1,100" is corrected to read "1100" ".

On page 49687, column 1, paragraph 2, lines 1 and 2, "817.55(a), column 2, line 6," is corrected to read "817.55(c), line 6".

On page 49687, column 1, paragraph 11, line 3, "1v" is corrected to read "1v" ".

[FR Doc. 79-28670 Filed 9-13-79; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 79-88; RM-3264]

FM Broadcast Station in Nevada, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a Class A FM channel to Nevada, Missouri, as that community's first FM assignment, in response to a petition filed by Everett G. Wenrick. The proposed channel could be used to provide a first local FM broadcast service to the community.

EFFECTIVE DATE: October 15, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order

(Proceeding Terminated)

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Nevada, Missouri).

Adopted: August 30, 1979.

Released: September 7, 1979.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, adopted April 17, 1979, 44 Fed. Reg. 24588, proposing the assignment of Channel 249A, as a first FM assignment to Nevada, Missouri. The *Notice* was issued in response to a petition filed by Everett G. Wenrick ("petitioner"). Petitioner filed supporting comments reaffirming his intention to file for the channel, if assigned. No other responses to the petition have been received.

2. Nevada (pop. 9,736), seat of Vernon County (pop. 19,065),¹ is located approximately 134 kilometers (83 miles) south of Kansas City, Missouri. Nevada is served locally by one full-time AM station (KNEM).

3. Petitioner states that Nevada is the commercial and social center for the surrounding area, and also serves as the location for the county government. Petitioner submitted detailed information with respect to Nevada

¹Population figures are taken from the 1970 U.S. Census.

which is persuasive as to its need for a first FM assignment.

4. We believe that the public interest would be served by the assignment of Channel 249A to Nevada, Missouri. An interest has been expressed for its use, and such an assignment could provide the community with its first local FM service.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. In view of the foregoing, IT IS ORDERED, That effective October 15, 1979, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, IS AMENDED to read as follows:

City	Channel No.
Nevada, Missouri	249A

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau (202) 632-7792.

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

Federal Communications Commission,
Richard J. Shibem,
Chief, Broadcast Bureau.

[FR Doc. 79-22366 Filed 9-13-79; 8:15 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-94; RM-3031; RM-3256]

FM Broadcast Stations in Grove, Oklahoma and Columbus, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns first Class A FM channels to Grove, Oklahoma, and Columbus, Kansas, in response to petitions filed by George C. Lackey and Ben H. Woolery, respectively. The Class A channels would provide for stations which could furnish first local aural broadcast service to the respective communities.

EFFECTIVE DATE: October 15, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and order

(Proceeding Terminated)

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Grove, Oklahoma and Columbus, Kansas).

Adopted: August 30, 1979.

Released: September 7, 1979.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, adopted April 26, 1979, 44 Fed. Reg. 26955, proposing the assignment of FM Channel 257A to Grove, Oklahoma, and Channel 252A to Columbus, Kansas, as first FM assignments to the respective communities.¹ Supporting comments for the Grove assignment were filed by George C. Lackey ("Lackey"), proponent for the Grove channel; Station KCTE, Southwest City, Oklahoma; and Daniel Spillers, also of Southwest City. No oppositions to the proposed Grove assignment were received. Supporting comments for the Columbus assignment were filed by Ben H. Woolery ("Woolery"), proponent for the Columbus channel. An opposition to the proposed Columbus assignment was filed by Cherokee Broadcasting Company ("Cherokee"), applicant for FM Channel 296A in Baxter Springs, Kansas. Reply comments were filed by Woolery and Cherokee. Additional pleadings were filed by Woolery and Cherokee concerning some procedural matters which we shall deal with first.

2. The first procedural matter was raised by Woolery concerning the comments of Cherokee which were not served on Woolery. He claims that the failure to serve violates Section 1.420(a) of the Commission's Rules and therefore these comments should be stricken from the record. We agree with Woolery that he should have been served with Cherokee's comments. However, since he has been able to obtain a copy of these comments and has filed a timely response, he is not prejudiced thereby. Therefore, we shall accept the comments of Cherokee. Secondly, Woolery requests that Cherokee's reply comments be stricken on the grounds that Cherokee's arguments concern

competitive issues which are not appropriate matters to be raised at the rule making stage. Generally, issues of a competitive nature are properly deferred for resolution at the application stage rather than in a rule making context.² To the extent that these comments concern the need for a channel at Columbus, they are appropriate for consideration here. Finally, Cherokee contends that Woolery's Motion to Strike is an attempt to enter new substantive material into the record and as such should be stricken. Cherokee is correct that substantive comments, where submitted after the reply comment deadline, are not proper for consideration in the absence of compelling circumstances. We shall not consider such comments herein.

Columbus, Kansas

3. Columbus (pop. 3,356), seat of Cherokee County (pop. 21,549)³, is located in southeastern Kansas, approximately 150 kilometers (93 miles) northeast of Tulsa, Oklahoma, and 210 kilometers (132 miles) south of Kansas City, Missouri.

4. In support, Woolery argued that the proposal would bring a first local service to Columbus. He reaffirmed his intent to file for the channel, if assigned.

5. In its opposition, Cherokee cites population trends of Columbus and Cherokee County between 1940-1970 to demonstrate that Columbus is a declining community not deserving of an FM service. Cherokee lists sales tax collection figures and notes that these statistics demonstrate that Cherokee County and Columbus are only maintaining the status quo economically, while neighboring counties have expanded at twice the rate. Cherokee asserts that Columbus is adequately served by existing broadcast services from surrounding communities. It also argues that Woolery has failed to respond to the Commission's request for supporting data concerning the proposal to assign Channel 252A to Columbus and instead resubmitted its earlier engineering material which only addressed the original proposal to assign Channel 257A to Columbus. Cherokee claims that as the permittee of a new station in Baxter Springs, it can fill the role of providing local news coverage to Columbus in addition to furnishing complete and early warnings regarding severe weather disturbances.

6. In reply, Woolery asserts that the Columbus area has experienced

significant economic growth and lists several new businesses to indicate the economic well being of the area in general. Woolery contends that Columbus is a growing community. According to the Cherokee County Clerk, the population of Columbus has grown from 3,414 in 1969 to 3,778 in 1978. Woolery agrees with Cherokee that Columbus obtains service from nearby stations, but points out that the community is in need of a local facility to serve its own needs and interests.

7. We believe it is in the public interest to assign Channel 252A to Columbus, Kansas. The arguments made by Cherokee are of a competitive nature and should be resolved at the application stage. It should be noted that in establishing the FM Table of Assignments, we gave high priority to providing each community with at least one FM local broadcast station, especially if the community lacked a local broadcast service. Even if nearby stations do provide some service to Columbus, this is not a basis for refusing to provide a community with its own outlet for local matters. No station licensed elsewhere could be expected to provide the equivalent of such local service. As for the alleged failure of Woolery to provide supporting data for the Commission's proposal to assign a different Class A channel to Columbus, none was needed. The Commission does not require preclusion studies for a first Class A assignment, or did we ask for any other supporting data.

Grove, Oklahoma

8. Grove (pop. 2,000) in Delaware County (pop. 17,167), is located approximately 120 kilometers (75 miles) northeast of Tulsa, Oklahoma, and 280 kilometers (175 miles) south of Kansas City, Missouri. Lackey reaffirmed his intention to file for the proposed channel, if assigned. He states that Grove is in the Grand Lake resort area and is in need of a local facility. In supporting comments Station KCET and Daniel Spillers agree that Grove should be assigned an FM channel. Spillers also stated that if the channel is assigned, he will apply for it.

9. Since an interest has been expressed for its use, and such an assignment could provide the community with its first local FM broadcast service, we will assign Channel 257A to Grove, Oklahoma.

10. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

¹ George C. Lackey originally proposed Channel 300 for Grove, and Ben H. Woolery originally proposed Channel 257A for Columbus. However, since Channel 300 was subsequently assigned to Fayetteville, Arkansas, it was precluded from assignment to Grove because of spacing requirements. Since Channel 257A was the only channel available for assignment to Grove, it was proposed for that community. Because Channel 257A could not be assigned to both Grove and Columbus due to a short spacing, Channel 252A was proposed for Columbus.

² See *Carroll Broadcasting Co. v. F.C.C.*, 258 F.2d 440 (D.C. Cir. 1958).

³ Population figures are taken from the 1970 U.S. Census.

11. In view of the foregoing, It is ordered, that effective October 15, 1979, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City	Channel No.
Columbus, Kansas	252A
Grove, Oklahoma	257A

12. It is further ordered, that this proceeding is terminated.
 13. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)
 Federal Communications Commission,
 Richard J. Shiben,
 Chief, Broadcast Bureau.
 [FR Doc. 79-28563 Filed 9-13-79; 8:45 am]
 BILLING CODE 6712-01-M

47 CFR Part 73
[BC Docket No. 79-99; RM-3229]

Television Broadcast Station in Brunswick, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.
ACTION: Report and Order.

SUMMARY: Action taken herein, as a result of a petition filed by C & O Brokerage, assigns a UHF television channel to Brunswick, Georgia, as that community's first television assignment. The proposed station can bring a first local television broadcast service to Brunswick.

EFFECTIVE DATE: October 11, 1979.
ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.
FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:
 Report and Order

(Proceeding Terminated)
 Adopted: August 28, 1979.
 Released: September 4, 1979.
 By the Chief, Broadcast Bureau:
 In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Brunswick, Georgia).

1. The Commission has before it the *Notice of Proposed Rule Making*, 44 FR 28028, adopted April 30, 1979, in response to a petition filed by C & O Brokerage ("petitioner"), proposing the assignment of UHF television Channel

21 to Brunswick, Georgia. Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No oppositions to the proposal have been received.

2. Brunswick (pop. 19,585), seat of Glynn County (pop. 50,528),¹ is located in southeast Georgia, approximately 90 kilometers (55 miles) north of Jacksonville, Florida, and 105 kilometers (65 miles) south of Savannah, Georgia. There are no television assignments in Brunswick.

3. Petitioner states that the city represents the only urban center in the large area between Savannah and Jacksonville. It claims that the closest commercial television facilities capable of providing even secondary service to the Brunswick area are located in Jacksonville and Savannah, and adds that these stations cannot be expected to adequately serve the problems, needs, and interests of Brunswick.

4. The *Notice* indicated that the proposed Channel 21 assignment meets the distance separation requirements and other technical criteria and can be assigned without affecting any existing assignments in the Television Table of Assignments. In support of its proposal, petitioner has submitted persuasive information with respect to Brunswick's need for a first television channel assignment.

5. We have given careful consideration to the proposal and believe it would be in the public interest to assign Channel 21 to Brunswick, Georgia, to provide a first local television broadcast service to the community.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective October 11, 1979, the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, is amended with regard to the city listed below, as follows:

City	Channel No.
Brunswick, Georgia	21+

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

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

¹Population figures are taken from the 1970 U.S. Census.

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

Federal Communications Commission.

Richard J. Shiben,
 Chief, Broadcast Bureau.

[FR Doc. 79-28563 Filed 9-13-79; 8:45 am]
 BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-98; RM-3233]

Television Broadcast Stations in Iron Mountain, Mich. and Suring, Wis.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns UHF Television Channel 14 to Suring, Wisconsin, and substitutes noncommercial educational Channel *17 for noncommercial educational Channel *14 at Iron Mountain, Michigan, in response to a petition filed by WRVM, Incorporated. The proposed station could bring a first local television service to Suring.

EFFECTIVE DATE: October 11, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:
 Report and Order

(Proceeding Terminated)
 Adopted: August 28, 1979.
 Released: September 4, 1979.

By the Chief, Broadcast Bureau:
 In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Iron Mountain, Michigan, and Suring, Wisconsin).

1. The Commission has before it the *Notice of Proposed Rule Making*, 44 FR 28031, adopted in response to an amended petition filed by WRVM, Incorporated ("petitioner"), licensee of Station WRVM(FM), Suring, Wisconsin. Petitioner proposed the assignment of UHF television Channel 14 to Suring, Wisconsin, for commercial use, and the substitution of Channel *17 for noncommercial educational Channel *14 at Iron Mountain, Michigan. Channel *14 is unoccupied and unapplied for. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for the Suring channel, if

assigned.¹ No oppositions to the proposal were received.

2. Suring (pop. 499), in Oconto County (pop. 25,553),² is located in northeast Wisconsin, approximately 65 kilometers (40 miles) northwest of Green Bay, Wisconsin, and 90 kilometers (55 miles) south of Iron Mountain, Michigan. Suring has no television channels assigned to it.

3. Petitioner asserts that Suring and the surrounding area is rural in nature. It states that a local television station would greatly assist area residents to become aware of local needs and problems and would provide a means for local expression. Petitioner claims that the population of the counties to be served by the location of a UHF station in Suring numbers over 50,000, many of whom would be receiving their only Grade A signal.

4. Since it has been shown that there is a need for a television assignment in Suring, and a substitute channel is available for Iron Mountain, Michigan, the Commission believes it is in the public interest to assign Channel 14 to Suring, Wisconsin. A television assignment here would provide for a first local television service to the community.

5. The Canadian Government has given its concurrence to the proposed assignment of Channel 14 to Suring, Wisconsin, and of Channel *17 to Iron Mountain, Michigan.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective October 11, 1979, the Television Table of Assignments (Section 73.606(b) of the Commission's Rules), is amended with respect to the communities listed below:

City	Channel No.
Iron Mountain, Michigan.....	8-, *17+
Suring, Wisconsin.....	14-

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

¹ As the licensee of an FM station in Suring, petitioner may be required to provide, in its application, a showing that its multiple ownership of an FM-(UHF)TV combination in Suring would not be contrary to the public interest. See Note 8 to Section 73.636(a)(1) of the Commission's Rules.

² Population figures are taken from the 1970 U.S. Census.

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

Federal Communications Commission.
Richard J. Shibben,
Chief, Broadcast Bureau.
[FR Doc. 79-28560 Filed 9-13-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 79-108; RM-3282]

Radio Broadcast Services; FM Broadcast Station in Canadian, Texas; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first Class A FM assignment to Canadian, Texas, in response to a petition filed by Cable FM Six. The channel can be used to bring a first local aural broadcast service to the community.

EFFECTIVE DATE: October 24, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order—(Proceeding Terminated)

Adopted: September 9, 1979.
Released: September 12, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Canadian, Texas), BC Docket No. 79-108, RM-3282.

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted May 2, 1979, 44 FR 28026, instituted in response to a petition filed by Cable FM Six. ("petitioner"). Petitioner proposed the assignment of Channel 276A to Canadian, Texas, as a first FM assignment to that community. No oppositions to the proposal were filed.

2. Canadian (pop. 2,292), seat of Hemphill County (pop. 3,084)¹ is located in the northeastern Texas panhandle, approximately 161 kilometers (100 miles) northeast of Amarillo, Texas. There is no local aural broadcast service in Canadian. Channel 276A can be assigned to that community in conformity with the minimum distance separation requirements. Petitioner reaffirmed its intention to file for the channel, if assigned.

¹ Population figures are taken from the 1970 U.S. Census.

3. In support of its proposal, petitioner submitted information with respect to Canadian which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 276A to Canadian, Texas. An interest has been expressed for its use and such an assignment would provide the community with a first local aural broadcast service.

5. Accordingly, it is ordered, that effective October 24, 1979, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the community listed below:

City	Channel No.
Canadian, Texas.....	276A

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

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission,
Richard J. Shibben,
Chief, Broadcast Bureau.

[FR Doc. 79-28645 Filed 9-13-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[Docket No. 21037; RM-2755; RM-2842]

FM Broadcast Stations in Summersville, Pineville and Mullens, West Virginia; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum.

SUMMARY: This action imposes a transmitter site restriction on the use of FM Channel 225 at Summersville, West Virginia. The Report and Order which assigned this channel failed to make it clear that the restriction existed.

EFFECTIVE DATE: June 15, 1977.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202), 632-7792.

SUPPLEMENTARY INFORMATION:

Released: September 11, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Summersville, Pineville and Mullens, West Virginia), Docket No. 21037, RM-2755, RM-2842.

1. In the *Report and Order* adopted May 2, 1977, 42 FR 24272, the Commission simultaneously assigned FM Channel 225 to Summersville, West Virginia, and FM Channel 224A to Mullens, West Virginia. Reference was made to the need to restrict the transmitter site location for the Summersville assignment to a location approximately 16 kilometers (10 miles) northeast of the community. The restriction was necessary to permit both assignments to be made. The communities are located approximately 55 miles apart and our rules require 65 miles separation between first adjacent channel assignments such as these.

2. The *Report and Order* failed to be explicit that a restriction on the location of the transmitter site at Summersville was to be applicable. As a result three applications have been received that specify short-spaced transmitter sites ranging from one to ten miles because the Summersville community's coordinates were used as the reference point, rather than the restricted site 16 kilometers outside of the community. (See § 73.208(b) (1) and (2) of the Commission's Rules.) This in turn has necessitated waiver requests from these applicants. Two of the three applications¹ can be immediately accepted if the restriction is applied to the Summersville reference point as was previously intended in the rule making proceeding. Therefore, it is ordered, that the reference point for Channel 225 at Summersville is approximately 16 kilometers (10 miles) northeast of Summersville.

Federal Communications Commission.

Richard J. Shiben,
Chief, Broadcast Bureau.

[FR Doc. 79-28647 Filed 9-13-79; 8:45 am]

BILLING CODE 6712-01-N

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1043, 1045A

[Ex Parte No. MC-96 (Sub-No. 4)]

Property Broker Entry Control

AGENCY: Interstate Commerce Commission.

¹The third application, one of two for the use of the Summersville assignment at a location southeast of that community will remain 1 mile short spaced to the Mullens reference point. This application has been accepted and placed on a cut-off list.

ACTION: Final rules.

SUMMARY: The rules adopted in this document establish a simplified licensing procedure for persons wishing to operate as property brokers. A fitness test will be employed. Authority will be granted to qualified applicants to arrange transportation of general commodities (except household goods) between all points in the United States.

EFFECTIVE DATE: October 15, 1979.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., 202-275-7292, Peter Metrinko 202-275-7885.

SUPPLEMENTARY INFORMATION: The propose of the regulations adopted in this case is to provide a simplified licensing procedure for persons wishing to perform operations as a property broker. Arrangement of transportation for all regulated commodities, except household goods, between points in the United States, will be authorized under the issued licenses.

By this decision, the Commission finds that the simplified licensing of property brokers is consistent with the public interest and the national transportation policy. Pursuant to this general finding, applicants for a property broker license need only comply with the letter filing requirements listed below under "Adopted Rules".

Background of the Proceeding

By publication in the March 27, 1979, Federal Register, at 44 FR 18459, comments were requested on whether the licensing procedure for property brokerage should be changed. Under current procedures,¹ applicants are required to fill out an OP-OR-11 form, pay a \$350 fee, and await publication of the notice of the application in the Federal Register. Opposition to these applications may be based on the issues of fitness or on the grounds that a grant of the application would not be consistent with the public interest. The application may then be processed under the modified procedure, see 49 CFR 1100.247, or under oral hearing procedures.

Prior to the adoption of the vacated rules, applications for property brokerage were minimal. Our adoption of the vacated rules was partially experimental. The Commission knew

¹The procedural history of this proceeding is contained at 44 FR 18459. The base proceeding, Ex Parte No. MC-96, was subsequently divided into four proceedings, including the instant one. Under previously adopted (then court vacated) rules, the Commission granted property broker authority to a large number of persons under a simplified licensing procedure. After these procedures were vacated, the OP-OR-11 procedures formerly used by the Commission were reinstated.

that small or infrequent shippers often found it difficult to obtain necessary transportation services. The Commission believed that property brokerage could become a vital part of the regulated transportation industry and aid shippers with specialized problems.

Licensing Procedures Under the Vacated Rules

The licensing process under the vacated procedures was highly successful. One hundred forty-four persons received broker licenses. Interest in brokerage was growing. At the time the court vacated the procedures, (on grounds of inadequacy of notice of the original rulemaking) over 50 applications were pending. The fitness examination of all these applications was done carefully. Three applications were rejected, and five were denied because an affirmative fitness finding could not be made.

Praise for the simplicity of the vacated letter filing process was high. The Property Brokers Association of America, Inc., (PBAA) represents over 50 licensees. PBAA stated that the procedures were a "shining example of the Commission's ability to construct reasonable procedures." Several persons in their comments listed their difficulties under the OP-OR-11 process. Mention was made by one person as to the "simplicity of procedure" enabling a small operator to obtain a license.

Comments as to Whether the Public Interest Was Served by the New Brokerage Operations

The comments from existing licensed brokers were especially enlightening, since they had the weight of practical experience behind them.

There was substantial praise for the value of the new operations. Benefits were seen accruing to the environment, energy conservation, shippers and carriers (especially smaller ones), intermodalism, and the efficiency of transportation in general. These contentions were backed up by traffic and shipper data.

The most forceful argument of the licensed brokers is that there is no compulsion for a shipper or a carrier to use their services. If existing communications and arrangements are satisfactory, there is no need for a shipper or a carrier to pay for these services. Once a shipper and carrier are put into contact by the broker, they are free to continue their business relationship without the broker. The broker can stay in business only if it is helpful on an ongoing basis, as when the shipper or carrier lacks proper sales or

communications staff (often found in smaller entities) or when shipments are made on an infrequent basis [small shippers or shippers of specialized products]. Carriers without extensive communications networks and sales staffs and haulers of specialized freight also require the services of brokers on an ongoing basis to eliminate empty backhauls.

Services to Shippers

The last thorough Commission examination of the operations of property brokers occurred in *Practices of Property Brokers*, 49 M.C.C. 277 (1949). In the three decades since that proceeding, many new possibilities of service offerings have occurred.

One broker pointed out that there are many more transportation alternatives for shippers and carriers today. Some of these will be discussed below under the subject of intermodalism. While communications have been revolutionized, in the transportation industry, other factors put added strain on the transportation system. In the last 30 years, transportation services and equipment have become even more specialized. Shippers have to look hard to locate some of these unique services.

Small shippers still have the problem of not being able to afford sophisticated transportation departments: The property broker can serve this function.

Transtop, Inc., a broker, notes that local delivery vehicles often use less than 50 percent of available cubic space in the vehicle. In its own distribution system, hundreds of buyers have been contacted and have been organized so that buying patterns are formed which allow the local delivery vehicles to operate to fuller capacity. Ordering is done in layers or pallet loads. This also allows the local distribution centers to use fork equipment to better advantage. Loading and unloading time is cut. Organization of the loading and the billing allows the driver to plan unloading. Damage is less because manual handling is less. It has taken Transtop 2 years to develop this system. Transtop believes that brokers can play a fundamental part in smaller, local delivery efficiency. Transtop also submitted testimonials from shippers as to the efficiency of its services.

One broker commented that its already large clientele of shippers increased during a strike, when shippers were having difficulty finding necessary transportation services. The value of a broker's services can increase when equipment is in short supply.

A rural broker stated that the area it serves, Aroostook County, ME, benefits by its services. The Commission is

acutely conscious of the needs of rural areas for adequate transportation services. Sufficient equipment being made available for rural areas is a difficult proposition. Energy costs and the carriers' needs for better utility of equipment often work against adequate services for out of the way places. The rural broker would be able to provide a real service in this regard.

Brokers can help look for the cheapest shipping alternative. Can-Am Freight Services cites examples where it reduced a shipper's bill from \$1,623 to \$865 on one movement, and from \$1,950 to \$1,315 on another.

The National Customs, Brokers and Forwarders Association of America, Inc., states that port cities are in need of transportation assistance. The Commission has already recognized this in its adoption of the simplified certification procedure for motor carriers in Ex Parte No. MC-105, *Ex-Water Traffic*, 44 FR 7965 (1979). One broker at a port recites its aid with scheduling of pickups and deliveries, and controlling excessive detention, in addition to its usual customs clearance aid.

Other services generally cited as being used by shippers are warehousing, claims settlement and examination, rate quotation, telephone answering, preparing entry for customs bonded freight, making rate applications, researching rates and routes, and auditing freight bills. Some of these can be classified as non-brokerage services, see *Practices of Property Brokers*, supra, at 295. Yet it is clear that the cement for these operations is the shippers' actual needs for the arrangement of the transportation, for which a license is required.

Services to Carriers

Large carriers have complex communications systems, and can locate equipment and potential loads throughout their system. Small carriers and owner-operators do not have this size advantage. The brokers believe that a strong contribution can and has been made in this area. One broker, for example services 12 to 15 carriers, but also 40 owner-operators. Smaller carriers also do not have the luxury of an individual sales staff, which could enable them to build up a clientele (and a balanced, energy-efficient operation). Owner-operators cannot spend time researching future business contacts. They must work steadily if they are to stay in business. Brokers' services that are performed for these entities include dispatching and husbanding equipment, locating operators, verifying insurance, preparing trip leases, instructing

operator's on a carrier's procedure, checking equipment, issuing placards, advancing funds, supervising the driver, making final reports to the carrier—essentially, any service which a larger carrier performs itself.

Intermodal Benefits

The growth of intermodalism has been spectacular in the last 30 years. However, a constant topic in trade periodicals, scholarly articles, and Government studies is whether the full potential is being realized. Some believe that there are regulatory obstacles to more innovative use of intermodalism. Others state that there is a natural reluctance of different modes to work together. One factor that cannot be ignored is that shippers may lack knowledge of intermodal alternatives, or a current service may be technically available but its use has not been developed.

An individual shipper or carrier may not have the resources to develop its own intermodal plan. A broker with a variety of shipper-carrier clients has a better opportunity to do this. For example, one broker has devoted 15 months to laying the groundwork for a number of rail-motor intermodal routings. Negotiations have been arduous, especially due to the skepticism of railroad traffic personnel who were unaccustomed to dealing with motor carrier brokers. This broker is on the verge of getting appropriate rail rates published which will permit implementation of specific, joint rail-motor movements aggregating 4,700 shipments a year.

Other Benefits

One broker pointed out that in the last several years, a large influx of new motor carriers has occurred. Shippers need help locating these new carriers. Now that lower rates have become an issue in operating right cases,² the broker can extend its communications function so that the happiest, lowest cost marriage is arranged. In short, this broker believes that, as the Commission acts to give the shipping public more choices, the role of the broker will be enhanced.

Another person argues that brokerage works against illegal trucking. Shippers may resort to illegal use of noncertificated carriers when they have no other choice. The broker can help provide such a choice.

One broker believes that many shipping departments are saddled with

² See, *Consideration of Rates in Operating Rights Applic. Proc.*, 359 I.C.C. 613 (1979).

untrained personnel. It specializes in providing training.

One party argues the proposition that brokers can provide a unique service in local distribution centers. It cites a study prepared for the U.S. Department of Transportation³ which sees as one advantage of regulation that the status of the corporation is assured. Uncertainty about the future is reduced. The licensing process assures Federal or State commitment to a distribution plan. In a sense, the project is institutionalized. This broker believes that efficient local distribution depends, in part, upon a long range commitment, simply because of the time and effort required to "put all the necessary pieces together."

Environment and Energy Related Benefits

There was substantial agreement that there would be great energy and environmental benefits from the proposed rules. Fewer empty backhauls, fewer trucks on the road, more efficient use of resources, better organized warehousing and local delivery are all made possible because of the chief activity of the broker—acting as a constant source of communications in improving shipping alternatives.

The brokers believe that this is a foolproof system, since shippers and carriers will act in their own self-interest. Their overriding motive is to move freight in the most efficient, cheapest manner. This will automatically mean the most energy-efficient manner, since fuel, labor, and equipment costs are such a high portion of the transportation expense budget. If a broker is not proving to be of value in developing cost-effective alternatives, it will not be used. We agree with this conclusion.

Adverse Comments to Simplified Licensing

United Freight Brokers, Inc., holder of a broker license obtained in a proceeding where public interest was at issue, believes that the Commission should continue to make individual findings of public interest. It believes that, where equipment shortages do exist, a broker cannot create more services, secure an extension of operating rights, or secure special permits for specialized shipments. However, United overlooks the fact that a broker can act to provide a pipeline of information by which shippers can be

apprised of available equipment. A broker can also act indirectly to help a carrier obtain operating authority. A carrier may be anxious to obtain authority to fill a traffic lane. The broker may put it into contact with a shipper, which could subsequently support the carrier for authority, including temporary authority. Finally, a broker can, in a non-brokerage capacity and as a complement to its brokerage service, perform such paperwork functions as seeing to the processing of highway permits.

The American Trucking Associations, Inc., (ATA) opposes change from the status quo. ATA believes that the present trucking industry is sophisticated enough in marketing and communications to do without the unnecessary aid of middlemen. We disagree. The trucking industry is heavily represented by the small firm, as well as the extensive use of owner-operators on a short term basis. These entities especially need greater communications tools. We note that ATA refers to "most" shippers, and "almost all" carriers as having such staffs. We believe the final judge will be the marketplace. If the industry needs these services, as initial results seem to show, it will flourish.

ATA fears the growth of rebating practices, and excessive control of shipper's traffic by brokers. Rebating is and will continue to be unlawful. As such, the Commission will act to control such practices and promptly investigate specific complaints. There is not one specific example of abuse cited by the ATA. Notice of the proposed rulemaking was published in the Federal Register and received publicity in the motor carrier trade press. Not one carrier has appeared alleging that it has been victimized by brokers.

ATA also alleges that persons are performing forwarder functions while holding themselves out as brokers. Even if this were true, it is not pertinent to the usefulness of legitimate broker activities. Moreover, there are fine lines of distinction between brokers and forwarders. We shall further address this issue in another subdivision of this proceeding, so that all persons have a clear understanding of the permitted practices of brokers and forwarders.

We believe that, while the fitness examination is important in this area, it can only do so much. Whether a broker subsequently decides to abide by the rules is something that is not discernible from the initial broker application, irrespective of whether individual "need" for a license is being examined. The fitness test adopted here can serve the function of ensuring that only

persons who in the past have acted in a proper manner are allowed to enter the broker industry. This is a strong indication of future lawful conduct. With accurate and specific reporting by the trucking and shipping sectors as to possible illegal activities, the Commission's enforcement staff can act to keep the brokerage industry of the highest integrity. Finally, we note tangentially that the ability of carriers and shippers to cease doing business with a broker which performs in a questionable manner is also a built-in guard against illegal activities which adversely affect one of the parties.

Household Goods Brokerage

Our findings will not extend to brokerage of household goods. Further internal study of this matter is necessary, and a supplemental report will be issued. In *Entry Control of Brokers, supra*, at 514-524, a number of reasons were given for our declining to extend the simplified licensing procedure to this type brokerage. This does not mean that we shall forbid such applications. See *Exec-Van Systems, Inc., Broker Application*, 128 M.C.C. 669 (1978). Applications for household goods brokerage operations shall continue to be made under the OP-OR-11 procedures.

General Finding of Public Interest

We find that the public interest and the national transportation policy will be benefited by the adoption of a simplified licensing procedure. The Commission's power to make such a general finding has found judicial approval. See *Chemical Leaman Tank Lines, Inc. v. United States*, 368 F. Supp. 925 (D. Del. 1973). This proceeding does not grant authority to brokers. It merely establishes a procedure to obtain authority. Our responsibilities under the Interstate Commerce Act make it necessary and advisable for a simplified licensing procedure.

It has commonly been held that the purpose of regulation of brokers is chiefly to protect the shipping and traveling public from unscrupulous or dishonest purveyors of transportation. See *Auch Inter-Borough Transit Co., Extension—22 States*, 88 M.C.C. 455, 459 (1961); *Holiday International, Inc., Broker Application*, 128 M.C.C. 34 (1977); *University Travel Service, Inc., Broker Applic.*, 120 M.C.C. 588, 593 (1974).

It is our belief that our fitness requirements have in fact been made more stringent by the adoption of the rules below. The entire focus of the proceeding now rests on fitness. We have discussed at length the transportation consequences of recent

³James F. Robeson, "Urban Freight Consolidation: Legal, Attitudinal, and Operational Considerations Associated with Implementation", prepared for Urban Mass Transportation Administration, U.S. Department of Transportation, May, 1978.

brokerage activity. The benefits so far have been valuable to the industry as a whole. The licensing of these brokers under the vacated rules has provided ample data from which to make this judgment. It has also taught us that the procedural or institutional barriers were too high. Once the institutional barriers were lowered, persons developed operations which were useful to the public.

A number of policies mandated by the statute or favored by the Commission will be furthered by this decision. Efficiency of transportation will be improved. An increase in communications within the industry will result in more efficient allocation of resources, and reduce waste in equipment and fuel. A better administrative practice has been developed, resulting in fewer resources being expended by the Commission (reduced internal processing) and the public (less time spent on paperwork). All this can be accomplished without sacrificing the most significant goal of brokerage regulation, protection of the public.

We see the primary beneficiaries of the developing broker industry as being small shippers and carriers, and owner operators. This decision strengthens the tendency towards more competition in the trucking industry. It does not promote ruinous competition, since the sole function of this decision is to make sure that shippers and carriers have the best information available to make a free and intelligent choice.

Finally, we see the broker as being able to promote further innovation in the industry. Brokers will be in a position to perfect buying and shipping patterns to their maximum efficiency. They will be able to develop new intermodal plans. Too many times innovation is stifled not for lack of imagination or desire, but because the shipper or carrier does not have the present time or resources for innovation or experimentation. The shipper is worried about meeting a manufacturing deadline. The carrier is hard pressed to figure out ways to change traffic flows in its system or supply equipment to a shipper on short notice. Daily pressures keep these persons preoccupied with short term goals and needs. However, the survival of the broker is dependent on innovation. The broker has to be able to do a better job on a long term basis than the shipper or the carrier. One way it can accomplish this is by devotion to innovation, and then a sale of the idea. In the long run, we think that will be the greatest achievement of the broker.

Reasons for the Application Method Chosen

For the reasons stated above, we believe that individual determinations of a need for a particular service are unnecessary. Fitness is and should remain our primary consideration. The marketplace will decide ultimately how many and what quality brokers survive. Therefore, our choice of options was for the letter-application type procedure, where opposition is based solely on fitness.

One marked difference between the vacated procedures and the proposed procedures was that the latter asked for more information about the identification of persons running the brokerage operation. That is the crucial part of the fitness inquiry under the adopted procedure, and we now believe this information should also be published in the Federal Register in the notice of the application's being filed.

The proposed licensing process, listed at 44 FR 18459, asked for 11 pieces of information under "A.3." We believe that some of these are unnecessary. The most important notification to the public is the identity of those persons owning and running the business.

Consequently, we have slightly revised the informational requirements. Proposed (3), asking for locations of the business, is not necessary, since authority will be granted to arrange transportation between all points in the United States. The broadest geographical authorization is important in order that brokers have the flexibility to arrange transportation for anyone, to and from anywhere.

Proposed (6), requiring statements of good character, is not necessary. It is unlikely that an applicant would submit uncomplimentary statements from persons.

Proposed (7) will not be required. It is not possible to judge business acumen on the basis of a statement that one has worked a certain number of years in the transportation industry. The characteristics of the broker's role in the transportation industry discussed above show that experience is only one element in predicting the utility of a proposed service. No purpose would be served by restricting the market on this basis.

We see no reason to retain proposed (9), which asked for evidence as to any affiliation between the applicant and any carrier subject to the Commission's regulations. There is substantial precedent for granting broker licenses to motor carriers. In fact, the Commission concluded in *Practices of Property Brokers*, 53 M.C.C. 633, 646 (1951), that

motor common carriers surrendering to others for compensation shipments, the line hauls of which they themselves are not authorized to perform, in whole or in part, are brokers subject to the licensing requirements.

We have revised the internal processing of the application, as reflected in the adopted rules. Our intent is to conform the handling of these applications more towards the normal application process for motor carriers. For example, the surety bond and service of process designation will not be filed with the application, but only after the grant of authority. This should benefit applicants, since they will not have to pay premiums on the surety bond during the processing period. Rather than letter notification, actual licenses will be issued. This will aid the Commission in its recordkeeping.

The adopted rules also allow the applicant to file a reply to any contentions that it is unfit. An opposed application will be a three step process: (1) Publication, (2) Protest, (3) Reply. At this point the record will be completed, unless the Commission decides that more evidence under the modified procedure is necessary, or that oral hearing is required. Assuming the record is found complete, the application will be assigned to a Review Board for disposition.

Unopposed cases will be processed in accordance with the rules in Ex Parte No. 55 (Sub-No. 25), published in the Federal Register on December 13, 1977, 42 Fed. Reg. 62486. This procedure results in expedited unopposed application processing, by publishing an order-notice of the application in the Federal Register as a preliminary grant, subject to the exceptions in these rules.

Along this line, applicant will be required to submit a caption summary prepared in the manner set forth below. The summary will include information concerning the ownership and management of the operation.

While we have modified the format, the essentials of the fitness procedure remain the same. We have refocused the body of required information on persons to strengthen the fitness evaluation process. It will give the public opportunity to comment on the fitness of the persons running and owning the operation. Retention of the requirement that applicant describe the operation will ensure that legally proper broker operations will be engaged in.

Pending Applications

Persons who have applications pending under the OP-OR-11 procedure have the option of continuing the OP-OR-11 process or substituting an

application under these rules for their OP-OR-11 filing. Requests for substitution should be sent to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, and should contain the evidence required under these rules. No additional fee will be required for this substitution.⁴

Interpretation of Existing Licenses

Existing licenses issued by the Commission under the OP-OR-11 process will be interpreted as issued. Persons wishing the broader grant of authority available under these procedures must file an application under these rules. This is necessary because we must determine the fitness of the licensee to operate under more expansive authority, and out of any office location.

Shipper and Warehouse Affiliation

The Federal Register notice reinstating this proceeding asked for comments on the issue of granting licenses where there existed affiliations between property brokers and shippers of regulated commodities. We also listed in the proposed property broker application procedures a section requiring evidence as to any affiliations between applicant and a (a) shipper of regulated commodities or (b) receiver (such as a warehouse).

The Commission has in the past stated its concern over affiliations between property brokers and shippers of regulated commodities. *Merriman Broker Application*, 43 M.C.C. 372 (1944). Close scrutiny has been given to broker applications filed by those who are able to control the traffic of large shippers because of past or present shipper connections. *Copes Broker Application*, 27 M.C.C. 153, 166 (1940). Abuses which could result have been said to include the following: (1) A shipper could set up a sham broker operation and insist that carriers solicit through the broker, the carrier being required to pay a fee for sham services to the broker, thus accomplishing an illegal rebate; (2) A

shipper-affiliated broker would arrange carriage for the shipping public using carriers that provided preferential treatment to its affiliated shipper. This would contravene the duty of the broker to act in an independent manner, providing the best service possible.

In this connection, in *Copes, supra*, the Commission said:

We appreciate, too, that licenses have and will be sought by applicants whose charges however modest are indefensible, for example by warehouses having the goods to be shipped in storage, by shipper affiliates, and by those who by reason of kinship with traffic men, past or present connections, or otherwise are able to control the traffic of large shippers without rendering any worthy service. But the remedy in our opinion is not a denial of the carriers' right to pay for services actually rendered; rather, a close scrutiny of all applications for licenses and denial thereof when services of real value to the carriers are not to be given.

We believe the proper course is to require warehouse and shipper connected applicants to state such affiliations in their applications. This has been done in the adopted rules. The fact of affiliation, standing alone, will not justify denial of an application. Nevertheless, the Commission will scrutinize carefully the description of proposed operations required by adopted 49 CFR 1045A(2)(b). The purpose of our study will be to determine whether the applicant will be offering real services in exchange for its commissions. If we have doubts about the genuineness of a fit applicant's proposed operations, we may exercise the option of issuing the license with a limited term.

Shippers and carriers may find that their best protection against potential broker abuses lies in the process of selection. Carriers are aware that brokers' commissions constitute an operating expense which will be considered carefully before establishing rates. Shippers must take full responsibility for selecting satisfactory brokers. If a shipper finds that the service provided by a broker is inferior, for whatever reason, it need only engage the services of another more competent broker.

Oral Argument

Several parties requested oral argument. No compelling reasons have been advanced that require us to exercise our discretion to grant this argument, and neither the Administrative Procedure Act nor the Fifth Amendment require it.

Surety Bond

The contention was made by one party that the surety bond requirement

serves no valid purpose, since the responsibility for lading lies with the carrier. However, there is a clear statutory requirement that the Commission may issue a broker license only if that person has on file a bond or other appropriate security. See 49 U.S.C. 10927(b) [formerly Section 211(c)], of the Interstate Commerce Act.

There is no evidence that the \$10,000 surety bond requirement used under the vacated rules was an onerous requirement. Nor is there any evidence that such amount is inadequate. If a broker should, for example, fail to apply funds received so that the transportation is not provided, this amount should cover most individual occurrences. Most importantly, a default on the bond leading to its termination by the surety company would have serious effects on the licensed broker. The broker must have a valid bond on file with the Commission, or its operations would have to cease until a valid bond, or other appropriate security, was recognized by the Commission.

Findings

We find that adoption of the licensing process and other actions discussed above is consistent with the public interest and the national transportation policy. This decision is neither a major Federal action significantly affecting the quality of the human environment, nor a major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975.

Consequently, we adopt the rules set forth below.

Authority for Promulgation

These actions are taken under the authority contained in 49 U.S.C. 10101, 10321, 10921, 10924, 10925, and 10927, and 5 U.S.C. 552, 553, 558, and 559.

Decided: August 31, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum and Gaskins. Commissioner Gresham not participating in the disposition of this proceeding.

Agatha L. Mergenovich,
Secretary.

Adopted Rules

These rules are added as Part 1045A to Title 49 of the Code of Federal Regulations.

PART 1045A—PROPERTY BROKER LICENSING

§ 1045A.1 Special procedures governing applications to become a property broker.

(a) *Scope.* These special rules are used to make application to become a property broker of general commodities

⁴ Century Brokerage was one of those parties whose application under the vacated rules was returned. It asks that the Commission grant interim authority to it. The Commission has no legal authority to grant temporary authority for broker operations. This party also asserts that it was not notified within 45 days of the date of Federal Register publication that it could not conduct operations. It argues that it should be considered a currently licensed broker. However, we note that Century was sent a notification letter not to commence operations 3 days prior to the 45-day cut off period. Even in the absence of notification, we could not issue new licenses, since the master license underlying the grants of authority was without legal effect at that point, having been enjoined on judicial review.

(except household goods). The authority granted under these rules allows the arranging of transportation services, between all points in the United States.

(1) *Application form.* There is no prescribed application form. Simply put the necessary information in a letter-application. Send an original and one copy of all material together with the proper filing fee, see [49 CFR 1002.2 (d)(9)].

(2) *Where to send it.* Send it to Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(3) *Notarization.* The information specified below must be sworn to (notarized). The notarization must show that the applicant has read the material being submitted, has knowledge of the facts, and knows they are true. A sample notarization can be found in 49 CFR 1100, Appendix B, No. 6.

(4) *Household goods.* Persons applying to perform operations as a broker of household goods must use an OP-OR-11 form. Contact a Commission field office for more information.

(5) *Limited term licenses.* The Commission may, in special circumstances, issue licenses of a limited term length.

(b) *What information is needed.* Write in bold letters on your application letter **SPECIAL PROPERTY BROKER APPLICATION.**

(1) *The caption summary.* Applicant must prepare a caption summary. It will be published in the Federal Register to give the public an opportunity to make comments on whether the applicant, or applicant's company, is fit to perform a brokerage service. The caption summary must be submitted in the manner set forth below. Fill in the blanks with the appropriate information. If the particular question is not applicable, write n/a in the space. If there is no business address, give a personal residence. An address shall contain street, city and State.

Caption Summary

Applicant's name and address are _____ . The name under which operations will be performed is _____ .

Applicant is represented by _____ in this proceeding¹ whose address is _____ .

Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles:

The daily operations will be managed by _____ whose business address is _____ .

Applicant is affiliated with the following shipper or warehouse: _____ .

[End of caption summary]

(2) *Other information.* Applicant must submit a statement that it has read and is familiar with the Commission's property broker regulations, at 49 CFR 1045, and will comply with those regulations. Applicant must *fully describe the services* that will be offered, and how and from whom compensation will be collected.

(c) Processing.

(1) *Incomplete applications.* If incomplete it will be returned with a notation as to why it was rejected. A complete application may be refiled at any time.

(2) *Opposed applications.* An application may be opposed only on the basis that an applicant (or business associates) is not fit to conduct the operation. Once a complete and properly submitted request for authority has been filed, the Commission will publish a notice (the caption summary) in the Federal Register. Any interested person may file a sworn statement with the Commission (with one copy) in opposition within 30 days of the Federal Register publication. The statement in opposition must contain all the material the protesting party plans to submit. A copy must be served upon an applicant's representative. The statement shall certify that it has been served upon the applicant's representative.

(3) *Reply.* Applicant may reply to this opposition statement. Replies are due within 20 days from the date the opposition statement is due. An original and one copy must be served upon the Commission, and one copy must be served upon the protesting party's representative. The reply shall certify that it has been served upon the protesting party's representative.

(4) *Decision process.* In an opposed case, after the reply, if any, is received, the record will be examined to see if oral hearing is necessary. If none is necessary, the case will be assigned to a review board for disposition under the modified procedure. If no opposition is received, the case will be handled under the expedited decision-grant process set forth at 42 FR 62486.

(5) *Grants of authority.* The applicant will be informed as to any grant of authority. This notice will inform applicant that it has 90 days to comply with the (a) surety bond and (b) service of process designation requirements. Do not send the surety bond or service of

process information until specifically requested. This notice is not a license to commence operations.

(6) *Compliance.* After the grant of authority, an applicant must submit a properly completed surety bond (Form BMC-84) and service of process designation (Form BOC-3). Contact the Commission's Section of Motor, Water, Forwarder Operations for assistance.

(7) *Form BOC-3.* Information must be provided on the form for each State in which the applicant will have an office or write contracts. If the operation will be from only one office, the applicant may designate itself to receive service of process in that State.

(8) *Form BMC-84.* Submit two copies of this form. Applicant and its insurance agent should request the surety company to complete the forms and return them to applicant. Send them to the Section of Motor, Water, Forwarder Operations (same Commission address as above). The company which furnishes the bond must be one that has been approved by the Commission. Most major companies that write surety bonds have this approval. Check with the Section of Motor, Water, Forwarder Operations for acceptability. A surety bond must be kept in force at all times, or a broker's license will be revoked.

(9) *Commencement of operations.* The Commission will issue a license once compliance has been completed. When this is received, operations may begin. (49 U.S.C. 10101, 10321, 10921, 10924, 10925, and 10927, and 5 U.S.C. 552, 553, 558, and 559.)

In part 1043 of Title 49, Code of Federal Regulations, § 1043.4 is revised to read as follows:

§ 1043.4 Broker surety bond.

In order to conduct operations as a broker, the broker shall furnish a surety bond approved by the Commission. The Commission will not issue a broker license until an approved surety bond is in effect. The broker license shall remain in effect only as long as a surety bond remains in effect. The surety bond shall ensure the financial responsibility of the broker for the supplying of transportation.

(a) A property broker must have a surety bond in effect for \$10,000.

(b) A passenger broker must have a surety bond in effect for \$5,000.

[FR Doc. 79-28597 Filed 9-13-79; 8:45 am]

BILLING CODE 7035-01-M

¹ An applicant may represent itself.

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 654****Stone Crab Fishery; Final Regulations**

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: These final regulations, which were recommended by the Gulf of Mexico Fishery Management Council, implement the fishery management plan (FMP) for the stone crab fishery. The regulations are designed to conserve and to provide effective management of the valuable and growing stone crab fishery and, in particular, to minimize existing conflicts between users of fixed and trawl gear in an area off the west coast of Florida. A line separating the harvesting activities of stone crab and certain shrimp fishermen, a closed season, restrictions on certain harvesting practices, certain gear limitations, and statistical reporting requirements are among the more significant management measures required by the regulations.

EFFECTIVE DATE: September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702; Telephone (813) 893-3141.

SUPPLEMENTAL INFORMATION: The final environmental impact statement dealing with the FMP was filed with the Environmental Protection Agency on February 8, 1979. The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, approved the FMP for stone crabs on March 19, 1979. The Gulf of Mexico Fishery Management Council recommended proposed regulations to implement the FMP on January 19, 1979. Those were considered and used as the basis for the emergency and proposed regulations published on March 26 and April 3, 1979, respectively (44 FR 18031 and 44 FR 19444). Public comments on the proposed regulations and emergency regulations were invited until May 19, 1979. A notice of the availability of the draft regulatory analysis of the proposed regulations was published with the proposed regulations. No public comments on the emergency regulations, proposed regulations, or regulatory analysis were received. There are no significant differences between the

proposed regulations and these final regulations.

The Fishery Management Unit

The stone crab fishery exists throughout the northern Gulf of Mexico from Florida to Texas. However, because of limited habitat and less than optimum environmental conditions, stone crabs are a commercially significant fishery only in the northern Gulf of Mexico east of Franklin County, Florida. Stone crabs have not been recorded in the commercial landings west of this area. Moreover, stone crabs are uncommon in the waters off Alabama, Mississippi, Louisiana and east Texas; therefore, no management is needed in these areas.

The management unit under this plan is specified as the area of the fishery conservation zone (FCZ) seaward of the west and south coasts of Florida, including the Florida Keys. Should the need for management of the stocks in other areas arise in the future, the management unit will be modified to include these areas.

These regulations will not limit harvest in any state waters; however, for the most part they are consistent with present Florida laws. The Council and the Secretary will continue to coordinate regulations with Florida officials to ensure consistent management of the fishery.

Separation Line.

The Council determined that restricting shrimp fishing, except for bait shrimping, was necessary for the management of stone crab fishing and to attain the Council's objective of optimizing the harvest from the fishery. These final regulations prescribe a line separating stone crabbers and non-bait shrimpers. The line, depicted by the solid line on Figure 1, begins at point B and ends between points E and F at the intersection with Florida's territorial sea. Only bait shrimping is allowed shoreward of the line in the fishery conservation zone. A vessel will be presumed to be a bait shrimper if it has 5 pounds or less of dead shrimp on board, does not use otter trawls, and is outfitted with live bait wells. Bait shrimping vessels have been allowed inside the line because their activities do not interfere with the harvest of stone crabs.

Optimum Yield.

The Council expressed a desire to allow the fishery to continue to expand consistent with sound conservation principles. The optimum yield (OY) in this fishery was developed to allow for such expansion. The OY has been

specified as an amount equal to all harvestable adult stone crabs in the management area between October 15 and May 15 which have a claw size of 7.0 centimeters (2¾ inches) or greater. This amount is estimated to be 2.4 million pounds of stone crab claws. A number of measures have been proposed in the plan that allow for the continuance of the optimal harvest.

Harvest Restrictions.**(i) Minimum claw size.**

The regulations adopt a minimum claw harvest size of 7.0 centimeters (2¾"). This size provides for an acceptable market product and for sufficient spawning prior to harvest to ensure the continued viability of the stocks. This size is also consistent with Florida law.

(ii) Shading stone crabs prior to declawing and returning the crabs to the water.

The regulations require that stone crabs with undersized claws and declawed crabs be returned to the water and not landed. This restriction, together with a requirement that all crabs be shaded from direct sunlight while on board the vessel, should reduce mortality of the crabs when they are returned to the water.

(iii) Other restrictions.

The regulations require that stone crabs be taken on board vessels during daylight hours and prohibit fishermen from tampering with pots not owned by them. These measures have been included to reduce conflicts within the fishery and to aid in the enforcement of the regulations. Both measures are consistent with corresponding Florida law. They are intended to apply only to persons engaged in fishing. The prohibition against the harvest of another fisherman's traps does not carry criminal penalties and is not intended as a remedy for theft.

Fishing Season.

The regulations include a closed season during the period commencing on May 16 and terminating on October 14. A ten-day "soak period" for placement of gear is provided prior to the opening of the season and a five-day "pull period" is provided for retrieval of gear at the close of the season. Traps can be placed in the water during the "soak period" but crabs may not be harvested from the traps until October 15. During the five-day "pull period" (May 16-May 20) traps may be retrieved, but all stone crabs must be returned immediately to the water without removing their claws.

Gear Limitations.

Traps set in the FCZ will be required to have a biodegradable panel in the upper half of the traps. The biodegradable panel must be constructed of wood or cotton material and leave an opening of at least 4 by 6½ inches. Traps made of wood do not need a biodegradable panel. The panel is intended to allow for escapement from traps that continue to harvest after they have been severed from trot and buoy lines.

Markings.

Each vessel fishing for stone crabs in the FCZ must exhibit a number and color that correspond with the number and color used to mark the vessel's pots and buoys. The color and number assigned to vessels by the State of Florida are adequate to meet this requirement. Those vessels that cannot obtain a Florida stone crab permit and which desire to fish for stone crabs in the FCZ may obtain a color and number from the Southeast Regional Director of the National Marine Fisheries Service (NMFS), 9450 Koger Boulevard, St. Petersburg, Florida. The color and number will be utilized by NMFS as an identification and enforcement aid.

Statistical Reporting.

Processors and dealers will be required to report the poundage and value of claws handled, the size classes of the claws, and other incidental information. Each month, owners and operators of vessels harvesting stone crabs will be required to report on their catch, the number of traps pulled daily, the total number of traps fished per zone per month, the zones where the traps were pulled and other related information. The data collection requirements in the regulations are coordinated with similar requirements in the Everglades National Park.

In accordance with Executive Order 12044, an Order requiring that regulations be simple, effective and as unburdensome as possible, the Administrator of the National Oceanic and Atmospheric Administration has approved these regulations and a final regulatory analysis. A copy of the regulatory analysis may be obtained by writing to: Mr. William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

The effective date of September 30 is less than 30 days from the date of publication. The Assistant Administrator finds, for good reason, that it would be unnecessary,

impractical, and contrary to the public interest to delay implementation of these regulations for the 30-day period otherwise required by the Administrative Procedure Act.

Signed at Washington, D.C. this 10th day of September, 1979.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

Part 654 is revised to read as follows:

PART 654—STONE CRAB FISHERY**Subpart A—General Measures**

- Sec.
- 654.1 Purpose and scope.
 - 654.2 Definitions.
 - 654.3 Relation to other laws.
 - 654.4 Markings.
 - 654.5 Recordkeeping and reporting requirements.
 - 654.6 Restrictions.
 - 654.7 Enforcement.
 - 654.8 Penalties.

Subpart B—Management Measures

- 654.20 Catch limitations.
- 654.21 Gear requirements.
- 654.22 Closed season.
- 654.23 Area restrictions.

Authority: 16 U.S.C. 1801 et seq.

Subpart A—General Measures**§ 654.1 Purpose and scope.**

The regulations in this Part govern fishing for stone crabs by fishing vessels of the United States within that portion of the Gulf of Mexico along the west coast of Florida, including the Keys, in which the United States exercises exclusive fishery management authority under the Act. The regulations also affect vessels of the United States in the trawl fishery in that area.

§ 654.2 Definitions.

In addition to the definitions in the Act, and unless the context requires otherwise, the terms used in this Part shall have the following meaning. (Some definitions in the Act have been repeated here to aid understanding of the regulations.)

Act means the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. § 1801-1882).

Authorized Officer means:

- (a) any commissioned, warrant or petty officer of the United States Coast Guard;
- (b) any certified enforcement officer or special agent of the National Marine Fisheries Service;
- (c) any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the

Coast Guard to enforce the provisions of the Act; or

(d) any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Biodegradable Panel means a panel, constructed of wood or cotton material and located in the upper half of the sides or on the top of a trap, which, when removed, will leave an opening in the trap measuring at least 4 by 6½ inches.

Center Director means the Center Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. Telephone (305) 361-5781.

Fishery Conservation Zone (FCZ) means that area adjacent to the territorial sea of the constituent States of the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a vessel, which involves:

(a) the catching, taking or harvesting of fish;

(b) the attempted catching, taking or harvesting of fish;

(c) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(d) any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(a) fishing; or

(b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing.

Live box means a container used for holding live stone crabs on board a vessel.

Management area means that area of the FCZ adjacent to the territorial sea off the west coast of Florida and off the south side of the Florida Keys.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) any person who owns that vessel in whole or in part;

(b) any charterer of the vessel, whether bareboat, time or voyage; or

(c) any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the designation, function or operation of the vessel; and

(d) any agent designated as such by any person described in paragraph (a), (b) or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means the Regional Director, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Stone Crabs means *Menippe mercenaria*.

Vessel of the United States means:

(a) a vessel documented or numbered by the Coast Guard under United States law; or

(b) a vessel which is registered under the laws of any State.

United States Harvested Fish means fish caught, taken or harvested by vessels of the United States within any foreign or domestic fishery regulated under the Act.

§ 654.3 Relation to other laws.

(a) *Federal*. The regulations in this Part are intended to be compatible with, and do not supersede similar regulations in effect for the Everglades National Park (36 CFR 7.45).

(b) *State*. The regulations in this Part are intended to be compatible with similar regulations and statutes in effect in the State of Florida. Responsibilities relating to the issuance of numbers and colors, data collection, and enforcement may be performed by personnel of the State of Florida under agreement with the National Oceanic and Atmospheric Administration and the U.S. Coast Guard.

§ 654.4 Markings.

(a) *General*. No vessel other than a vessel of the United States which is properly registered, documented or numbered may fish for stone crabs in the management area.

(b) *Markings*

(1) Buoys and traps shall bear the number and color that correspond with their Florida stone crab permit number and color or their Federal number and color.

(2) Each vessel fishing for stone crabs in the management area shall be marked by its appropriate documentation, registration or number and shall be marked by the appropriate stone crab number and color.

(3) All markings shall be permanent. Vessel markings shall be of a size and location so as to be visible from the air. Buoy and trap markings shall be of such size and color so as to permit ready identification of the gear.

(c) *Application to the Regional Director*

(1) Persons who cannot obtain a Florida stone crab permit may apply to the Regional Director, who shall assign a Federal number and color to the vessel and its gear.

(2) Each application shall contain the following information:

(i) the applicant's name, mailing address, and telephone number;

(ii) the name of the vessel;

(iii) the vessel's United States Coast Guard documentation number or State license number; and

(iv) the vessel's radio call sign.

(d) *Fees*. No fee is required for a number and color issued by the Regional Director under this Part.

§ 654.5 Record keeping and reporting requirements.

(a) *Owners and Operators*. The owner or operator of any fishing vessel that fishes for stone crabs and sells stone crab claws shall report the information required by this paragraph to the Center Director each month, on forms obtained from the Center Director. Reports shall contain the following information for each day's catch:

(1) the date of the catch;

(2) the gear identification (number and color) and the vessel name and number;

(3) the number of pounds of stone crab claws fished by zone (Zone 1—territorial sea; Zone 2—the FCZ shoreward of eight fathoms; Zone 3—the FCZ seaward of eight fathoms);

(4) the number of traps being fished per zone per month;

(5) the number of traps pulled per zone per day; and

(6) the name and address of the purchaser.

(b) *Dealers and Processors*. Any person who receives stone crab claws by way of purchase, barter, trade or sale from a fishing vessel subject to this Part shall file a monthly report with the Center Director, on forms obtained from the Center Director, which shall contain the following information:

(1) the date the stone crab claws were received;

(2) the name and mailing address of the person receiving the stone crab claws;

(3) the name of the vessel;

(4) the weight in pounds of stone crab claws received by size class (large, medium and small);

(5) the ex-vessel value of stone crab claws purchased or handled monthly;

(6) the amount by weight of stone crab processed monthly; and

(7) the disposition of the stone crab claws processed or received.

(c) *Filing*. Reports under this section shall be filed on a form obtained from the Center Director, within ten days after the end of each month in which the stone crab claws were received or harvested.

§ 654.6 Restrictions.

(a) It is unlawful for any person:

(1) to possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land or export any stone crabs taken in violation of the Act, this Part, or any other regulation promulgated under the Act;

(2) to refuse to permit an Authorized Officer to board a fishing vessel subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this Part, or any other regulation promulgated under the Act;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any Authorized Officer in the conduct of any search or inspection described in subparagraph (2);

(4) to resist a lawful arrest for any act prohibited by this Part;

(5) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this Part;

(6) to falsify or fail to submit any reports required by section 654.5; and

(7) to violate any other provision of this Part, the Act, or any regulation issued under the Act.

(b) It is unlawful for any vessel of the United States or for any owner or operator of any vessel of the United States to transfer directly or indirectly or attempt to so transfer any United States harvested fish to any foreign fishing vessel, while such foreign vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under this Act.

§ 654.7 Enforcement.

(a) *General*. The owner or operator of any fishing vessel subject to these regulations shall immediately comply with instructions issued by an Authorized Officer to facilitate safe

boarding and inspection of the vessel, its gear, equipment, log book, and catch for purposes of enforcing the Act or this Part.

(b) *Signals*. Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of the fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly";

(2) "SQ3" meaning "You should stop or heave to; I am going to board you"; and

(3) "AA AA AA etc." which is the call to an unknown station, to which the signaled vessel should respond by illuminating the vessel identification required by section 654.4.

(c) *Boarding*. A vessel signaled to stop or heave to for boarding shall:

(1) stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his party to come aboard;

(2) provide a safe ladder for the Authorized Officer and his party;

(3) when necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) take such other actions as necessary to ensure the safety of the Authorized Officer and his party and to facilitate the boarding.

§ 654.8 Penalties.

Any person or fishing vessel found to be in violation of any regulation contained in this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, and 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable law.

Subpart B—Management Measures

§ 654.20 Catch limitations.

(a) *Claw Size*. No person shall remove a stone crab claw with a propodus measuring less than $2\frac{3}{4}$ inches from the body of a stone crab. Stone crab claws are measured in a straight line from the elbow to the tip of the lower immovable finger (see Figure 2). The propodus is the largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body when the entire appendage is extended.

(b) *Holding Crabs Aboard Fishing Vessels*. Stone crab bodies from which claws have been severed or removed must be returned to the water before the vessel leaves the fishery conservation

zone. Stone crabs may be held in live boxes prior to the severing or removing the claws from the body, provided that the stone crabs are shaded from direct sunlight.

(c) *Traps*. No fisherman shall willfully tend, open, pull or otherwise molest another fisherman's traps without the prior written consent of that fisherman. (The buoy and corresponding lines are part of the trap for purposes of section.)

(d) *Time of Day*. No fisherman shall tend, open, pull, or otherwise molest traps during the period beginning one hour after sunset to one hour before sunrise.

§ 654.21 Gear requirements.

Traps used in the stone crab fishery must have a biodegradable panel. (See definition in section 654.2.)

§ 654.22 Closed season.

(a) No person shall possess stone crabs or any parts thereof in the fishery conservation zone during the period commencing on 0001 hours May 16 and terminating on 2400 hours October 14. Baited traps may be placed in the water on or after 0001 hours October 5 and fishermen may remove traps until 2400 hours May 20. Holding stone crabs in traps during the period 0001 hours October 5 to 2400 hours October 14 shall not be deemed possession, provided that the stone crabs are not fished until 0001 hours October 15. Holding stone crabs in traps during the period 0001 May 16 through 2400 hours May 20 shall not be deemed possession, provided that the stone crabs are not fished after 2400 hours May 15 and the stone crabs are returned immediately to the water when the traps are removed. No traps shall be in the water during the period commencing on 0001 hours May 21 and terminating on 2400 hours October 4.

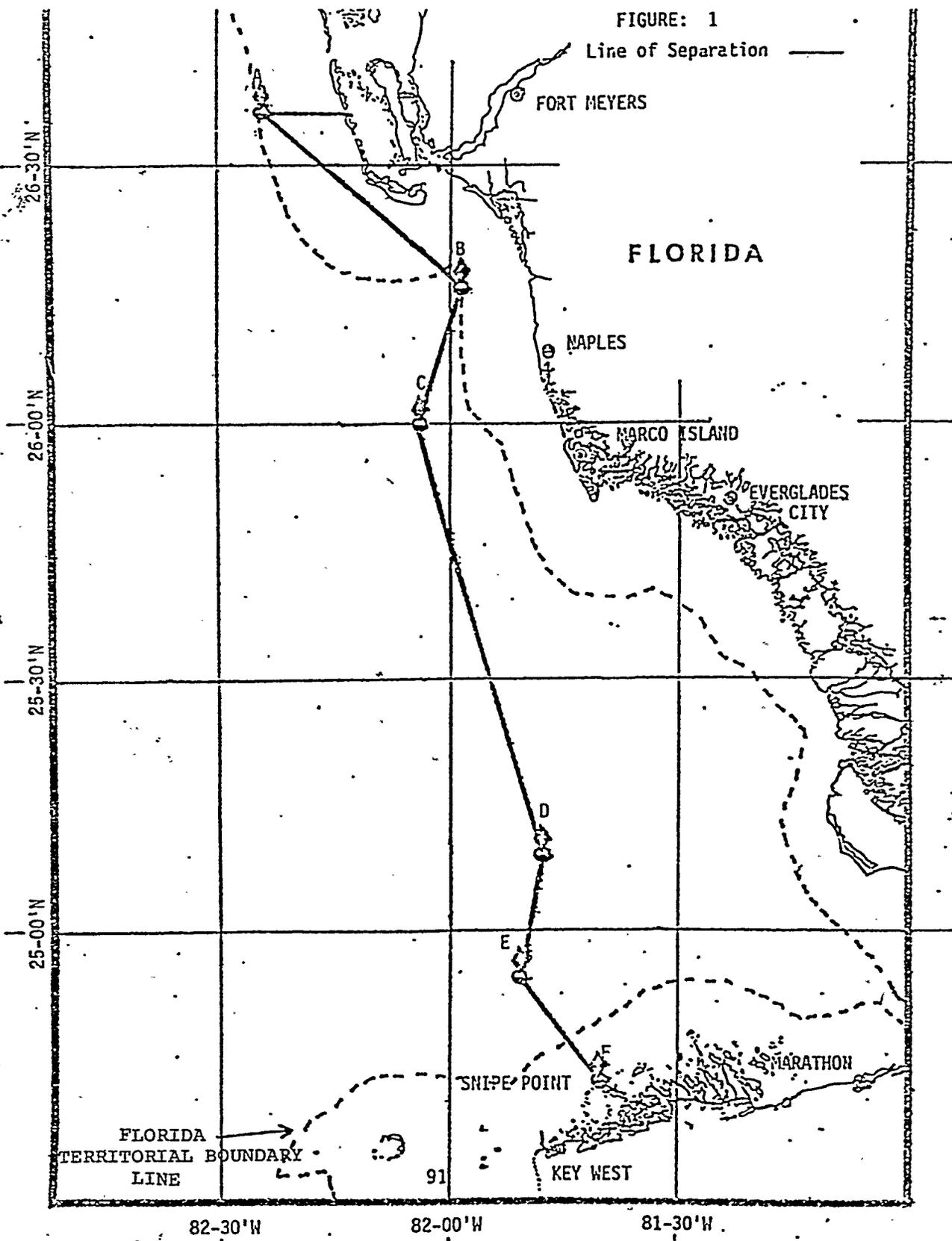
§ 654.23 Area restrictions.

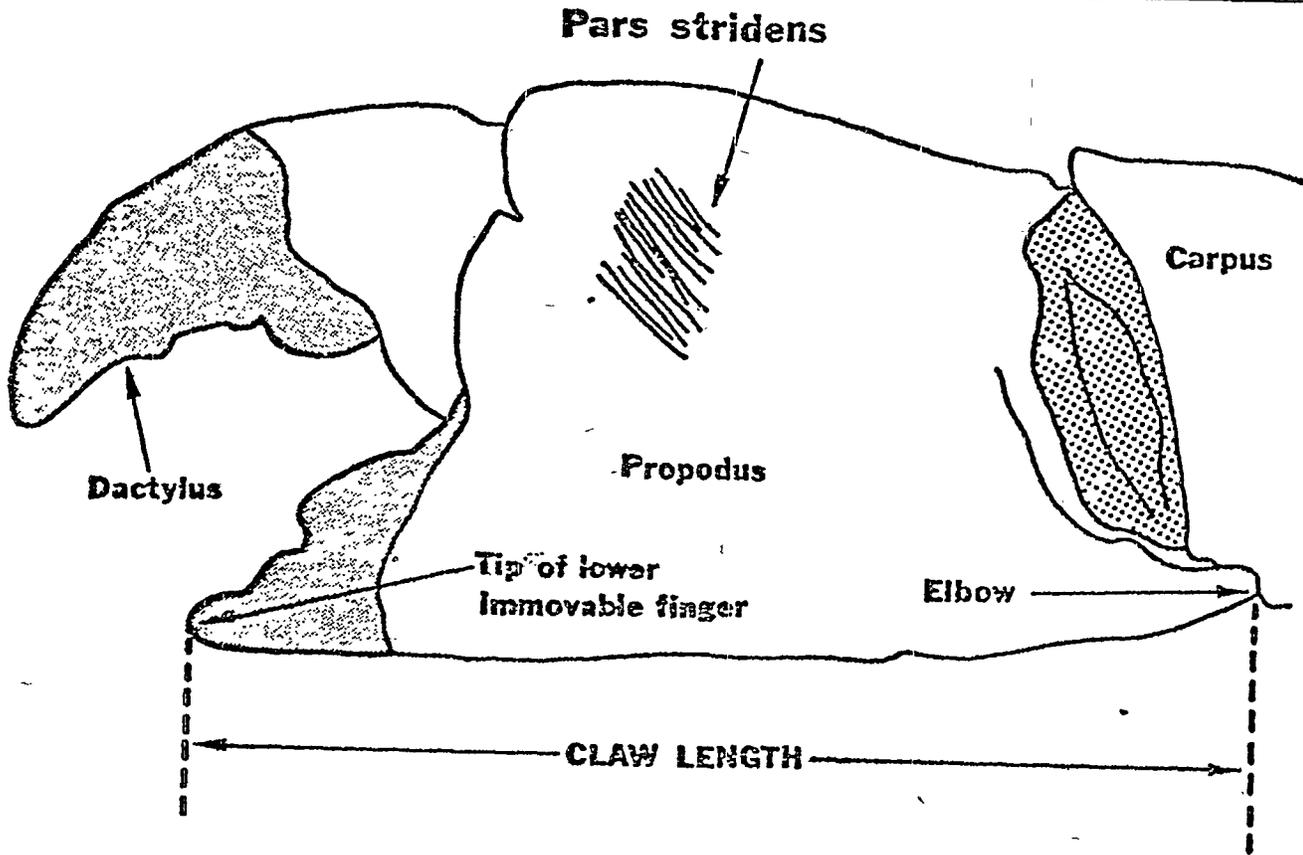
(a) Between January 1 and May 20, it shall be unlawful to use trawl gear, except as provided for in paragraph (b) of this section, in that part of the fishery conservation zone (Figure 1) shoreward of a line starting at point B (Lat. $26^{\circ}16.0'N$ and Long. $81^{\circ}58.5'W$), and thence directly to point C (Lat. $26^{\circ}00.0'N$ and Long. $82^{\circ}04.0'W$), and thence directly to point D (Lat. $25^{\circ}09.0'N$ and Long. $81^{\circ}47.6'W$), and thence directly to point E (Lat. $24^{\circ}54.5'N$ and Long. $81^{\circ}50.5'W$), and thence directly to the intersection of the territorial sea of the State of Florida and a line extending from point E to point F at Snipe Point (Lat. $24^{\circ}41.9'N$ and Long. $81^{\circ}40.5'W$).

(b) Trawling for live bait shrimp may be conducted shoreward of the line specified in paragraph (a). Live bait

boats must (1) have live shrimp wells, (2) use gear other than otter trawls, and (3) possess no more than 5 pounds of dead shrimp at any time. It shall be a rebuttable presumption that any vessel not meeting all the above criteria is not engaged in the bait shrimp fishery.

BILLING CODE 3510-22-M





(FIGURE 2)

Proposed Rules

Federal Register

Vol. 44, No. 180

Friday, September 14, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 301]

Witchweed Quarantine; Miscellaneous Amendments to Regulated Areas

Correction

In FR Doc. 79-18378, appearing at page 34501, in the issue of Friday, June 15, 1979, make the following corrections:

(1) On page 34502, in the first column, the sixth full paragraph down, the last line, correct 1908 to read 1740 and on the same page and in the last column, the sixth paragraph up from the bottom, the first line, change "eas" to "east".

(2) On page 34503, in the last column, the third paragraph, the third line down, correct "north" to read "south".

(4) On page 34505, the first column, the third paragraph up from the bottom, the second line, correct "northwest" to read "northeast".

BILLING CODE 1505-01-M

Agricultural Marketing Service

[7 CFR Part 1139]

[Milk Order No. 139]

Milk in the Lake Mead Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend the requirement that a supply plant ship not less than 50 percent of its receipts to pool distributing plants during each of the months of September through December in order to qualify as a pool plant. The action was requested by Lake Mead Cooperative Association to enable it to keep its dairy farmer members associated with the market.

DATE: Comments are due on or before September 21, 1979.

ADDRESS: Comments (2 copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: This notice is issued in accordance with the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*). Its purpose is to inform interested parties that suspension of the following provision of the order regulating the handling of milk in the Lake Mead marketing area is being considered for the months September through December 1979:

§ 1139.7 [Amended]

1. In paragraph (b) of § 1139.7, the words "not less than 50 percent of its."

All persons who want to comment on the proposed suspension should send two copies of their comments to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before September 21, 1979.

The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include September in the suspension period.

The comments that are sent will be made available for public inspection at the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would remove the requirement for the months of September through December 1979 that supply plants ship 50 percent of their receipts to pool distributing plants in order to qualify as pool plants. The suspension was requested by Lake Mead Cooperative Association, which represents a majority of the producers on the market.

The cooperative states that since January 1979 two pool distributing plants on the market have closed, substantially lessening the cooperative's outlets for fluid milk supplies. As a result of these plant closings, the cooperative has acquired its own distributing plant, which is now being

remodeled. However, remodeling will not be completed for several months. The cooperative claims that in the meantime it will be unable to maintain the pool plant status of its supply plant because of the plant closings. Therefore, the cooperative requests suspension of the 50 percent shipping requirement for the months of September through December 1979.

Signed at Washington, D.C., on September 11, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-23652 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

[7 CFR Part 1421]

1980 Crop Flaxseed Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is preparing to make determinations with respect to the price support program for 1980-crop flaxseed. These determinations are to be made pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1980-crop flaxseed. Written comments are invited from interested persons.

DATES: Comments must be received on or before November 13, 1979.

ADDRESS: Mr. Jeffress A. Wells, Director, Production Adjustment Division, ASCS, USDA, Room 3630, South Building, P.O. Box 2415, Washington, DC 20031.

FOR FURTHER INFORMATION CONTACT: Harry A. Sullivan, (ASCS) 202/447-7951.

SUPPLEMENTARY INFORMATION:

A. Price support program and price support rate. Section 301 of the Agricultural Act of 1949, as amended, authorizes the Secretary to make price support available to producers of flaxseed through loans, purchases or other operations at a level not in excess of 90 percent of the parity price. The Act requires that, in determining whether price support shall be made available and in determining the level of support, consideration be given to the supply of

the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Price support was made available to producers for the 1979-crop of flaxseed through a purchase program at a national average purchase rate of \$4.50 per bushel.

B. Price support program availability dates. The purchase availability dates for 1979 crop flaxseed are May 31, 1980, for Minnesota, North Dakota, South Dakota, and Montana, and April 30, 1980, for all other States.

C. Detailed operating provisions. Detailed operating provisions under which the present program for flaxseed is being carried out may be found in the regulations in Part 1421 of Title 7 of the Code of Federal Regulations.

Proposed Rule

The Secretary of Agriculture is considering the following determinations for 1980-crop flaxseed:

A. Whether price support shall be made available on 1980-crop flaxseed and the method of support.

B. The level of support to be established, and differentials for quality, location, and other factors. It is contemplated that support rates for flaxseed will reflect market differentials under which flaxseed is merchandised such as area and grade.

C. Price support program availability dates.

D. Detailed operating provisions to carry out the program.

Prior to making these determinations, consideration will be given to any data, views and recommendations that may be received.

All comments will be made available for public inspection at the office of the Director, during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1-27 (b)).

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044. "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Harry A. Sullivan (ASCS) 202/447-7951.

Signed at Washington, D.C. on September 5, 1979.

John W. Goodwin,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-28612 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Quality Service

[9 CFR Parts 318 and 381]

Voluntary Meat and Poultry Plant Quality Control Systems

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to permit an official meat or poultry establishment, which has voluntarily developed a complete quality control system, to submit its plans and records of such system to the Food Safety and Quality Service (FSQS) for approval. If the Administrator deems the system to be adequate to result in the preparation of meat and poultry products in conformity with requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), he will approve the system, and the establishment will be permitted to use special labeling for identification purposes. In addition, the proposal would provide for the approval of quality control systems consisting of procedures for controlling the preparation of individual products or of systems designed to meet a general requirement, such as determination of net weight.

DATE: Comments must be received on or before November 13, 1979.

ADDRESS: Written comments to: Executive Secretariat, Attn.: Annie Johnson, Room 3807, South Agriculture Building, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments on these regulations to: Mr. Bill F. Dennis, (202) 447-3840.

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Acting Chief Staff Officer, Processed Products Inspection Staff, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture Washington, DC 20250, (202) 447-3840.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Executive

Secretariat and should bear a reference to the date and page number of this issue of the Federal Register. Any person desiring opportunity for oral presentation of views concerning the regulations must make such request to Bill Dennis so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Executive Secretariat during regular hours of business.

Background

In the early part of this century, Congress saw a need for a regulatory inspection program that would assure safe and wholesome meat and meat products for consumers and facilitate the marketing of such wholesome meat and meat products. Therefore, legislation was enacted and a program was developed based on the needs of the public at that time. Government inspectors were stationed at packinghouses to sort out and inspect certain livestock and carcasses and parts thereof. They were also responsible for inspecting the manufacture of processed products of such carcasses, even though there were relatively few products of this type (mainly, formulated sausages with relatively few ingredients). This regulatory inspection program proved to be very effective in fulfilling the statutory objectives. Every animal and its carcass and parts were inspected before and after slaughter (ante-mortem and post-mortem inspection, respectively, which is still performed today on every animal). Inspection also applied to operations involving manufactured products even though every single piece of sausage or retail cut of meat was not individually inspected. Instead, the inspectors would supplement their examinations of samples of the products with examinations of the various manufacturing operations in the plant to make certain they were in order.

Transition Era

In the period immediately following the second world war, national economic growth, advanced technology, industry competition, and other social changes caused a significant evolution in the nature and type of meat and meat food products prepared and marketed. Each year more meat products reaching the consumer were composed of complex blends of ingredients—some of which were technologically synthesized.

During this time, however, the Government's regulatory techniques

remained essentially unchanged. As additional inspectors were hired to meet industry growth, the inspection program began to rely more on laboratory analysis to confirm the wholesomeness of finished products. However, the laboratory analyses were used mainly as a check on the inspection program rather than as a tool for monitoring a meat plant's effectiveness in manufacturing products in compliance with the Government's requirements.

In the meantime, data indicated that public health problems from diseased animals were being well controlled. Industry, as well as the Government, was responsible for the disease-free and wholesome product reaching consumers. Meatpackers realized they could not survive at the expense of jeopardizing the public's health.

Modern Technology Era

In the 1950's the post-war trends intensified. There were rapidly growing scientific knowledge and technology, growth in population, expansion of market areas and development of international trade, keener competition, increasing production costs, and a growing consumer interest in consistent and uniform goods and services of all kinds including meat and poultry products. Consumers came to expect, for example, that a package of a particular brand of hotdogs had the same basic characteristics of appearance, taste, aroma, and texture as the last package purchased. Marked changes began to appear in the meat and poultry industry. Firms began to modernize their plants, and many began to specialize in slaughtering, canning, manufacturing sausage, processing ham, etc.

With these developments, there was an apparent need for more effective production control mechanisms—in modern-day terminology generally called "process quality control." The term "quality control" (QC) is used as though it has a number of meanings. For example, it may be used in reference to controlling the appearance and taste of products or the finished products requirements, such as moisture content, or to controlling the production process. It more correctly should be used to refer to a method or system of controlling the quality of a process within certain specifications. By the sixties, some meat and poultry processors were designing QC systems specifically for controlling the production process, thereby providing a consistent and uniform product at a predicted cost, as well as one meeting Government regulatory requirements.

Thus, firms were no longer relying entirely on the Department's regulatory

system as a product control mechanism and as a means of aiding equitable competition. They found that designing their own QC systems was cost effective as well as an efficient means of assuring compliance with the Department's regulatory requirements.

Status of the Department's Regulatory Efforts

Despite the dramatic changes in the meat and poultry industry, the basic techniques of inspection have remained essentially the same, as the various legislative changes had left the underlying inspection law virtually unchanged.¹ However, there has been an increasing need to rely on methods other than direct physical inspection of products in the face of industry growth (new plants requiring new inspectors), the vast number of new and highly complex products being developed, the advent of computerized formulation, the use of vegetable protein products, the growing stresses on Government laboratory capabilities resulting from the need to detect pesticide and drug residues, antibiotics and other potentially toxic substances, and increasing budget constraints.

During the past few years, the inspection program has been able to develop some new procedures that have increased inspector efficiency. These procedures primarily involve the use of statistical sampling. Reliable information can be obtained from samples to control the production process. Sampling schemes can be designed to provide a reliable method for determining whether the lot of finished product is wholesome and otherwise not adulterated and should be passed. For example, with a prescribed sample size from a given lot of battered and fried chicken, an inspector can determine that the lot of battered and fried chicken does not exceed the Government standard of 30 percent batter.

These statistically valid sampling and examination schemes have modified or supplemented many inspection procedures which were highly subjective and relied heavily on sight, smell, and taste to determine if a product was wholesome and unadulterated. Moreover, these more objective schemes have minimized the

¹ In 1967, Congress enacted the Wholesome Meat Act (Pub. L. No. 90-201, 81 Stat. 584), which made a number of changes in the existing law, particularly regarding Federal-State relationships, but which substantially preserved the inspection requirements contained in Title I of the Federal Meat Inspection Act. One year later, the Poultry Products Inspection Act (Pub. L. 90-432, 82 Stat. 731) was similarly amended.

inconsistencies and problems arising from the subjective inspection approaches.

Synopsis of Quality Control Concept

The concept of quality control is based on the fact that, in manufacturing a product, certain kinds of variations will occur, both controllable and uncontrollable. The variation in color and design of cloth might be taken as an example. If a consumer purchases a given quantity of cloth of a particular color and design, and later needs additional cloth, it is highly desirable for the additional cloth to be as close as possible to the color and design of cloth already purchased. One way to do this is to purchase it from a roll (or bolt) bearing the same lot number as that from which the first cloth was purchased. The manufacturer can control to a certain degree (or within certain tolerances) the tint of the cloth dyes and the dimensions of the design. The control is better within a roll than between rolls. However, with sufficiently accurate instruments, differences can be detected in both color tint and dimension of design. This can be demonstrated for cloth from different lots (or bolts) or from cloth from the same lot (or bolt).

Variability is present in all production processes, including meat and poultry production. Factors such as protein, fat, moisture, texture, flavor, color, and so forth, are controllable within certain limits but differences do exist in the finished products. Decisions must be made concerning the limits for each factor. For example, if a company wishes to produce hamburger with no more than 30 percent fat, a target level of less than 30 percent fat and a limit for fat content for any individual sample must be established. Production methods and control procedures can then be established to assure that the hamburger is within the 30 percent fat requirement.

The idea of "in-line" checks that would allow control of the output of product within predetermined limits had its inception with Walter A. Shewhart, who became one of the earliest developers of control charts in the 1920's while working for Bell Telephone. Such charts have the "target" and upper and lower control limits indicated, and they are utilized to plot the results at the various check points "in-line." As points are plotted, trends can easily and quickly be detected indicating when the process is in control and when it is going out of control. From these "in-line" checks, a process can be altered to assure finished product acceptance or set aside a small part of production in

order not to jeopardize the whole lot of production.

In utilizing such approaches and establishing limits, distinctions must be made between controllable and uncontrollable factors. Knowing that, appropriate limits are established.

QC Operating Characteristics

The science of mathematical statistics provides the means to measure and deal with the fact of variability. In a production system, such as the one used in the manufacture of meat and poultry products, variations which are uncontrollable, natural, expected, and quantifiable will result in random fluctuations of sample results around some central point (which may also be the target). Knowing what those variations are and the extent of their fluctuation, the control chart approach can then quickly identify fluctuation due to controllable causes. The causes can then be eliminated. Corrections can serve the many purposes discussed earlier in this document, namely assuring a consistent quality level, uniform product characteristics, production cost control, and avoidance of the risks of repercussions or reprisals from the Department's regulatory mechanisms.

Since more and more establishments now use effective QC systems, there is tremendous potential for the Department to utilize the data and information generated by these systems in order to more efficiently and expeditiously carry out its inspection responsibilities. Because these plant QC systems can take corrective action before a process goes out of control, the potential exists for the Department to utilize a plant's quality control system as a supplement to its inspection system and more effectively carry out its own responsibility to determine the wholesomeness of products.

Applicability of QC for Small Plants

The term "quality control" can conjure an image of highly trained technicians in white coats doing mysterious things in expensive laboratories. It, therefore, should be noted that a plant QC system can be rather simple and inexpensive, and still be effective. It should also be noted that plant QC systems are often initiated in a simple manner, and as their value becomes known, they are enlarged to increase the benefits accruing from increased sales and reduced costs.

In many cases the small packer does not have the variety of raw materials or production options available to the large packer. The small packer must rely on quality and in some cases distribution

advantages. As a rule, the small packer cannot afford expensive laboratory equipment and a professional quality control staff. However, quality control measurements can be made by nonprofessional employees with relatively little training. There are analytical capabilities that are available at low cost which can be performed by nontechnically trained employees which are fast, dependable, and economical. Suppliers to the meat and poultry industry, particularly those engaged in selling non-meat and poultry ingredients, such as spices and flavorings often make analytical help available as well.

In developing this proposal, the Department has recognized the need to consider its impact and effect on the small operator. In the past, the Department has assisted many small establishments in implementing microbiological monitoring of their sanitation programs without employing a microbiologist; determining fat and moisture content of frankfurters and bologna without expensive laboratory equipment or chemists; and controlling the count of meatballs in a container by periodic samples and charting results. The Department will provide the same assistance to small operators in implementing other QC systems and will approve all such systems which meet departmental criteria.

The Department's Intentions

In view of the above, the Department is reevaluating the traditional methods and techniques for fulfilling its responsibilities for inspection and labeling of processed meat and poultry products under the Federal Meat Inspection Act and Poultry Products Inspection Act. While the adoption of these proposed measures would modify to a certain extent the methods and techniques of inspection employed in approved facilities, they will not alter the Department's reliance upon the inspection requirements mandated by these laws. It is the Department's belief that effective utilization of plant-operated QC systems should serve to strengthen the inspection system while allowing the Department to be more cost-effective in the use of its inspection budget.

The Department's changes would essentially mean that the data generated and used by the plants to control production would be fully shared with the Department. For a plant's QC system to be recognized and accepted by the Department as a generator of valid information and exerciser of production control, it would have to be clearly and completely outlined. The information to

be required for partial quality control approval would be all that is considered necessary for the Department to properly evaluate the system to be approved. More comprehensive information would be required in the submission of a total quality control plan, since the Department would be engaged in an overall review of the establishment's operating procedures.

In developing this proposal, the Department evaluated, among other things, the two basic alternatives to the establishment of a voluntary quality control system: the retention of the present inspection system without quality control and the imposition of a mandatory quality control requirement. As discussed more fully below, the Department believes that voluntary quality control should serve to strengthen the current system and allow the Department to more effectively utilize its inspection personnel. On the other hand, it is the Department's view that mandatory quality control cannot be required under existing law. Consequently, the Department is currently considering the possibility of seeking legislative authority to impose such a requirement. In this regard, another potential benefit which could be realized through the adoption of voluntary quality control would be the establishment of preliminary data which would better enable both the Department and the Congress to properly evaluate the advisability of such a legislative change.

Acknowledgement of Questions

There seem to be at least two broad areas in which questions may arise concerning a greater utilization of data generated by an establishment's QC system. The first is whether the quality of inspection would be reduced, and the second is whether a change in inspection methods would be an abdication of the Secretary's responsibilities under the Federal Meat Inspection Act and the Poultry Products Inspection Act.

With respect to the first concern, the Department has good reason to believe that the quality of inspection would not be diminished, but could even be enhanced. In this regard, the Department's inspection program has had experience for several years in utilizing sampling and inspecting techniques based on objective measurements and procedures. The Department's procedures for inspecting boneless beef for cleanliness and freedom from other defects such as hair and bone particles is a good example. In this procedure, the Department's inspector randomly selects a prescribed

sample size based on the total quantity of product to be shipped (normally referred to as a lot), and carefully examines that sample for specific defects. This procedure has been successful.

In addition, in a 1977 report titled, "A Better Way for the Department of Agriculture to Inspect Meat and Poultry Processing Plants," the General Accounting Office (GAO) recommended, among other things, legislation to require a mandatory total quality control approach to the further processing of meat and poultry products. In addition to requiring plants to adopt QC programs, which Federal inspectors would monitor, GAO recommended that the legislation provide for a system which would allow the Department to tailor inspection frequency to the inspection needs of individual plants. Although this proposal is for voluntary QC rather than mandatory, we have cited the GAO report because it recognized that the time had come for a different approach to meat and poultry inspection.

The second broad question concerns the wording and interpretation of certain provisions of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). Section 6 of the FMIA (21 U.S.C. 606) provides in part that " * * * the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment * * * and said inspectors shall mark, stamp, tag or label as "Inspected and passed" all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found adulterated * * *."

A narrow interpretation of the above language could mean that a departmental inspector must personally and literally inspect (by some method which the Act does not prescribe) every frank, slice of luncheon meat, pork chop, etc., before it could bear the "inspected and passed" wording; and further that a departmental inspector must personally and literally place every label, mark, stamp, or tag on every such single item. This language has not been so narrowly interpreted in the administration of the Act. To the contrary, the Department has exercised some discretion regarding its methods of inspection, particularly with regard to processed products with complex formulations. The Department has adhered, however, to the principles

that Federal inspectors make the determinations as to which products are adulterated and misbranded and which are not, and that the marks of Federal inspection are placed on the products by the inspectors or by establishment employees under that degree of supervision by the inspectors necessary to assure that the marks are properly applied only to products eligible therefor.

Similar provisions regarding inspection are included under the PPIA, although the Secretary has more discretion under this Act with respect to the extent of inspection of "further processing" of poultry products than the FMIA does with respect to meat food products.

(See, in this regard, section 6 of the PPIA (21 U.S.C. 455).)

Approval of Total Voluntary QC Systems

The Department's proposed policy would allow flexibility in the design of the plant's total QC system in order to provide opportunity for technological innovation and changing techniques. The General requirements for making application for approval would include the following information which would adequately inform the Department of the establishment's proposed QC system and provide adequate assurances so that the system would function in accordance with the requirements of the applicable statute and regulations:

1. The submission of a letter to the Administrator from the plant owner or operator for the public record stating:

a. The company's basis and purpose for seeking an approved QC system and willingness to adhere to the requirements of the system as approved by the Department.

b. That all data, analyses, and other information generated by the plant's QC system will be available to USDA personnel at all times.

c. That plant QC personnel will have authority to halt production or shipment of product in cases where other corrective measures have been ineffective.

d. That the plant owner, operator or designee will be available for consultation anytime USDA personnel find it necessary.

2. If a plant has personnel with primary duties relating to QC, the submission of a plant organizational chart indicating that such personnel report to an official whose responsibilities are not predominately production.

3. A list identifying those Parts (Subparts in the case of poultry) and sections of the regulations which are

applicable to the operations of the establishment applying for approval of a QC system. This list shall also identify which QC system or part thereof will serve to maintain compliance with the applicable regulations.

4. Detailed information concerning the manner in which the QC system will function. Such information should include, but not necessarily be limited to, questions of raw material control, the process control points, the nature and frequency of tests, the nature of charts and other records that will be used, the nature and types of deficiencies the system is designed to identify, the process limits at which corrective action will be taken, and the nature of such corrective action.

The plant's application for approval of a totally voluntary QC system will be evaluated by the Administrator. If it were to be determined by the Administrator that the QC system would—if carried out as presented—result in finished products being in full compliance with all applicable statutory provisions, rules and regulations, the plant's QC system would be approved and a plan would be arranged for its implementation. If the application were to be denied, the applicant would be informed, in writing, of the basis for the denial and would be given an opportunity to modify the plan and reapply for approval. The applicant would also be offered the opportunity to submit a written statement in response to this denial and the right to request a hearing, under applicable Rules of Practice, with respect to the merits of such a decision.

Upon approval and implementation of the system, the Department would issue press information of the name and location of the plant, and would maintain a current list available to the public of all plants operating under approved total QC systems.

Implementation and Operation

In order to continue carrying out the Secretary's responsibilities under the FMIA and PPIA, the Department would select and assign inspection personnel to perform the kinds of inspection functions uniquely needed in these plants. The selection of personnel, any special training needed, assignment, and supervision would initially be closely managed by the Washington and regional offices. This is deemed necessary to maximize effectiveness of the Department's responsibilities, to facilitate communications and provide guidance, and to maximize uniformity and consistency in implementing and supervising plants under total voluntary plant QC systems.

Special Labeling Claims

Companies effecting a total plant QC system under the concepts outlined in this document would be permitted to use the special logo and wording identified in the proposed regulation as part of their labeling. Consumers would thereby be provided a means for identifying products processed under approved QC systems.

Termination of a QC System

In the event a plant's QC system were to be found to be ineffective, the Administrator may terminate approval. Termination would occur if the establishment is found to have distributed adulterated or misbranded product in commerce. In such cases, opportunity would be provided the plant owner or operator to present views within 30 days of the date of termination. In those instances where there is a conflict as to the facts, a hearing, under applicable Rules of Practice, would be afforded, if requested, to resolve the conflict. Termination would also occur if the establishment fails to correct problems in the QC system after notice has been given by the Administrator. Prior to such termination, opportunity would be provided the plant owner or operator to present views within 30 days of the date of notice. In those instances where there is a conflict as to the facts, a hearing, under applicable Rules of Practice, would be afforded, if requested, to resolve the conflict.

Upon termination of QC approval, an establishment would be required to immediately discontinue the use of any label bearing the logo and any wording as provided by the proposed regulation except in cases of emergency as determined by the Administrator on a case-by-case basis. Such emergency extensions shall be granted by the Administrator for good cause based upon a demonstration of economic hardship and lack of harm to the public health or interest.

In cases where approval of the plant's total QC system is terminated, an application and request for approval of the same or a modified total QC system will not be evaluated by the Department for at least 6 months from the termination date or for at least 2 months from the termination date in the case of a partial QC system. Upon making a second application and request for approval, all facts, data, and information generated during the 6-month period, or 2-month period in the case of a partial QC system, must be included in the new application, especially such facts, data, and

information showing that the problem causing the earlier termination has been rectified.

The Department believes that a longer period of time is necessary prior to the resubmission of a total quality control plan than a partial quality control plan since the Department, in reviewing such data, will be conducting a comprehensive review of the establishment's operating procedures. While two months would appear to be a sufficient amount of time for an establishment to revise data regarding a partial plan, the 6-month period would appear more appropriate for total QC approval.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Therefore, in view of all the above considerations, the Administrator proposes to amend § 318.4 of the Federal meat inspection regulations (9 CFR 318.4) by changing the section heading, and the Table of Contents, accordingly, rewording the second and third sentences of paragraph (b), and adding new paragraphs (c), (d), (e), (f), and (g) to read as follows:

§ 318.4 Preparation of products to be officially supervised, responsibilities of official establishment; plant operated quality control.

* * * * *

(b) * * *. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate measures to assure the maintenance of the establishment and the preparation, marking, labeling, packaging and other handling of its products strictly in accordance with the sanitary and other requirements of this subchapter. The effectiveness of such measures will be subject to review by the Department.

(c) *Applying for Total Plant Quality Control.* Any owner or operator of an official establishment preparing meat food product who has a total plant quality control system or plan for controlling such product, after ante-mortem and post-mortem inspection, through all stages of preparation, may request the Administrator to evaluate it to determine whether or not that system is adequate to result in product being in compliance with the requirements of the Act and therefore qualify as a U.S. Department of Agriculture (USDA) Total Plant Quality Control Establishment. Such a request shall, as a minimum, include:

(1) A letter to the Administrator from the establishment owner or operator stating the company's basis and purpose

for seeking an approved quality control program and willingness to adhere to the requirements of the program as approved by the Department; that all the establishment's data, analyses, and information generated by its quality control system will be available to Department personnel; that plant quality control personnel will have authority to halt production or shipping of product in cases where the submitted quality control systems require it; and that the owner or operator (or the person acting in their stead) will be available for consultation at any time Department personnel consider it necessary.

(2) In the case of an establishment having one or more full-time persons whose primary duty is related to the quality control system, an organizational chart showing that such people ultimately report to an establishment official whose quality control responsibilities are independent of or not predominantly production responsibilities. In the case of an establishment which does not have full-time quality control personnel, information indicating the nature of the duties and responsibilities of the person who will be responsible for the quality control system.

(3) A list identifying those Parts and sections of the Federal meat inspection regulations which are applicable to the operations of the establishment applying for approval of a QC system. This list shall also identify which QC system or part thereof will serve to maintain compliance with the applicable regulations.

(4) Detailed information concerning the manner in which the system will function. Such information should include, but not necessarily be limited to, questions of raw material control, the critical check or control points, the nature and frequency of tests to be made, the nature or charts and other records that will be used, the nature of deficiencies the quality control system is designed to identify and control, the parameters or limits which will be used, and the points at which corrective action will occur and the nature of such corrective action—ranging from the least to most severe.

(d) *Applying for Partial Quality Control.* Any owner or operator of an official establishment preparing meat food products who has a quality control system or plan for a product, operation, or a part of an operation, may submit it to the Administrator and request a determination as to whether or not that system is adequate to result in product being in compliance with the requirements of the Act. Such a request shall, as a minimum, include:

(1) A letter from the establishment official responsible for quality control stating the objective of the system, and that all data and information generated by the plant's system will be available to Department personnel.

(2) Detailed information concerning raw material control, the critical check or control points, the nature and frequency of tests to be made, the charts and records that will be used, the limits which will be used and the points at which corrective action will occur, and the nature of the corrective action—ranging from the least to the most severe.

(e) *Evaluation and Approval of Total Plant Quality Control or Partial Plant Quality Control.* (1) The Administrator shall evaluate the material presented in accordance with the provisions of paragraph (c) or (d) of this section. If it is determined by the Administrator on the basis of the evaluation, that the total quality control system or partial quality control system will result in finished products controlled in this manner being in full compliance with the requirements of the Act and regulations thereunder, the total quality control system or partial quality control system will be approved and plans will be made for implementation under departmental supervision.

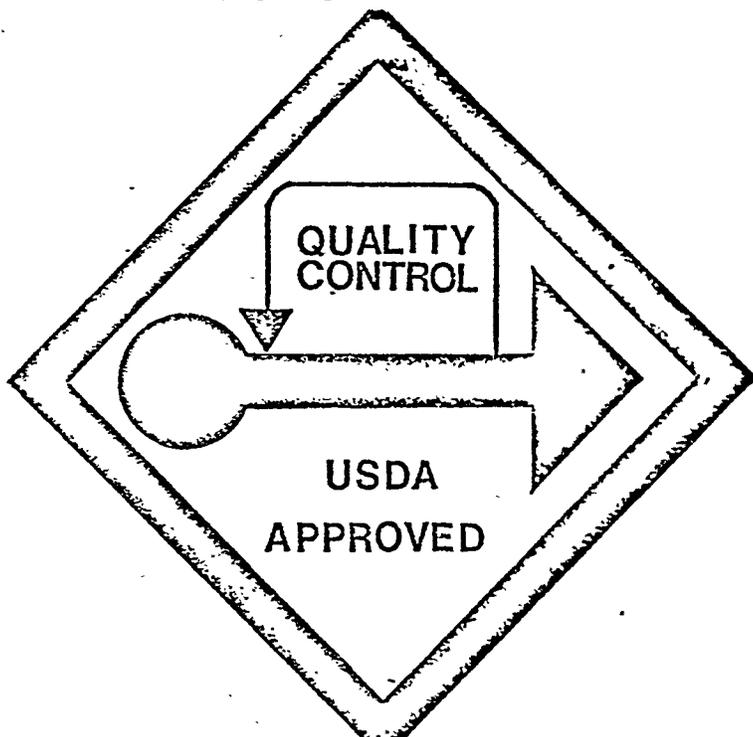
(2) In any situation where the system is found to be unacceptable, formal notification shall be given to the applicant of the basis for the denial. The applicant will be afforded an opportunity to modify his proposed plan

in accordance with this notification. The applicant shall also be afforded an opportunity to submit a written statement in response to this notification of denial and a right to request a hearing with respect to the merits or validity of the denial. If the applicant requests a hearing and the Administrator, after review of the answer, determines the initial determination to be correct, he shall file with the Hearing Clerk the notification, answer and request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be conducted in accordance with Rules of Practice which shall be adopted for this proceeding.

(3) The establishment owner or operator shall be responsible for the effective operation of the approved total plant quality control system or partial plant quality control system to assure compliance with the requirements of the Act and regulations thereunder. The Secretary shall continue to provide the Federal inspection necessary to carry out the responsibilities of the Act.

(f) *Labeling Logo.* Owners and operators of official establishments having a total plant quality control system approved under the provisions of paragraph (c) of this section, may only use, as a part of any labeling, the following logo. Any labeling bearing the logo and any wording of explanation with respect to this logo shall be approved as required by Parts 316 and 317 of this subchapter.

BILLING CODE 3410-37-M



(g) *Termination of Total Plant Quality Control or Partial Plant Quality Control.*

(1) The approval of a total plant quality control system or a partial plant quality control system may be terminated at any time by the owner or operator of the official establishment upon written notice to the Administrator.

(2) The approval of a total plant quality control system or partial plant quality control system may be terminated upon the establishment's receipt of a written notice from the Administrator under the following conditions:

(i) If adulterated or misbranded meat food product is found by the Administrator to have been distributed in commerce by the subject establishment. In such case, opportunity will be provided to the establishment owner or operator to present views within 30 days of the termination date of the approval. In those instances where there is a conflict of facts, a hearing, under applicable Rules of Practice, will be provided to the establishment owner or operator to resolve the conflict. The Administrator's termination of quality control approval would remain in effect pending the final determination of the proceeding.

(ii) If the establishment fails to correct problems in the quality control system after being notified by letter from the Administrator or his designee. Prior to such termination, opportunity will be provided to the establishment owner or operator to present views within 30 days of the date of the letter. In those instances where there is a conflict of facts, a hearing, under applicable Rules of Practice, will be provided to the establishment owner or operator to resolve the conflict. The Administrator's termination of quality control approval would remain in effect pending the final determination of the proceeding.

(3) Upon termination of the approval of the total plant quality control system, the establishment will be required to immediately discontinue the use of any labeling bearing the logo or any wording in reference to the total plant quality control system, as provided in paragraph (f) of this section. Extensions permitting continued use of such labeling may be granted by the Administrator for good cause based upon a showing of economic hardship and lack of harm to the public health or interest.

(4) If approval of the total plant quality control system or partial plant

quality control system has been terminated in accordance with the provisions of this section, an application and request for approval of the same or a modified total plant quality control system will not be evaluated by the Administrator for at least 6 months from the termination date, or for at least 2 months from the termination date in the case of a partial plant quality control system.

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 42 FR 35625, 35626, 35631)

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Further, in view of all the above considerations, the Administrator proposes to amend § 381.145 of the poultry products inspection regulations (9 CFR 381.145) as follows:

1. The paragraph designation "(c)" would be deleted and the present text of that paragraph (c) would be added to the end of paragraph (b) of that section.

2. New paragraphs (c), (d), (e), (f), and (g) would be added to read as follows:

§ 381.145. Poultry products and other articles entering or at official establishments; examination and other requirements.

* * * * *

(c) *Applying for Total Plant Quality Control.* Any owner or operator of an official establishment preparing poultry food product who has a total plant quality control system or plan for controlling such products, after ante-mortem and post-mortem inspection, through all stages of preparation, may request the Administrator to evaluate it to determine whether or not that system is adequate to result in product being in compliance with the requirements of the Act and therefore qualify as a U.S. Department of Agriculture (USDA) Total Plant Quality Control Establishment. Such a request shall, as a minimum, include:

(1) A letter to the Administrator from the establishment owner or operator stating the company's basis and purpose for seeking an approved quality control program and willingness to adhere to the requirements of the program as approved by the Department; that all the establishment's data, analyses, and information generated by its quality control system will be available to Department personnel; that plant quality control personnel will have authority to halt production or shipping of product in cases where the submitted quality

control systems require it; and that the owner or operator (or the person acting in their stead) will be available for consultation at any time Department personnel consider it necessary.

(2) In the case of an establishment having one or more full-time persons whose primary duty is related to the quality control system, an organizational chart showing that such people ultimately report to an establishment official whose quality control responsibilities are independent of or not predominantly production responsibilities. In the case of a small establishment which does not have full-time quality control personnel, information indicating the nature of the duties and responsibilities of the person who will also be responsible for the quality control system.

(3) A list identifying those Subparts and sections of the poultry products inspection regulations which are applicable to the operations of the establishment applying for approval of a QC system. This list shall also identify which QC system or part thereof will serve to maintain compliance with the applicable regulations.

(4) Detailed information concerning the manner in which the system will function. Such information should include, but not necessarily be limited to, questions of raw material control, the critical check or control points, the nature and frequency of tests to be made, the nature of charts and other records that will be used, the nature of deficiencies the quality control system is designed to identify and control, the parameters of limits which will be used and the points at which corrective action will occur, and the nature of such corrective action—ranging from the least to most severe.

(d) *Applying for Partial Quality Control.* Any owner or operator of an official establishment preparing poultry food products who has a quality control system or plan for a product, operation, or a part of an operation, may submit it to the Administrator and request a determination as to whether or not that system is adequate to result in product being in compliance with the requirements of the Act. Such a request shall, as a minimum, include:

(1) A letter from the establishment official responsible for quality control stating the objective of the system, and that all data and information generated by the plant's system will be available to Department personnel.

(2) Detailed information concerning raw material control, the critical check or control points, the nature and frequency of tests to be made, the charts and records that will be used, the limits which will be used and the points at which corrective action will occur, and the nature of the corrective action—ranging from the least to the most severe.

(e) *Evaluation and Approval of Total Plant Quality Control or Partial Plant Quality Control.* (1) The Administrator shall evaluate the material presented in accordance with the provisions of paragraph (c) or (d) of this section. If it is determined by the Administrator, on the basis of the evaluation, that the total quality control system or partial quality control system will result in finished products controlled in this manner being in full compliance with the requirements of the Act and regulations thereunder, the total quality control system or partial quality control system will be approved and plans will be made for implementation under departmental supervision.

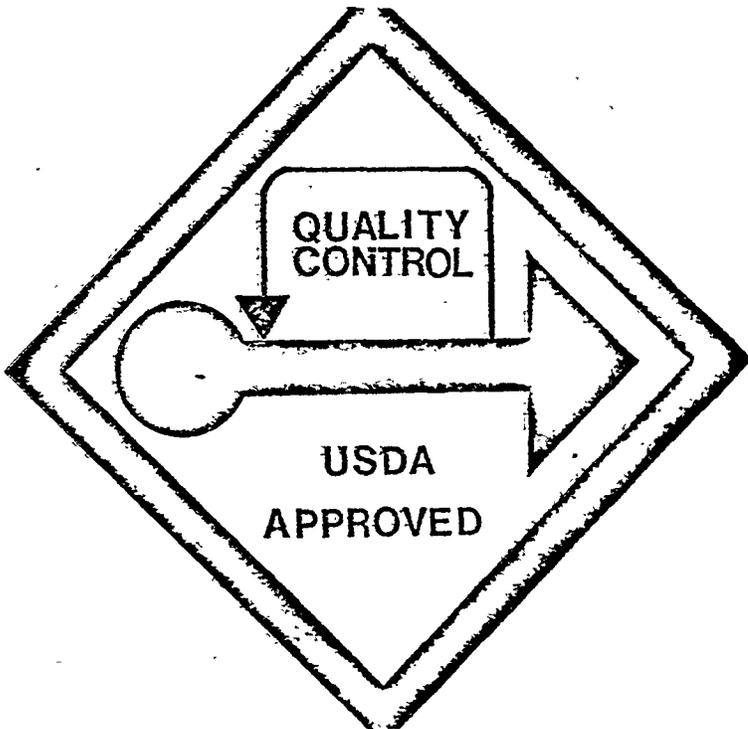
(2) In any situation where the system is found to be unacceptable, formal notification shall be given to the applicant of the basis for the denial. The applicant will be afforded an opportunity to modify his proposed plan in accordance with this notification. The applicant shall also be afforded an opportunity to submit a written statement in response to this

notification of denial and a right to request a hearing with respect to the merits or validity of the denial. If the applicant requests a hearing and the Administrator, after review of the answer, determines the initial determination to be correct, he shall file with the Hearing Clerk the notification, answer and request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be conducted in accordance with Rules of Practice which shall be adopted for this proceeding.

(3) The establishment owner or operator shall be responsible for the effective operation of the approved total plant quality control system or partial plant quality control system to assure compliance with the requirements of the Act and regulations thereunder. The Secretary shall continue to provide the Federal inspection necessary to carry out the responsibilities of the Act.

(f) *Labeling Logo.* Owners and operators of official establishments having a total plant quality control system approved under the provisions of paragraph (c) of this section, may only use, as a part of any labeling, the following logo. Any labeling bearing the logo and any wording of explanation with respect to this logo shall be approved as required by Subparts M and N of this Part.

BILLING CODE 3410-DM-11



(g) Termination of Total Plant Quality Control or Partial Plant Quality Control.

(1) The approval of a total plant quality control system or a partial plant quality control system may be terminated at any time by the owner or operator of the official establishment upon written notice to the Administrator.

(2) The approval of a total plant quality control system or partial plant quality control system may be terminated upon the establishment's receipt of a written notice from the Administrator under the following conditions:

(i) If adulterated or misbranded poultry food product is found by the Administrator to have been distributed in commerce by the subject establishment. In such case, opportunity will be provided to the establishment owner or operator to present views within 30 days of the termination date of the approval. In those instances where there is a conflict of facts, a hearing, under applicable Rules of Practice, will be afforded to the establishment owner or operator, if requested, to resolve the conflict. The Administrator's termination of quality control approval would remain in effect pending this hearing process.

(ii) If the establishment fails to correct problems in the quality control system after being notified by letter from the Administrator or his designee. Prior to such termination, opportunity will be provided to the establishment owner or operator to present views within 30 days of the date of the letter. In those instances where there is a conflict of facts, a hearing, under applicable Rules of Practice, will be afforded to the establishment owner or operator, if requested, to resolve the conflict. The Administrator's termination of quality control approval would remain in effect pending this hearing process.

(3) Upon termination of the approval of its total plant quality control system, the establishment will be required to immediately discontinue the use of any labeling bearing the logo or any wording in reference to the total plant quality control system, as provided in paragraph (f) of this section. Extensions permitting the continued use of such labels of this 60-day period may be granted by the Administrator for good cause based upon a showing of economic hardship and lack of harm to the public health or interest.

(4) If approval of the total plant quality control system or partial plant quality control system has been terminated in accordance with the provisions of this section, an application and request for approval of the same or a modified total plant quality control

system will not be evaluated by the Administrator for at least 6 months from the termination date, or for at least 2 months from the termination date in the case of a partial plant quality control system.

(Sec. 14, 71 Stat. 447, as amended, 21 U.S.C. 463; 42 FR 35625, 35626, 35631)

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Draft Impact Analysis is available from Mr. Bill F. Dennis, Acting Chief Staff Officer, Processed Products Inspection Staff, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, D.C., on September 11, 1979.

Donald L. Houston,
Administrator, Food Safety and Quality Service.

[FR Doc. 79-28651 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-37-M

FARM CREDIT ADMINISTRATION

[12 CFR Part 614]

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments to its regulations pertaining to the loan policies and operations of production credit associations. Under current regulations the production credit associations may make loans for terms up to 7 years. The proposed amendments will allow certain aquatic loans to be made on terms up to 15 years.

DATES: Written comments must be received on or before October 15, 1979.

ADDRESSES: Submit any comments or suggestions in writing to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Public Affairs Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Sanford A. Belden, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578 (202-755-2181).

SUPPLEMENTARY INFORMATION: The proposed amendments will implement the provisions of Public Law 95-443 which authorizes loans to producers and harvesters of aquatic products for terms up to 15 years. Although the current 7-year term has been adequate for most aquatic loan purposes, a longer repayment period is considered necessary for loans to finance fishing vessels and related shore facilities which involve major capital expenditures. The amendment will authorize loans with maturities up to 15 years for these purposes. Accordingly, Part 614 is proposed to be amended to read as follows:

PART 614—LOAN POLICIES AND OPERATIONS

Section 614.4110, is revised to read as follows.

§ 614.4110 Production credit associations.

Each production credit association, under policies established by the bank board and procedures prescribed by the bank, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to eligible borrowers for a term not exceeding 7 years; except that loans to eligible producers or harvesters of aquatic products for the purposes enumerated in section 614.4200(e) may be for a term not exceeding 15 years.

* * * * *

Section 614.4200(e) is revised to read as follows.

§ 614.4200 Production credit associations.

* * * * *

(e) Longer term loans may be made with maturities not to exceed 15 years to producers or harvesters of aquatic products for major capital expenditures including but not limited to purchase of vessels, construction or purchase of shore facilities, and similar purposes directly related to the producing or harvesting operation.

(Sec. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

Donald E. Wilkinson,
Governor.

Robert T. Lowrerre,
Assistant General Counsel.

[FR Doc. 79-28579 Filed 9-13-79; 8:45 am]

BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

[14 CFR Parts 233, 302]

[EDR-387; PDR-68; Docket No. 36497;
Dated: August 31, 1979]**Proposed New Part Establishing
Service Mail Rate Zones for Interstate,
Overseas and Foreign Air
Transportation; Correction****AGENCY:** Civil Aeronautics Board.**ACTION:** Errata to Notice of Proposed
Rulemaking.**SUMMARY:** A footnote was omitted and a
sentence not deleted from the CAB's
notice of Proposed Rulemaking
proposing a new part establishing
service mail rate zones.**FOR FURTHER INFORMATION CONTACT:**
Mark S. Kahan, Assistant Director,
Fares, Rates, and Tariffs, Bureau of
Domestic Aviation, or Lawrence Myers,
Office of the General Counsel, Civil
Aeronautics Board, 1825 Connecticut
Avenue NW., Washington, D.C. 20428.
202/673-5858; 673-5791.**SUPPLEMENTARY INFORMATION:** In EDR-
387/PDR-68 44 FR 52246 September 7,
1979, a footnote was inadvertently
omitted on page 52251, column 2,
following the first full sentence. The last
sentence of the same paragraph should
have also been deleted since the
footnote makes it unnecessary.* * * We propose to fix the lower limit at
slightly above the average variable cost of
service, by entity and type of mail.^{12a}^{12a} The average variable cost of service is
approximated by total "labor and support expense"
assigned to mail in Order 78-11-80 and by total
"noncapacity costs" assigned to mail in Order
79-7-97, each expressed as a percentage of total
"economic" costs. As Appendix B shows, the lower
limits tentatively selected are above the respective
average variable cost ratios computed for the base
years in the domestic and international proceedings,
in consideration of the ranges of error possible in
this exercise. Average variable costs under a strict
micro-economic definition, have never been
computed for mail or for any other service
connected with air transportation, to our
knowledge.* * * * *
Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-28649 Filed 9-13-79; 8:45 am]

BILLING CODE 3320-01-M

**OFFICE OF THE SPECIAL
REPRESENTATIVE FOR TRADE
NEGOTIATIONS**

[15 CFR Part 2006]

**Procedures for Complaints Received
Pursuant to Section 301 of the Trade
Act of 1974, as Amended.****AGENCY:** Office of the Special
Representative for Trade Negotiations.
ACTION: Proposed rules.**SUMMARY:** This proposal is intended to
conform current regulations to section
301 of the Trade Act of 1974 (19 U.S.C.
2411) as amended by the Trade
Agreements Act of 1979 (Pub. L. 96-39,
section 901). This regulation will be
applied on a provisional basis pending
review of comments received and
publication of final regulations.**DATES:** Written comments to this
proposal are due on or before October
14, 1979.**ADDRESS:** Chairman, Section 301
Committee, Office for the Special
Representative for Trade Negotiations,
1800 G Street, N.W., Room 715,
Washington, D.C. 20506.**FOR FURTHER INFORMATION CONTACT:**
Michael Gadbaw or Alice Zalik (STR)
(202) 395-3432.**AUTHORITY:** Pub. L. 93-618, 88 Stat. 1978,
as amended by Pub. L. 96-39, 93 Stat.
144, EO 11846 of March 27, 1975, 40 FR
1429, March, 1975.**SUPPLEMENTARY INFORMATION:** On July
26, 1979, the President signed the Trade
Agreement Act of 1979 (Pub. L. 96-39).
These proposed rules have been
developed to revise Part 2006 of the
Code of Federal Regulations (15 CFR
2006 et seq.) in conformance with the
amendment to section 301 of the Trade
Act of 1974 (19 U.S.C. 2411) which:Allows review of allegations by STR
and acceptance or rejection of the
petition within 45 days. Determinations
not to accept a petition with the reasons
therefore are to be published in the
Federal Register.Requires immediate consultation with
foreign government once an
investigation is initiated in an attempt to
resolve the issue prior to invoking
formal dispute provisions.Requires the Special Representative to
seek private sector advice before taking
retaliatory action and provides for
request for comment from the ITC on the
economic impact of retaliatory action.Requires the Special Representative to
seek advice from the private sector and
from the petitioner in preparing U.S.
presentations in international
proceedings.Establishes time limits within which
investigations must be completed and
recommendations for Presidential action
made, based upon nature of the issues
raised.Allows the Special Representative to
make recommendations to the President
without a requested hearing if
expeditious action is necessary but
requires that a hearing follow the
recommendation.Requires the Special Representative to
provide to the private sector where
possible, information on foreign
government practices and on U.S. rights
and remedies under any trade
agreements. If the information is not
available, the Special Representative
must request it from the foreign
government.Part 2006 of the Code is hereby
amended to read as follows:**PART 2006—PROCEDURES FOR
COMPLAINTS RECEIVED PURSUANT
TO SECTION 301 OF THE TRADE ACT
OF 1974, AS AMENDED**

Sec.

2006.0 Submission of petition requesting
Presidential action under section 301.2006.1 Information to be included in
petition.

2006.2 Adequacy of the petition.

2006.3 Determinations regarding petitions.

2006.4 Requests for information made to
foreign governments and
instrumentalities.2006.5 Procedures upon initiation of
investigation: consultations and formal
dispute settlement.

2006.6 Public hearings.

2006.7 Submission of written briefs.

2006.8 Presentation of oral testimony at
public hearings.

2006.9 Waiver of requirements.

2006.10 Consultations before making
recommendations.

2006.11 Recommendations: time limits.

2006.12 Information open to public
inspection.

2006.13 Information not available.

2006.14 Information exempt from public
inspection.§ 2006.0 Submission of petition
requesting Presidential action under
section 301.(a) Petitions may be submitted by an
interested party. An interested party is
deemed to be a party who has a
significant interest; for example, a
producer of a like or directly competitive
product or a commercial importer or
exporter of a product which is affected
either by the failure to grant rights to
United States under a trade agreement
or by the act, policy, or practice
complained of, or any person
representing a significant economic
interest affected either by the failure to
grant rights of the United States under a

trade agreement or by the act, policy, or practice complained of in the petition.

(b) Twenty copies of the petition, clearly typed, photocopied or printed shall be delivered to:

Chairman, Section 301 Committee Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Washington, D.C. 20506.

(c) The telephone number of the Section 301 Committee is (202) 395-3432.

§ 2006.1 Information to be included in petition.

Petitions submitted pursuant to section 301 of the Trade Act of 1974 shall clearly state on the first page that the petition is filed pursuant to section 301 of the Trade Act of 1974 and shall:

(a) Identify the petitioner and the person, firm or association, if any, which petitioner represents and describe briefly the interest of the petitioner which is affected by the failure of a foreign government or instrumentality to grant rights of the United States under a trade agreement or which is otherwise affected by the act, policy or practice which is the subject of the petition.

(b) Describe the rights of the United States being denied under the trade agreement which petitioner seeks to enforce or the act, policy or practice which is the subject of the petition and provide a reference to the particular part of section 301 related to the assertions in the petition.

(c) Include, wherever possible, copies of laws or regulations which are the subject of the petition. If this is not possible, the laws and regulations shall be identified with the greatest possible particularity, such as by citation.

(d) Identify the foreign country or instrumentality with whom the United States has an agreement under which petitioner is asserting rights claimed to be denied or whose acts, policies or practices are the subject of the petition.

(e) Identify the product or service for which the rights of the United States under the agreement, claimed to be denied, are sought or which is subject to the act, policy or practice of the foreign government or instrumentality named in (d) above.

(f) Demonstrate that rights of the United States under a trade agreement are not being provided or show the manner in which the act, policy or practice is inconsistent with the provisions of a trade agreement or otherwise denies benefits due the United States under a trade agreement or is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce. Provide specific information showing the volume of trade involved and the impact on

petitioner and on U.S. commerce. If the petition includes an assertion that subsidy payments are having an adverse effect upon a product or products of the United States in United States' markets or in other foreign markets, it shall include, to the extent possible, the following information:

(i) The volume of trade in the goods or services involved.

(ii) A quantification of the economic or other impact on the petitioner and on U.S. commerce in general.

(iii) A statement of the manner in which the subsidy complained of is inconsistent with any trade agreement and the manner in which it burdens or restricts United States' commerce.

(g) State whether petitioner has filed or is filing for other forms of relief under the Trade Act of 1974 or any other provision of law.

§ 2006.2 Adequacy of the petition.

If the petition filed pursuant to § 2006.0 does not conform substantially to the requirements of §§ 2006.0 and 2006.1, the Chairman of the Section 301 Committee may nevertheless determine that there is sufficient information on which to proceed to a determination whether to initiate an investigation, or may return the petition to the person who submitted it with written guidance on making the petition conform to the requirements.

§ 2006.3 Determinations regarding petitions.

Within 45 days after the day on which the petition is received the Special Representative shall determine whether to initiate an investigation.

(a) If the Special Representative determines not to initiate an investigation, he shall notify the petitioner of his reasons and shall publish notice of the negative determination and a summary of the reasons in the Federal Register.

(b) If the Special Representative determines to initiate an investigation, he shall publish the text of the petition in the Federal Register, and provide an opportunity for the presentation of views concerning the issues.

§ 2006.4 Request for Information Made To Foreign Governments or Instrumentalities.

If the Special Representative receives a petition alleging violations of any international agreement, he will notify the foreign government or instrumentality of the allegations and may request information, in English, necessary to a determination of the case. The Special Representative may proceed on the basis of best information available if, within a reasonable time,

no information is received in response to the request.

§ 2006.5 Procedures Upon Initiation of Investigation: Consultations and Formal Dispute Settlement.

(a) If the Special Representative determines to initiate an investigation on the basis of a petition, he shall on behalf of the United States, request consultations with the foreign government or instrumentality concerned regarding the issues raised in the petition.

(b) If the issues in a petition are covered by a trade agreement between the United States and the foreign government involved and a mutually acceptable resolution cannot be reached within the consultation period provided for in the agreement, the Special Representative shall institute the formal dispute settlement proceedings, if any, provided for in the agreement. In preparing United States presentations for consultations and dispute settlement proceedings, the Special Representative shall seek information and advice from the petitioner and from the appropriate private sector representatives.

§ 2006.6 Public hearings.

(a) A public hearing shall be held if requested by the petitioner in writing under 302(b)(2)

(i) Within 30 days after the date of an affirmative determination under § 2006.3(b) if the request for public hearing within such period is included with the petition; or

(ii) On a date after that period if agreed to by the petitioner; or

(iii) At such other time as agreed to by the petitioner if a timely request for a public hearing is made by the petitioner following the filing of the petition.

(b) A public hearing shall be held by the Special Representative if requested under section 304(b)(1) by any interested party if the interested party submits an application in writing stating briefly the interest of the person requesting the hearing, the firm, person or association he represents and the position to be taken. A hearing so requested shall be held:

(i) Prior to recommending that the President take action; or

(ii) Within 15 days after the recommendation to the President for action is made, if the Special Representative determines that expeditious action is required.

(c) After receipt of a request for a public hearing under section 304(b)(1) of the Trade Act, the Chairman of the Section 301 Committee will notify the applicant whether his request meets the requirements of this Part, and if not, the

reasons therefor. If the applicant has met the requirements of this Part, he will be notified of the time and place of the public hearing.

(d) Notice of public hearings to be held under section 302(b)(2) and 304(b)(1) shall be published in the Federal Register by the Chairman of the Section 301 Committee.

§ 2006.7 Submission of written briefs.

(a) In order to participate in the presentation of views either at a public hearing or otherwise, an interested person must submit a written brief before the close of the period of submission announced in the public notice. The brief may be, but need not be, supplemented by the presentation of oral testimony in any public hearing scheduled in accordance with § 2006.6.

(b) The brief shall state clearly the position taken and shall describe with particularity the supporting rationale. It shall be submitted in twenty (20) copies which shall be legibly typed, printed or duplicated.

(c) In order to assure each party an opportunity to contest the information provided by other parties, the Section 301 Committee will entertain rebuttal briefs filed by any party within a time limit specified in the public notice. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing and should be as concise as possible.

§ 2006.8 Presentation of oral testimony at public hearings.

(a) A request by an interested person to present oral testimony at a public hearing shall be submitted in writing before the close of the period of submission announced in the public notice and shall state briefly the interest of the applicant. Such request will be granted if a brief has been submitted in accordance with § 2006.7.

(b) After consideration of a request to present oral testimony at a public hearing, the Chairman of the Section 301 Committee will notify the applicant whether the request conforms to the requirements of § 2006.8(a), and, if it does not, will give the reasons. If the applicant has submitted a conforming request he shall be notified of the time and place for the hearing and for his oral testimony.

§ 2006.9 Waiver of requirements.

To the extent consistent with the requirements of the Trade Act of 1974, the requirements of §§ 2006.0 through 2006.3 and §§ 2006.6 through 2006.8 may be waived by the Special Representative or the Chairman of the Section 301

Committee upon a showing of good cause and for reasons of equity and the public interest.

§ 2006.10 Consultations before making recommendations.

Prior to making recommendations on what action, if any, should be taken in regard to issues raised in the petition, the Special Representative shall obtain advice from the appropriate private sector advisory representatives unless expeditious action is required, in which case he shall seek such advice after making the recommendation. The Special Representative may also request the views of the International Trade Commission on the probable economic impact of the proposed action.

§ 2006.11 Recommendations: Time limits.

The Special Representative shall recommend to the President what action, if any, should be taken under Section 301 with respect to the issues raised in the petition not later than:

(a) Seven months after the date of the initiation of the investigation if the petition alleges only an export subsidy covered by the Agreement on Interpretation and Applications of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade;

(b) Eight months after the date of the investigation initiation if any matter covered by the Subsidies Agreement other than only an export subsidy is alleged in the petition;

(c) Thirty days after the conclusion of the dispute settlement procedure where the petition raises issues covered by a trade agreement approved under section 2(a) of the Trade Agreements Act of 1979 (other than the Subsidies Agreement);

(d) Twelve months after the date of investigation initiation in cases not included under (a), (b) or (c) of this section.

§ 2006.12 Information open to public inspection.

With the exception of information subject to section 2006.14, an interested person may, upon written request, inspect at the office of the Section 301 Committee:

(a) Any written petition, brief, or similar submission of information made pursuant to section 301.

(b) Any stenographic record of a public hearing held pursuant to section 301.

(c) Information on the nature and extent of a specific trade policy or practice of a foreign government or instrumentality with respect to particular products or services, to the

extent that such information is available to the Special Representative or other Federal agencies.

(d) Information on the rights of the United States under any trade agreement and the remedies which may be available under the agreement and under the laws of the United States.

§ 2006.13 Information not available.

If the Special Representative does not have, and cannot obtain from other Federal agencies, information requested in writing, by any person, he shall, within 30 days after the receipt of the request—

(a) Request the information from the foreign government involved; or

(b) Decline to request the information and inform the person in writing of the reasons for the refusal.

§ 2006.14 Information exempt from public inspection.

(a) The Chairman of the Section 301 Committee shall exempt from public inspection business information submitted in confidence if he determines that such information involves trade secrets or commercial and financial information the disclosure of which is not authorized by the person furnishing such information nor required by law.

(b) A party requesting that the Chairman exempt from public inspection business information submitted in writing shall clearly mark each page "Business Confidential" at the top, and shall submit a nonconfidential summary of the confidential information. Such person shall also provide the Chairman of the Section 301 Committee with a written explanation of the reasons the material should be so classified.

(c) The Chairman may deny a request that he exempt from public inspection any particular business information if he determines that such information is not entitled to exemption under law. In the event of a denial, the party submitting the particular business information will be notified of the reasons for the denial and will be permitted to withdraw the submission.

Note.—This proposal has been reviewed under the STR criteria established to implement Executive Order 12044, "Improving Government Regulations" and a determination has been made that these regulations are not "significant."

STR has allowed only 30 days for public comment because of the necessity for implementing the amendment to section 301 in order that the cases now under

consideration can be handled expeditiously under the new regulations.

Michael Gadbaw,
Chairman, Section 301 Committee.

[FR Doc. 79-28919 Filed 9-13-79; 8:45 am]

BILLING CODE 3190-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 441]

Mobile Home Sales and Service; Publication of Presiding Officer's Report Regarding Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Publication of Presiding Officer's Report.

SUMMARY: On May 23, 1977, the Presiding Officer published in the Federal Register (42 FR 26398) Final Notice of the proposed trade regulation rulemaking proceeding. The Presiding Officer's Report, required by the Commission's Rules of Practice for rulemaking (16 CFR 1.13(f)) consisting of his Summary, Findings and Conclusions with regard to the Proposed Rule and to those issues designated by him has been made public and placed on rulemaking record 215-41.

DATE: The 60-day period which the Rules of Practice for rulemaking (16 CFR 1.13(h)) provide for public comment on both the Report by the Presiding Officer and a report of the staff (16 CFR 1.13(g)) will not commence until the staff's report has been made public and placed on the record. Therefore, comment on the Presiding Officer's Report alone would be considered premature at this time.

ADDRESS: Copies of the Presiding Officer's Report may be obtained by written request to Federal Trade Commission/SSD, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Raymond L. Rhine, Presiding Officer, Office of the General Counsel, Federal Trade Commission, Washington, DC 20580, 202-724-1045.

SUPPLEMENTARY INFORMATION: A limited number of copies of the Presiding Officer's Report are being printed for distribution and requests for the Report should be filed in writing with the Federal Trade Commission, SSD, Washington, DC 20580. Copies will be sent as soon as they are received from the printer.

When completed, the staff's report on the rulemaking record and its recommendations to the Commission also will be made public and notice thereof published in the Federal

Register. The Presiding Officer's Report has not been reviewed or adopted by either the Bureau of Consumer Protection or the Commission and its publication should not be interpreted as reflecting the present views of the Commission or any individual Commissioner.

Issued: September 11, 1979.

Raymond L. Rhine,
Presiding Officer.

[FR Doc. 79-28614 Filed 9-13-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Ch. I]

[Docket No. RM77-22]

Rate of Interest on Amounts Held Subject to Refund; Oral Argument

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Oral Argument.

SUMMARY: An oral argument will be held concerning why oil pipeline refund interest rates and procedures should or should not be identical to those applicable to gas pipelines and producers, and electric utilities.

ADDRESS: Oral argument to be held at Hearing Room A, second floor, 825 North Capitol Street, NE., Washington, D.C. 20426. Requests to make statements should be submitted in writing to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St. NE., Washington, D.C. 20426.

DATE: Requests to make statements must be submitted on or before September 26, 1979. The oral argument will be held on October 9, 1979.

FOR FURTHER INFORMATION CONTACT: Dennis H. Melvin, Office of the General Counsel, Federal Energy Regulatory Commission, Room 4016-A, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8581.

or

Clarence Burris, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8108-A, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8161.

Take notice that the Commission, in its final rule issued this day in the above-referenced proceeding, has requested oral argument on the question of whether the new refund interest rate regulations for oil pipelines should or should not be allowed to become effective January 1, 1980, as drafted in

the final rule. Participants in this argument are asked to specifically address why or why not oil pipeline refund interest rates and procedures should be identical to those applicable to gas pipelines and producers, and electric utilities. Recommended changes to the oil pipeline regulations which appear in this proceeding in the final rule, should also be specified.

Different groups of participants in this hearing may have similar interests. In order to avoid repetitive presentations, the Commission reserves the right to limit participation in the oral argument. Parties having similar positions on issues should consolidate their efforts, to the extent possible, and make a collective appearance through a single spokesman.

To expedite the oral argument, the Commission will not require a formal brief or a position paper from the participants. If the participants wish to provide such documents, or courtesy copies of prepared texts which they plan to present at the argument, they may submit these materials to the Secretary in advance.

The hearing will be held in Hearing Room A on the second floor of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m. on October 9, 1979. Request to make statements at this argument should be submitted by mail on or before September 26, 1979, to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, at the above address. Each such request should state the amount of time desired.

The Secretary will then prepare a schedule prescribing the order in which participants shall appear and the amount of time allocated to each of them.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-28569 Filed 9-13-79; 8:45 am]

BILLING CODE 6450-01-M

[18 CFR Part 35]

[Docket No. RM79-64]

Revision of § 35.13; Filing of Changes in Rate Schedules; Notice of Draft Rulemaking and Technical Conferences

September 10, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Draft Rulemaking and Technical Conferences.

SUMMARY: The Office of Electric Power Regulation, Federal Energy Regulatory

Commission (Commission), is making available to interested parties a draft revision of 18 CFR 35.13, relating to the filing of information in support of a change in wholesale electric rates by public utilities. Copies of the draft and supporting materials are available at the Commission's Office of Public Information.

The Commission staff will conduct two technical conferences to discuss the draft rulemaking before the proposal is considered by the Commission. Full participation in the conference is by invitation. However, the public is invited to attend and questions will be taken from the floor as time permits. A transcript of the proceedings will be placed in the public record.

DATES: Conference to be held on: October 4 and 5 at 10:00 a.m.

ADDRESSES: Copies of the draft and supporting materials are available at the Commission's Office of Public Information; Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426 during business hours.

Conference to be held at: Federal Energy Regulatory Commission, Hearing Room A, 825 North Capitol Street, N.E., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Leo T. Markey, Federal Energy Regulatory Commission, Division of Rates and Corporate Regulation, Office of Electric Power Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-4667.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-28622 Filed 9-13-79; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 514]

[Docket No. 79N-0019]

New Animal Drug Applications; Safety and Effectiveness Data Supporting the Approval of Minor Use New Animal Drugs; Extension of Comment Period

AGENCY: Food and Drug Administration.
ACTION: Extension of Comment Period.

SUMMARY: The agency is extending the comment period on the proposal to allow, where scientifically appropriate, the use of animal models and the extrapolation of data from one species to another to support the approval of applications for certain new animal

drugs. The Animal Health Institute has requested an extension.

DATE: Comments by October 19, 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: Thomas V. Raines, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 20, 1979 (44 FR 42714), the agency issued a proposal to allow, where scientifically appropriate, the use of animal models and the extrapolation of data from one species to another to support the approval of applications for (1) new animal drugs for use in minor species of animals and for (2) new animal drugs for the control of diseases that occur infrequently and in limited geographic areas. Comments were to be filed by September 18, 1979.

The Animal Health Institute (AHI) has requested a 90-day extension of the comment period. In its request, AHI asserts that, in order to respond to the proposal, additional time is needed for a thorough study of the "Guidelines on Safety and Efficacy in the Target Animal on the Minor Use of Drugs" referenced in the proposal.

The agency has considered AHI's request and has concluded that the original comment period of 60 days together with an additional 30 days is an adequate period of time in which to submit comments on the proposal. Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the comment period is extended 30 days to October 19, 1979.

Interested persons may, on or before October 19, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 1979.

Joseph P. Hille,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-28635 Filed 9-12-79; 10:00 am]
BILLING CODE 4110-03

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-194-77]

Tax Treatment of Certain Deferred Compensatory Payments; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the tax treatment of amounts of compensatory payments which are deferred under certain nonqualified compensatory reduction plans or arrangements.

DATES: The public hearing will be held on November 27, 1979, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by November 13, 1979.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC. The outlines should be addressed to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-194-77), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 61 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Friday, February 3, 1978, at page 4638 (44 FR 4638). A correction to the proposed regulations was published in the Federal Register for Thursday, February 9, 1978, at page 5545 (44 FR 5545). A public hearing was previously held on these proposed regulations on May 4, 1978. A News Release (IR-2135) was issued on June 11, 1979, asking for additional written comments on the proposed regulations

by August 10, 1979. After receiving these comments, it was decided that a second public hearing would be held.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the News Release and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 13, 1979. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

David E. Dickinson,
Assistant Director, Legislation and
Regulations Division.

[FR Doc. 79-28631 Filed 9-13-79; 8:45 am]
BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 Agencies; Proposed Designations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed is an agency that requested deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agency to process charges deferred to them by the Commission.

DATES: Comments must be received by September 29, 1979.

ADDRESS: Comments should be sent to Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Franklin F. Chow, telephone 202-634-6040, Equal Employment Opportunity Commission (State and Local), 2401 E Street, N.W., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to 1601.71 Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the Federal Register, 42 F.R. 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agency listed below be designated as a "706 Agency," 1601.70(a).

The purposes for such designation are as follows: First, that the agency receive charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agencies pursuant to Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended. The proposed designation of the agency listed below is hereby published to provide any person or organization not less than 15 days within which to file written comments with the Commission as provided for under 1601.71(a). At the expiration of the 15 day period, the Commission may effect designation of the agency by publication of an amendment to 1601.74(a).

The proposed "706 Agency" designation is as follows:

City of Detroit, Michigan, Human Rights Department.

Written comments pursuant to this notice must be filed with the Commission on or before September 29, 1979.

Signed at Washington, D.C. this 11th day of Sept. 1979.

Eleanor Holmes Norton,
Chair, Equal Employment Opportunity
Commission.

[FR Doc. 79-28673 Filed 9-13-79; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[30 CFR Part 45]

Independent Contractors; Public Hearing

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Notice of public hearing.

SUMMARY: Public hearings on proposed regulations which set forth guidelines for the identification of independent contractors as operators under the Federal Mine Safety and Health Act of 1977 (Act) will be held in six locations. The public hearings will cover the issues addressed in the proposed rule (44 FR 47746-47752) and all other relevant issues raised at the hearing.

DATES: Requests to make oral presentations for the record at the hearings should be submitted by October 8, 1979. The schedule for the public hearings is as follows:

October 11, 1979—Lexington, Kentucky

October 16, 1979—Minneapolis, Minnesota

October 18, 1979—Dallas, Texas

October 23, 1979—Seattle, Washington

October 25, 1979—San Diego, California

October 30, 1979—Washington, D.C.

ADDRESSES: Send requests to make oral presentations for the record at the hearings to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Blvd., Arlington, Virginia 22203.

The six public hearings scheduled will be held at the following locations on the dates indicated, beginning at 9:00 a.m.:

1. October 11, 1979; Holiday Inn North, Bourbon Room, I-75 and Newton Pike, Lexington, Kentucky 40505.

2. October 16, 1979; Minneapolis Auditorium and Convention Hall, 1403 Stevens Avenue South, Room 203 (Enter at Lobby C—Third Avenue), Minneapolis, Minnesota 55403.

3. October 18, 1979; Dallas Hilton Hotel, Grand Ballroom, 1914 Commerce Street, Dallas, Texas 75201.

4. October 23, 1979; Seattle Center, Nisqually Room, Northwest Rooms, First Avenue and Republican Street, Seattle, Washington 98109.

5. October 25, 1979; Sheraton Harbor Island Hotel, Cuyamaca Room, 1380 Harbor Island Drive, San Diego, California 92101.

6. October 30, 1979; Twin Bridges Marriott, Commonwealth Ballroom, 333 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Director, Office of Standards, Regulations and Variances, 4015 Wilson Blvd., Arlington, Virginia 22203, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On October 31, 1978, the Mine Safety and Health Administration (MSHA),

Department of Labor, published a notice of the availability of a draft proposed rule (43 FR 50716) governing the identification of independent contractors as operators. Interested persons were afforded 45 days to submit written comments on the draft proposed rule. MSHA received comments from more than 75 organizations and individuals. On August 14, 1979 (44 FR 47746-47752), MSHA published a notice of proposed rulemaking which included changes in the draft as a result of the comments.

The purpose of the public hearings is to receive relevant evidence concerning the proposed rule. In order to assure that all interested persons will have the opportunity to participate in the public hearings, each oral presentation will be limited to 20 minutes. Participants may wish to concentrate their oral presentations upon the issues which most interest and affect them and submit written comments on other issues.

The hearings will be conducted in an informal manner by a panel of MSHA officials. There will be no cross-examination of persons making statements, although at the discretion of the chairman, supplemental statements by those presenting evidence may be permitted. Although formal rules of evidence will not apply, the chairman may, in his or her discretion, exclude irrelevant or unduly repetitious material. A verbatim transcript of the proceedings will be taken with all written comments and data submitted included in the record. The transcript of the proceedings shall be available for public inspection, and the record shall remain open until November 25, 1979 for the submission of supplementary statements or data.

Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

Dated: September 10, 1979.

[FR Doc. 79-28680 Filed 9-13-79; 8:45 am]
BILLING CODE 4510-43-M

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

Everglades National Park, Florida; Fishing and Boating Regulations

AGENCY: National Park Service, Interior.
ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below are necessary to ensure the preservation and enjoyment of the unique estuarine-marine resources of

Everglades National Park. These regulations have been designed to provide greater resource protection through regulated use and to provide for increased recreational use and enjoyment of park resources by resolving the competition between commercial and recreational fishermen.

This will be accomplished by: (1) closure of additional areas of Florida Bay to all public entry by establishing sanctuary areas to protect crocodile nesting critical habitat, (2) restrictions on recreational shellfish harvest (blue crab traps, stone crab traps and spiny lobster), (3) establishment of bag limits for fish species, (4) assimilation of the State of Florida statutes for commercial stone crabbing, and (5) elimination of commercial fishing by December 31, 1985, within waters of the park.

DATES: Written comments, suggestions or objections will be accepted until November 13, 1979.

The National Park Service has scheduled the following public hearings on this proposed rulemaking:

Miami, Florida, October 9, 1979.
Homestead, Florida, October 10, 1979.
Marathon, Florida, October 11, 1979.
Naples, Florida, October 12, 1979.

ADDRESSES: Comments should be directed to: Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33032.

The addresses for the public hearings are provided in "Public Comments and Hearings" under "Supplementary Information" below.

FOR FURTHER INFORMATION CONTACT: Richard H. Dawson, Resources Management Specialist, Marine Resources, Everglades National Park, Telephone: (305) 247-6211.

SUPPLEMENTARY INFORMATION:

Background

In January of 1979, the National Park Service distributed for public review an "Assessment of Fishery Management Options for Everglades National Park, Florida." This Assessment explored options for assuring the preservation and enjoyment of the unique estuarine-marine resources of Everglades National Park. The purpose of the Assessment, and the processes that led up to it, was to determine through public and professional involvement, whether an environmental impact statement is required, and more importantly, which of the options presented in the assessment or arising as the result of public input or further professional examination, should be addressed as special rules in Title 36 of the Code of Federal Regulations.

Public Participation

The National Park Service published the "Assessment of Fishery Management Options for Everglades National Park, Florida" in January of 1979. In order to solicit public input, the Service held four public workshops throughout South Florida. These workshops were attended by 611 people. Special interest groups represented were:

Organized Fishermen of Florida
Islamorada Fishing Guides Association
Everglades Protection Association
Islamorada Charter Boat Association
Izaak Walton League
Florida League of Anglers
Miami Outboard Club
Miami Power Squadron
Florida Wildlife Federation
Sierra Club
Florida Audubon Society

In addition to the comments and suggestions received in workshop sessions, numerous letters were received and evaluated. Further, the Service has consulted with the Florida Department of Natural Resources and the National Marine Fisheries Service.

The National Park Service has thoroughly reviewed and analyzed comments on various options, suggestions for substitute options, and philosophical comments on the reason for the existence and the role that Everglades National Park should fill. As a result of this review, a "Review of Fishery Management Alternatives at Everglades National Park, Florida" was prepared. The Review considers the nature of the resource, available alternatives, their impacts, mitigating measures to minimize impacts on the environment, and additional considerations providing the basis for this rulemaking and supporting the conclusion that an environmental impact statement is not needed.

This Review of Alternatives, describes the process by which environmental and economic effects, feasibility, management implications, and other factors have been evaluated. It identifies options that will be implemented through these special rules and will guide future management of the park.

The net effect of the options selected will be to provide greater protection of the natural resources through regulated use and to provide for increased recreational use and enjoyment of park resources by resolving the competition between commercial and recreational fishermen. Selected options are to be accomplished by: (1) closure of additional areas of Florida Bay to all public entry by establishing sanctuary areas to protect crocodile nesting

critical habitat, (2) restrictions on recreational shellfish harvest (blue crab traps, stone crab traps and spiny lobster), (3) establishment of bag limits for fish species, and (4) elimination of commercial fishing in the park on December 31, 1985.

Copies of the Review of Alternatives are on file and available for public inspection at the Office of the Superintendent, Everglades National Park, Homestead, Florida 33030, and at the Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.

Analysis of Alternatives

The National Park Service has considered the environmental and economic effects, feasibility, enforceability, management implications and other factors affecting or affected by the various fishery management options at each stage of the assessment process. The following discussion provides the basis upon which various options have been selected.

No Action Alternative. While the marine and estuarine areas of the park will support, for a few years, the present level of fishing pressure, a decision to make no changes is likely to mean that commercial fishing will proceed and the competition between the commercial and recreational fishing interest will intensify.

Under this alternative the \$1.21 million that the commercial sector landings generate and, also, the 270 fishermen currently fishing in the park would not be displaced. However, the continued need for mullet in shallow water bays and backwaters of the park increases the possibility of net encounters with endangered species, such as the American alligator, American crocodile, Kemp's Ridley sea turtle, Loggerhead sea turtle, and West Indian manatee. In addition, hook and line fishermen would continue to compete with recreational fishermen for sportfish species. Finally, stone crabbing operations will continue to harvest from radically fluctuating stock being heavily fished offshore and whose operation itself presents a navigational hazard to recreational boaters.

Therefore, this no-action alternative would neither resolve nor mitigate the present recreational versus commercial fishing competition. This competition is steadily intensifying as more and more sportsmen choose to fish these waters. This influx has produced a recreational fishery estimated at \$2.5 million annually in park waters. Most of the public perceives the park's purpose as providing recreation and natural system preservation and not commercial

harvest of resource. A nonaction alternative continues practices which can subject endangered species to unnecessary hazards.

This alternative was not preferred by either the commercial or sportsfishermen. Conservation groups did not prefer the no-action since the alternative would not resolve the problems that spawned this process.

Prohibition of net fishing in the entire park. This option was one of four options originally proposed. The other three options proposed would have prohibited net fishing in North Florida Bay or South Florida Bay or in Florida Bay as a whole. A total ban or net fishing is inclusive of the other three options. A total prohibition of net fishing was selected because it will provide 1.1 to 1.5 million pounds of fish to the ecosystem annually for consumption by predators and fishermen both inside and outside the park. The white and striped mullet, at every stage of their life cycle, are used as a food source by piscine and avian predators, and therefore are essential for ecosystem maintenance. Net encounters with endangered species would be eliminated.

This alternative was preferred by a great majority of the public, is comprehensive in its scope and is therefore enforceable. Minority opinion focused on the fact that the quantity and quality of water entering the park, and not the catch of the net fishermen, caused fish stock declines. The majority of public comments supported the prohibition of net fishing. More importantly the Service believes that a prohibition of net fishing is consistent with existing National Park Service policies regarding fishing and ecosystem protection.

Establishment of a maximum bag limit of twenty (20) fish per person per day, with no more than ten (10) fish of any one species except snook, which will be four (4) fish per person per day. The selection of this alternative will provide an additional 227,500 to 402,500 pounds of fish annually to the ecosystem for consumption by predators and fishermen. Since the most commonly sought species (red drum, spotted seatrout and gray snapper) occupy high consumer position as adult fish, their benefit to the natural system will be, mostly, in pre-juvenile and juvenile life history stages. This alternative will eliminate the commercial hook and line fishermen from the park, resulting in an annual loss of \$113,000 to \$197,000, and the displacing of 63 fishermen currently holding permits. This alternative also will reduce recreational harvest by 2.6% to 5.7% with a resultant loss of \$3,100 to \$11,000 per annum.

The bag limit alternative received broad support among all segments of the public. Minority opinions dealt mainly with the actual numbers of each species of the number of fish in the aggregate bag limit. It provides the resource managers with a means of controlling harvest and protecting existing stocks. This alternative is proposed for implementation as set forth in section (F)(18).

Prohibition of spiny lobster harvest. The selection of this alternative does not result in a negative economic impact to the local economy, since commercial harvest already is prohibited in the park. However, the opportunity for the recreational diver to harvest spiny lobster will be lost, thus displacing most recreational diving activity to outside the park where spiny lobster harvest is permitted.

This alternative could have a positive economic impact since it will make available approximately 4,000 additional spiny lobsters for harvest in adjacent areas and will be accompanied by a slight increase in market value. This increase will be realized because park waters will function as a nursery area/sanctuary. Currently, there is no serious decline in spiny lobster stocks within the park; however, as a result of this action the historical size and age structure, distribution and abundance of the spiny lobster population in the park will be restored.

The majority of public opinion on this alternative was negative. Opponents stressed that existing bag limits are not enforced and that with better enforcement, shorter season, stricter bag limits and further regulation as to capture methods, the spiny lobster population may recover. However, the aforementioned positive impact and the biological evidence obtained based on the prohibition of spiny lobster harvest in Biscayne Bay support the decision.

Restrictions on stone crab harvest in the park. Public comment on stone crabbing focused on buoys and lines as navigational hazards. Since buoys and lines are also found on recreational stone crab and blue crab traps, they pose the same problem to safe navigation. The future of commercial stone crabbing in the park is addressed under the "phase-out" alternative for commercial fishing. Recreational trap fishing using buoyed traps and other *unattended* gear would be prohibited due to the navigational hazards imposed by unattended buoys and lines. Recreational crabbing for stone and blue crab would be permitted using *attended* gear with a limit of five (5) traps per person. Harvest prohibition will restore historical size/age structure, distribution

and abundance to the park stone crab population. Also, 152,000 to 220,000 pounds of mature male crabs will be provided to the system and could migrate offshore, out of the park, or be utilized by the ecosystem.

The negative impact of this alternative will be the annual loss of from \$102,000 to \$175,000 and the displacing of 51 crabbers now holding permits from the park. This impact may be mitigated partially by stone crabs migrating out of the park into the Gulf of Mexico stone crab fishery.

Phase-out of commercial fishing (excluding guides) by December 31, 1985. This option will not allow an increase in the number of permittees and will accelerate the phase-out so that all commercial fishing will cease in the park by December 31, 1985. This date was based on depreciation schedules for fishing boats and gear. These schedules indicate stone crab traps fully depreciate in 3 years; fiberglass boats in 7 to 15 years; wooden mullet skiffs in 5 to 7 years. Gear, such as nets, tackle, poles and outboard engines, commonly are written off as expenses and are not depreciated. No additional fishermen have entered the fishery since the August 23, 1978, moratorium. This seven (7)-year period therefore will allow total or at least 50% depreciation.

The major impact of this option will be the estimated loss of \$1.21 million that the park's commercial fishery provides the local economy. Additionally, 155 commercial fishermen (excluding guides) will be displaced from their traditional park fishing areas. This \$1.21 million loss represents 0.5% of the total worth of Florida's commercial fishing industry and 1.8% of the value of landings in Collier and Monroe counties. The six (6)-year phase-out period will allow fishermen to seek new fishing areas, outside the park, and this may partially mitigate the eventual impact of this alternative on them.

Selection of this alternative will result in the availability of approximately 1.3 million to 1.7 million pounds of fish and crabs to the ecosystem annually to be consumed, caught by recreational fishermen or migrate out of park waters into commercial fisheries. This action will eliminate net encounters with endangered species. It also will eliminate the navigational hazard posed by crab trap buoys and lines. Finally, this will enable the stone crab and mullet populations to regain historical age/size structure, distribution and abundance in the park. Additionally, it will reduce the possibility of biological and economic overfishing of popular food fish species, such as red drum,

spotted seatrout and gray snapper, by commercial hook and line fishermen.

This alternative resulted from public comment, which addressed limiting commercial permittees to 290 individuals with one-to-one replacement and gradual phase-out of commercial fishing. Since National Park Service policies direct that the protection of fishery resources and preservation of ecosystem integrity take precedence over consumptive uses and because the weight of public comment opposed commercial fishing, we believe this alternative, containing a phase-out period and considering depreciation of equipment, would be the most equitable. The proposed regulations implementing this alternative are set forth in section (h).

Establishment of sanctuary areas in endangered species critical habitat areas. Recently, a great deal of concern has been placed on the status of the American crocodile population inhabiting northeast Florida Bay.

These crocodiles are an endangered species protected by Federal law. As previously stated, netting and boat use can adversely affect these animals and their habitat. The areas being considered as sanctuaries include: back bays north of Long Sound, Snag Bay, Joe Bay, Davis Creek, Mud Creek, Dynamite Pass and Little Madeira Bay.

The idea of sanctuary designation was brought up in all workshop sessions and received moderate support. The effect of sanctuary designation was not analyzed in the assessment of alternatives, but since 50% to 60% of all the mullet landed from North Florida Bay are taken in this area, an annual loss of \$188,250 to \$225,900 could be anticipated.

The recreational fishermen will be prohibited from entering this area. The maximum annual economic loss due to decreased sportfishing may be as high as \$96,300.

The selection of this alternative will result in greater protection to a majority of the designated American crocodile nesting critical habitat. This option will effectively eliminate crocodile net encounters near nesting sites as well as reduce habitat disturbance by boat use.

The impacts of sanctuary designation, as opposed to the original alternative for limiting motorboats to designated thoroughfares, will have a lesser economic impact and will not substantially restrict recreational boating, sportfishing or commercial fishing except in those designated sanctuaries. This sanctuary designation protects endangered species critical habitat while not being unnecessarily restrictive to boaters in Florida Bay.

Therefore, following the public sentiment expressed in the workshops, along with formal requests from the Audubon Society and the U.S. Fish and Wildlife Service Crocodile Recovery Team, it is proposed that the aforementioned areas be designated as sanctuary areas, closed to public use.

Public Comments and Hearings

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking. The National Park Service has also scheduled public hearings on this proposed rulemaking. All hearings will begin at 7:00 p.m. local time. National Park Service personnel will be available to answer questions at 6:00 p.m. local time at each of the following locations:

October 9, 1979—North Miami High School, Miami, Florida.

October 10, 1979—Homestead Junior High School, Homestead, Florida.

October 11, 1979—Marathon Senior High School, Marathon, Florida.

October 12, 1979—East Naples Middle School, Naples, Florida.

Drafting Information

The following persons participated in the writing of these regulations: John M. Good, Superintendent, Richard H. Dawson, Resource Management Specialist, Everglades National Park, and Michael V. Finley, National Park Service, Division of Ranger Activities and Protection, Washington, D.C.

Impact Analysis

The National Park Service has made a determination that the proposed regulations contained in this rulemaking are not significant, as that term is defined under Executive Order No. 12044 and 43 C.F.R. Part 14, nor do they require the preparation of a regulatory analysis pursuant to the provisions of those authorities. In addition, the Service has determined that the proposed regulations do not represent a major Federal action significantly affecting the quality of the human environment which would require preparation of an Environmental Impact Statement.

Authority

Section 3 of the Act of August 25, 1916, (39 Stat. 535, as amended, 16 U.S.C. 3); 245 DM 1 (27 FR 6395) as amended;

and National Park Service Order 77 (38 FR 7478, as amended).

Daniel J. Tobin, Jr.

Associate Director, Management and Operations.

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by revising § 7.45 (e), (f), (g), (h) to read as follows:

§ 7.45 Everglades National Park.

(e) *Definitions.* The following definitions shall apply to the provisions of this section.

(1) The term "cast net" means a type of circular falling net, weighted on its periphery, which is thrown and is retrieved by hand.

(2) The term "crawfish" means invertebrates of the genus *Panulirus* (spiny lobster).

(3) The term "dipnet" means a device for obtaining bait, the netting of which is fastened in a frame.

(4) The term "mullet" means a member of the family Mugilidae.

(5) The term "minnow" means a fish used for bait from the family Cyprinodontidae, Poeciliidae, or Atherinidae.

(6) The term "ornamental tropical fish" means finfish not commonly used for food or bait, belonging to the families Syngathidae, Apogonidae, Pomacentridae, Scaridae, Blenniidae, Callionymidae, Gobiidae, Ostraciidae and Diodontidae.

(7) The term "pilchard" means a member of the herring family (Clupeidae), generally used for bait.

(8) The term "pinfish" means a member of the genus *Lagodon* (family: Sparidae).

(9) The term "shrimp" means a member of the invertebrate family Penaeidae.

(f) *Fishing.* Except as provided in these regulations, or in § 2.13 of Title 36 of the Code of Federal Regulations, all commercial and sportfishing shall be done in accordance with the laws of the State of Florida, including license requirements, and such nonconflicting State laws are hereby adopted and made a part hereof by reference.

(1) A person, firm, or corporation engaged in commercial fishing or commercial harvesting of an edible sea product in the waters of the park open for his purpose must possess an annual, nonfee commercial fishing permit issued by the Superintendent.

(2) Seahorses, starfish, ornamental tropical fish, nonfood fish, as defined by the laws of the State of Florida, and mollusks other than oysters shall not be

taken from park waters for any purpose, except as provided herein.

(3) The taking of oysters from the waters of the park is prohibited, except by hand or rake for personal use.

(4) The taking of crawfish (spiny lobster) from waters of the park is prohibited.

(5) Recreational crabbing (stone and blue) may be conducted using attended gear only and no more than five (5) traps per person. Buoyed traps and other unattended gear are prohibited.

(6) Crabs (stone and blue) may be taken from park waters by commercial fishermen as provided for in Florida statutes 370.13, 370.132 and 370.135 and subject to the following restrictions:

(i) A person, firm, or corporation must possess a valid commercial fishing permit as provided for in paragraph (f)(1) of this section and shall not operate more than a total of 400 traps.

(ii) All traps shall be made of wood and be buoyed as provided for in Florida statute 370.13.

(iii) Traps may be used only in those park waters hereinafter described; *provided, however,* that such traps may not be placed closer than 200 feet from any Key or marked waterway:

Blackwater Sound and Buttonwood Sound; that portion of Florida Bay south of a line drawn from the southern tip of Boggy Key to the northern tip of Whaleback Key, then to the southeastern tips of Low Key, State Key, and Manatee Key, thence westerly to a small unnamed key north of Jimmies Channel, thence south following shoal waters to Captains Key, thence westerly following shoal waters touching a series of unnamed keys to Panhandle Key, thence to the northern tips of Spy Key, Sid Key, Cluett Key, Man-of-War Key, thence to the southern tip of Sandy Key, thence to the Intracoastal Waterway Marker No. 2 south of East Cape Sable; and the area south and west of a line connecting said marker to points one-quarter mile offshore from East Cape, Middle Cape, Northwest Cape, Shark Light, Shark Point, Highland Point, Porpoise Point, Seminole Point, Mormon Key, Pavilion Key, Rabbit Key, Indian Key Light and to the park boundary corner at approximately 25°50'N. latitude, 81°30'W. longitude.

(7) Live bait (shrimp, minnows, pilchards, pinfish or mullet) may be taken by fishermen with hook and line, dipnet (not exceeding 3 feet at its widest point), or by cast net (not exceeding 12 feet in diameter). No live bait shall be taken by fishermen for the purpose of sale. Dipnets and cast nets may not be dragged or trawled.

(8) Gill nets shall not exceed singly or in combination 1,200 yds. in length and shall have a stretch mesh of not less than 2½ in. from knot to knot after being shrunk. Twine used shall not exceed No. 208 nylon or monofilament. Only one

lead line and one cork line shall be permitted, and neither lead nor cork lines shall be more than five-sixteenth of an inch in diameter. No purse, pocket or other special device for entrapping or catching fish shall be used on a gill net except as provided for in paragraph (f)(9) of this section. Gill nets may be gathered or taken in by hand only and shall not be dragged. Nets shall not be pulled up on shore. Gill nets may be tied together and used in groups of not more than three: *Provided,* that the nearest net or groups of nets shall be at least 500 yards from any other gill net. When used at night, such nets shall be marked with lighted buoys.

(9) Trammels shall have a stretch mesh of not less than 12 inches (on gill nets of not less than 3¼ inches stretch mesh). Trammel nets shall not exceed 1,200 yards in length used singly or in combination. Trammel nets shall not be dragged. The nearest set or group of sets shall be at least 200 yards from any other net. When used at night, such nets shall be marked with lighted buoys. Trammel nets shall not be used within the Florida Bay area of the park.

(10) Except as provided in this section, no nets, seines, traps, spears, explosives, or other devices for the trapping, catching, killing, or taking of fish, bait, or other edible product of the sea, except hook and line, may be placed, used or possessed by any person, firm, or corporation within the park.

(11) No person, firm or corporation engaged in commercial fishing shall leave any net, trap, or other device used for taking products of the sea unattended for more than fourteen (14) days.

(12) The following described areas are closed to all fishing:

(i) All waters of T. 58 S., R. 37 E., sections 10 through 15, inclusive, measured from Tallahassee meridian and base, in the vicinity of Royal Palm Visitor Center, except Donut Lake and Pine Island Lake.

(ii) All waters in T. 54 S., R. 36 E., sections 19, 30, and 31, and in T. 55 S., R. 36 E., sections 6, 7, 18, 19, and 30, measured from Tallahassee meridian and base, in the vicinity of Shark Valley Loop Road from Tamiami Trail south.

(13) The following described areas are closed to all commercial fishing (except guide fishermen) and to the taking of products of the sea by nets or traps for any purpose:

(i) All inland bays, bights, canals, lakes, rivers and other bodies of water lying inland from the shores of Florida Bay and, in addition, the area north of a line drawn from Christian Point to Shark Point to Mosquito Point, including Otter

Key, thence to Crocodile Point to Terrapin Point and to Madeira Point.

(ii) All inland bays, lakes, canals, rivers, and other bodies of water lying inland from the nearest recognizable mainland shoreline from Flamingo to East Cape Sable and north to and including Lostman's River. For the purpose of this paragraph, the mainland shorelines shall be considered to be that area where the gulf coast rivers flow into the Gulf of Mexico.

(iii) From Lostman's River north to the park boundary corner at approximately 25°50'N latitude, 81°30'W longitude, the following inland waters: Gopher Key Creek from its junction with Cannon Bay southwestward through Charlie Creek to the Gulf of Mexico, all waters in the Gopher Key Creek drainage basin, and all waters from the north end of Alligator Creek to Onion Key.

(14) West Lake Pond, Coot Bay Pond, and other small ponds bordering the park road shall be closed to fishing and the harvesting of any edible product of the sea during those periods, as determined by the Superintendent, that such action is necessary to protect feeding and roosting birds. Notice of closing shall be given by the posting of appropriate signs at these locations.

(15) Possession of a gill net, trammel net, crab trap, or other commercial fishing equipment while in closed waters is prohibited; except that during an emergency or in times of inclement weather, boats with such equipment may anchor behind outside islands or in the mouths of rivers only. The equipment may not be used or taken from the boat during this time and when the emergency or inclement weather has passed, boats with such equipment aboard shall be removed from such closed waters.

(16) Nets, gear and fish, and other edible products of the sea that are legally possessed in State waters but are illegally possessed in park waters may be transported through the park only over Indian Key Pass, Sand Fly Pass, Rabbit Key Pass, Chokoloskee Pass and a passageway northwestward by the most direct route across Chokoloskee Bay to Fakahatchee Bay. Boats travelling through these passageways with such nets, gear, fish, or other edible products of the sea shall remain in transit unless disabled.

(17) Fish may not be fileted while in or on Park waters, except for four (4) filets per person for immediate consumption.

(18) Bag Limits: No person shall take, have in his possession, buy, offer for sale, sell, or unnecessarily destroy, at any time more than: Ten (10) fish of one species, excluding bait fish, as stated in subsection (f)(7), and not totally more

than twenty (20) fish of all species, excluding bait fish, with the exception of persons, firms, or corporations holding a valid commercial Park fishing permit for mullet and pompano netting only.

(g) *Boating.* (1) West Lake Pond and West Lake shall be closed to all vessels during those periods, determined by the superintendent, that these areas are being used by feeding birds. At all other times, these areas, including Little Sable Creek, shall be open only to handpropelled vessels or Class A motorboats powered by motors not to exceed 5½ horsepower that can be launched by hand. Notice of closing will be given by the posting of appropriate signs at these areas.

(2) Except to effect a rescue, or unless otherwise officially authorized, no person shall land on keys of Florida Bay except those marked by signs denoting the area open, nor on the mainland shorelines from Terrapin Point eastward to U.S. Highway 1, including the shores of all inland bays and waters and those shorelines contiguous with Long Sound, Little Blackwater Sound, and Blackwater Sound.

(3) Motorboats are prohibited in the following inland fresh water areas: Long Pine Key Lake, Pine Glade Lake, Sisal Pond, Big Ficus Pond, Sweetbay Pond, Paurotis Pond, Nine Mile Pond, Royal Palm Pond, Pine Island Pond, Parachute Key Ponds, Coot Bay Pond, and Mrazek Pond, and L87 canal.

(4) The following described areas are closed to all public entry: Little Madeira Bay, Taylor River, East Creek, Mud Creek, Davis Creek, Joe Bay and its easternmost portion, commonly called Snag Bay, and all creeks inland from the northern shoreline of Long Sound to U.S. Highway 1.

(5) Vessels used as living quarters shall not remain in or be operated in the waters of the Park for more than 14 days without a permit issued by the Superintendent. Said permit will prescribe anchorage location, length of stay, sanitary requirements and such other conditions as considered necessary.

(6) The following area bordering the Shark Valley Loop Road from Tamiami Trail south is closed to all boating: Sections 19, 30, and 31, Township 54 South, Range 36 East; sections 6, 7, 18, 19, and 30, Township 55 South, Range 36 East.

(h) *Prohibition of Commercial Fishing.* (1) As of December 31, 1985, all commercial fishing will be prohibited in the waters of the Park. Guide fishermen will not be included under this provision and will not be required to obtain permits from the Park to fish its waters. When this provision becomes effective,

the regulations will be revised to reflect this change.

[FR Doc. 79-28748 Filed 9-13-79; 8:45 am]

BILLING CODE 4310-70-M

POSTAL RATE COMMISSION

[39 CFR Part 3001]

Rules of Practice; Conference Regarding Possible Rulemaking on Experimental Proposals by United States Postal Service

September 11, 1979.

AGENCY: Postal Rate Commission.

ACTION: Notice of Conference regarding possible rulemaking on experimental proposals by the United States Postal Service.

SUMMARY: The Postal Rate Commission, as a result of a recent court decision affirming the requirement that all proposals to conduct new postal services on an experimental basis be first brought before the Commission as classification proceedings under 39 U.S.C. § 3623, has determined to explore the possibility of a new rule or rules and/or a statement of general policy intended to streamline and make less burdensome the § 3623 hearing process so required.

DATES: Conference will be held at 9:30 a.m. on September 26, 1979. Parties planning to attend are requested to notify the Secretary of the Commission on or before September 24, 1979.

ADDRESS: Conference will be held at the Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268. Telephone: (202) 254-3830.

SUPPLEMENTARY INFORMATION: In *United Parcel Service v. U.S. Postal Service*, 3d Cir. No. 78-2390 (August 7, 1979), the Court of Appeals determined that all Postal Service experimental projects for new domestic postal services should be brought before the Postal Rate Commission under 39 U.S.C. § 3623, which governs proceedings on changes in the Domestic Mail Classification Schedule. It is considered possible that changes in the Commission's relevant rules of practice, additional rules of practice, or a statement of general policy dealing with waiver (on motion by the Postal Service) of appropriate portions of the existing rules, on a case-by-case basis, may be desirable to streamline the § 3623 regulatory process in these experimental service cases. The purpose of the conference is to explore the areas in

which one or more of these actions might be taken. The Commission does not at present have specific rulemaking language in mind, and is therefore seeking the comments of interested persons on the general topic addressed.

Notice of Conference

September 11, 1979.

As a result of a recent United States Court of Appeals decision,¹ it is not clear that experimental services sought to be offered on a limited or trial basis by the United States Postal Service are subject to the provisions of § 3623 of the Postal Reorganization Act [39 U.S.C. § 3623]. Thus, before the Postal Service may offer a new service, even on an entirely experimental basis to a few mailers, it must request a recommended decision from the Postal Rate Commission on the related change in the Domestic Mail Classification Schedule.

The Commission recognizes that appropriate requirements, in terms of data and documentation, for a Postal Service request for recommended decision on an experimental change in the DMCS may be different from those properly imposed in the case of a change in an existing service. For example, it may be that certain data are not available precisely because the proposed service is new and untried. To require the Service to file such data which might be called for under our rule 64 [39 CFR § 3001.64], would be pointless. Conversely, a proposal for experimental service might raise issues as to the design of the experiment, and call for the filing of certain information as to the development of that design.

The Commission is contemplating a rulemaking proceeding, which could result in either (i) a new rule or rules specifically governing the filing of, and proceedings on, experimental proposals, or (ii) a statement of Commission policy identifying areas in which it would be reasonable to waive or modify, on an ad hoc basis, the existing rules when an experimental case is filed. The Commission believes that this rulemaking would proceed more expeditiously if it is begun with a general conference of interested parties aimed at identifying the areas where proceedings can be streamlined and the burden on the Service and other participants reduced in experimental cases.

Accordingly, the Postal Service, the Officer of the Commission² and any

other interested persons are invited to attend a conference on this subject, to be held in the Commission's hearing room, 2000 L Street N.W., Suite 500, Washington, D.C. 20268, at 9:30 a.m. on September 26, 1979. Participants are encouraged to bring with them written comments, as well as to make oral presentations. A transcript will be made of the conference, which, together with any written comments filed at that time, will be made part of the record in the ensuing rulemaking proceeding. Parties planning to attend this conference are requested to notify the Secretary of the Commission by September 24, 1979:

By the Commission.

David F. Harris,
Secretary.

[FR Doc. 79-28621 Filed 9-13-79; 8:45 am]
BILLING CODE: 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 81]

[FRL 1319-3]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes to change the attainment status for Athens County in Ohio from nonattainment to attainment of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. EPA is soliciting comments on the proposal.

DATE: Public comment received on or before October 15, 1979, will be considered.

ADDRESS: Comments on this designation change should be sent to Steve Rothblatt, Chief, Air Programs Branch, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Costello, Paralegal, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6048.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of the NAAQS attainment status of all areas within the State. The Administrator was required to promulgate the state lists, with any

necessary modifications. The Administrator published these lists in the Federal Register on March 3, 1978, (43 FR 8962); and invited the public to comment by May 2, 1978. EPA received 20 comments on designations in Ohio. In response to these comments, EPA made necessary amendments in the Federal Register on October 5, 1978 (43 FR 45993). The basis for designations is also explained in the notice of March 3, 1978 (43 FR 8962). As explained in the March 3, 1978 notice area designations, however, are subject to revision whenever sufficient data becomes available to warrant a redesignation.

In the October 5, 1978 Federal Register (43 FR 45993) York Township in Athens County, Ohio was designated nonattainment for sulfur dioxide primary standards. This designation was based on U.S. EPA's modeling of the Columbus and Southern Ohio Electric Company's (C&SOE) Poston Generating Station which indicated violations of the NAAQS.

On September 19, 1978 C&SOE Company submitted a State Implementation Plan revision request for the Poston Generating Station located in York Township in Athens County, Ohio. To support this revision request C&SOE submitted modeling analysis which demonstrated that the NAAQS for sulfur dioxide were being met in York Township, Athens County.

Therefore, based upon the more recent modeling data U.S. EPA is proposing to redesignate York Township in Athens County, Ohio which was previously designated nonattainment as an area which is attaining the sulfur dioxide standards.

Interested persons may participate in this rulemaking by submitting written comments to the EPA Region V Office as indicated in the Address section of this notice. All relevant comments received on or before October 15, 1979, will be considered. Final designations will be published in the Federal Register. Comments received will be available for public inspection during normal business hours at the EPA Region V Office.

(Sec. 107(d), 171(2), 301(a) of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)).

Dated: August 14, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-28665 Filed 9-13-79; 8:45 am]
BILLING CODE: 6560-01-M

¹ *United Parcel Service v. U.S. Postal Service*, 3d Cir. No. 78-2390 (August 7, 1979).

² Formerly the Assistant General Counsel (Litigations), the title has been changed as a result of a recent staff reorganization which will shortly be set forth in an amendment to the Commission's statement of organization [39 CFR Part 3900].

[40 CFR Part 81]**[FRL 1319]****Designation of Areas for Air Quality Planning Purposes Attainment Status Designations: Wisconsin****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rulemaking.

SUMMARY: This rulemaking changes the attainment status for portions of Milwaukee and Green Bay, Wisconsin, from attainment and unclassifiable, respectively, to nonattainment of the primary National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. EPA is soliciting comments on the proposal.

DATE: Written comments must be received on or before November 13, 1979.

ADDRESSES: Comments on this designation change should be sent to: Ms. Maxine Borcherding, SIP Coordinator, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the Wisconsin request to redesignate and the technical support material are available for public inspection during normal business hours at the above address and at:

U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M. Street, S.W., Washington, D.C. 20460.
Bureau of Air Management, Department of Natural Resources, 4610 University Avenue, Box 7921, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Miller, Wisconsin State Specialist, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6058.

SUPPLEMENTARY INFORMATION: This notice of proposed rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended. Section 107(d)(1) of the Clean Air Act requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards (NAAQS). The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by Section 107(d)(2) of the Act. On March 3, 1978, the Administrator promulgated nonattainment designations for Wisconsin for total suspended particulates (TSP), sulfur dioxide (SO₂), carbon monoxide (CO), photochemical oxidants and nitrogen dioxide (NO₂) (43

FR 8962). The Act also provides that a State, from time to time, may review and revise its designations list and submit these revisions to the Administrator for promulgation (Section 107(d)(5) of the Act). The criteria and policy guidelines governing these revisions and the Administrator's review of them are the same that were used in the original designations and are summarized in the Federal Register on March 3, 1978 (43 FR 8962), September 11, 1978 (43 FR 40412 and October 5, 1978 (43 FR 45993).

On May 3, 1979, the Secretary of the Wisconsin Department of Natural Resources, acting for the Natural Resources Board, recommended redesignating portions of Green Bay and Milwaukee. This redesignation request included a technical support document which recommends that portions of Milwaukee and Green Bay be changed from attainment and unclassifiable designations respectively, to nonattainment for SO₂. The technical document was based on observed monitoring violations of the primary standard in Green Bay and Milwaukee, Wisconsin. This document was the subject of public hearings on February 12 and 13, 1979, in Green Bay and Milwaukee; and the Board approved it in March 1979.

The proposed designations have been developed from analyses of ambient air data. However, the State will utilize computer dispersion modeling in addition to ambient data in the development of its attainment strategies. If the State determines that a source significantly contributes to nonattainment, the State has committed to requiring a SO₂ emission limitation on the source sufficient to attain and maintain the SO₂ NAAQS, irrespective of whether such source is located within the designated nonattainment area.

EPA proposes to approve Wisconsin's recommendation to redesignate the following area within Green Bay and Milwaukee as not attaining the primary SO₂ NAAQS. Proposed Primary SO₂ Nonattainment Area Boundaries:

Southeast Wisconsin Intrastate AQCR (#239)
Milwaukee County
City of Milwaukee

North: Milwaukee River and Capitol Drive up to Lake Michigan.

West: South along Milwaukee River to St. Paul, west along St. Paul to 16th St., south on 16th St. to Pierce, then east along Pierce to 6th St., again south on 6th St. to Becher St.

South: 6th and Becher to the Lake.

East: Lake Michigan.

Lake Michigan Intrastate AQCR (#237)
Brown County
City of Green Bay

North: Green Bay

West: W. Mason St. and Ashland Ave., along Ashland north to Matter St., west to Crocker St., north on Crocker St. to Bylsby St., then to Green Bay.

South: W. Mason St. and Ashland Ave., east along Mason to Irwin Ave.

East: W. Mason St., and Irwin Ave., along Irwin Ave. north to Green Bay.

The remainder of the corporate limits of Green Bay remains unclassified and the remainder of the corporate limits of Milwaukee remain attainment.

If EPA's final rulemaking action designates portions of Milwaukee and Green Bay as not attaining the primary SO₂ standards, Wisconsin will have nine months from the date of such promulgation to submit a state implementation plan revision satisfying the requirements of Part D of the Clean Air Act, as amended.

Dated: August 20, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-28664 Filed 9-13-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION**[46 CFR Chapter IV]****[Docket No. 78-46]****Amendment to Financial Reports by Common Carriers by Water in the Domestic Offshore Trades****AGENCY:** Federal Maritime Commission.**ACTION:** Denial of Requests for Oral Hearing and Establishment of a Procedural Schedule.

SUMMARY: The requests for oral hearing on proposed rules in this proceeding are denied, and a procedural schedule is established for filing replies to comments already received.

DATES: Replies to comments on or before October 15, 1979.

ADDRESSES: Replies to comments (original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTAL INFORMATION: Public Law 95-475 requires that "the Commission shall, within one year after the effective date of this sentence, by regulation prescribe guidelines for the determination of what constitutes a just and reasonable rate of return or profit for common carriers by water in intercoastal commerce."

In order to comply with this statutory requirement, the Commission issued proposed rules implementing Public Law 95-475 (44 FR 26944). On July 18, 1979, the Commission reconsidered an earlier action and granted a 30-day extension of time to comment on these rules. The extension was granted at the request of four carriers who have jointly submitted voluminous comments. Thirteen parties submitted 168 individual comments regarding various provisions of the proposed rule. In addition to the comments, a number of parties requested hearings in order to address the comments of other parties and to explore differences in the methodology proposed by the Commission's staff and that proposed by the commentators.

The requests for hearings are denied. The issues raised in this proceeding are not factual but rather relate to accounting methodology and policy and therefore are not well suited to resolution through the medium of such hearings. Moreover, the scope of areas in dispute cannot be determined until staff analysis has been completed. Finally, the convening of hearings will effectively destroy any possibility of the Commission adhering to the statutory deadline.

In order to facilitate the exchange of views on the proposed rule, we are hereby directing each party to immediately serve one copy of its comments on all parties listed in Appendix A hereto. Replies to comments are hereby solicited and must be filed with the Commission and served on other parties no later than October 15, 1979. Although most of the commenting parties have offered suggested changes in the language of the proposed rule to implement their comments, the Commission strongly urges all commentators to provide suggested draft language to the extent they have not already done so:

By the Commission:
Francis C. Hurney,
Secretary.

Appendix A

The following parties have filed comments regarding the proposed rule:

- J. Michael Farrell, American Institute of Certified Public Accountants, 1620 F Street NW., Washington, D.C. 20006.
- Crowley Maritime Corp., W. E. Roush, Vice President, One Market Plaza, San Francisco, CA 94105.
- T. G. Brewer, Foss Alaska Line, 660 West Ewing Street, Seattle, Washington 98119.
- R. Dennis Chong, Executive Director, Public Utilities Division, Department of Regulatory Agencies, 1010 Richards Street, Honolulu, Hawaii 96813 (State of Hawaii).

- David E. Anderson, Matson Navigation Company, P.O. Box 3933, San Francisco, CA 94119.
- Dudley J. Clapp, Jr., Esq., Military Sealift Command, 4228 Wisconsin Avenue, NW., Washington, D.C. 20390.
- Amy Loeserman Klein, Esq., Galland, Kharasch, Calkins & Short, 1054 31st Street NW., Washington, D.C. 20007 (PRMSA).
- Donald J. Brunner, Ragan & Mason, 900 17th Street NW., Washington, D.C. 20006 (Sea-Land).
- Jacob P. Billig, Esq., Terrence D. Jones, Esq., Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006 (Totem Ocean Trailer Express, Inc.).
- Herbert Brand, President, Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
- John P. Spillane, Tropical Shipping and Construction Co., Ltd., 821 Avenue "E", Riviera Beach, Florida 33404.
- Russell T. Weil, Esq., Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036 (U.S. Lines).
- William L. Blum, Department of Commerce, The Virgin Islands of the United States, P.O. Box 1692, St. Thomas, V.I. 00801.

[FR Doc. 79-28653 Filed 9-13-79; 8:45 am].
BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33, 42 and 43]

[CC Docket No. 78-196]

Revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies; Memorandum Opinion and Order Extending Time for Filing Comments and Reply Comments.

AGENCY: Federal Communications Commission.

ACTION: Consolidation and extension of dates for comments and reply comments.

SUMMARY: The Commission is extending the filing dates for comments and reply comments to the *First Supplemental Notice of Proposed Rulemaking in CC Docket 78-196*. This action is being taken because of the complexity of the issues and the number of questions posed in order to establish a firm basis upon which the Commission might revise the uniform system of accounts. **DATES:** Comments must be received on or before November 15, 1979, and reply comments must be received on or before January 2, 1980.

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

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Policy and Rules Division, (202-632-9342).

Memorandum Opinion and Order

Adopted: September 7, 1979.

Released: September 12, 1979.

In the matter of revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies (Parts 31, 33, 42, and 43 of the FCC's rules), CC Docket No. 78-196.

1. On August 9, 1979, the Commission released the *First Supplemental Notice of Proposed Rulemaking in CC Docket 78-196*, FCC 79-479, 44 FR 47359 (released August 13, 1979). That order established a bifurcated comment schedule providing for most comments and reply comments to be filed by September 17, 1979, and October 15, 1979, respectively. With respect to the American Telephone and Telegraph Company's (AT&T's) Functional Accounting System (FAS), the Commission provided for comments and reply comments to be filed on November 15, 1979, and January 2, 1980, respectively. Several motions seeking to extend or consolidate one or more of these filing deadlines have been filed. Those filing were the Continental Telephone Corporation (Continental) on August 22, 1979; AT&T in support of continental's motion on August 30, 1979; GTE Service Corporation (GTE) in support of Continental's motion on August 30, 1979; the Independent Data Communications Manufacturers Association, Inc. (IDCMA) on August 24, 1979; the Wisconsin Public Service Commission (Wisconsin PSC) on August 27, 1979; the Florida Public Service Commission (Florida PSC) on August 30, 1979; the United States Independent Telephone Association (USITA) on August 31, 1979; and the New York Public Service Commission (New York PSC) on September 4, 1979. The extensions of time requested generally range from two to four months for the September 15 date and up to four months for the issues relating to FAS.

2. Continental requested that the time for filing comments be extended to December 14, 1979. In support of its request, continental stated that the *First Supplemental Notice* seeks comments on dozens of issues and poses hundreds of questions, often calling for detailed analysis. It then cites the Commission's desire to make every reasonable effort to obtain all pertinent information. Continental then states that while it has devoted considerable resources to this proceeding, unless more than thirty-nine days is permitted to develop its response, the record will remain incomplete and the Commission will lack a firm and rational basis for

prescribing a revised uniform system of accounts (USOA).

3. AT&T and GTE, while generally citing the same reasons supporting the grant of an extension of time until December 14, 1979, do elaborate on the nature of the issues presented in the *First Supplemental Notice*. They note that in addition to asking further detailed questions on issues discussed in the original *Notice of Proposed Rulemaking*, 70 FCC 2d 719 (1978), the *First Supplemental Notice* also introduces new issues and questions that must be analyzed. Additionally, GTE requests that the Commission extend the period of time for filing comments and reply comments on the FAS issues by ninety days.

4. IDCMA requests that the Commission consolidate the dates for filing initial and reply comments for all aspects of the proceeding with the November 15, and January 2 dates initially established for comments and reply comments on FAS. After setting forth its interest in AT&T's costing and pricing procedures, and indicating its involvement in prior Commission actions involving AT&T's rates and accounting practices, it states that if given sufficient amount of time to prepare comments, it will be able to make a meaningful contribution to the Commission's efforts. It indicates that many of the employees of its member companies that are responsible for preparing comments are or will be on vacation during a major portion of the time allowed for comment. IDCMA states that the Commission's policies permit extensions of time in cases where complex issues are presented, and states that the Commission has conceded the complex and comprehensive nature of this proceeding in previous orders. Furthermore, it states that there are interrelationships existing between issues set for comment in the earlier period and those upon which comment is due on November 15. Therefore, IDCMA believes that the separation of issues is artificial and that it would be more efficient if parties could comment on all of the issues at one time. Finally, IDCMA states that one issue designated is the need for an impact of separate subsidiaries which is also an issue in the *Second Computer Inquiry*, FCC 79-307 (released July 2, 1979), and for which an extension of time until October 2, 1979, has been granted. Without an extension, parties will be placed in the untenable position of commenting in this proceeding on the separate subsidiary questions before they are due in the *Second Computer Inquiry*.

5. The Wisconsin PSC requests that the initial and reply comment periods be extended a minimum of one hundred and twenty days. It states that this extension of time is necessary to permit sufficient time to analyze, study, and develop appropriate responses to the technical and diverse issues in this *Notice*. Since it did not receive a copy of the *Notice* until August 17, the September 17 deadline would allow it only thirty-one days to prepare its comments, an amount of time which is totally inadequate.

6. The Florida PSC states that it will be unable to have its comments prepared by September 17 and requests that the Commission extend the filing date for all comments to November 15, 1979, and for reply comments to January 2, 1980. In addition to giving it time to prepare its comments, such an extension would permit the NARUC staff subcommittee on accounting to confer on the many questions raised at its next meeting in Salt Lake City, Utah, on September 10-12.

7. USITA requests an extension of time to file initial comments until December 17, 1979, noting that one week allowed for comment was used by the Commission in duplicating the item and that three weeks allowed for comment fell during the peak vacation period. USITA is desirous of filing comments on, among other things, the subject of the impact of a revised USOA on small telephone companies. However, since USITA operates on a committee system and its accounting committee does not meet until September 19-20, 1979, it needs the additional time in order to give the issues the attention they deserve in developing its comments.

8. The New York PSC requests that a one hundred and twenty day extension covering both initial and reply comments be granted for the issues on which comment is due September 17. Furthermore, it believes that the Commission should maintain the bifurcated comment schedule and that whatever new deadline is established for commenting on FAS, at least ninety days should be allowed for reply comments. It states that it believes this amount of time is less than the amount absolutely necessary but is limiting its request to this time period in consideration of the Commission's interest in expediting the proceeding to the extent possible.

9. The determination of the amount of time needed to respond to Commission notices is a difficult question. In this instance, we believe the petitioning parties have made the case for some additional time. However, we do not believe that the lengthy extensions

requested by some parties are necessary, nor would the grant of such lengthy extensions serve the public interest. While several new issues and subissues have been raised in the *First Supplemental Notice*, the petitioning parties readily recognize that many of the questions asked merely explore more deeply and thoroughly issues raised in the original *Notice*.

Accordingly, the parties interested in responding to the *First Supplemental Notice* should already have become familiar with several of the issues, and should not require the lead time that may have been necessary in order to respond to the initial *Notice*. We believe that the Florida PSC and IDCMA approach of consolidating the comment periods and requiring comments to be filed on November 15, 1979, and reply comments to be filed on January 2, 1980, will provide adequate time for parties to develop complete cogent responses to the *First Supplemental Notice*. This allows the parties more than three months in which to analyze the issues and prepare comments. Moreover, given the original comment schedule, this is the maximum amount of time that can be granted without significantly increasing the time when final reply comments would be received by the Commission.

10. Accordingly, it is ordered, pursuant to authority delegated by § 0.303 of the Commission's rules, that the motions for extensions of time to the *First Supplemental Notice of Proposed Rulemaking in CC Docket 78-196* are granted to the extent that interested parties have until November 15, 1979, to file initial comments in response to all matters raised in the *Notice*, and until January 2, 1980, to file reply comments.

Federal Communications Commission.
Philip L. Verveer,
Acting Chief, Common Carrier Bureau.
[FR Doc. 79-28648 Filed 9-13-79; 8:45 am]
BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-149; RM-3343; RM-3465]

FM Broadcast Stations in St. Simons Island and Waycross, Georgia; Order Extending Time For Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving requests for FM channel assignment at St. Simons Island,

and Waycross, Georgia. The additional time is given to permit responses to a counterproposal concerning Waycross, Georgia.

DATE: Reply comments must be filed on or before September 28, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: September 5, 1979.

Released: September 11, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (St. Simons Island and Waycross, Georgia), BC Docket No. 79-149, RM-3343, RM-3465.

1. On June 7, 1979, the Commission adopted a *Notice of Proposed Rule Making*, 44 FR 34979, June 18, 1979, concerning the proposed assignment of FM Channel 249A to St. Simons Island, Georgia. The date for filing reply comments is presently September 7, 1979.

2. On August 6, 1979, a counterproposal was filed by Jack R. Mays requesting the assignment of FM Channel 249A to Waycross, Georgia. Public Notice of the acceptance of this counterproposal was given on August 7, 1979 (Report No. 1190).

3. Mattox-Guest Broadcasting Co., permittee of FM Station WKUB, Blashear, Georgia, has requested an extension of time to and including September 28, 1979, for the filing of reply comments. It states that the additional time is needed in order to undertake legal and engineering studies of the counterproposal and its impact on the operation of Station WKUB.

4. We find that the additional time should be granted in order to permit the filing of information which could aid the Commission in resolving the issues in this proceeding.

5. Accordingly, it is ordered, that the date for filing reply comments in BC Docket No 79-149 is extended to and including September 28, 1979.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-28646 Filed 9-13-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-214; RM-3382]

FM Broadcast Station in Buckhannon, W. Va.; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of Channel 228A to Buckhannon, West Virginia, as a first Class A FM assignment to that community. The proposed channel could be used to provide a first local full-time broadcast service to Buckhannon.

DATES: Comments must be filed on or before October 29, 1979. Reply comments must be filed on or before November 18, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Buckhannon, W. Va.)

Adopted: August 28, 1979.

Released: September 4, 1979.

By the Chief, Broadcast Bureau: 1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making¹ was filed by West Virginia Wesleyan College ("petitioner"), proposing the assignment of Channel 228A to Buckhannon, West Virginia, as its first FM assignment.

(b) The channel can be assigned in compliance with the minimum distance separation requirements.

2. *Community Data:*

(a) *Location:* Buckhannon in Upshur County, is located approximately 109 kilometers (68 miles) east of Parkersburg, West Virginia.

(b) *Population:* Buckhannon—7,261; Upshur County—19,092.²

(c) *Local Aural Broadcast Service:* Buckhannon is served locally by daytime-only AM Station WBUC.

3. *Economic Considerations:*

Petitioner asserts that the economy of Buckhannon and Upshur County is dependent on manufacturing, natural resources extraction, agriculture, services and retail trade. In support of its petition, petitioner has submitted detailed information with respect to the

form of government, education, transportation, churches, housing and recreational facilities in order to demonstrate the need for a first FM assignment at Buckhannon.

4. Petitioner is presently operating a 10-watt noncommercial FM station at West Virginia Wesleyan College. It states that its intention is to apply for a 100-watt commercial license on the proposed channel, if assigned. Petitioner adds that since Upshur County is in the "Quiet Zone" of the National Radio Astronomy Observatory at Green Bank, West Virginia, and also the Naval Installation at Sugar Grove, West Virginia, it contacted these units and states that both have given their approval of a 100-watt station with certain limitations. Petitioner should state in comments the nature of these limitations.

5. Since Buckhannon is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 228A to Buckhannon, West Virginia, requires coordination with the Canadian authorities before it can be adopted.

6. In view of the apparent need for a first full-time local aural broadcast service in Buckhannon, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Rules, with regard to Buckhannon, West Virginia, as follows:

City	Channel No.	
	Present	Proposed
Buckhannon, W. Va.....		228A

7. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **NOTE:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before October 29, 1979, and reply comments may be filed on or before November 18, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making

¹ Public Notice of the petition was given on June 27, 1979, Report No. 1181.

² Population figures are taken from the 1970 U.S. Census.

other than comments filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission
Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be

made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-28562 Filed 9-13-79; 8:45 am]
BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-216; RM-3331]

FM Broadcast Station in Martinez, Ga.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Martinez, Georgia, in response to a petition filed by R. E. Watkins, Jr., and Patrick G. Blanchard. The proposed assignment could provide Martinez with a first local aural broadcast service.

DATES: Comments must be filed on or before October 31, 1979. Reply comments must be filed on or before November 20, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Martinez, Ga.)

Adopted: August 30, 1979.

Released: September 5, 1979.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making¹ was filed on behalf of R. E. Watkins, Jr., and Patrick G. Blanchard ("petitioners"), proposing the assignment of Channel 232A to Martinez, Georgia, as a first FM assignment. There were no responses to the petition.

(b) The channel could be assigned in conformity with the minimum distance separation requirements, provided the transmitter site is located 9 kilometers (5.64 miles) south of Martinez.

(c) Petitioners state they will file for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Martinez, an unincorporated community in Columbia County, is located approximately 8 kilometers (5 miles) northwest of Augusta, Georgia.

(b) *Population:* Martinez—Not listed in the 1970 U.S. Census.²

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Martinez.

3. *Economic Considerations:* In demonstrating that Martinez has the status of a community, petitioners state that Martinez is a well defined area bounded on the east and south by the county line, on the north by highway 28 and on the west by Reed Creek. Petitioners claim Martinez is becoming the financial hub of Columbia County. They note that it has recently acquired a regional shopping center within the boundaries of the community. Martinez is also said to have a post office and several financial institutions. Petitioners urge us to provide a broadcast outlet for the merchants and citizens of Martinez.

4. Since Martinez is located near Augusta, the Commission's staff undertook a preclusion study which revealed that no significant preclusion would result from the proposed assignment of Channel 232A to Martinez.

5. In light of the above information and the fact that the proposed FM station would provide the community with a first full-time aural broadcast service, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, with respect to Martinez, Georgia, as follows:

¹ Public Notice of the petition was given on March 14, 1979, Report No. 1167.

² Petitioner has attached a letter from the Planning Director of the Columbia County Planning and Zoning Commission which indicates that the Martinez Voting District had a 1970 population of 5,285 which is estimated to have increased to 8,289 in 1977.

City	Channel No.	
	Present	Proposed
Martinez, Ga.		232A

6. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements, are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 31, 1979, and reply comments on or before November 20, 1979.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission
Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules. IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station

promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-28561 Filed 9-13-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-215; RM-3360]

FM Broadcast Station in Owensville, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Owensville, Missouri, as that community's first FM assignment, in response to a petition filed by Gerald W. Hertlein. The proposed channel could be used to provide a first local FM broadcast service to the community.

DATES: Comments must be filed on or before October 31, 1979. Reply comments must be filed on or before November 20, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 30, 1979.

Released: September 5, 1979.

By the Chief, Broadcast Bureau:
In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Owensville, Missouri).

1. The Commission has before it for consideration a petition for rule making,¹ filed by Gerald W. Hertlein ("petitioner"), requesting the deletion of FM Channel 265A from Sullivan, Missouri, to permit its assignment to Owensville, Missouri. No responses to the proposal have been received.

2. Owensville (pop. 2,416), in Gasconade County (pop. 11,878),² is located approximately 113 kilometers (70 miles) southwest of St. Louis, Missouri. There is no local aural broadcast service in Owensville or Gasconade County. Although the petitioner proposed the assignment of Channel 265A, a staff study reveals that Channel 237A is available for assignment to Owensville in conformity with the spacing requirements, provided the transmitter site is located approximately 10.8 kilometers (6.7 miles) south of the community. Since this would obviate the need to delete the assignment in Sullivan, Missouri, we shall propose Channel 237A for

¹ Public Notice of the petition was given on April 16, 1979, Report No. 1172.

² Population figures are taken from the 1970 U.S. Census.

Owensville instead of the channel suggested by petitioner.

3. Petitioner has described the local economy and argued that a local facility would fill a need for coverage of general events in the community, including storm alerts, nighttime sports, school announcements, agriculture information and a competitive advertising outlet for retail businesses. Petitioner also has submitted letters from local citizens expressing their interest in and support for the proposed FM assignment in Owensville. Petitioner states that he will apply for the channel, if assigned.

4. We believe it appropriate to consider making an assignment to bring a first local aural broadcast service to Owensville, Missouri, and to that end are proposing to amend Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, by the following addition:

City and Channel No.

Owensville, Mo.; Present:—; Proposed: 237A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 31, 1979, and reply comments on or before November 20, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than in comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.
Richard J. Shiben,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the

Commission's Rules and Regulations, as set forth in *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments,

pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-28564 Filed 9-13-79; 8:45 am]
BILLING CODE 6712-01-M

[47 CFR Part 90]

[PR Docket No. 79-167]

Providing for Geographic Sharing of Certain Frequencies in the Petroleum, Forest Products, Special Industrial, and Manufacturers Radio Services; Order Extending Time for Filing Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: In the Notice of Proposed Rule Making in Docket 79-167, the date for comments was specified as August 20, 1979 and for reply comments September 4, 1979. This Order extends the date for replies to September 11, 1979.

DATES: September 11, 1979.

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

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Order

Adopted: August 30, 1979; Released: August 31, 1979.

In the Matter of Amendment of Subpart D of Part 90 of the Commission's rules and regulations to provide for geographic sharing of certain frequencies in the Petroleum, Forest Products, Special Industrial, and Manufacturers Radio Services, 44 FR 43322, July 24, 1979.

1. In a Notice of Proposed Rule Making adopted on July 3, 1979, the Commission invited comments on the above-captioned matter by August 20, 1979, and replies thereto by September 4, 1979.

2. On August 24, 1979, the Central Committee on Telecommunications of the American Petroleum Institute (Central Committee) requested that the time for filing reply comments be extended to September 11, 1979. The Central Committee states that counsel representing the Central Committee is away on vacation as also are several

members who are working on this matter. Because of the nature of a trade association, the views of various members in different parts of the country must be solicited in order to prepare a responsive pleading. With the conflict in vacation schedules and the Labor Day weekend holiday, which falls during the reply comment period, it will not be possible, without the requested extension of time, for the Central Committee to fully address the issues raised by other parties in this proceeding. For these reasons, the Central Committee requests the one-week extension.

3. We are of the view that good cause has been shown for the requested extension. Accordingly, it is ordered, pursuant to § 0.331(b)(4) of the Commission's rules That the time for filing comments is extended to September 11, 1979.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 79-22568 Filed 9-13-79; 8:45 am]

BILLIN(

Notices

Federal Register

Vol. 44, No. 180

Friday, September 14, 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

Agricultural Marketing Service

Hop Marketing Advisory Board; Public Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board a 9:00 a.m., p.d.t., October 10, 1979, at the Town Plaza Motel, Yakima, Washington.

The purpose of the meeting is to discuss reserve pool matters, marketing policy, and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Hop Administrative Committee, Room 1002, Corbett Building, 430 S.W. Morrison Street, Portland, Oregon 97204, telephone 503-224-1823.

Dated: September 10, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-28611 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

Inspection of Food Processing Plants; Memorandum of Understanding With the Food and Drug Administration

Cross Reference: For a document giving notice of a Memorandum of Understanding between the Food Safety and Quality Service and the Food and Drug Administration setting forth cooperative working arrangements to minimize duplication of food processing plant inspection activities, see FR Doc. 79-28425 appearing elsewhere in this issue of the Federal Register.

BILLING CODE 3410-DM-M

Soil Conservation Service

LaPlatte River Watershed, Vermont; Authorization of Federal Assistance in the Installation of Works of Improvement

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the LaPlatte River Watershed, Vermont.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008)

Dated: September 10, 1979.

R. M. Davis,

Administrator, Soil Conservation Service.

[FR Doc. 79-28620 Filed 9-13-79; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Applications

Notice is hereby given that, during the week ended September 7, 1979 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 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).

Subpart Q Applications

Date filed	Docket No.	Description
Sept. 4, 1979	36519	Trans Island Express, Ltd., c/o Harry a. Bowen, 234 Georgetown Building, 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007. Application of Trans Island Express, Ltd. pursuant to section 402 of the Act and part 211 of the Board's Economic Regulations and Subpart Q of the Board's Rules of Practice requesting authority to engage in the nonscheduled transportation of property and mail between the terminal point British Virgin Islands, intermediate points in U.S. Virgin Islands, Puerto Rico, Dominican Republic, Haiti, Jamaica and Turks & Caicos Islands and the colterminal points Miami, Tampa and Ft. Lauderdale, Florida and to operate off-route charters subject to regulations adopted by the CAB. Applicant requests that it be added to the carriers named in Blanket Statements of Authorization to Operate Off-Route Charter Flights, Docket 29877. Answers due October 2, 1979.
Sept. 5, 1979	36529	Air Jamaica Limited, c/o Albert F. Grisard, suite 1014, 1435 G Street, N.W., Washington, D. C. 20005. Application of Air Jamaica, pursuant to section 402 of the Act and Part 211 of the Board's Economic Regulations and Subpart Q of the Board's Rules of Practice requesting that its foreign air carrier permit issued by Order 77-12-151 be amended so as to authorize Applicant to engage in the scheduled foreign air transportation of persons, property, and mail over the following additional segments:

Subpart Q Applications—Continued

Date filed	Docket No.	Description
Sept. 6, 1979	36536	<p>Between a point or points in Jamaica; and the coterminal point Houston, Texas.</p> <p>Between a point or points in Jamaica; the coterminal point San Juan, Puerto Rico; and beyond San Juan, Puerto Rico to London, England.</p> <p>Between a point or points in Jamaica; the intermediate point Port-au-Prince, Haiti; and the coterminal point San Juan, Puerto Rico.</p> <p>Between a point or points in Jamaica; and the coterminal point Los Angeles, California.</p> <p>Answers are due October 3, 1979.</p> <p>Ozark Air Lines, Inc., Lambert-St. Louis International Airport St. Louis, Missouri 65805. Application of Ozark Air Lines, Inc., pursuant to Section 401 of the Act requesting an amendment of its certificate of public convenience and necessity for Route 107 so as to remove the one-stop restriction in its certificate between Kansas City, Missouri, and Tulsa, Oklahoma.</p> <p>Answers due September 21, 1979.</p>

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-28638 Filed 9-13-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 33363]

Former Large Irregular Air Service Investigation; Hearing

Hearings will be held during the month of October on applications pending in Docket 33363 at 9:00 a.m. in Room 1003, Hearing Room B, 1875 Connecticut Avenue, N.W., Washington, D.C., as follows:

Lone Star Airways, 10/3/79
Sundance International, 10/9/79
Phoenix Corporation, 10/19/79
JFC Enterprises, 10/26/79

Dated at Washington, D.C., September 10, 1979.

Rudolf Sobernheim,
Administrative Law Judge.

[FR Doc. 79-28639 Filed 9-13-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday, Thursday, and Friday, September 26-28, 1979. The meeting will commence at 1:30 p.m. on September 26, 9:00 a.m. on September 27, and 8:30 a.m. on September 28. The meetings will be held at the Mills House

Hotel, 115 Meeting Street, Charleston, South Carolina.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 4:45 p.m. until 5:00 p.m. on September 26, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairperson retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Committee Control Officer in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Committee Control Officer before or after the meeting, or may be mailed within five days to: Coastal Zone Management Advisory Committee, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (Attn: Dallas Miner, Committee Control Officer, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at (202) 634-4255.

The items for Committee discussion at the meeting will include the following:

September 26

1:30 p.m.—Call to Order, John F. Hussey, Chairperson, Swearing in of New Members (if any).

1:45 p.m.—Overview of 1980 Work Program, John F. Hussey, Michele Perrault, Joseph Bodovitz.

2:00 p.m.—Amendments to CZMA: Impact of the Administration's Position on Program Development, CZMAC Members, Jim Murley, NOAA, Congressional Liaison Office.

4:45 p.m.—Public Statements (if any).

5:00 p.m.—Adjourn.

September 27

9:00 a.m.—Attend CSO Conference Opening Activities.

10:30 a.m.—Update of Federal Consistency Requirements: Impact on Lease Sales, Michael Shapiro, NOAA, Robert Hunt, Texaco.

12:00 Noon—Luncheon Speakers.

2:00 p.m.—Discussion on Lease Sale 42, Marine Sanctuaries: George Bank Case Study, Robert W. Knecht, Assistant Administrator, OCZM, J. R. Jackson, Exxon.

3:30 p.m.—Attend Conference Activities.

September 28

8:30 a.m.—Working Session: Program Evaluation, Michele Perrault, Carol Sondheimer, Acting Chief, Policy and Program Evaluation Staff, OCZM.

10:30 a.m.—Attend CSO Conference Activities.

12:00 Noon—CSO Conference Lunch: Jacques Cousteau.

2:30 p.m.—Discussion of FY 1980 Work Program.

4:00 p.m.—Adjourn.

Dated: September 11, 1979.

M. P. Snidero,

Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 79-28644 Filed 9-13-79; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration Gulf of Mexico Fishery Management Council's Reef Fishes Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has established a Reef Fishes Advisory Subpanel (AP) which will meet to review a draft fishery management plan (FMP).

DATES: The meeting will convene on Thursday, September 27, 1979, at 8:30 a.m. and will adjourn at 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place in the Tampa Room of the Barclay Airport Hotel, 5303 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609. Telephone: (813) 228-2815.

Dated: September 11, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-28672 Filed 9-13-79; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss: Status of Fishery Conservation Plans and other Administrative matters.

DATES: The meeting will convene on Wednesday, October 10, 1979, at 1 p.m. and will adjourn on Friday, October 12, 1979, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania 19153.

FOR FURTHER INFORMATION CONTACT:

Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901. Telephone: (302) 674-2331.

Dated: September 11, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-28671 Filed 9-13-79; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service**Government-Owned Inventions; Notice of Availability for Licensing**

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, DC 20324.

Pat appl 6-010,093: Integral Enable-Disable Means for Guided Wave Radar Intrusion Detector System Portals; filed Feb. 7, 1979.

Pat appl 6-015,382: Hydraulic Decelerator with Segmented Cylinder; filed Feb. 26, 1979.

Pat appl 966,680: A Ready Pressure Attachment for Existing Anti-G Valves; filed Dec. 5, 1978.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC 20545.

Pat appl 825,994: Method and Apparatus for Determining the Direction of Maximum Permeability in Subsurface Earth Formation; filed Aug. 19, 1977.

Pat appl 868,633: Tunable, Rare Earth-Doped Solid State Lasers; filed Jan. 11, 1978.

Patent 4,075,632: Interrogation, and Detection System; filed May 24, 1978, patented Feb. 21, 1978; not available NTIS.

Patent 4,095,590: Pulse-Actuated Fuel-Injection Spark Plug; filed Oct. 22, 1978; patented June 20, 1978; not available NTIS.

Patent 4,095,650: Method for Increasing the Calorific Value of Gas Produced by the In situ Combustion of Coal; filed Aug. 10, 1977, patented June 20, 1978; not available NTIS.

Patent 4,104,037: Gaseous Diffusion System; filed Sept. 23, 1957; patented Aug. 1, 1978; not available NTIS.

Patent 4,111,017: Manually Operated Coded Switch; filed June 21, 1977; patented Sept. 5, 1978; not available NTIS.

Patent 4,115,311: Nuclear Waste Storage Container with Metal Matrix; filed Mar. 10, 1977; patented Sept. 19, 1978; not available NTIS.

Patent 4,118,057: Reusable, Tamper-Indicating Seal; filed Feb. 24, 1978; patented Oct. 3, 1978; not available NTIS.

U.S. Department of Health, Educ., and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205.

Patent 4,150,238: Steroidal Intermediates from the Condensation Product of Dimethyl-3-Ketoglutarate and Glyoxal; filed July 19, 1977; patented Apr. 17, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent 4,136,617: Electronic Delay Detonator; filed July 18, 1977; patented Jan. 30, 1979; not available NTIS.

National Aeronautics and Space Administration, Assist. General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546.

Patent 3,215,313: Low Heat Leak Connector for Cryogenic System; filed Oct. 1, 1964; patented Nov. 2, 1965; not available NTIS.

Patent 3,224,337: Hypervelocity Gun; filed June 7, 1962; patented Dec. 21, 1965; not available NTIS.

Patent 3,262,694: Solar Cell Module Assembly Jig; filed June 10, 1963; patented July 26, 1966; not available NTIS.

Patent 3,310,765: Stable Superconducting Magnet; filed July 26, 1965; patented Mar. 21, 1967; not available NTIS.

Patent 3,358,917: Dynamic Capacitor Having a Peripherally Driven Element and System Incorporating the Same; filed July 16, 1965; patented Dec. 5, 1967; not available NTIS.

Patent 3,390,528: Fluid Thrust Control System; filed Sept. 8, 1968; patented July 2, 1968, not available NTIS.

Patent 3,397,537: Rocket Injector Head; filed Sept. 14, 1968; patented Aug. 20, 1968; not available NTIS.

Patent 3,429,756: Method for the Preparation of Inorganic Single Crystal and Polycrystalline Electronic Materials; filed Feb. 5, 1965, patented Feb. 25, 1969; not available NTIS.

Patent 3,451,802: Method and Apparatus for Preparing Multiconductor Cable with Flat Conductors; filed Sept. 28, 1966; patented Dec. 2, 1969; not available NTIS.

Patent 3,485,290: Method of Making a Rocket Nozzle; filed Sept. 14, 1968; patented Dec. 23, 1969; not available NTIS.

Patent 3,511,680: Edge Coating of Flat Wires; filed July 5, 1966; patented May 12, 1970; not available NTIS.

[FR Doc. 79-28682 Filed 9-13-79; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

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Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed

to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310.

Patent 4,116,477: Connector, Reducer/Adapter, Flare to Flareless; filed Jan. 14, 1977; patented Sept. 26, 1978; not available NTIS.

Patent 3,852,502: The Method of Stabilizing Foods with an Antioxidant; filed Apr. 9, 1973; patented Dec. 3, 1974; not available NTIS.

Patent 3,873,725: Insect Repellent Composition Containing C6-C8 Alkyl Monoethers of Triethylene Glycol; filed Jan. 29, 1973; patented Mar. 25, 1975; not available NTIS.

Patent 4,104,414: Process of Making Dehydrated Fruit Juice; filed June 21, 1974; patented Aug. 1, 1978; not available NTIS.

Patent 4,107,335: Freeze-Dried Mix for Spoonable Salad Dressing and Method Therefor; filed Apr. 8, 1977; patented Aug. 15, 1978; not available NTIS.

Patent 4,109,020: Method of Producing Crisp Reheated French Fried Potatoes; filed July 1, 1977; patented Aug. 23, 1978; not available NTIS.

Patent 4,109,028: Process for Producing Compacted, Dehydrated, Uncooked Cabbage and Cabbage Product Thereof; filed July 25, 1977; patented Aug. 22, 1978; not available NTIS.

Patent 4,109,455: Spiral Orifice Cashpot Timer; filed May 26, 1977; patented Aug. 29, 1978; not available NTIS.

Patent 4,110,730: Rate Sensitive System for a Seismic Sensing Range Containment Apparatus; filed June 23, 1977; patented August 29, 1978; not available NTIS.

U.S. Department of Agriculture, Research Agreements and Pat. Branch General Ser. Div., Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782.

Pat. appl. 6-000,739: Cephalomannine and Its Use in Treating Leukemic Tumors; filed Jan. 3, 1979.

Pat. appl. 6-015,491: Protected Feeds for Ruminants; filed Feb. 28, 1979.

Pat. appl. 6-015,503: Apparatus and Method for Treatment of Fibers with Ozone-Steam Mixtures; filed Feb. 23, 1979.

U.S. Department of Health, Education and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, MD 20205.

Pat. appl. 6-012,222: Balloon Catheter and Technique for the Manufacture Thereof; filed Feb. 14, 1979.

Pat. appl. 6-014,552: Radioreceptor Assay for Benzodiazepines in Saliva; filed Feb. 23, 1979.

Pat. appl. 963,784: Radioimmunoassay for Chlorinated Dibenzo-P-Dioxins; filed Nov. 27, 1978.

Pat. appl. 964,654: Immunoassay Utilizing 125I Protein A; filed Nov. 29, 1978.

Patent 4,140,761: Modification of Hepatitis B Virus Infection in Chronic Carriers of Hepatitis B Surface Antigen; filed Apr. 11,

1977; patented Feb. 20, 1979; not available NTIS.

Patent 4,140,851: Synthesis and Antitumor Activity of 2,4,5-Trisubstituted-Pyrrolo(2,3-d)-Pyrimidine Nucleosides; filed Nov. 21, 1977; patented Feb. 20, 1979; not available NTIS.

Patent 4,148,585: Three Dimensional Laser Doppler Velocimeter; filed Feb. 11, 1977; patented Apr. 10, 1979; not available NTIS.

Patent 4,148,888: 3-Deazaadenosine as an Inhibitor of Adenosylhomocysteine Hydrolase with Antiviral Activity; filed Mar. 13, 1978; patented Apr. 10, 1979; not available NTIS.

Patent 4,151,089: Device for High Efficiency Continuous Countercurrent Extraction Using a Rotating Helical Tube; filed May 17, 1978; patented Apr. 24, 1979; not available NTIS.

Patent 4,143,426: Permanently Attached Artificial Limb; filed Mar. 30, 1977; patented Mar. 13, 1979; not available NTIS.

[FR Doc. 79-28583 Filed 9-13-79; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

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Douglas J. Campion,
Patent Program Coordinator, National Technical Information Service.

U.S. Dept. of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, MD 20205

Pat Appl 909,458 Process for Separating Blood Cell-Containing Liquid Suspensions by Filtration. Filed May 25, 1978.

Pat Appl 909,459 Filtrator Apparatus for Separating Blood Cell-Containing Liquid Suspensions. Filed May 25, 1978.

Nat. Aeronautics & Space Admin., Assist. Gen. Couns. for Pat. Matters, NASA Code GP-2, Washington, DC 20546

Pat Appl 6,015,995 A Pitch Attitude Stabilization System Utilizing Engine Pressure Ratio Feedback Signals. Filed February 28, 1979.

Pat Appl 6,015,996 A Velocity Vector Control System Augmented With Direct Lift Control. Filed February 28, 1979.

Pat Appl 6,023,439 Terminal Guidance Sensor System. Filed March 23, 1979.

Pat Appl 6,023,484 Controller for Computer Control of Brushless DC Motors. Filed March 23, 1979.

Pat Appl 6,025,162 Low Cost Cryostat. Filed March 29, 1979.

Pat Appl 6,027,559 An Improved Solar Energy Receiver for a Stirling Engine. Filed April 6, 1979.

Pat Appl 627,464 Multi-Channel Rotating Optical Interface for Data Transmission. Filed August 25, 1977.

Pat Appl 630,562 A System for Detecting Substructure Microfractures and Method Therefor. Filed September 6, 1977.

Pat Appl 630,846 A System for Plotting Subsoil Structure and Method Therefor. Filed September 6, 1977.

Patent 4,139,291 System and Method for Obtaining Wide Screen Schlieren Photographs. Filed February 9, 1978, patented February 13, 1979, not available NTIS.

Patent 4,139,806 Acoustic Driving of Rotor. Filed July 5, 1977, patented February 13, 1979, not available NTIS.

Patent 4,139,839 Digital Data Reformatter/Deserializer. Filed March 18, 1977, patented February 13, 1979, not available NTIS.

Patent 4,139,862 Interactive Color Display for Multispectral Imagery Using Correlation Clustering. Filed September 8, 1977, patented February 13, 1979, not available NTIS.

Patent 4,140,972 System for Synchronizing Synthesizers of Communication Systems. Filed April 11, 1977, patented February 20, 1979, not available NTIS.

Patent 4,141,219 Method and Turbine for Extracting Kinetic Energy From a Stream of Two-Phase Fluid. Filed October 31, 1977, patented February 27, 1979, not available NTIS.

Patent 4,141,224 Closed Loop Spray Cooling Apparatus. Filed August 31, 1977, patented February 27, 1979, not available NTIS.

Patent 4,141,259 Sequencing Device Utilizing Planetary Gear Set. Filed February 25, 1977, patented February 27, 1979, not available NTIS.

Patent 4,142,101 Low Intensity X-Ray and Gamma-Ray Imaging Device. Filed July 20, 1977, patented February 27, 1979, not available NTIS.

Patent 4,142,119 Rotary Electric Device. Filed March 21, 1977, patented February 27, 1979, not available NTIS.

Patent 4,143,314 Closed Loop Solar Array-Ion Thruster System With Power Control

Circuitry. Filed March 29, 1978, patented March 6, 1979, not available NTIS.

[FR Doc. 79-28581 Filed 9-13-79; 8:45 am.]
BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Proposed Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1979 a commodity to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 17, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1979, November 15, 1978 (43 FR 53151):

Class 7510

Pillow, Bed, Feather, 7510-00-753-6228.

C. W. Fletcher,
Executive Director.

[FR Doc. 79-28609 Filed 9-13-79; 8:45 am.]
BILLING CODE 5820-33-M

Procurement List 1979; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1979 commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 14, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 209 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 15, 1979, June 29, 1979, and July 20, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (44 FR 34626, 44 FR 37969, and 44 FR 42755) of proposed additions to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1979:

Class 8530

Toothbrush, Aspiration, NO NSN.

Sic 0782

Grounds Maintenance, Naval Postgraduate School, Monterey, California.

Class 5140

Tool Box, Portable, 5140-00-289-8911, 5140-00-289-8910.

C. W. Fletcher,
Executive Director.

[FR Doc. 79-28610 Filed 9-13-79; 8:45 am.]
BILLING CODE 5820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. CP 78-19]

Home-Use Carbon-Only Water Filters

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: The Commission denies a petition which requests a rule banning those home-use water filters that contain activated carbon and no bacteriostat (a substance or process which inhibits the growth and multiplication of bacteria) which allegedly permit breeding of hazardous concentrations of bacteria. The Commission is denying the petition because currently available information is insufficient to indicate that home-use activated-carbon water filters that do not contain a bacteriostat present an unreasonable risk of injury to consumers.

FOR FURTHER INFORMATION CONTACT: Robert E. Miller, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6754.

SUPPLEMENTAL INFORMATION:

Background

Section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the Federal Register.

On September 25, 1978, Dr. Robert R. Austin, of Pasadena, California, petitioned the Commission under sections 8 and 10 of the CPSA to issue a consumer product safety rule banning those home-use water filters which contain activated carbon and no bacteriostat. The petition (CP 78-19) alleged that hazardous concentrations of bacteria can and do breed on such water filters and that this product thereby presents an unreasonable risk of injury.

The petition included an article authored by Wallis, et. al., entitled "The Hazards of Incorporating Charcoal Filters into Domestic Water Systems" (Water Research, Vol. 8, pp. 111-113, 1974). The article presented data which appear to support the proposition that activated-carbon water filters which contain no bacteriostat decompose the antibacteria activity of chlorine and concentrate the organic compounds normally found in drinking water. Since the organic compounds are a source of nutrients for bacteria, the article contends that such filters support the growth of bacteria to dangerously high amounts, which are allegedly released in an initial water flow whenever the carbon filter's capacity for de-chlorinating is exceeded and whenever agitation occurs, such as when water is first released after overnight nonuse.

Other literature references were cited in the petition, one of which noted the severe sicknesses (including two fatalities) of several babies infected by water-faucet-borne microorganisms.

The petitioner noted that when activated carbon water filters incorporate a bacteriostat the alleged risk of injury is reduced or eliminated.

Commission Evaluation of Petition

After examining the materials submitted by the petitioner, information submitted by the water filter industry, and the Commission Staff's investigation and analysis of injury data and toxicology data, the Commission has decided to deny this petition.

The Commission notes that an investigation of various internal data bases by Commission Staff revealed no injury information that directly related

to home-use water filters containing activated carbon.

The petitioner's reference to an incidence of severe sicknesses (including two fatalities) of several babies infected by water faucet-borne microorganisms is discussed in an article, entitled, "Three Sick Babies," by medical reporter Berton Rouche in the October 25, 1968 issue of the *New Yorker Magazine*.

The Commission notes that the bacteria exposure reportedly came from a hospital resuscitator which had been rinsed with tap water from a faucet that was equipped with an aerator, a screening device (controlling the flow of water) upon which the bacteria were able to accumulate and breed. Thus, this incidence can not be directly related to bacteria growth on activated carbon water filters.

The Commission also points out that the findings of the 1975 Wallis Study, a copy of which the petitioner submitted as evidence that bacteria multiply at dangerously high rates in activated carbon water filters that do not contain a bacteriostat, are apparently in conflict with the results of two more recent studies. Foire and Babineau (*Applied and Environmental Microbiology*, Vol. 34, pp. 541-546, 1977) studied the behavior of microorganisms in contact with an activated-carbon water filter. They noted that the type and amount of microorganisms in filtered and unfiltered water increased to about the same level on overnight standing and, in both cases, were reduced by flushing the next day. Their data indicate that pathogenic bacteria were not concentrated by the particular filter used. Similar results have been obtained by Johnston and Burt (*Filtration Separation*, May/June 1976).

The Commission believes that it is noteworthy that the Food and Drug Administration has not established bacterial limitations for bottled water and the Environmental Protection Agency (EPA) has not issued a standard for limitations on total bacteria in their drinking water regulations. Apparently such limitations have not been set because there are insufficient data at present to indicate that total bacteria count is related to a potential health hazard.

Due to the widespread use of home-water filters and the lack of information available, the EPA (through a contract with Gulf South Research Institute in New Orleans) is conducting a study to evaluate the capabilities of a variety of home-use water filters, including the activated-carbon type with and without a bacteriostat. The results on Phase I of the study were made public on May 16,

1979 and were reviewed by Commission staff.

Phase I of the EPA study involved seven activated-carbon filters, three with silver (a bacteriostat) and four without silver. The bacteriological behavior of both types of filters was found to be variable.

In some cases, the effluent water had more bacteria than the influent; in other situations, the reverse situation occurred. On the average, there was an increase in bacterial concentrations in the effluent water, but, in the opinion of Commission staff, these increases have no public health significance. Although the silver-containing filters performed somewhat better in removing bacteria than those without silver, Commission staff found no practical improvement in bacteriological quality with the silver-containing filters as opposed to those without silver. On the average, the silver-containing filters were found to also have more bacteria in the effluent water than in the influent. Again, Commission staff found such increases to have no public health significance.

Conclusion

The Commission has carefully considered the materials provided by the petitioner and the water filter industry as well as the injury and toxicological data submitted by the staff. The Commission points out there are no reported or known injuries associated with this product. In addition, the petitioner's contention that bacteria multiply at dangerously high rates in activated-carbon water filters that do not contain a bacteriostat is in conflict with several sources of scientific data. As a result, the Commission has concluded that currently available information is insufficient to indicate that home-use activated-carbon waters that do not contain a bacteriostat present an unreasonable risk of injury. The Commission has, therefore, denied the petition.

Copies of the petition and the Commission staff's briefing materials on the petition may be obtained from the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Dated: September 7, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-28558 Filed 9-13-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School; Meeting

The President of the National Defense University has scheduled a meeting of the National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School on Thursday, November 8, 1979, from 0830-1145 and 1330-1630. The meeting will be held in the Hill Conference Center, Theodore Roosevelt Hall, Building 61, Fort Lesley J. McNair, Washington, D.C. The discussions will include progress and plans for the National Defense University and the Curricula, faculty, and students of the Industrial College of the Armed Forces and the National War College. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first served basis. To reserve space, interested persons should write or phone (693-1074), the Assistant to the President, National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319.

H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

September 11, 1979.

[FR Doc. 79-28643 Filed 9-13-79; 8:45 am]

BILLING CODE 3810-70-M

Corps of Engineers

Revised Notice of Intent To Prepare a Draft Supplement to the Environmental Impact Statement for the Proposed Burlington Dam Flood Control Project on the Souris River, N. Dak.

AGENCY: St. Paul District, U.S. Army Corps of Engineers.

ACTION: Revision of availability date for the Draft Supplement I to the Burlington Dam Environmental Impact Statement. A previous Notice of Intent to Prepare a Draft Supplemental Environmental Impact Statement (EIS) published in the Federal Register, Vol. 44, No. 113, 13 June 1979, p. 33922, indicated that the Draft Supplement I would be made available to the public by July 1979. Unanticipated study delays have made it necessary to revise this date.

SUMMARY: The project for flood damage reduction on the Souris River, North Dakota, recommended by the Chief of Engineers in House Document No. 321, 91st Congress, 2nd Session, provides for

two major structural measures: channel modification through Minot, North Dakota, and upstream reservoir development. The channel modification in Minot was approved by Senate and House Public Works Committee resolutions adopted 25 June and 14 July 1970, respectively. The reservoir and related works were authorized later in the Flood Control Act approved 31 December 1970, Pub. L. 91-611. Construction of the Minot channel modifications, now completed, was authorized separately to provide limited flood protection for the city at the earliest possible date.

The principal features of the reservoir project include a dam near Burlington on the Souris River, a raise of Lake Darling Dam, a diversion tunnel to carry flood flows on the Des Lacs River to the Souris River above Burlington Dam, levee improvements between Burlington and Minot and at Sawyer and Velva, and modifications to refuge dams in the Upper Souris and J. Clark Salyer National Wildlife Refuges.

In addition to the proposed action, the following reasonable alternatives have been identified:

1. *No Action*—The no action alternative is a viable alternative which represents no additional action on the part of the Corps of Engineers. Certain conditions are expected to occur in the future if none of the flood control measures discussed in this section are implemented. The no action alternative could include floodplain regulations, flood insurance, the existing channel modifications at Minot, flood warning and emergency protection, floodproofing, and rehabilitation of the Lake Darling Dam to meet current engineering standards for such a structure.

2. *Floodplain Evacuation*—This alternative involves the removal of all development in the 100-year Souris River floodplain between Burlington and the J. Clark Salyer Refuge.

3. *Boundary Diversion*—This alternative involves the diversion of the Souris River floodwaters at the point that they enter the United States. The channel would parallel the Canadian border for a distance of about 45 miles.

4. *Flood Barriers*—This alternative would include upgrading existing emergency levees to current engineering standards for permanent levees in urban flood areas along the Souris River. These include nine subdivision areas between Burlington and Minot, and the cities of Minot, Logan, Sawyer, and Velva.

5. *Minot Tunnel Diversion*—This alternative consists of the following measures:

a. Upgrading emergency levees at several residential areas between Minot and Burlington so that Souris River flows of 14,000 cfs could be passed with no flood damage.

b. A 2.2-mile diversion tunnel beneath Minot with a capacity of 9,000 cfs and 27 miles of channel modifications downstream of the tunnel.

c. Levees and channel modifications at Sawyer and Velva to provide a 100-year level of protection.

6. *Burlington Dam*—This alternative is identical to the recommended plan except that the Des Lacs diversion tunnel is not included.

7. *Lake Darling Dam*—This alternative is essentially a modification of the above alternative (i.e., the recommended plan without the Des Lacs diversion tunnel) in that the large reservoir storage structure would simply be located upstream at the site of the existing Lake Darling Dam.

8. *Confluence Dam*—This alternative has a dam located near Burlington below the confluence of the Souris and Des Lacs Rivers.

9. *Burlington Dam and Des Lacs Tributary Dams*—This alternative includes Burlington Dam as discussed in alternative no. 6, in combination with dams on 19 of the Coulees tributary to the Des Lacs River.

10. *Recommended Plan*—See above discussion under project summary.

11. *Lake Darling Dam and Des Lacs Diversion*—This alternative is similar to alternative 7 (i.e., Lake Darling Dam) with the addition of a diversion tunnel from the Des Lacs River to the Souris River dam site.

12. *Burlington Dam, Des Lacs Diversion, Gassman Coulee Dam*—This alternative is the same as the recommended plan with the addition of a dry dam at the mouth of Gassman Coulee.

13. *Lake Darling Dam and Minot Tunnel Diversion*—This plan is a combination of alternatives 5 and 7, except that the size of the tunnel beneath Minot would be reduced to a 5,000 cfs capacity.

14. *Lake Darling Dam and Flood Barriers*—The features of this alternative are the same as alternative 13 except that the tunnel under Minot would be replaced by levees.

15. *Environmental Quality Plan (EQ Plan)*—The EQ alternative consists of the following items:

a. A 14,000 cfs diversion tunnel under the city of Minot.

b. A low-head dam upstream of Minot to divert all flows above channel capacity into the diversion tunnel.

c. A low-head dam downstream of Minot to prevent backup of tunnel discharges.

d. Evacuation of the 100-year floodplain or floodproofing below Minot where flood stages are increased due to tunnel discharges, and evacuation of a mobile home park above Minot.

e. Local protection measures at Velva and at urbanized areas from Burlington to Minot.

f. Continuation of floodplain regulations downstream from Velva, and enactment of floodplain regulations at Sawyer.

g. Improvements to marsh impoundments on the Upper Souris National Wildlife Refuge (NWR) to permit more efficient refuge operations.

h. Operation of the rehabilitated (to current engineering standards) Lake Darling Dam for flood control.

16. *National Economic Development Plan (NED Plan)*—This alternative would include a dam at the Lake Darling Site (alternative 7), providing 383,000 acre-feet of flood control storage to elevation 1,620, plus levees in three of seven subdivision areas between Burlington and Minot and in Velva.

Copies of the Draft Environmental Impact Statement, which has been filed with the Environmental Protection Agency and noted in the Federal Register on 4 November 1977, were provided for coordination to all concerned Federal, State, and local agencies; affected Indian tribes; and private organizations and individuals. Copies of the Draft Supplement EIS will be provided to all those identified above. Anyone else who is interested in reviewing this supplement is invited to do so and should contact the St. Paul District, Corps of Engineers, to assure that they are included on the mailing list. The Final EIS has been prepared and is currently undergoing a preliminary review at the Washington level. When the Final EIS is ready for public distribution, we will append the Draft Supplement to it. After comments on the Draft Supplement and the Final EIS have been received, we will prepare and distribute a Final Supplement.

Significant issues to be analyzed in the Draft Supplement EIS include:

1. A Section 404(b) Evaluation of the discharge into U.S. waters of dredged or fill material.

2. An assessment of the impacts on threatened or endangered species. This portion of the EIS supplement has been included to comply with Section 7 of the Endangered Species Act (Amendment 7C).

Our review of the project will be conducted in accordance with the requirements of the National

Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and applicable Corps of Engineers regulations and guidance.

A scoping meeting will not be held for the preparation of this supplement. Significant issues to be discussed in this supplement were identified through coordination with Federal, State, and local government agencies; interested citizens' groups; and individual citizens.

We estimate that the Draft Supplement EIS will be available to the public during the first quarter of Fiscal Year 1980 (October-December 1979).

Questions concerning the proposed action and the Draft Supplement EIS can be directed to: Colonel William W. Badger, District Engineer, St. Paul District, Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101.

Dated: September 4, 1979.

William W. Badger,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-28585 Filed 9-13-79; 8:45 am]

BILLING CODE 3710-92-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed River Diversion Features of the Mouth of Colorado River, Tex., Project

AGENCY: Galveston District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action includes dredging a river diversion channel from the present channel of the Colorado River near Matogorda, Texas, to Matogorda Bay and placing a diversion dam in the existing channel. The navigation channel in the existing river channel from the proposed diversion dam to the Gulf Intracoastal Waterway will be relocated. The purposes of these actions is to divert the full flow of the Colorado River into Matogorda Bay to enhance the area's finfish and shellfish productivity; reduce maintenance dredging requirements for the navigation features of the Mouth of Colorado River, Texas, project; and to reduce flood damages to development along the Colorado River between the river mouth and the Gulf Intracoastal Waterway.

2. Reasonable alternatives to the proposed action include diversion of only part of the river flows, alternate diversion or discharge points, and no action.

3. The scoping process for this DEIS is in progress. Extensive coordination has occurred between the Corps of Engineers and State and Federal fish and wildlife agencies, and numerous comments have been received from environmental groups. The river diversion features of the project were also extensively discussed at a public hearing concerning the navigation features of the project.

a. The proposed public involvement program includes continuation of the coordination described above, public workshops or meetings to discuss project impacts, and wide circulation of the DEIS for comment. Affected Federal, state and local agencies, affected Indian tribes, and other interest groups or individuals are invited to comment on the appropriate scope of the DEIS.

b. The most significant issues to be addressed in the DEIS are the extent of delta growth expected in Matogorda Bay due to the sediment load of the Colorado River and changes in the biological productivity of Matogorda Bay due to increased freshwater and nutrient inflows expected with diversion.

c. Other agencies cooperating in the preparation of the DEIS are the Environmental Protection Agency (EPA), the Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS), and the Texas Parks and Wildlife Department (TPWD). The EPA will evaluate water quality effects. The FWS, MNFS, and TPWD will assist with the evaluation of productivity benefits and impacts on endangered species.

d. Archeological and historical investigations are in progress, and required coordination with the Advisory Council on Historical Preservation will be accomplished during review of the DEIS.

4. No additional meetings are planned specifically for scoping.

5. The DEIS is scheduled to be available to the public in April 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Curt Batey, U.S. Army Engineer District, Galveston, P.O. Box 1229, Galveston, Texas 77553, (713) 763-1211, extension 473.

Dated: September 4, 1979.

James M. Sigler,
Colonel, Corps of Engineers District Engineer.

[FR Doc. 79-28593 Filed 9-13-79 8:45 am]

BILLING CODE 3710-GK-M

DEPARTMENT OF ENERGY

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of August 20 Through August 24, 1979

Notice is hereby given that during the week of August 20 through August 24, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before October 8, 1979; any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders 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). Within 30 days of the publication of this notice, 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.

Melvin Goldstein,
Director, Office of Hearings and Appeals,
September 10, 1979.

Proposed Remedial Orders

Kenneth H. White Co., Inc.; Birmingham, Mich.; DRO-0341 petroleum products.

On August 20, 1979, Kenneth H. White Company, 555 South Woodward, Suite 801, Birmingham, Michigan 48011, filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on July 30, 1979. In the PRO the Central District found that during November 1, 1973 to December 31, 1974, Kenneth H. White Co. overcharged purchasers of No. 2 fuel oil and residual fuel oil. According to the PRO the Kenneth H. White violation resulted in \$447,431.21 of overcharges.

Twin Montana, Inc.; Graham, Tex.; DRO-0349 crude oil.

On August 23, 1979, Twin Montana, Inc., P.O. Box 720, Graham, Texas 76048, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on August 6, 1979. In the PRO the Southwest District found that during September 1, 1973 to December 31, 1977, Twin Montana overcharged purchasers of crude oil. According to the PRO the Twin Montana

violation resulted in \$1,044,192.86 of overcharges.

[FR Doc. 79-28545 Filed 9-13-79; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Task Groups of the NPC Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities; Meetings

Notice is hereby given that three task groups of the Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities, will meet in September and October 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The two task groups scheduling meetings are the Tank Cars/Trucks Task Group and the Coordinating Subcommittee. The time, location and agenda of each task group meeting follows:

The eighth meeting of the Tank Cars/Trucks Task Group will be on Thursday, September 20, 1979, starting at 9:00 a.m., in Petite Salon A, The Royal Orleans Hotel, 621 St. Louis Street, New Orleans, Louisiana. The tentative agenda for the meeting follows:

1. Remarks by Walter B. Smith, Jr., Chairman.
2. Remarks by Barry Yaffe, Government Cochairman.
3. Review of preliminary draft report of the Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Task Group.

The eleventh meeting of the Coordinating Subcommittee will be on Thursday, September 27, 1979, starting at 8:30 a.m., in the Conference Room, National Petroleum Council, 1625 K Street, NW., Washington, D.C. The tentative agenda for the meeting follows:

1. Introductory remarks by R. Scott VanDyke, Chairman.
2. Remarks by Mario Cardullo, Government Cochairman.
3. Review of draft task group reports.
4. Discussion of Executive Summary.
5. Discussion of timetable of study completion.

6. Discussion of any other matters pertinent to the overall assignment of the Task Group.

The twelfth meeting of the Coordinating Subcommittee will be on Tuesday, October 9, 1979, starting at 8:30 a.m., in the 15th floor Conference Room, Cities Service Company, First National Tower Bldg., 410 S. Boston Street, Tulsa, Oklahoma. The tentative agenda for the meeting follows:

1. Introductory remarks by R. Scott VanDyke, Chairman.
2. Remarks by Mario Cardullo, Government Cochairman.
3. Review of draft task group reports.
4. Discussion of Executive Summary.
5. Discussion of timetable of study completion.
6. Discussion of any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

The meetings are open to the public. The chairman of the Task group is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statement should inform Mario Cardullo, Office of Resource Applications, 202-633-8828, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 12, 1979.

R. Dobie Langenkamp,
Deputy Assistant Secretary, Oil, Natural Gas and Shale Resources, Resource Applications.

[FR Doc. 79-28813 Filed 9-13-79; 10:16 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1318-8]

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 September 4 to September 7, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from September 14, and will end on October 29, 1979. The 30-day wait period for final EIS's as calculated from September 14, 1979 will end on October 15, 1979.

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) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to § 1506.10(a), the 30 day wait period for final EIS's, received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of September 3 to September 7, 1979, the 30 day wait period will be calculated from September 14, 1979. The wait period will end on October 15, 1979.

Appendix I sets forth a list of EIS's filed with EPA during the week of September 4 to September 7, 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: September 11, 1979.

William N. Hedeman, Jr.,
Director, Office of Environmental Review.

Appendix I—EIS's Filed With EPA During the Week of September 4 to 7, 1979

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 693-6795.

Final

Pipeline; wastewater outfall, Mobile Bay, Permit, Mobile County, Ala., Sept. 4: Proposed is the issuance of a permit for the installation and O/M of a 30-inch diameter pipeline to carry waste from the Theodore Industrial Park near Theodore, Mobile County, Alabama, to a site in west-central Mobil Bay. The landward portion of the pipeline would pass beneath three small tributaries of the Deer River and would be buried six feet deep in the bottom near shore and three feet deep for the rest of the distance. Placement of the pipeline in the bay would be by jetting or excavation and backfill. (Mobile District.) Comments made by: USDA, DOE, DQC, EPA, HEW, HUD, DOI, DOT, State and local agencies, groups and individuals. (EIS Order No. 90937.)

ENVIRONMENTAL PROTECTION AGENCY

Draft

Contact: Mr. Eugene Wojcik, Chief, EIS Section, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2157.

Rehabilitation of wastewater facilities, Streator, La Salle and Livingston Counties,

Ill., Sept. 7: Proposed is the rehabilitation of wastewater treatment facilities located in the city of Streator, La Salle and Livingston Counties, Illinois. The three major interceptor sewers in the combined sewer system would be replaced. The treatment plant would be upgraded to include nitrification and chlorination. The effluent discharged would meet the requirements of a Pfeffer exemption. Combined sewer flows in excess of the plants capacity would receive primary treatment and chlorination prior to discharge into the Vermilion River. (EIS Order No. 90947.)

DEPARTMENT OF HUD

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

Fairfax Subdivision, Charleston, Berkeley County, S.C., Sept. 4: Proposed is the issuance of HUD home mortgage insurance for the Fairfax Subdivision located in Charleston, Berkeley County, South Carolina. The development will contain approximately 707 dwelling units on a 272-acre tract of land. The dwelling units will consist of single-family and multifamily, residential units. Also planned are commercial, office and institutional land uses. (HUD-R04-EIS-78-16) (EIS Order No. 90936.)

Suncrest Farms Northwest, Stevens County, Wash., Sept. 4: Proposed is the issuance of HUD home mortgage insurance for the Suncrest Farms Northwest Subdivision in Stevens County, Washington. The insurance will apply to 800 single-family units on 800 acres of the 1,195-acre proposed site. Also included in the development will be commercial, school and open space areas. (HUD-R10-EIS-79-40) (EIS Order No. 90935.)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

City of Oakland Convention Center/Hotel (UDAG), Alameda County, Calif., Sept. 5: Proposed is the issuance of a UDA grant to the city of Oakland in Alameda County, California for the construction of a convention center, hotel and parking garage. The alternatives considered are: (1) No project, (2) construct convention center on project site but place hotel in city center project area, (3) place parking garage underground, (4) limit project to one block rather than two blocks, and (5) construct project on another site in downtown Oakland. (EIS Order No. 90940.)

Final

Little Lost-Birch Creek range management, several counties in Idaho, Sept. 6: Proposed is the implementation of a range management program for 332,570 acres of public land and 65,673 acres of DOE withdrawn land located in Little Lost-Birch Creek Planning Unit in

Butte, Clark, Lemhi, and Custer Counties, Idaho. Use of the area will include 27,164 AUMS for livestock and 10,453 AUMS for wildlife. Grazing treatments would be implemented on 398,243 acres of public land and withdrawal land consisting of rest-rotation on 181,232 acres, deferred rotation on 183,883 acres and seasonal grazing on 33,128 acres. (FES-79-39) Comments made by: EPA, DOE, State agencies, groups and businesses. (EIS Order No. 90942.)

Final

East Socorro grazing program, Socorro, Socorro and Valencia Counties, N. Mex., Sept. 7: Proposed is an intensive livestock grazing program on 838,808 acres of public land in Socorro and Valencia Counties, New Mexico. The program will entail the implementation of 79 allotment management plans (AMPS), on 91 allotments on 788,097 acres of public land; set livestock numbers on 26 non-AMP allotments on 46,142 acres of public land; and maintain management of 4,569 acres of public land in no grazing areas. The program will also include structural measures such as wells, pipelines, and fences. (FES-79-40) Comments made by: USDA, EPA, DOI, COE, State and local agencies, groups, individuals and businesses. (EIS Order No. 90946.)

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 Aviation Administration

Draft

Boeing 737 service amendment, to Jackson, Teton County, Wyo., Sept. 7: Proposed is an amendment of operations specifications for the Frontier Airlines Incorporated. The amendment would authorize operations of Boeing 737 jet aircraft in passenger-carrying service to the Jackson Hole Airport located in the Grand Teton National Park, Teton County, Wyoming. Three of the current nine daily Convair 580 flights would be replaced with Boeing 737 aircraft. The alternatives consider: (1) no action, (2) reduce number of per day flights, and (3) a one-year trial period. (EIS Order No. 90948.)

Federal Highway Administration

Draft

132nd Street SE improvement and extension, Snohomish County, Wash., Sept. 5: Proposed is the improvement and extension of 132nd Street SE in Snohomish County, Washington. The improvement and extension would total approximately five miles and would provide an east-west arterial linking WA-9 with WA-527/1-5. The improvement between WA-527 and Seattle Hill Road would widen the existing two lanes to four lanes plus a left turn lane, bike lanes, and bus turnouts. East of Seattle Hill Road to the end of the existing pavement would also be four lanes. The extension to WA-9 would be four lanes including a median and an interchange at WA-9. (FHWA-WA-EIS-79-01-D) (EIS Order No. 90941.)

Final

Hobson Road-St. Joe Road, improvement, Allen County, Ind., Sept. 4: Proposed is the improvement of Hobson Road and St. Joe Road in Allen County, Indiana. The improvements to Hobson Road will consist of constructing a new four lane, divided arterial route with a 16' paved median from U.S. 30 to Trier Road and four lanes with a 4' mountable median from Trier Road to Stellhorn Road. The improvements to St. Joe Road will consist of a four lane divided route with left turn lanes. Lighting will be utilized along both projects as appropriate. (FHWA-IND-EIS-73-01-F) Comments made by: DOT, DOI, EPA, State and local agencies. (EIS Order No. 90938.)

Final

Berkley Avenue improvement, Norfolk, VA., Sept. 6: Proposed is improvement of Berkley Avenue located within the city of Norfolk in the Tidewater portion of Virginia. The proposed 0.848-mile project begins at State Street and proposed I-464 and extends east-northeasterly to Indian River Road, 0.026 mile east of Marsh Street. Project implementation calls for widening Berkley Avenue from two to four lanes and building a bridge 1300 feet in length from south of Pescara Creek to east of the Norfolk and Western Railroad. (FHWA-VA-EIS-77-04-F) Comments made by: DOT, EPA, USDA, COE, State and local agencies. (EIS Order No. 90943.)

VETERANS ADMINISTRATION

Contact: Mr. Willard Sittler, Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, (202) 389-2528.

Final

Vancouver VA Medical Center, Clark County, Wash., Sept. 7: Proposed is the construction of a 200-bed replacement hospital for the Vancouver VA Medical Center, Clark County, Washington. The facility would provide additional modern nursing home care and other medical services, and includes the demolition of some buildings. A laundry and warehouse will also be constructed. Comments made by: OT 2, State and local agencies, groups. (EIS Order No. 90949.)

EIS's Filed During the Week of Sept. 4 to Sept. 7, 1979

[Statement title index—By State and county]

State	County	Status	Statement title	Accession No.	Date filed	Original agency No.
Alabama	Mobile	Final	Pipeline, Wastewater Outfall, Mobile Bay, Permit	90937	09-04-79	COE
Alaska		Draft	Gulf of Alaska OCS Oil and Gas Lease Sale #55	90944	09-06-79	DOI
California	Alameda	Draft	City of Oakland Convention Center/Hotel (UDAG)	90940	09-05-79	HUD
Idaho	Sevier	Final	Little Lost-Birch Creek Range Management	90942	09-06-79	DOI
Illinois	LaSalle	Draft	Rehabilitation of Wastewater Facilities, Streator	90947	09-07-79	EPA
	Livingston	Draft	Rehabilitation of Wastewater Facilities, Streator	90947	09-07-79	EPA
Indiana	Allen	Final	Hobson Road-St. Joe Road, Improvement	90938	09-04-79	DOT
Montana	Several	Final	Missouri Breaks Grazing Program	90939	09-05-79	DOI
New Mexico	Socorro	Final	East Socorro Grazing Program, Socorro	90945	09-07-79	DOI
	Valencia	Final	East Socorro Grazing Program, Socorro	90946	09-07-79	DOI
South Carolina	Berkeley	Draft	Fairfax Subdivision, Charleston	90936	09-04-79	HUD
Virginia		Final	Berkley Avenue Improvement, Norfolk	90943	09-06-79	DOT
Washington	Clark	Final	Vancouver VA Medical Center	90949	09-07-79	VA
	Snohomish	Draft	132nd Street SE, Improvement and Extension	90941	09-05-79	DOT
	Stevens	Draft	Suncrest Farms Northwest	90935	09-04-79	HUD
Wyoming	Teton	Draft	Boeing 737 Service to Jackson, Amendment	90948	09-07-79	DOT

Appendix II.—Extension/Waiver of Review Periods 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	Date review terminates
None.					

Appendix III.—EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—Notice of Official Retraction

Federal agency contact	Title of EIS	Status/number	Date notice published in "Federal Register"	Reason for retraction
None.				

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.
DEPARTMENT OF TRANSPORTATION 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.	Northfield-Williamstown State Highway, VT-12 to I-89 Washington and Orange Counties, Vermont.	Sept. 6, 1979	90945

Appendix VI.—Official Correction

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				

[FR Doc. 79-28650 Filed 9-13-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1319-5]

Northern Indiana Public Service Co., Jasper County, Ind.; Final Determination

In the matter of the applicability of Title 1, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Northern Indiana Public Service Company (NIPSCO), Jasper County, Indiana.

On November 17, 1978, NIPSCO submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct two oil fired combustion turbine generators and fuel oil storage tank at the Schahfer Generating Station. Additional information was submitted by NIPSCO on January 31, 1979. The application was submitted pursuant to the regulations for PSD.

On March 14, 1979, NIPSCO was notified that its application was complete and preliminary approval was granted.

On May 29, 1979, U.S. EPA published notice of its decision to grant a preliminary approval to NIPSCO. No comments or requests for a public hearing were received.

After review and analysis of all materials submitted by NIPSCO, the Company was notified on August 16, 1979 that U.S. EPA had determined that the proposed new construction in Jasper County, Indiana would be utilizing the best available control technology and that emissions from the facility will not

adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve NIPSCO of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party in accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2090.

Dated: September 4, 1979.

John McGuire,
Regional Administrator, Region V.

In the Matter of Northern Indiana Public Service Company proceeding pursuant to the Clean Air Act; as amended. Approval to Construct EPA-5-79-A-25.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended 42 U.S.C. 7401 *et seq.*, (the Act) and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Northern Indiana Public Service Company (NIPSCO) proposes to construct two oil fired combustion turbine generators and fuel oil storage tank at the Schahfer Generating Station in Jasper County, 2.5 miles northeast of Wheatfield, Indiana.

2. The location where NIPSCO proposes to construct two oil fired combustion turbine generators (Units 16A and 16B) is a Class II area as determined pursuant to the Act and has been designated an attainment area for all criteria pollutants pursuant to Section 107 of the Act.

3. The proposed combustion turbines are subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act. The proposed source is not subject to the Emission Offset Interpretative Ruling (44 FR 3274, January 16, 1979) due to the attainment designation of the construction site and the source impact area.

4. NIPSCO submitted a PSD application to the U.S. Environmental Protection Agency (U.S. EPA) on November 17, 1978. On January 31, 1979, NIPSCO submitted additional information for review. On March 14, 1979, the application was determined to be complete and preliminary approval was granted.

5. On May 29, 1979, notice was published in the *Kankakee Daily Journal* and the *Rensselaer Republican*. The notice sought written comments from the public on the NIPSCO application and the U.S. EPA's preliminary approval of the proposed construction. There were no public comments and no requests for a public hearing.

6. After review and analysis of the material submitted by NIPSCO, U.S. EPA has determined that emissions from the construction and operation of the two combustion turbine generators at the proposed site in Jasper County will not violate the air quality increments applicable in the area where the source will be located nor will it violate the National Ambient Air Quality Standards (NAAQS). Emissions from the facility will be reduced by the application of the best available control technology (BACT).

7. The fuel storage tank design and emission rate are in accordance with the New Source-Performance Standards (NSPS) for fuel storage tanks.

Conditions

8. The fuel oil shall not contain sulfur in excess of 0.8% by weight and the sulfur content of the fuel will be monitored. Results

of the fuel oil monitoring will be sent to the Indiana State Board of Health, Division of Air Pollution Control on a quarterly basis.

9. Nitrogen oxide (NO_x) emissions from each turbine shall not exceed 75 ppm. Continuous monitoring of the water to fuel ratio is necessary to ensure operation of the water injection system to be used to control the NO_x emissions. A summary report of the fuel consumption and ratio of water to fuel being fired into the turbines will be sent to Indiana State Board of Health, Division of Air Pollution Control on a quarterly basis.

10. Each turbine unit shall not operate in excess of 2000 hours per calendar year. Records must be maintained to show the operating times and days. Each calendar year's records must be kept for at least 3 years and be made available to U.S. EPA on request.

Conditions 8 through 10 represent the application of BACT as required by Section 165 of the Act. The monitoring requirements are set down in the stationary gas turbine standards of performance for new sources (42 FR 53789, October 3, 1977).

11. NIPSCO Must construct and operate the combustion turbine generators in accordance with the descriptions presented in their final application for approval to construct. Any change in the design or operation might alter U.S. EPA's conclusions and therefore, any changes must receive the prior written authorization of U.S. EPA.

Approval

12. Approval to construct the two combustion turbine generators and the fuel storage tank is hereby granted to NIPSCO subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in the application, must receive the prior written authorization of U.S. EPA.

13. The United States Court of Appeals for the D.C. Circuit has issued a ruling in the case of *Alabama Power Co. vs. Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the EPA prevention of significant deterioration (PSD) program and approvals issued thereunder. Although the court has stayed its decision pending resolution of petitions for reconsideration, it is possible that the final decision will require modification of the PSD regulations and could affect approvals issued under the existing program. Examples of potential impact areas include the scope of

best available control technology (BACT), source applicability, the amount of increment available (baseline definition), and the extent of preconstruction monitoring that a source may be required to perform. The applicant is hereby advised that this approval may be subject to reevaluation as a result of the final court decision and its ultimate effect.

14. This approval to construct does not relieve NIPSCO of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State, and local requirements.

15. A copy of this approval has been forwarded to the Jasper County Public Library, Van Rensselaer and Angelica Streets, Rensselaer, Indiana for public inspection.

Dated: August 16, 1979.

John McGuire,
Regional Administrator.

[FR Doc. 79-28675 Filed 9-13-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1319-2]

Region II; Groundwater System of the New Jersey Coastal Plains Aquifer

On March 21, 1979, a notice was published stating that a petition has been submitted by the Environmental Defense Fund, Inc. and the Sierra Club-New Jersey Chapter, pursuant to Section 1424(e) of the Safe Drinking Water Act, Pub. L. 93-523, requesting the Administrator of the Environmental Protection Agency to make a determination that the aquifer underlying the Counties of Monmouth, Burlington, Ocean, Camden, Gloucester, Atlantic, Salem, Cumberland and Cape May and portions of Mercer and Middlesex Counties, New Jersey is the sole or principal drinking water source for the Coastal Plain Area which, if contaminated, would create a significant hazard to public health.

Due to the complexity of issues which surround the decision to designate the N.J. Coastal Plain Area as a sole source aquifer and the need for additional information to support a designation decision, EPA will defer the decision on

this petition for a period of twelve (12) months to September 21, 1980.

EPA has contracted with the United States Geological Survey for additional technical information on the N.J. Coastal Plain aquifers. There are also other interested parties which are simultaneously undertaking investigation of these formations. EPA has determined that a twelve (12) month postponement in the designation decision will provide sufficient time to assimilate and incorporate the findings of these studies and other comments into a designation recommendation. In keeping with this expanded timetable, EPA will extend the comment period on this petition request from August 20, 1979 to December 31, 1979.

Comments, data and references in response to the Coastal Plain Petition should be submitted in writing to Eckardt C. Beck, Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, Room 1009, New York, N.Y. 10007, Attention: Coastal Plain Aquifer. Information concerning the Coastal Plain Aquifer System will be available for inspection at the above address.

Dated: September 5, 1979.

Eckardt C. Beck,
Regional Administrator.

[FR Doc. 79-28677 Filed 9-13-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Inactive Tariffs—Bureau of Ocean Commerce Regulation; Intent To Cancel

The domestic offshore files of the Federal Maritime Commission contain numerous tariffs which have been classified as inactive due to the carriers' failure to reissue the tariffs to bring them in to conformity with the requirements of Part 531 of Title 46, revised. The tariff publications of the following carriers, including their last known address, fall into the inactive tariff category:

Carrier	Tariff No.	Scope
Acme Fast Freight, Inc. (Acme Overseas, Series), Joseph Rubenstein, Director of Traffic, 2335 New Hyde Park Road, New Hyde Park, New York 11040.	FMC-F No. 1	From Los Angeles, Oakland, and San Francisco, California, to Honolulu, Hawaii.
Aero-Nautics Forwarders, Inc., Stanley N. Burger, President, 1167 N.W. 22nd Street, Miami, Florida 33127.	FMC-F No. 1	Between U.S. Atlantic Ports and San Juan, Puerto Rico.
Aero-Nautics Forwarders, Inc., Stanley N. Burger, President, 1167 N.W. 22nd Street, Miami, Florida 33127.	FMC-F No. 4	Between Jacksonville and Miami, Florida, and Points in Puerto Rico.
Alaska Freight Forwarders, Inc., Ray I. Weberg, Vice President, 6749 E. Marginal Way, South Seattle, Washington 98108.	FMC-F No. 2	Between Seattle, Washington, and Alaska/Hawaii.
Alvarez Shipping Co., Inc., Joe Alvarez, President, 3854 3rd Avenue, Bronx, New York 10457.	FMC-F No. 2	Between U.S. Atlantic Ports and Ports in Puerto Rico.
Amber Line, Ltd., Frank Hijer, Jr., Issuing Officer, Port Elizabeth Plaza, 1201 Corbin Street, Elizabeth, New Jersey 07201.	FMC-F No. 2	Bill of Lading Tariff.
American International Shipping Co., E. D. Helmer, Traffic Manager, P.O. Box 545, Decatur, Indiana 46733.	FMC-F No. 3	Between U.S. Pacific Ports and Hawaii.

Carrier	Tariff No.	Scope
American International Shipping Co., E. D. Helmer, Traffic Manager, P.O. Box 545, Decatur, Indiana 46733.	FMC-F No. 4	Between Pacific Coast Ports and Ports in Hawaii; also from East Coast Ports to Honolulu, Hawaii.
Arrow-Lifschultz Freight Forwarders, Inc., H. L. Rosenthal, Traffic Manager, 386 Park Avenue South, New York, New York 10016.	FMC-F No. 2	Between California Ports and Ports in Hawaii.
Boulevard Moving & Storage Co., Julio G. Atlas, President, 1494 Southern Boulevard, Bronx, New York 10460.	FMC-F No. 1	Between U.S. Atlantic Ports and Ports in Puerto Rico.
Caribbean Area Transportation, Inc., Charles F. Cahill, Vice President, G.P.O. Box 4, San Juan, Puerto Rico 00906.	FMC-F No. 2	Between San Juan, Puerto Rico, and Charlotte Amalie, St. Thomas, Christiansted, U.S. Virgin Islands.
Caribbean Express Corp., Gregoria Rivera, President, 4335 West Armitage, Chicago, Illinois 60647.	FMC-F No. 2	Between U.S. Atlantic Ports and Ports in Puerto Rico.
Caribbean Forwarders, Inc., Ray McQuaig, President, P.O. Box 3847, St. Thomas, Virgin Islands 00801.	FMC-F No. 1	Between Puerto Rico and the U.S. Virgin Islands.
Caribe Shipping, Inc., Pablo Roman, President, 24 Dodworth Street, Brooklyn, New York 11221.	FMC-F No. 1	Between New York and San Juan, Puerto Rico.
Caribsam Trading, Inc., Harold E. Burger, President, Cond. Park Plaza, Penthouse 1, Isla Verde, Puerto Rico 00913.	FMC-F No. 1	Between Ports in Puerto Rico and Ports in U.S. Virgin Islands and Between Ports in the U.S. Virgin Islands.
Columbia Export Packers, Inc., Henry A. Alzpuru, President, 19032 South Vermont Avenue, Torrance, California 90502.	FMC-F No. 5	Between U.S. Ports and Ports in Alaska, Guam, Hawaii, Puerto Rico, the Virgin Islands, and American Samoa.
Columbus Express & Shipping Co., Inc., Angel Colon, President, 1029 East 167th Street, Bronx, New York 10459.	FMC-F No. 2	Between New York City Port Area and Points and Places in Puerto Rico.
Container Transport International, Inc., Jerome Slater, Vice President, 17 State Street, New York, New York 10004.	FMC-F No. 1	Between U.S. Ports and Ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Coo-Jar International, Richard M. Parnicky, Director of Traffic, 23 South Essex Avenue, Orange, New Jersey 07051.	FMC-F No. 1	Between U.S. Atlantic Ports and Places and Points in Puerto Rico.
Delta Steamship Lines, Inc., F. A. Wendt, Vice President, P.O. Box 50250, New Orleans, Louisiana 70150.	FMC-F No. 1	Between U.S. Atlantic Ports and Places and Points in Puerto Rico.
Delta Steamship Lines, Inc., F. A. Wendt, Vice President, P.O. Box 50250, New Orleans, Louisiana 70150.	FMC-F No. 2	Between U.S. Gulf Ports and Charlotte Amalie, St. Thomas, Virgin Islands.
Door to Door International, Inc., C. Byron Schenck, President, 308 N.E. 72nd Street, Seattle, Washington 98115.	FMC-F No. 2	Between U.S. Ports and Ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
El Faro Shipping Co., Inc., Louis de Jesus, President, 100 Scholes Street, Brooklyn, New York 11206.	FMC-F No. 1	Between New York City Port Area and Puerto Rico.
El Seis de Mayo Express, Inc., Octavia Sanchez, President, 765 East 149th Street, Bronx, New York 10455.	FMC-F No. 1	Between New York and New Jersey and Puerto Rico.
Fast Mar Service, Inc., Jose R. Garcia, President, 4711 Dell Avenue, North Bergen, New Jersey 07047.	FMC-F No. 6	Between New York and New Jersey and San Juan, Puerto Rico.
HC&D Moving and Storage Co., Inc., Robert H. Grosjean, Vice President, P.O. Box 190, Honolulu, Hawaii 96810.	FMC-F No. 1	Between U.S. Ports and Ports in Alaska, Guam, Hawaii, Puerto Rico, and Virgin Islands.
Husky Barge Lines, Pat Nevers, Tariff Publishing Officer, 3115 Mountain View Drive, Anchorage, Alaska 99501.	FMC-F No. 2	Between Seattle, Washington, and Anchorage, Cordova, Kenai, Kodiak, Seward, and Valdez, Alaska.
Intermountain Fast Freight d/b/a Hawaiian Cargo Expeditors, Robert H. Fuller, President, 6766 Ferguson Drive, Los Angeles, California 90022.	FMC-F No. 1	Between California Ports and Ports in Hawaii.
International Container Express, Inc., J. Fernandez, Vice President, 925 Market Street, Paterson, New Jersey 07613.	FMC-F No. 1	Between New York, New York, Charleston, South Carolina, Miami and Jacksonville, Florida, and Points and Places in Puerto Rico and the U.S. Virgin Islands.
International Tariff Services, Inc., Agent, Dean R. Putnam, President, 815 15th Street, N.W., Washington, D.C. 20005.	FMC-F No. 2	Rules Tariff.
International Sea Van, Inc., J. C. Connell, Assistant Secretary/Treasurer, 1212 St. George Road, Evansville, Indiana 47711.	FMC-F No. 2	Between Ports in the U.S. and Ports in Alaska and Hawaii and Possessions of the United States.
Interstate Motor Freight System, Elmer G. Meyers, Vice President, 134 Grandville Avenue, S.W., Grand Rapids, Michigan 49502.	FMC-F No. 2	Between U.S. Ports and Ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Italian Line, L. Giorgia, Assistant to the General Manager, Passenger Traffic, One Whitehall Street, New York, New York 10004.	FMC-P No. 1	Between New York or Port Everglades and St. Thomas, Virgin Islands.
Ketchikan Transportation Co., Inc., Robert G. Young, President, 1649 Tongass Avenue, Ketchikan, Alaska 99901.	FMC-F No. 3	Bill of Lading Tariff At and Between Ports and Places in Alaska.
La Flor de Mayo Express, Inc., Frank Hernandez, President, 311 Bruckner Boulevard, Bronx, New York 10454.	FMC-F No. 3	Between New York, New York, and Points in Puerto Rico.
La Isla Transport Corp., Joseph Zalduendo, Agent, 166 South 1st Street, Brooklyn, New York 11211.	FMC-F No. 1	Between New York, New York, and San Juan, Puerto Rico.
Loux & Son Drayage, Harry W. Loux, Manager, 200 3rd Street, Oakland, California 94607.	FMC-F No. 2	Between Pacific Coast Ports and Guam, Marianas Islands.
Medina Shipping Co., Inc., Victor Medina, President, 720 Broadway, Newark, New Jersey 07104.	FMC-F No. 1	Between U.S. North Atlantic/Gulf Ports and Ports in Puerto Rico.
Mercantile Freight Service, Inc. (Mercantile Service, Ltd., Series), David L. Fraley, Issuing Officer, 300 Market Street, Oakland, California 94607.	FMC-F No. 1	Between Pacific Coast Ports and Ports in Hawaii.
Mitchell Overseas Movers, Inc., Hugh B. Mitchell, President, P.O. Box 88738, Seattle, Washington 98168.	FMC-F No. 1	From, To, and Between U.S. Ports and Ports in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands.
Monte Grande, Inc., Juquin Negroni, President, 807 10th Street, Union, New Jersey 07807.	FMC-F No. 1	Between U.S. North Atlantic Ports and Ports in Puerto Rico.
Moody's Sea Lightering, Roland Moody, General Manager, Aleknagik, Alaska 99555.	FMC-F No. 1	Between Naknek, Alaska, and Points and Places in Alaska.
Nationwide Traffic Service Bureau, Inc., Arthur Mulford, President, 1400 N.E. 125th Street, North Miami, Florida 33161.	FMC-F No. 1	From Miami and Port Everglades, Florida, to Puerto Rico.
Negron Moving Express, E. Negron, President, 554 Court Street, Brooklyn, New York 11231.	FMC-F No. 1	Between U.S. North Atlantic and Gulf Ports and Ports in Puerto Rico.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, One Embarcadero Center, San Francisco, California 94111.	FMC-P No. 4	Between U.S. Pacific Coast and Hawaii; Also Between U.S. and Foreign Ports.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, One Embarcadero Center, San Francisco, California 94111.	FMC-P No. 7	Between U.S. Pacific Coast Ports and Ports in Alaska and Foreign Ports.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, One Embarcadero Center, San Francisco, California 94111.	FMC-P No. 8	To and Between U.S. Pacific Coast Ports and Ports in the Orient and Ports in Hawaii and the South Pacific.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, One Embarcadero Center, San Francisco, California 94111.	FMC-P No. 10	Between U.S. Pacific Coast Ports and Hawaii and Foreign Ports.
Pacific Far East Line, Inc., J. H. Bell, Vice President, Passenger Division, One Embarcadero Center, San Francisco, California 94111.	FMC-P No. 11	Between U.S. Pacific Coast Ports and Ports in Mexico, Central America, and Northern Europe.

Carrier	Tariff No.	Scope
Padgett Transport Company, Inc., Don Padgett, President, P.O. Box 2785, St. Thomas, Virgin Islands 00801.	FMC-F No. 1	Between San Juan, Puerto Rico, and Christiansted and Frederiksted, St. Croix, and Charlotte Amalie, St. Thomas, Virgin Islands
Pan American Express, Ulises Vargas, President, 2612 W. Division Street, Chicago, Illinois 60622.	FMC-F No. 3	Between U.S. Atlantic Ports and Points and Places in Puerto Rico.
Pan American Express Co., Inc., George Rodriguez, President, 508 West 126th Street, New York, New York 10027.	FMC-F No. 1	Between U.S. Atlantic Ports and Ports in Puerto Rico.
Profit by Air, Inc., Harvey E. Pittluck, President, 6151 West Century Boulevard, Los Angeles, California 90045.	FMC-F No. 1	Between U.S. Atlantic Ports and San Juan, Puerto Rico.
Rodriguez Trucking, Inc., Miguel Rodriguez, President, 651 Park Avenue, Brooklyn, New York 11206.	FMC-F No. 1	Between Points in New Jersey and New York and Points and Places in Puerto Rico.
Samoa Pacific Container Service, Michael B. Beidleman, President, 1540 West Ninth Street, Long Beach, California 90813.	FMC-F No. 1	From Ports in California to Pago Pago, American Samoa, and Apia, Western Samoa.
Sancaribe, Inc., A. Osvaldo Diaz, President, 4471 N.W. 36th Street, Miami Springs, Florida 33166.	FMC-F No. 1	Between South Atlantic and Gulf Ports and Ports in Puerto Rico and the U.S. Virgin Islands.
Security Forwarding Express, Inc. (Security Forwarding Express, Series), Henry Zaldivar, President, P.O. Box 593499 A.M.F., Miami, Florida 33159.	FMC-F No. 2	Between U.S. Atlantic Ports and Points and Places in Puerto Rico.
Smith Lighterage Company, Elmer L. Smith, Box 106, Dillingham, Alaska 99576.	FMC-F No. 2	Bill of Lading Tariff Applicable At and Between Ports and Points in Alaska.
Sorensen's Lighterage Company, Emil Sorensen, Box 45, Dillingham, Alaska 99576.	FMC-F No. 2	Bill of Lading Tariff Applicable At and Between Ports and Places in Alaska.
Sorensen's Lighterage Company, Emil Sorensen, Box 45, Dillingham, Alaska 99576.	FMC-F No. 3	Between Ship's Anchorage and Shore at Clark's Point, Dillingham, Etuk, and Kanakanak, Alaska.
States Steamship Company, C. R. Nickerson, Agent, 9 Main Street, San Francisco, California 94105.	FMC-F No. 53	From Hawaiian Islands to Pacific Coast Ports.
States Steamship Company, C. R. Nickerson, Agent, 9 Main Street, San Francisco, California 94104.	FMC-F No. 58	From Pacific Coast Ports to Ports in Hawaii.
States Steamship Company, J. A. Bathrop, Vice President, 320 California Street, San Francisco, California 94104.	FMC-P No. 3	Between U.S. Pacific Coast Ports and the Orient and Southeast Asia, including Hawaii.
Tem N. V. (Netherlands Mead, N. V. Series), Louisa Pelella, Secretary, Carib Shipping Corporation, 120 McArthur Causeway, Miami Beach, Florida 33139.	FMC-F No. 3	Between Miami, Florida, and St. Thomas and St. Croix, Virgin Islands.
Transcaribe Freight Corp., Frank Arevalo, President, P.O. Box 2294, A.M.F., Miami, Florida 33159.	FMC-F No. 1	Between Ports in Puerto Rico and U.S. Atlantic Ports.
Transconex Overseas, Inc., M. Sola, Jr., President, P.O. Box 524037, Miami, Florida 33152.	FMC-F No. 3	Bill of Lading Tariff.
Transoceanic Navigation Company, Wayne C. Thiessen, Managing Director, 408 Duke of Gloucester Street, Williamsburg, Virginia 23185.	FMC-F No. 1	Between Ports of Norfolk, Newport News, Alexandria, Hopewell, and Richmond, Virginia, and Ports in Puerto Rico.
Trans-World Tariff & Research Service, Inc., Agent, Edna M. Studley, Vice President, 1341 G Street, N.W., Washington, D.C. 20005.	FMC-F No. 1	Rules Tariff.
Arista, Inc. d/b/a/ Trisa Line (Trailer Container Line, Series), M. W. Ball, Tariff Publishing Officer, 2125 Biscayne Boulevard, Miami, Florida 33137.	FMC-F No. 1	Between Miami, Florida, and Ports in the U.S. Virgin Islands and Between Ports in the U.S. Virgin Islands.
United States Lines, Inc., J. McMorrow, One Broadway, New York, New York 10004.	FMC-F No. 60	Bill of Lading Tariff.

All common carriers operating in the domestic offshore trades with tariffs on file with the Domestic Tariffs Division were served with a copy of the order adopting the final rules amending Part 531 of Title 46 (Docket No. 76-40; General Order No. 38) which became effective January 1, 1978. The order put the carriers on notice that by January 1, 1979 " * * * all tariff material employed by carriers engaged in domestic offshore commerce shall conform to the requirements of revised part 531. Tariffs on file at that time which do not meet these requirements shall be cancelled; * * * "

The carriers listed herein have failed to bring their tariffs into compliance with revised Part 531 and the tariffs are, therefore, considered inactive. Inactive tariffs reflect inaccurate information to the shipping public and serve no useful purpose in the Commission's active files. Accordingly, the commission proposes to cancel these tariffs in the absence of a showing of good cause as to why they should not be cancelled.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Ocean Commerce Regulation at 1100 L Street, N.W., Washington, D.C. 20573 in writing on or before October 15, 1979, of any reasons why the Commission should not cancel inactive tariffs;

It is further ordered, That a copy of this Order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That the tariffs of all carriers named herein not responding to this Order will be cancelled.

It is further ordered, That this notice be published in the Federal Register and a copy thereof filed with any tariff cancelled pursuant to this notice.

By the Commission pursuant to authority delegated by section 4.08 of Commission Order No. 201.1 (Revised) dated June 30, 1975.
Francis C. Hurney,
Secretary.

[FR Doc. 79-28642 Filed 9-13-79; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 79-87]

TDK Electronics Co., Ltd., and Japan Line, Ltd. et al.; Filing of Complaint

Notice is given that a complaint filed by TDK Electronics Co., Ltd. against Japan Line, Ltd. and Kawasaki Kisen Kaisah, Ltd. was served September 7, 1979.

Complainant alleges that respondents have subjected it to payment of unjust and unreasonable charges for transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before March 7, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such

that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,
Secretary.

[FR Doc. 79-28641 Filed 9-13-79; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 4, 1979
Thursday, October 11, 1979
Thursday, October 18, 1979
Thursday, October 25, 1979

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Buildings, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved,

constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

Jerome H. Ross,
Chairman, Federal Prevailing Rate Advisory Committee.

September 7, 1979.

[FR Doc. 79-28518 Filed 9-13-79; 8:45 am]
BILLING CODE 6325-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 6, 1979 (ICC), and September 10, 1979 (CAB). See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before October 2, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of revisions to the reporting requirements contained in Form 298-C, Report of Scheduled Operations of Commuter Air Carriers. Form 298-C is filed quarterly by all commuter air carriers registered under Part 298 of the Board's Economic Regulations, and its submission is mandatory under the Federal Aviation Act of 1958, as amended. The revisions to Form 298-C are (1) elimination of the upper portion of Schedule A-1 involving aircraft identification and capacity; (2) modification of the definition of "commuter air carrier" to exclude air taxi operators with mail contracts of \$20,000 or less per year who would otherwise not qualify as commuters; (3) addition of a provision to encourage State governments collecting the same commuter operating data as the Board collects to share these data with the Board in return for exempting their commuters from reporting requirements; and (4) elimination of the limited period of confidential treatment currently accorded commuter Origin & Destination data on Schedule T-1. The CAB estimates respondents to number approximately 300 and burden to average 7 hours per report.

Interstate Commerce Commission

The ICC requests clearance of revisions to Form OP-FC-1, Small Carrier Transfer Application Form. In Ex Parte No. MC-111, decided May 17, 1979, the ICC revised and simplified its rules and regulations governing certificates and permits of motor carriers and licenses of brokers. At the same time, the Commission shortened and simplified the application form (OP-FC-1) which is used in these transactions. The ICC estimates that approximately 800 applications will be filed annually and that the average time required to complete Form OP-FC-1 will average 4 hours. The ICC states that the revised form will alleviate the paperwork burden on the applicants while affording due process to all interested parties.

Norman F. Heyl,
Regulatory Reports Review Officer.

[FR Doc. 79-28678 Filed 9-13-79; 8:45 am]
BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in

open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Dental Devices Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel.	October 1 and 2, room 405A, Hubert H. Humphrey Building, 220 Independence Avenue SW., Washington, D.C.	Open public hearing October 1, 9 a.m. to 10 a.m.; open committee discussions October 1, 10 a.m. to 4 p.m., October 2, 9 a.m. to 4 p.m., Dr. Gregory Singleton, (HFK-460), 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7536.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to the classification of muscle-monitoring devices, mandibular staple bone plates, tongue scrapers, dental floss holders, color scanners, and ink arch tracers to D. G. Singleton, D.D.S. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Dr. Singleton by September 24, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Dental Section will discuss the information provided concerning muscle monitoring devices, mandibular staple bone plates, tongue scrapers, dental floss holders, color scanners, and ink arch tracers and recommend a classification for these devices. The Section also will discuss the formulation of protocols for future studies of implant devices.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee

deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committee shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either

orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: September 10, 1979.

Joseph P. Hile,
Associated Commissioner for Regulatory Affairs.

[FR Doc. 79-28533 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Ear, Nose, and Throat Devices Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel.	October 3 and 4, room 425A, H. H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C.	Open public hearing October 3, 9 a.m. to 11:30 a.m., open committee discussions October 3, 1 p.m. to 4:30 p.m., October 4, 1 p.m. to 4:30 p.m. Harry R. Sauberman (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7537.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to proposed classification recommendations for ear, nose, and throat (ENT) devices. Those desiring to make formal presentations should notify Harry R. Sauberman, Panel Section Leader, by September 21, 1979, and submit a brief statement of the general nature of the

evidence or arguments they wish to present, the name and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Ear, Nose, and Throat Section will review: (a) Medical and scientific data on the safety and efficacy of maxillary sinus ventilation tubes; (b) medical and scientific data on speech therapy aids; (c) medical and scientific data on pyrogen reactions in ENT implant material; (d) the safety and efficacy of hearing aid

earmold impression kits; (e) an evaluation report on implantation of porous polyethylene in cats; (f) the proposed classification of ossicular stapes replacements that contain absorbable gelatin as a component material; (g) the status of the biomaterial evaluation program within the Bureau of Medical Devices; and (h) other matters, that may come to the Panel's attention relating to the classification of ENT devices.

Committee name	Date, time, and place	Type of meeting and contact person
2. Clinical Chemistry Devices Section of Clinical Chemistry and Hematology Devices Panel.	October 15, 9 a.m., Silver Room North, Holiday Inn, 8777 Georgia Ave., Silver Spring, Md.	Open public hearing 9 a.m. to 12:30 p.m.; open committee discussions 12:30 p.m. to 5 p.m. Eugene W. Rice (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7550.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the evaluation of methodologies for the measurement of serum-free thyroxine (FT₄) concentration. Those desiring to make

formal presentations should notify Eugene W. Rice, Panel Section Leader, by September 21, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, reference to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Clinical Chemistry Section of the Clinical Chemistry and Hematology Devices Panel will discuss and evaluate the data and information presented on serum FT₄ measurement. Currently, several groups of investigators have reported in the scientific literature that new devices for the measurement of serum FT₄ may, under certain conditions, yield clinically incorrect values.

Committee name	Date, time, and place	Type of meeting and contact person
3. Orthopedic Devices Section of the Surgical and Rehabilitation Devices Panel.	October 15 and 16, Room 425, 8757 Georgia Ave., Silver Spring, Md.	Open public hearing October 15, 9 a.m. to 10 a.m.; open committee discussion October 15, 10 a.m. to 5 p.m.; closed committee deliberations October 16, 9 a.m. to 12 m. James G. Dillon (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the reclassification petition before the Panel, the draft clinical guidelines for evaluation of orthopedic prosthetic devices or data relative to tentative classification findings. Those desiring to make formal presentations should notify the

Executive Secretary by October 5, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Panel will review and comment on the reclassification petition (F790006), as required under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(2)) submitted

by Howmedica, Inc., concerning: semi-constrained hip prosthesis (metal/ceramic femoral component and ceramic uncemented acetabular component)—Lindenhof™. The Panel will also review and discuss draft clinical guidelines for evaluation of orthopedic prosthetic devices.

Closed committee deliberations. The Panel will review three Premarket Approval Applications. This portion of the meeting will be closed to permit discussion of trade secret information (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Ophthalmic Devices Section of the Ophthalmic, Ear, Nose, Throat, and Dental Devices Panel.	October 15, and 16, Room 1409, Federal Office Bldg. #8, 200 C St. SW., Washington, D.C.	Open public hearing October 15, 1 p.m. to 2 p.m. open committee discussions October 15, 2 p.m. to 5 p.m.; October 16, 9 a.m. to 5 p.m.; closed presentation of data October 15, 9 a.m. to 10 a.m.; closed committee deliberations October 15, 10 a.m. to 12 m. Max W. Talbott (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7538.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the clinical investigations (and related guidelines and protocols) of intraocular and contact lenses and any other ophthalmic device matters to Max W. Talbott. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Max W. Talbott

by October 1, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss nonproprietary aspects of the ongoing clinical investigations of intraocular and contact lenses. The committee invites input from the public on any matters relating to these clinical investigations. Specifically,

the committee will discuss revised contact lens guidelines.

Closed presentation of data. The committee will review data originating from current clinical investigations of intraocular and contact lenses. Due to the fact that specific manufacturers' data, accumulated in these investigations and proprietary, will be presented, the presentation must be made in closed session.

Closed committee deliberations. The committee will discuss data presented during the closed session. This data is proprietary thus necessitating the closing of the discussion.

Committee name	Date, time, and place	Type of meeting and contact person
5. General and Plastic Surgery Devices Section of the Surgical and Rehabilitation Devices Panel.	October 18, Room 339 A, H. H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C.	Open public hearing 3 p.m. to 4 p.m.; open committee discussion 8 a.m. to 3 p.m. Mark F. Parrish (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulations.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the devices listed below to Mark Parrish. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify

Mark Parrish by October 4, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will classify the following devices: cargile

membrane, silicone elastomer block and gel block implanted augmentation and reconstruction material, pectoralis muscle implant, small silicone gel-filled/silicone elastomer envelope implant, combination gel- and saline-filled mammary prosthesis, subcutaneous tissue expander (inflatable implant with attached implanted reservoir), donor site and/or skin graft dressing, and sunlamp.

Committee name	Date, time, and place	Type of meeting and contact person
6. Clinical Toxicology Devices Section of the Clinical Chemistry and Hematology Devices Panel.	October 19, Room 1813, Federal Office Bldg. #8 200 C St. SW., Washington, D.C.	Open public hearing 9:30 a.m. to 10:30 a.m.; open committee discussions 10:30 a.m. to 5 p.m. Eugene W. Rice (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7550.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to Acetaminophen Rapid Stat Kit, Pierce Chemical Co., Rockford, IL, and Vancomycin Radioimmunoassay Kit, Monitor science Corp., Newport Beach, CA, to Eugene W. Rice, Panel Section Leader. Submission of

data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Eugene W. Rice by October 1, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The Panel will review and comment on the reclassification petition under section 513(f)(2) of the act, by the following companies on their products:

1. Pierce Chemical Co., Rockford, IL (Acetaminophen Rapid Stat Kit).
2. Monitor science Corp., Newport Beach, CA (Vancomycin Radioimmunoassay Kit).

Committee name	Date, time, and place	Type of meeting and contact person
7. Gastroenterology Devices Section of the General Medical Devices Panel.	October 26, Room 337A, H. H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.	Open public hearing and open committee discussion, 9 a.m. to 4 p.m. Lillian L. Yin (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7555.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing and open committee discussion. Harry H. LeVeon,

M.D., and Malcolm M. Stanley, M.D., will discuss various aspects of peritoneo-venous shunt. Interested parties are encouraged to present information pertinent to peritoneo-venous shunt and high permeability dialysis system to Lillian Yin. Submission of data relative to tentative classification findings is

also invited. Those desiring to make formal presentations should notify Lillian Yin by October 26, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses or proposed

participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: September 7, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[FR Doc. 79-28555 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0190; DESI 5378]

Amphetamines; Extension of Time for Submissions in Support of Hearing Requests

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice extends the time period for submissions in support of hearing requests on the use of amphetamines in the management of exogenous obesity.

DATE: Submissions due on or before *November 16, 1979.*

ADDRESS: Submissions in response to this notice should be identified with Docket No. 79N-0190 and directed to the Administrative Proceedings Staff, Hearing Clerk Office (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a Federal Register notice of July 17, 1979 (44 FR 41552), the Director of the Bureau of Drugs proposed to remove the indication "for the management of exogenous obesity" from the labeling of drug products containing an amphetamine. The notice provided applicants and any other person subject to it the opportunity to request a hearing by August 16, 1979. Data, information, and analyses relied upon to justify a hearing were due by September 17, 1979.

In response to the July 17, 1979 notice, the Director received requests from Abbott Laboratories, Pennwalt Corporation, and SmithKline Corporation to extend the time period for submitting the required data, information, and analyses in support of their hearing requests. After reviewing the extension requests, the Director finds that there are reasonable grounds for granting a 60-day extension, and he hereby extends the time to November 16, 1979, for submitting the necessary data, information, and analyses to justify a hearing. The extension of time applies only to those persons who filed a written notice of appearance and

request for hearing on or before August 16, 1979.

Dated: September 7, 1979.

Jerome A. Halperin,

Acting Director, Bureau of Drugs.

[FR Doc. 79-28552 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0239]

Dexamyl Spansule Capsules and Tablets; Hearing on Proposal To Refuse Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is granting a hearing on the proposal to refuse approval of two new drug applications (NDA's) for Dexamyl held by Smith, Kline & French Laboratories (SKF), Division of SmithKline Corp. FDA is also announcing a prehearing conference at which the date for the hearing will be set. Dexamyl, a combination drug containing dextroamphetamine sulfate and amobarbital, is recommended as an anorectic agent in the short-term treatment of exogenous obesity.

DATES: Prehearing conference on October 15, 1979, at 10 a.m. Written notices of participation by October 15, 1979.

Disclosure of data and information by November 13, 1979.

ADDRESS: Prehearing conference in FDA Hearing Room 4A-35, 5600 Fishers Lane, Rockville, MD 20857. Written notices of participation and disclosures of data and information to FDA Hearing Clerk (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Compliance, Regulations Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: On August 24, 1976, the Acting Commissioner of Food and Drugs published an order in the Federal Register (41 FR 35741) denying SKF a hearing and refusing to approve three pending NDA's: Dexamyl Tablets (NDA No. 17077); Spansule Capsules (NDA No. 17-075); and Elixir (NDA No. 17-074).

After summarizing and reviewing in detail each of the studies submitted by SKF in its NDA and in its hearing request, the Acting Commissioner concluded that none of the data met the

regulatory standards for adequate and well-controlled clinical investigations, and that therefore there was a lack of substantial evidence that: (1) Dexamyl products have the effects they were represented to have under the conditions of use recommended in their labeling, and (2) each component of the combination products contributed to the total effects claimed. In reaching this decision, the Acting Commissioner noted that SKF had submitted only one study (Feinblatt/Ferguson) to support the claim of diminished side effects, compared to dextroamphetamine alone, for the Spansule Capsule dosage form (41 FR 35751). He also observed that of the four studies submitted to support the side effects claim for the tablet dosage form, only one—the multiple investigator study—merited consideration (41 FR 35752). Therefore, the Acting Commissioner concluded that, even assuming that the Feinblatt/Ferguson and multiple-investigator studies were adequate and well controlled, the drugs could not be approved because SKF had only one study to support the claimed effect for each drug, and that this was quantitatively insufficient to meet the "substantial evidence" test defined in section 505(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(d)), which requires at least two such studies. The Acting Commissioner further found that Dexamyl was covered by several NDA's named in February 12, 1973 notice of opportunity for hearing (38 FR 4279) and was therefore not grandfathered under the 1962 Drug Amendments.

On August 31, 1976, FDA stayed the effective date of its order to allow the continued marketing of Dexamyl Spansule Capsules and Tablets pending judicial review of the refusal to approve the NDA's. On the same date, SKF agreed to discontinue distribution of Dexamyl Elixir. That dosage form is no longer marketed and is not subject to this hearing notice.

On October 15, 1976, SKF petitioned the United States Court of Appeals for the District of Columbia Circuit to reverse FDA's final order and require that a hearing be held.

On June 22, 1978, the court ruled that it could not, on the basis of the evidence presented to it, conclude whether summary judgment had been proper; it remanded the record to FDA for proceedings to determine whether there was a genuine issue of material fact (*SmithKline Corp. v. FDA*, 587 F.2d 1107 (D.C. Cir. 1978)). Although the court indicated that an informal public hearing before the Commissioner of

Food and Drugs conducted under Part 15 (21 CFR Part 15) might suffice to develop the necessary record, the court specifically declined to require any particular type of hearing procedure (587 F.2d at 1126). In a separate opinion, Judge McGowan stated that a full adjudicatory hearing might, in the long run, be the more expeditious way to resolve the controversy (587 F.2d at 1127-28).

After considering the matter, the agency has decided to use the hearing procedure set forth under section 505(c) of the act (21 U.S.C. 355(c)) and Part 12 (21 CFR Part 12), rather than a Part 15 hearing. In a letter dated September 6, 1978, counsel for SKF agreed to a formal evidentiary hearing.

Hearing Issues and Evidence

Several matters raised in the 1976 order were resolved in the court proceedings and will not be addressed at the hearing. The court ruled that Dexamyl was a "new drug" which was not exempted by the grandfather clause of the 1962 Drug Amendments and therefore was required to demonstrate the effectiveness of its labeling claims (587 F.2d at 1115-16). Accordingly, the new drug status of Dexamyl will not be an issue at the hearing.

The court also accepted FDA's contention that SKF's multiple-investigator study (which purportedly studied only anxious patients), could not provide evidence that Dexamyl is effective in nonanxious patients because the study could not provide assurance that dexedrine, one of the ingredients in Dexamyl, produces in nonanxious obese patients side-effects capable of being remedied by amobarbital, the other ingredient in Dexamyl. If no such side-effects were produced, and remedied by amobarbital, the prescription of amobarbital would be superfluous (587 F.2d at 1121). However, the court stated that the matter could proceed to a hearing because SKF had indicated it would change Dexamyl's labeling to restrict its use to anxious, obese patients. Therefore, the hearing will consider whether SKF has demonstrated properly Dexamyl's effectiveness in anxious, obese patients.

The court concluded that summary judgment was appropriate regarding the Feinblatt/Ferguson study using the Spansule Capsule dosage form (587 F.2d at 1119-20, n. 30). Accordingly, this study will not be considered at the hearing.

However, those segments of the multiple investigator study conducted by Hedges and Logan may, if found relevant, be considered at the hearing. The studies performed by these

investigators and the accompanying raw data were not submitted either in SKF's original NDA's for Dexamyl, or in its hearing request filed on July 11, 1973. As a result, the studies were not considered by the agency in evaluating the Dexamyl NDA's and were not addressed in the 1976 order. The Hedges and Logan data were first presented to the FDA as part of a request by SKF to supplement the record. This request came 3 months after the final order of August 24, 1976. At that time SKF asked the FDA to consider this information in support of its position that Dexamyl is effective. The FDA denied SKF's request on December 8, 1976. Furthermore, SKF filed a motion with the Court of Appeals to supplement the record with a summary of the findings of the Hedges and Logan studies. On January 19, 1977, the Court of Appeals denied SKF's motion. Since the court's ruling, SKF has not requested that its Dexamyl NDA's be supplemented with these studies or the supporting raw data. Notwithstanding this last fact, the Hedges and Logan studies may be considered in support of Dexamyl's effectiveness at the hearing if found relevant.

Finally, SKF and FDA have agreed that the segment of the multiple-investigator study conducted by Jerome Schneyer will not be relied upon to establish the effectiveness of Dexamyl. In a letter dated April 26, 1978, FDA advised SKF that, under § 312.1(c) (21 CFR 312.1(c)), Schneyer had been found to be ineligible to receive investigational new drugs. The letter requested SKF to "review all IND's and NDA's supported by Schneyer's work to determine whether, after the data he supplied are removed from consideration, the remaining data are adequate to justify * * * all claimed indications of effectiveness of products covered by NDA's." On June 23, 1978, SKF advised FDA that it had removed from consideration all of Schneyer's studies, and that the deletion of his data did not significantly affect the conclusions regarding the safety and/or effectiveness of Dexamyl. In a letter dated September 28, 1978, counsel for SKF reconfirmed that Schneyer's study would be deleted from consideration in the Dexamyl hearing.

In the Federal Register of July 17, 1979 (44 FR 41552), the Director of the Bureau of Drugs issued a notice of opportunity for hearing concerning certain amphetamine drug products including Dexamyl. That proceeding, which concerns safety considerations, is separate from this proceeding, which concerns the products' effectiveness.

The pendency of the amphetamine proceeding is not a reason to defer the hearing concerning the efficacy of Dexamyl. The issues identified in the July 1979 notice will be determined in that proceeding, if appropriate.

At the hearing in this proceeding, the following issues will be considered:

1. Whether any of the clinical trials submitted by SKF are adequate and well-controlled and provide substantial evidence on the basis of which it can fairly and responsibly be concluded by qualified experts that Dexamyl is an effective agent in promoting weight reduction and that each component of Dexamyl in each dosage form (Spansule Capsules and Tablets) makes a contribution to the claimed effects in anxious, obese patients.

2. Whether, even if there is one adequate and well-controlled clinical investigation for a particular dosage form, that trial provides "substantial evidence" of effectiveness of Dexamyl as defined in 21 U.S.C. 355(d).

The Bureau of Drugs of FDA and Smith, Kline & French Laboratories, Division of SmithKline Corp., Inc., will be parties to the hearing.

A prehearing conference will take place on October 15, 1979, at 10 a.m., in the FDA Hearing Room.

The Bureau of Drugs has filed with the Hearing Clerk a narrative statement of its position on the hearing issues and a summary of its evidence. Also, the Bureau has filed with the Hearing Clerk as part of the administrative record copies of the NDA's, published studies, and other data bearing on the question of whether Dexamyl products are effective for their labeled uses.

Interested persons may obtain a copy of the narrative statement from the Office of the Hearing Clerk at the address given above. The administrative record of the proceeding is on display in the Office of the Hearing Clerk from 9 a.m. to 4 p.m., Monday through Friday, except for any part of the Bureau's submission under § 12.85 (21 CFR 12.85) that consists of the NDA's for Dexamyl and other anorectic products. Because the NDA's for these products are voluminous and contain a great deal of information which will not be available for public inspection (see § 10.20(j)(2)(ii) (21 CFR 10.20(j)(2)(ii))), the Commissioner is exercising his authority under § 10.19 (21 CFR 10.19) to waive § 12.85 to permit the filing of the data contained in the NDA's at a later time rather than before the publication of the notice of hearing.

The hearing will take place in the FDA Hearing Room on a date to be set at the prehearing conference.

Administrative Law Judge Daniel J. Davidson will preside. Written notices of participation must be filed with the Hearing Clerk not later than October 15, 1979.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard with respect to relevant matters. Participants other than the Bureau of Drugs shall disclose data and information pursuant to § 12.85 by November 13, 1979.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)) and § 314.200(g) (21 CFR 314.200(g)), and under authority delegated under 21 CFR 5.1, the Commissioner of Food and Drugs orders that a public hearing be held on the issues set forth in this notice.

Dated: September 10, 1979.

Sherwin Gardner,

Acting Commissioner of Food and Drugs.

[FR Doc. 79-28554 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0458; DESI 11836]

Imipramine Hydrochloride; Drugs for Human Use; Drug Efficacy Study Implementation; Amendment

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice amends a previous DESI notice on imipramine hydrochloride to add the indication "childhood enuresis" to the labeling of the oral form of the drug.

EFFECTIVE DATE: September 14, 1979.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 11836, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Neuropharmacological Drug Products (HFD-120), Rm. 10B-34, Bureau of Drugs.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Documents Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: Carol A. Kimbrough, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 26, 1970 (35 FR 13608), the Food and Drug Administration announced its effectiveness classification of the various indications for imipramine hydrochloride that had been reviewed by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group. Depression was the only indication FDA classified as effective at that time. The FDA classified the indication enuresis as lacking substantial evidence of effectiveness. Although the Academy had commented favorably on the enuresis indication, FDA concluded then that there was not sufficient evidence of its safety and effectiveness to justify its inclusion in labeling. In 1973 an NDA supplement containing clinical studies for childhood enuresis was approved. In 1977 and 1978, NDA supplements relying only on literature references were approved. The Director of the Bureau of Drugs now finds that there is sufficient information in publicly available scientific literature to fully support use of the oral form of imipramine hydrochloride as adjunctive therapy in childhood enuresis.

A followup notice on imipramine hydrochloride was published in the Federal Register of January 7, 1977 (42 FR 1517). The section *Conditions for approval and marketing* in that notice is now revised to read as follows:

B. Conditions for approval and marketing. The Food and Drug Administration is prepared to approve abbreviated new drug applications and supplements thereto and abbreviated supplements to previously approved new drug applications.

1. *Form of drug.* The drug products are in tablet form suitable for oral administration or in sterile aqueous solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal

law prohibits dispensing without prescription."

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Oral and Parenteral. For the relief of symptoms of depression. Endogenous depression is more likely to be alleviated than other depressive states.

Oral only. For adjunctive therapy in childhood enuresis.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application or abbreviated new drug application may be continued provided that, on or before November 13, 1979, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated new drug applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. The application shall contain the information specified in 21 CFR 314.1(f). The bioavailability regulations (21 CFR 320.21) require any person submitting an abbreviated new drug application after July 7, 1977, to include evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. No waiver will be granted for imipramine hydrochloride in oral dosage forms. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053 as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: September 5, 1979.

J. Richard Crout,
Director, Bureau of Drugs.

FR Doc. 79-28556 Filed 9-13-79; 8:45

BILLING CODE 4110-03-M

[Docket No. 79 N-0251]

Safety of Certain Food Ingredients; Opportunity for Public Hearing

Correction

In FR Doc. 79-23625 appearing on page 45759 in the issue of Friday, August 3, 1979, make the following corrections to the table on page 45760:

(1) In the first column, "carotent" should have read "carotene".

(2) In the third column "PB-241-950/AS; \$9.25" should have read "PB-241-950/AS; A10; \$9.25".

(3) In the last column, in the second line of item 1, ". . . Use of Food Chemical . . ." should have read ". . . Use of Food Chemicals . . .", and in the first line of item 2, "Letters, dated January 16, 1979, from . . ." should have read "Letters, dated January 16, 1979 and February 2, 1979, From . . .".

BILLING CODE 1505-01-M

[FDA-225-79-0011]

National Toxicology Program; Memorandum of Understanding With National Toxicology Program

Correction

In FR Doc. 79-23932 appearing on page 45762 in the issue of Friday, August 3, 1979, in the table at the bottom of page 45763, second line, change "Toxicology Date Management Systems" to "Toxicology Data Management Systems."

BILLING CODE 1505-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming Consumer Exchange Meeting to be chaired by the Acting Commissioner of Food and Drugs.

DATE: The meeting will be held at 1 p.m., Wednesday, September 26, 1979.

ADDRESS: The meeting will be held at the HEW North Building, Rm. 5051, 330 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Special Assistant to the Commissioner for Consumer Affairs (HF-7), Food and Drug Administration, Department of Health, Education and Welfare, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to exchange information between FDA officials and consumer representatives by providing

an opportunity for consumer representatives to present their views directly to the Acting Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on the patient package insert proposal and minor tranquilizers.

Dated: September 6, 1979.

Joseph P. Hile,
Associate Commissioner for Regulatory
Affairs.

[FR Doc. 79-28426 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

[FDA-225-79-4003]

Import Sampling; Memorandum of Understanding With the Customs Service

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Customs Service of the Department of the Treasury. The purpose of the memorandum of understanding is to set forth cooperative working arrangements under which FDA will perform import sampling services for the Customs Service.

DATES: The agreement became effective August 14, 1979.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Regulatory Operations Section (HFC-22), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the Federal Register of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the Federal Register, the agency is issuing the following memorandum of understanding:

Memorandum of Understanding Between the U.S. Customs Service and Food and Drug Administration

May 1979

The U.S. Customs Service of the Department of the Treasury and the Food and Drug Administration, hereby jointly agree to the following memorandum of understanding:

A. Purpose of Agreement

1. To establish a working relationship between the U.S. Customs Service (Customs) and the Food and Drug Administration (FDA) for the cooperative enforcement of section 801 of the Food, Drug, and Cosmetic Act (the act).

2. To establish uniformity in the exercise of the import sampling and refusal authority in the enforcement of section 801 of the act.

3. To delegate authority to certain FDA officers to collect samples, issue notices of sampling and notices of refusal of admission on behalf of the District Director of Customs.

B. Background

The import provisions of the act are the joint responsibility of the United States Customs Service and the FDA, to whom authority has been delegated by the Secretaries of the Treasury (TD 53654) and Health, Education, and Welfare (21 CFR 5.1), respectively. Since the statute vests in the Secretary of the Treasury authority to deliver samples of imported products to FDA for analysis, the statute has always been construed as identifying the Secretary of the Treasury as having the authority to collect the samples and issue the corresponding "notice of sampling." Similarly, since the statute vests in the Secretary of the Treasury the authority to destroy any article which has been refused admission, based upon the results of the FDA analysis, this language has also been construed as identifying the Secretary of the Treasury as having authority to refuse admission and issue the corresponding "notice of refusal of admission."

In actual practice, FDA personnel, at most ports, collect the samples, issue the appropriate notice of sampling, and, where applicable, having determined that an article is in violation of the act and may not be brought into compliance, issue a refusal notice. Actions by an FDA employee have been under written delegated authority received from the local District Director of Customs. This system of individual agreements at the local level has been inefficient for both agencies. Thus, to promote efficiency and uniformity, both agencies believe that a comprehensive delegation of authority for the enforcement of section 801 should be accomplished.

C. Agreement

1. It is mutually agreed by Customs and FDA that the authority to collect samples, issue notices of sampling, and issue notices of refusal of admission, pursuant to section 801 of the act, is delegated to FDA at all ports, except those ports presently without FDA officers or physically serviced by FDA personnel.

2. The delegation of authority shall be pursuant to section 401(i), Tariff Act of 1930, as amended, (19 U.S.C. 1401(i)), and Treasury Delegation Order 165, Revised (TD 53654, 19 FR 7241) as amended.

3. The Commissioner of Customs authorizes the designation of certain FDA Officers as Customs Officers (excepted) without additional compensation.

4. The Commissioner of the Food and Drug Administration shall identify, pursuant to 21

CFR 5.45, those FDA Officers to be designated as Customs Officers (excepted).

5. Each designated FDA Officer, after appropriate orientation by Customs, will be provided a copy of Customs Form 55 (1/11/74) "Designation, Customs Officer (Excepted)" which identifies the officer, authority duties, and duty station.

6. The duty station of the designated FDA Officer shall be limited to the specific Customs district, port, or as otherwise specified on Customs Form 55.

7. The responsibilities of the designated FDA Officer as a Customs Officer (excepted) shall be limited to: (a) the collection of required samples for FDA purposes, (b) issuing notices of sampling and (c) issuing notices of refusal of admission under the authority of the District Director of Customs.

8. The designated officer shall immediately advise Customs of any identified or suspended irregularities or violations concerning Customs matters.

9. Responsible Customs and FDA Offices shall maintain a current file of the designated officers. Such designation may be revoked at any time by either responsible office upon notification of the other agency. FDA shall notify Customs immediately of any designated officer who has resigned, has been suspended or terminated from FDA employment, or who has been transferred or detailed to another area.

10. At those locations where Customs Officers will be performing sampling for FDA purposes, FDA will provide necessary orientation and training on FDA requirements. Any training shall be scheduled to alleviate as much interference as possible with operational commitments.

11. This agreement does not alter working relationships and continued cooperation between local offices of each agency and should result in improved protection of the American consumer from products which violate the act.

D. Term of Agreement

This agreement will be effective from the date of signature. It may be terminated by either agency upon 90 days advance written notice to the other.

E. Revisions

Revision to this agreement may be made upon the approval of both agencies and shall become effective upon the date of agreement.

F. Authority

Section 801 of the Federal Food, Drug, and Cosmetic Act; the Recovery Act of 1932 (31 U.S.C. 686); section 401(i), Tariff Act of 1930, as amended (19 U.S.C. 1401(i)); and Treasury Delegation Order 165, revised (TD 53654, 19 FR 7241) as amended.

G. Liaison Officers

- Harrison C. Feese: 202-566-8651, Import Compliance and Interagency Liaison Program Manager, Duty Assessment Division, U.S. Customs Service, Washington, DC 20229.
- Richard R. Klug: 301-443-6360, Assistant for Import Operation (HFO-410), Associate Director for Field Support, DFRG, FCB, U.S. Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Approved:

Sherwin Gardner,
Commissioner, Food and Drug Administration.

Dated: August 14, 1979.

R. E. Chason,
Commissioner, U.S. Customs Service.

Dated: July 20, 1979.

Effective date. This Memorandum of Understanding became effective August 14, 1979.

Dated: September 6, 1979.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-28424 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

[FDA-225-79-2401]

Inspection of Food Processing Plants; Memorandum of Understanding With the Food Safety and Quality Service

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Food Safety and Quality Service (FSQS), Department of Agriculture. The purpose of the memorandum of understanding is to set forth cooperative working arrangements to minimize duplication of food processing plant inspection activities.

DATE: The agreement became effective August 8, 1979.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Regulatory Operations Section (HFC-22), Food and Drug Administration, Department of Health, Education, and Welfare; 5600 Fishers Lane, Rockville, MD 20857, 301-443-3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the Federal Register of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the Federal Register, the agency is issuing the following memorandum of understanding:

Memorandum of Understanding Between the Food Safety and Quality Service, U.S. Department of Agriculture and Food and Drug Administration, Department of Health, Education, and Welfare

The Food Safety and Quality Service and the Food and Drug Administration hereby jointly agree to the following terms and conditions as described herein.

I. Purpose

To minimize duplication of inspectional effort through an exchange of information for

work planning and to provide a means of referring violative conditions concerning food manufacturers whose facilities are under the jurisdiction of both the Food and Drug Administration (FDA) and the Food Safety and Quality Service (FSQS).

II. Statutes Relating to the Agreement

A. The Food and Drug Administration of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration conducts unannounced inspections and examinations of food products other than meat and poultry for the purpose of determining their status under the statute.

B. The Food Safety and Quality Service of the U.S. Department of Agriculture is responsible for enforcing the Federal Meat Inspection Act and the Poultry Products Inspection Act. In carrying out its responsibility FSQS has inspectors stationed on-site in certain meat and poultry processing plants while one inspector on patrol may be responsible for several smaller plants in other situations.

Nothing in this agreement shall lessen the responsibilities of the Food Safety and Quality Service under the Federal Meat Inspection Act or the Poultry Products Inspection Act, nor of the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.

III. Background

A limited GAO survey conducted during 1975 disclosed inspectional overlap by FSQS and FDA at certain processors of meat products. The two agencies agreed to study the overlap problem to assure that their responsibilities were being carried out efficiently. In October 1978, officials of the agencies determined that the amount of avoidable overlap was not great enough to justify introducing a management system to prevent it. They agreed that by exchanging information on inspections, the agencies may be able to reduce overlap through better planning of surveillance activities. Both agencies will continue to perform inspections under their own programs and priorities.

IV. Substance of Agreement

A. *The Food Safety and Quality Service will:* 1. Provide the Food and Drug Administration with a copy of an annual summary report for those plants manufacturing, packaging, or holding food products which are under FDA jurisdiction. Such summary reports should be forwarded to the FDA District Office in whose area the plant is located (see attachment A).¹

2. Upon completion of any inspection during which products under FDA's jurisdiction are being handled under insanitary conditions or are otherwise believed to be adulterated, the appropriate FDA District Office should be informed by telephone of the conditions found.

3. To the extent possible, consider information provided by FDA to minimize duplication of effort.

B. *The Food and Drug Administration will:* 1. Instruct all its investigators to (a) attempt

to contact any on-site FSQS inspectors on their arrival at a plant; (b) invite the FSQS inspectors' participation in the FDA inspection; and (c) report any adverse findings involving meat and poultry products to on-site FSQS inspectors prior to leaving the premises.

2. Provide the Food Safety and Quality Service with a copy of a report of findings of each inspection of a plant which is also inspected by the FSQS. Such reports should be forwarded to the FSQS office in whose area the plant is located (see attachment B).¹

3. Upon completion of any inspection during which products under FSQS's jurisdiction are being handled under insanitary conditions or are otherwise believed to be adulterated, the appropriate office of the Food Safety and Quality Service should be informed by telephone. Such telephone contact may not be necessary if the FDA investigator has reported his findings to an FSQS inspector at the plant location.

4. To the extent possible, consider information provided by FSQS to minimize duplication of effort.

V. Name and Address of Participating Agencies

Food Safety and Quality Service, U.S. Department of Agriculture, 12th Street and Independence Avenue, S.W., Washington, D.C. 20250.

Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

VI. Liaison Officers

Assistant Deputy Administrator, Field Operations, Food Safety and Quality Service.

Director, Division of Field Investigations (HFO-500), Office of the Executive Director of Field Operations, Food and Drug Administration.

VII. Period of Agreement

This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both agencies or terminated by either agency upon thirty (30) days written notice.

Approved and accepted for the Food Safety and Quality Service.

V. H. Berry,

Acting Deputy Administrator, MPI.

Dated: August 8, 1979.

Approved and accepted for the Food and Drug Administration.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

Dated: June 19, 1979.

Effective date. This Memorandum of Understanding became effective August 8, 1979.

Dated: September 6, 1979.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-26425 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-03-M

Office of the Assistant Secretary for Health

Health Maintenance Organizations;
March List of Qualified Organizations

Correction

In FR Doc. 79-25103 appearing on page 47809 in the issue of August 15, 1979, make the following correction:

On page 47810, in the middle column, the first word of the fourth line under the Zip code table for Pennsylvania should be changed from "opportunity" to "operationally".

BILLING CODE 1505-01-M

Office of the Secretary

Advisory Council on Education Statistics; Meeting

Notice is hereby given, pursuant to Section 10, Pub. L. 92-463, that a meeting of the Advisory Council on Education Statistics will be held on October 10, 1979, from 9:00 a.m. to 5:00 p.m., in Room 3000, FOB #6, 400 Maryland Avenue, S.W. Washington, D.C. 20202. The meeting will be continued on October 11, 1979 from 9:00 a.m. to 12:30 p.m., at the same location.

The Advisory Council on Education Statistics is mandated by Section 406(c) of the General Education Provisions Act as added by Section 501(a) of the Education Amendments of 1974, P.L. 93-380 (20 U.S.C. 1221e-1(c)), to advise the Secretary of the Department of Health, Education, and Welfare, and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting agenda will include an Administrator's Report summarizing recent developments regarding budget, staff, and major projects of the National Center for Education Statistics.

Other major topics will include a review of the Center's Fiscal Year 1980 program; an overview of the Federal Data Acquisition Council; and planning for the Council's future agenda and its next annual report. The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than October 1, 1979 to: Executive Director, Advisory Council on Education

¹Filed as part of the original document.

¹Filed as part of the original document.

Statistics, Room 3153-E, FOB #6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on September 10, 1979.

Marie D. Eldridge,
Administrator, National Center for Education Statistics.

[FR Doc. 79-28640 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-89-M

Board of Advisors to the Fund for the Improvement of Postsecondary Education; Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on October 4, 1979 at 5:00 p.m. through October 5 at 4:00 p.m. at the Dulles Marriot Hotel, Dulles International Airport, Washington, D.C.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under Section 404 of the General Education Provisions Act.

The meeting will be open to the public. The purpose of the meeting will be to discuss Fund initiatives with response to public television and communications.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Room 3123, Washington, D.C. 20202, telephone (202) 245-8091.

Signed at Washington, D.C. on September 5, 1979.

Ernest Bartell,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 79-28607 Filed 9-13-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Environmental Impact Statement, Prairie Pothole Vegetation Allocation; Notice of Intent

1. Purpose of the Action

The Prairie Pothole Vegetation Allocation Environmental Impact Statement (EIS) for public lands within portions of the Havre, Phillips, and Valley Resource Areas (in 11 northern Montana counties) will be written to analyze the environmental consequences of allocating vegetation to each competing consumptive use on public lands. Supportive facilities to implement the allocation process consist primarily of fencing and water developments, and may include plowing, seeding, burning, brush control, and erosion control structures.

Alternatives for the allocation process include: (1) No action (continuation of the present grazing management program); (2) no grazing (elimination of livestock grazing from public lands within the area); (3) enhanced watershed values and wildlife habitat (this could mean reductions on livestock numbers in favor of the watershed, wildlife, and other resource values that are present); (4) enhanced livestock forage (maximizing the numbers of livestock to utilize the available forage); (5) limited action (an alternative somewhere between alternatives 3 and 4).

A preferred action will be chosen by the Lewistown District Manager after the final EIS has displayed the environmental consequences of the five alternatives and after the public has had an opportunity to comment.

2. Scoping Process

The scoping process for this EIS consists of the pre-planning analysis already completed, a series of random unstructured interviews designed to provide data for a socio-economic evaluation, and any responses which this notice may produce. Further public participation will be solicited during the actual vegetation allocation process in the first half of fiscal year 1980. Affected federal, state, and local agencies and other persons interested in commenting are requested to submit written statements and suggestions on the alternatives or other aspects of the scope of the statement on or before October 15, 1979 to: John F. Fields, District Bureau of Land Management,

Lewistown District, Drawer 1160,
Lewistown, Montana 59457.

John F. Fields,

Bureau of Land Management.

[FR Doc. 79-28589 Filed 9-13-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Issues Final Decision on Second Special Project Wilderness Inventory on the Intermountain Power Project

Based on a second special wilderness inventory on public lands in southern Nevada affected by a proposed powerline corridor between Utah and California, the Bureau of Land Management has decided to drop 50,200 acres from further wilderness consideration and to designate an additional 50,300 acres as wilderness study areas.

The special study follows an earlier review done to expedite necessary public land clearances for the proposed Intermountain Power Project, which consists of a coal-fired generating plant in Utah and a powerline to carry the electricity generated from Utah to Southern California.

The decision, to be implemented Oct. 1 if there are no protests, follows a 90-day public comment period. Only four comments were received: one supported the areas proposed to be dropped; one disagreed with the wilderness study area proposals; and the other two disagreed with the Nevada BLM's interpretation of its Wilderness Inventory Procedures regarding application of wilderness criteria to areas contiguous to other Federal agencies' wilderness study areas. This procedural point was clarified with the Bureau's Washington Office which verified that Nevada BLM was following the procedures correctly.

Based upon an intensive look at the areas in question and correct application of the Bureau's inventory procedures, the following decisions have been made:

1. To drop from further wilderness consideration the following areas: Maynard Dry Lake (NV-050-0155) 40,000 acres; portions of Evergreen (NV-050-01R-16) 8,400 acres; and portions of Fish and Wildlife No. 1, 2, 3 (NV-050-0201, 0216, and 0217) 1,800 acres.

2. To designate the following areas as wilderness study areas: portions of Evergreen (NV-050-01R-16) 2,800 acres; and portions of Fish and Wildlife No. 1, 2, 3 (NV-050-0201, 0216, and 0217) 47,500 acres.

In addition to these inventory results, a slight boundary change to the northwestern border of the Delamar

Mountain (Wilderness study area NV-050-0177) has also been made because of a road that was overlooked in the first IPP wilderness inventory. Other slight changes to this portion of the boundary occurred because of the imposing effect of the existing 69 kilovolt powerline that runs through several narrow canyons on the edge of the unit. This boundary was moved up to the ridgeline to alleviate this impact.

Information on the special inventory can be obtained from the Las Vegas District Office, 4765 Vegas Dr., P.O. Box 5400, Las Vegas, NV 89102; or the Nevada State Office, 300 Booth St., Room 3008, Reno, NV 89509.

Dated: September 5, 1979.

Roger J. McCormack,
Acting State Director, Nevada.

[FR Doc. 79-28592 Filed 9-13-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38134]

New Mexico; Notice of Application

September 5, 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. 25 S., R. 26 E., Sec. 11, S½NE¼; Sec. 12,
S½NW¼.

This pipeline will convey natural gas across 0.746 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.

[FR Doc. 79-28602 Filed 9-13-79; 8:45 am]
BILLING CODE 4310-84-M

[C-036654 Amdt.]

Wyoming; Notice of Application

August 31, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of

1920, as amended (30 U.S.C. 185), the Northern Utilities, Inc. of Casper, Wyoming filed an application to amend their existing right-of-way grant C-036654 to authorize construction of an additional 20" buried pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 33 N., R. 82 W.,
Secs. 7, 8, 14 and 15.
T. 33 N., R. 83 W.,
Secs. 1, 2, 3, 11 and 12.

The proposed pipeline will begin at a point located in the SE¼ of section 18, T. 33 N., R. 81 W., and will extend to a point located in the NE¼ of section 3, T. 33 N., R. 83 W. all within Natrona County, Wyoming. The new pipeline is to be constructed 25' south of and parallel to an existing 16" pipeline and will replace existing 10" and 14" pipelines presently located within the right-of-way.

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, 951 Union Boulevard, Casper, Wyoming 82602.
William S. Gilmer,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-28591 Filed 9-13-79; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

Santa Monica Mountains National Recreation Area; Intent To Prepare an Environmental Statement and Conduct Scoping

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the U.S. Department of Interior, National Park Service has begun preparation of an Environmental Statement to analyze impacts of various alternatives for the future management and development of Santa Monica Mountains National Recreation Area and the initiation of the scoping process.

The Statement will assess potential environmental impacts associated with the preparation of a General Management Plan including the reciprocal effects of regional

development and adjacent land uses and the effects of access and circulation, public use, visitor services and facilities and natural and cultural resources management.

Assistance from all affected agencies, organizations and interested individuals will be sought to determine and refine the Environmental Statement. This scoping procedure will be conducted through a series of meetings, consultations and correspondence with those concerned.

Ten public workshops are scheduled in Southern California during September, 1979 to aid in the development of a General Management Plan and a Land Acquisition Plan for Santa Monica Mountains National Recreation Area. Notice of Intent to hold these workshops was published in the Federal Register, Volume 44, No. 157, August 13, 1979.

Comments, ideas, and suggestions on planning for the recreation area will be received during these workshops. Specific actions to be included in the plan are unknown at this time and will be largely shaped by public input from the workshops. However, the plan will contain such elements as land use zoning, land acquisition, development of some new public-use facilities, initiation of visitor programs, maintenance of scenic corridors and management of important natural and cultural resources. Crucial environmental issues that may result from the plan will be discussed with affected parties prior to the preparation of the environmental impact statement. Therefore, the possibility of overlooking matters of environmental importance will be reduced.

Federal, state and local agencies and groups with known interest in environmental matters in the Santa Monica Mountains are being contacted and asked to identify environmental issues of concern by letter or in a meeting of a mutually agreeable location and date during September and October. Representatives of agencies and groups, or individuals who are not contacted but wish to discuss the park's environmental issues should immediately contact Mr. John Reynolds, Assistant Superintendent, Planning and Development, Santa Monica Mountains National Recreation Area, 23018 Ventura Blvd., Woodland Hills, Calif. 91364. Telephone (213) 888-3770.

The availability of planning documents and future public workshops and meetings will be announced in the Federal Register.

Dated: September 7, 1979.

Bruce M. Kilgore,
Acting Regional Director, Western Region,
National Park Service.

[FR Doc. 79-28636 Filed 9-13-79; 8:45 am]
BILLING CODE 4310-70-M

[Order No. 1]

Administrative Officer, Fort Frederica National Monument; Delegation of Authority

Section 1. *Administrative Officer.* The Administrative Officer, Fort Frederica National Monument, may issue purchase orders not in excess of \$5,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428) published November 17, 1977)

Dated: June 7, 1977.

Janet C. Wolf,
Superintendent, Fort Frederica National Monument.

[FR Doc. 79-28601 Filed 9-13-79; 8:45 am]
BILLING CODE 4310-70-M

[Order No. 6, Amdt. No. 1]

Superintendents, et al., Southeast Region; Delegation of Authority

Southeast Region Order No. 6, approved August 30, 1977, and published in Federal Register, Vol. 42, November 17, 1977, sets forth, in Section 1, the exceptions on delegations of authority, and, in Section 2, certain limitations on redelegation of authority. This amendment revises Section 1 by adding paragraphs (o) and (p) as follows:

Section 1. *Superintendents.* * * * (o) Authority to execute or amend a concession contract, to approve an assignment or sale of a concession contract, and to terminate a concession contract.

(p) Authority to execute or amend a concession permit, to approve an assignment or sale of a concession permit where the concession permit is over four (4) years' duration or when anticipated gross receipts in any year will exceed \$90,000.

(National Park Service Order No. 77 (38 FR 7478) published March 22, 1973, as amended)

Dated: June 28, 1979.

Joe Brown,
Regional Director, Southeast Region.

[FR Doc. 79-28600 Filed 9-13-79; 8:45 am]
BILLING CODE 4310-70-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant requests a permit to import two Chinese red dogs or dholes (*Cuon alpinus lepturus*) from the Kwangchow Zoo, Kwantung Province, Peoples Republic of China for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4679. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: September 13, 1979.

Donald G. Donahoo,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-28809 Filed 9-13-79; 9:42 am]
BILLING CODE 4310-55-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Voluntary Departure for Out-of-Status Nonimmigrant H-1 Nurses

On January 19, 1978, the Service published a Notice in the Federal Register (43 FR 2776) specifying the conditions for the granting of extended voluntary departure (deferred departure) to out-of-status nonimmigrant H-1 nurses, in order to afford them further opportunity to take and pass the State licensure examinations as professional nurses. Passage of such examinations is necessary to assure that nurses admitted as H-1 nonimmigrants may continue working in a professional capacity; and when they fail the examinations, they are expected to leave the United States. Since many had failed, allegedly because they had not had adequate opportunity to prepare, they could not be employed in the professional nurse occupation for which their employers' visa petitions for them had been approved. Among the

circumstances that influenced the promulgation of this voluntary departure policy was the assurance that the National Alliance for Fair Licensure of Foreign Nurse Graduates would publicize to foreign nurses abroad the information that they had to pass licensure examinations in the United States. U.S. consular officers were to advise them similarly when they inquired concerning the issuance of visas. Most important, however, was the expected availability of a new examination to screen nurse applicants abroad, before they would be permitted entry into the United States, as to the probability of their being able to pass the State licensing examinations. There is now such an examination, administered in April and October each year, both in this country and abroad, by the Commission on Graduates of Foreign Nursing Schools (CGFNS). The Immigration and Naturalization Service is in the process of publishing regulations which will require the taking and passing of this examination as a condition to the approval of an H-1 visa petition for a foreign nurse.

The period during which applications could be made for voluntary departure (deferred departure) under the terms of the January 19, 1978 Notice expired on December 31, 1978. It has been concluded, however, that it should be reinstated and further extended to December 31, 1979 so as to make eligible to file for deferred departure those now out-of-status H-1 nurses who have entered the United States since, and previous to the regulatory requirement that would make application for the CGFNS examination mandatory. This notice is effective immediately. For clarity, the conditions for the grant of voluntary departure are restated below.

Conditions for the Grant of Voluntary Departure to the Out-of-Status H-1 Nurse in Order To Afford Further Opportunity To Take and Pass the Licensure Examination as Professional Nurse

1. The nurse's lack of lawful immigration status shall be due only to the nurse's having changed employer without authority, or to his/her having failed the licensure examination. Refusal to take any such examination will be disqualifying for grant of extended voluntary departure.

2. The nurse must have taken the first available licensure examination after arrival in the United States, and have taken consecutively each such examination thereafter.

3. The nurse must show evidence (e.g., a cancelled check) that he/she has been

registered to take the next licensure examination offered by the State.

4. A prior change of employer without INS authorization shall not disqualify the nurse from the grant of voluntary departure.

5. The nurse who meets the above conditions shall be given extended voluntary departure status in six-month increments up to a total that does not exceed three years from date of arrival in the United States.

6. The nurse already in the United States in excess of three years who meets the above conditions shall be given a further six-month period of voluntary departure for the purpose of again taking the licensure examinations.

7. During any period of authorized voluntary departure, the nurse shall be permitted to work in a lesser capacity than professional nurse.

8. The nurse who is successful in passing the examination, and is issued a license to practice professional nursing, may upon the approval by INS of an H-1 visa petition filed by an employer, be restored to H-1 nonimmigrant status.

9. The National Alliance for Fair Licensure of Foreign Nurse Graduates, for the benefit of intending applicants for H-1 visas in the future, will undertake to publicize to foreign nurse graduates abroad the information that they must pass State licensure examinations in the United States, and that they may not work as professional nurses after failing such examinations.

10. The nurse already under deportation proceedings shall be eligible for extended voluntary departure as provided above, if those proceedings are based on grounds which arose solely by reason of the nurse's having changed employer without authority, or by reason of his/her previous inability to pass the licensure examination. If such nurse is successful thereafter in passing the examination and achieving licensure, the Service will move to terminate the deportation proceedings with a view to restoring him/her to lawful H-1 status as provided above.

11. The period during which the out-of-status nurse may make application for the above benefit shall expire December 31, 1979.

Dated: September 10, 1979.

Leonel J. Castillo,
Commissioner of Immigration and
Naturalization.

[FR Doc. 79-28632 Filed 9-13-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

[OMB No. 44R-1136]

Manual for Developing Local Area Unemployment Statistics; Availability of Methodological Instructions for Estimating State and Local Employment and Unemployment

PURPOSE. The "Manual for Developing Local Area Unemployment Statistics" is issued by the Bureau of Labor Statistics to provide consistent instructions and documentation on the preparation of State and area estimates under the cooperative Federal-State Local Area Unemployment Statistics program.

BACKGROUND. The Bureau of Labor Statistics is charged with the responsibility for concepts and methods by which State employment security agencies prepare State and area unemployment and employment estimates. The "Manual for Developing Local Area Unemployment Statistics" is a compendium of existing procedures and replaces but does not alter previous instructions. The manual explains the conceptual framework for the estimating procedures, specifies the exact procedures used, and discusses the theoretical and empirical basis of each procedure. The estimates thus prepared by the State employment security agencies are used as part of the allocation criteria for funds under such programs as the Comprehensive Employment and Training Act of 1973.

EFFECTIVE DATE. The "Manual for Developing Local Area Unemployment Statistics" shall be available as of July 31, 1979. Request for copies should be addressed to: Mr. Dudley E. Young, Assistant Commissioner, Office of Employment Structure and Trends, Bureau of Labor Statistics, Department of Labor, Room 2907, 441 G Street, N.W., Washington, D.C. 20212

Dated: Sept. 4, 1979.

Janet L. Norwood,
Commissioner of Labor Statistics.

[FR Doc. 79-28681 Filed 9-13-79; 8:45 am]
BILLING CODE 4510-24-M

Employment and Training Administration

Migrant and Seasonal Farmworker Programs, Potential Fiscal Year 1980 Sponsors; Reopening of Competition for the States of New Hampshire and Indiana for Fiscal Year 1980

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Potential Sponsors. Pursuant to 20 CFR 689.201 and 689.207, the Employment and Training Administration announces (1) the selection of potential Fiscal Year 1980 sponsors for funds under Title III, Section 303 of the Comprehensive Employment and Training Act (CETA), (2) applicants selected on a conditionally basis, (3) those applicants not selected for Fiscal Year 1980, Section 303 funding and, (4) reopening of competition for New Hampshire and Indiana.

In all cases, the Department reserves the right to cease or suspend negotiations with any organization if serious management problems have been discovered through an assessment, audit, or other investigation by the Department, including but not limited to the instances of fraud and program abuse in 20 CFR 676, Subpart E, published in the Federal Register on April 3, 1979. In such instances, the Department may suspend negotiations indefinitely or may declare that awarding funds to the organization is not the best interests of the government or the Section 303 program and that negotiations are therefore terminated. The procedures of 20 CFR 689.208(d) will be followed in this event.

FURTHER INFORMATION CONTACT: Mr. Lindsay Campbell, Acting Director, Office of Farmworker Programs, DOL/ETA, 601 D Street, N.W., Patrick Henry Building, Room 6308, Washington, D.C. 20213, phone: (202) 376-6128.

SUPPLEMENTARY INFORMATION: 1. Potential Sponsor designations.—The following are the applicants designated as potential sponsors to provide services to migrant and seasonal farmworkers with allocable funds authorized under CETA, Section 303 in all or part of the States indicated. Each applicant so designated as a potential sponsor will be notified in writing of the amount of funds which may be granted, the target areas to be served, the items to be negotiated, and the time and place of negotiations. These designations are being made pursuant to 20 CFR 689.201, 20 CFR 689.207, and 689.208; designation as a potential sponsor does not commit the Department of Labor to award funds to designee, only to enter into negotiations. If negotiations fail to produce an acceptable grant, the Secretary will make a resolicitation for the State or area pursuant to 20 CFR 689.208(d).

POTENTIAL SPONSORS FOR CETA FISCAL 1980 SECTION 303 FUNDS**Region II***New York*

Rural New York Farmworker Opportunities, Inc., 339 East Avenue, Suite 305, Rochester, New York 14604.

Region III*Delaware*

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Maryland

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Pennsylvania

Rural New York Farmworker Opportunities, Inc., 339 East Avenue, Suite 305, Rochester, New York 14604.

Virginia

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

West Virginia

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Region IV*Alabama*

Alabama Migrant & Seasonal Farmworkers Council, Inc., 1400 South Decatur Street, Montgomery, Alabama 36104.

Florida

Florida Department of Education, Vocational Division, Capitol Building, Tallahassee, Florida 32304.

Georgia

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Kentucky

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210.

Mississippi

Mississippi Delta Council for Farm Workers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Mississippi 38614.

North Carolina

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

South Carolina

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Tennessee

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37210.

Region V*Illinois*

Illinois Migrant Council, 202 South State Street, Chicago, Illinois 60604.

Michigan

Michigan Economics for Human Development, 908 West Jefferson, Box 127, Grand Ledge, Michigan 48837.

Minnesota

Minnesota Migrant Council, P.O. Box 1231, St. Cloud, Minnesota 56301.

Ohio

La Raza Unida de Ohio, 5340 East Main Street, Suite 200, Columbus, Ohio 43213.

Region VI*Arkansas*

Arkansas Council of Farmworkers, 1200 Westpark Drive, POB 4241, Asher Station, Little Rock, Arkansas 72214.

Louisiana

Motivation, Education and Training of Louisiana, P.O. Box 781, Jennings, Louisiana 70545.

Texas

Motivation, Education and Training of Texas, P.O. Box 1749, 307 North College, Cleveland, Texas 77327.

Region VII*Iowa*

Proteus Adult Training, Inc., Central Administration, 321 South Bridge Street, Visalia, California 93279.

Missouri

Rural Missouri, Inc., 1108 Missouri, Jefferson City, Missouri 65101.

Nebraska

Nebraska Association of Farmworkers, 200 South Silber Avenue, P.O. Box 1459, North Platte, Nebraska 69101.

Region VIII*Montana*

Montana Department of Community Affairs, Human Resources Division, Capitol Station, Helena, Montana 59601.

South Dakota

Minnesota Migrant Council, Inc., P.O. Box 1231, St. Cloud, Minnesota 56301.

Utah

Utah Migrant Council, CETA Project, 12 East Center Street, Midvale, Utah 84047.

Wyoming

North-Western Community Action Programs of Wyoming, Inc., P.O. Box 431, Worland, Wyoming 82401.

Region IX*California*

California Human Development Corporation, 9257 Windsor Road, Windsor, California 95492.
Center for Employment Training of the Central Coast Counties, 425 South Market Street, San Jose, California 95113.

Central Coast Counties Development Corporation, 1121-A North Main, Salinas, California 93906.

Proteus Adult Training, Inc., Central Administration, 321 South Bridge Street, Visalia, California 93279.

Hawaii

State of Hawaii, Department of Labor and Industrial Relations, 825 Millilani Street, Honolulu, Hawaii 96813.

Nevada

Center for Employment Training of the Central Coast Counties, 425 South Market Street, San Jose, California 95113.

Region X*Oregon*

California Human Development Corporation, 9257 Windsor Road, Windsor, California 95492.

2. *Potential sponsor designation deferred until after negotiations with applicants in Arizona and Vermont.* The Department finds it necessary to request additional information and clarification in order to designate potential grantees and negotiate acceptable grants in Arizona and Vermont. Each applicant will be notified in writing of the additional information and/or documentation needed and the time and place of the negotiating session(s). Following the session(s), the Department will select one or more of the applicants

as potential sponsor(s) for each State and will proceed with negotiation of the grant according to the procedures outlined in paragraph 1 of this Notice. As with other potential sponsors, the Department does not commit itself to awarding funds to the applicant selected as a result of the procedures described in this paragraph, only to entering into negotiations with the potential sponsor.

Region I

Vermont

Central Vermont Community Action Council, Inc., 15 Ayers Street, Barre, Vermont 05641.

New England Farmworkers' Council, 6 Frost Street, Springfield, Massachusetts 01105.

Region IX

Arizona

MOPportunities, Inc., 6611 South Central Avenue, Phoenix, Arizona 85040.

Portable Practical Educational Preparation, Inc., Farmworker Service Department, 338 North Granada, Tucson, Arizona 85705.

3. *Potential sponsor designations on conditional basis.* The following are the applicants designated conditionally as potential sponsors to provide services to migrant and seasonal farmworkers with allocable funds authorized under CETA, Section 303 in all or part of the States indicated. These designations are conditional upon successful negotiation of a corrective action plan; award of a 1-year grant will be made conditional on satisfactory performance during the first 90 days. During the 90 days, the Department will conduct an assessment of the grantee and its performance under the corrective action plan. Continued funding for the remainder of the fiscal year will be contingent upon satisfactory performance, as determined by the assessment.

Each applicant designated as a potential sponsor on a conditional basis will be notified in writing of the amount of funds which may be granted, the target areas to be served, the items to be negotiated, the time and place of negotiations, and the areas to be addressed in the corrective action plan. These designations are being made pursuant to 20 CFR 689.207 and 689.208;

If negotiations fail to produce an acceptable grant, the Secretary may, pursuant to 20 CFR 689.208(d), (1) decline to provide funds for Section 303 programs in the State or area for that fiscal year or (2) by announcement in the Federal Register invite submission of new proposals for the State or area or (3) negotiate with any eligible organization.

Region I

Connecticut

New England Farmworkers' Council, Inc., 6 Frost Street, Springfield, Massachusetts 01105.

Maine

Penobscot Consortium, Prime Sponsor, Penobscot County Training and Employment, POB 1136, Bangor, Maine 04401.

Massachusetts

New England Farmworkers' Council, Inc., 6 Frost Street, Springfield, Massachusetts 01105.

Rhode Island

New England Farmworkers' Council, Inc., 6 Frost Street, Springfield, Massachusetts 01105.

Region II

New Jersey

Farmworkers Corporation, Inc., 1400 W. Landis Avenue, Vineland, New Jersey 08360.

Puerto Rico

Commonwealth of Puerto Rico, Department of Labor & Human Resources, 414 Barbosa Avenue, Hato Rey, Puerto Rico 00917.

Region V

Wisconsin

United Migrant Opportunity Services, P.O. Box 04129, 809 W. Greenfield Avenue, Milwaukee, Wisconsin 53204.

Region VI

New Mexico

Home Education Livelihood Program, Inc., 5000, Marble, N.E., Suite 222, Albuquerque, New Mexico 87110.

Oklahoma

ORO Development Corporation, 519 N.W.—12th Street, Oklahoma City, Oklahoma 73106.

Region VII

Kansas

SER/Jobs for Progress, Inc., 2157 N. Market, Wichita, Kansas 67214.

Region VIII

Colorado

Colorado Council on Migrants and Seasonal Agricultural Workers and Their Families, Inc., 7905 W. 44th Avenue, Wheatridge, Colorado 80033.

North Dakota

North Dakota Migrant Council, 101 North 3—P.O. Drawer X, Grand Forks, North Dakota 58201.

Region X

Idaho

Idaho Migrant Council, Inc., 715 S. Capitol Blvd., Suite 405, Boise, Idaho 83706.

Washington

Northwest Rural Opportunities, 804 Decatur, Sunnyside, Washington 98944.

4. *Nonselected Applicants.* The following are the applicants whose funding request were not selected for funding with CETA, Section 303 allocable funds. This Federal Register notice constitutes the Department's obligation to provide to nonselected applicants the name and addresses of those applicants selected in the target area for which funds were sought. The Department notified all nonselected applicants by telegram prior to publication of this Notice. That communication constituted the Department's written notification of nonselection as required by 20 CFR 689.207(c). In 20 CFR 689.503 are set forth all procedures necessary to petition for reconsideration; in order for a petition to be considered, it must be filed within 14 days of receipt of notification of nonselection. This means that the petition for reconsideration must be actually received by the Employment and Training Administration in Washington, D.C., by the close of business (4:45 p.m. EDT) on the 14th calendar day after the applicant received the telegram.

Applicants whose funding requests were not selected by the Department are listed by State.

Region I

New Hampshire

Community Action Program, Belknap-Merrimack Counties, Inc., 2 Union Street, P.O. Box 1016, Concord, New Hampshire 03301.

New England Farmworkers' Council, 6 Frost Street, Springfield, Massachusetts 01105.

Region III

Delaware

State of Delaware, Intergovernmental Manpower Service, 701 Shipley Street, Wilmington, Delaware 19801.

Maryland

State of Maryland Manpower Service Council, Department of Human Resources, 1100 North Eutaw Street, Baltimore, Maryland 21201.

Pennsylvania

Colonial Northampton Intermediate Unit
No. 20, 299 Industrial Park Road,
Nazareth, Pennsylvania 18064

Virginia

Virginia Employment Commission,
Employment Services, 703 East Main
Street, Richmond, Virginia 23211

West Virginia

State of West Virginia, Employment and
Training Division, 5790-A MacCorkle
Avenue, S.E., Charleston, West
Virginia 25304.

Region IV*Florida*

Florida Farmworkers Council, Inc., 1975
E. Sunrise Blvd., No. 850, Ft.
Lauderdale, Florida 33304.
Seminole Employment Economic
Development Corporation, P.O. Box
2076, Sanford, Florida 32771.

Georgia

SEOO, 618 Ponce De Leon Avenue, N.E.,
Atlanta, Georgia 30308.

South Carolina

Office of the Governor, CETA Division,
1800 St. Julian Place, Columbia, South
Carolina 29204.

Region V*Indiana*

AMOS, Inc., Department of Operation,
2802 North Delaware, Indianapolis,
Indiana 46205.
Indiana Office of Occupational
Development, 150 W. Market Street,
7th Floor, Indianapolis, Indiana 46204.

Minnesota

Hispanos en Minnesota Community-
based Non-profit Organization, 1162
Selby Avenue, St. Paul, Minnesota
55105.

Region VI*Arkansas*

Pine Bluff Opportunities
Industrialization Center, Inc., P.O. Box
8845, Pine Bluff, Arkansas 71611.

Louisiana

Evangeline Community Action, Inc., 403
W. Magnolia Street, Ville Platte,
Louisiana 70586.
Southern Mutual Help Association, 1604
West Main Street, Jeanerette,
Louisiana 70544.

Texas

Alamo Consortium, c/o City of San
Antonio, 434 South Main, San
Antonio, Texas 78204.
Colonias Del Valle, P.O. Box 907, 107 W.
5th Street, San Juan, Texas 78589.

Community Action Council of South
Texas, 420 East Main, P.O. Drawer
"S", Rio Grande City, Texas 78582.
Community Action for Self-Help, Inc.,
P.O. Drawer 630, Crystal City, Texas
78839.

Llano Estacado Farmworkers de Tejas,
Inc., ETA Programs, 1638 Main Street,
Lubbock, Texas 79401.

SER/Jobs for Progress, Inc., CETA
Employment and Training Services,
1927 Ceralvo, San Antonio, Texas
78237.

SER/Jobs for Progress, of the Texas Gulf
Coast, Farmworkers Association,
Training and Employment, 250 West
19th Street, Houston, Texas 77008.
Texas Migrant Council, Inc., P.O. Box
917, 516 Cherry Hill, Laredo, Texas
78040.

Zavala County Migrant Assistance
Program, P.O. Box 336, Crystal City,
Texas 78839.

Region VII*Iowa*

Eastern Iowa Community College
District, Muscatine Community
College, 152 Colorado Street,
Muscatine, Iowa 52761.
Migrant Action Program, Inc., P.O. Box
10334, 2720 E. State Avenue, Des
Moines, Iowa 50306.
State of Iowa, Office of Planning and
Programming, 523 East 12th Street,
Des Moines, Iowa 50319.

Kansas

ORO Development Corporation, 519
N.W.—12th Street, Oklahoma City,
Oklahoma 73106.

Nebraska

Proteus Adult Training, Inc., Central
Administration, 321 South Bridge
Street, Visalia, California 93279.
SER/Jobs for Progress, Inc., 770 Grant,
Suite 206, Denver, Colorado 80203.
State of Nebraska, Department of Labor,
124 N. 11th Street, Lincoln, Nebraska
68501.

Region VIII*South Dakota*

United Sioux Tribes of South Dakota
Development Corporation, P.O. Box
1193, Pierre, South Dakota 57501.

Region IX*California*

Campesinos Unidos, Inc., P.O. Box 203,
Brawley, California 92227.
City of Stockton/San Joaquin, City Hall,
Stockton, California 95202.
Council for the Spanish-Speaking,
Manpower Administration
Department, 420 South San Joaquin
Street, Stockton, California 95203.

Farmworkers Institute for Education and
Leadership Development, Inc., P.O.
Box 52, Keene, California 93531.
Sacramento Concilio, Inc., New Careers
Program, P.O. Box 161629, 1911 "F"
Street, Sacramento, California 95816.

Region X*Oregon*

Migrant and Indian Coalition for
Coordinated Child Care, 13th and
State Streets, P.O. Box 30, Hood River,
Oregon 97031.
Oregon Rural Opportunities, P.O. Box
1505, Nyssa, Oregon 97913.

5. *Reopening of Competition for the States of New Hampshire and Indiana.* In the April 13, 1979, Notice, Vol. 44, Federal Register, pages 22204 and 22205, all States were announced as open for competition. No acceptable applications were received for New Hampshire or Indiana. Pursuant to 20 CFR 689.207, if the Funding Requests received for a specific State or area are deemed to be unacceptable, the Secretary may invite one or more organizations to submit a proposal for that State or area. In the event of a second invitation, the review criteria for allocable funds need not apply and funds may be awarded at the discretion of the Secretary. The Secretary is hereby issuing a second invitation for proposals for the States of New Hampshire and Indiana.

REQUIRE ACTION: Reopening Competition. The Secretary invites organizations eligible under 20 CFR 689.105 which are interested in receiving a grant for Section 303 programs in the two States to submit Funding Requests to the address given below on or before October 15, 1979. Such organizations must also submit to the same address a notice of intent to submit a Funding Request for the State; the notice of intent must be received before close of business October 1, 1979, or the Funding Request will not be considered. A preapplication for Federal assistance form is not required, but may be used as the notice of intent.

If a timely notice of intent is received from more than one organization, the Secretary will not begin negotiations for a Section 303 program until Funding Requests have been received.

Where only one notice of intent is received for a State, the Secretary may begin negotiations as soon as practical after the October 1, 1979, deadline.

Funding Requests shall be prepared in accordance with the requirements of 20 CFR 689.204 and 689.205. All organizations submitting Funding Requests must comply with requirements under OMB Circular A-95 and, therefore, must submit the Funding

Request to the appropriate clearinghouse(s) at the same time it is submitted to the following address: Mr. Lindsay Campbell, Acting Director, Office of Farmworker Programs, DOL/ETA, Patrick Henry Building, 601 D Street, N.W., Room 6308, Washington, D.C. 20213.

Signed at Washington, D.C., this 10th day of September 1979.

Lamond Godwin,

Administrator, Office of National Programs.

[FR Doc. 79-28682 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

[TA-W-5748]

Alpo Coat Co., Inc., Hoboken, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 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.

The investigation was initiated on July 17, 1979 in response to a worker petition received on July 12, 1979 which was filed on behalf of workers and former workers acting as a subcontractor of ladies' coats at Alpo Coat Company, Incorporated, Hoboken, New Jersey. The investigation revealed that the company primarily produces ladies' coats. In the following determination, without regard to whether any of the 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 manufacturer for whom Alpo did contract work was surveyed. This manufacturer did not import ladies' coats at any time and reported an increase in total company sales of ladies' coats and other domestic contract work during the period under investigation.

Conclusion

After careful review, I determine that all workers of Alpo Coat Company, Incorporated, Hoboken, 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 6th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-28655 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5820]

Apache Mining Co., Inc., West Logan, W. Va.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 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.

The investigation was initiated on August 7, 1979 in response to a worker petition received on August 6, 1979 which was filed on behalf of workers and former workers mining metallurgical coal at Apache Mining Company, Incorporated, West Logan, 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 1978 compared to 1977 and in the first quarter of 1979 compared to the same period in 1978.

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 Apache Mining Company, Incorporated.

Apache Mining Company has sold all of its metallurgical coal on a contractual basis to two coal companies. Workers at those two companies were certified eligible to apply for adjustment assistance in previous cases. These two firms sold all their coal through a single broker.

The Department of Labor conducted a survey of firms purchasing metallurgical coal through this broker. Customers that accounted for a significant proportion of the sales of the two coal companies increased purchases of imported coke in 1978 compared to 1977 and reduced

purchases of domestically mined metallurgical coal at the same time.

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 Apache Mining Company, Incorporated, West Logan, 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 Apache Mining Company, Incorporated, West Logan, West Virginia who became totally or partially separated from employment on or after October 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 6th day of September 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 79-28656 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5828]

A'Paree, Inc., Camden, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on August 8, 1979 in response to a worker petition received on August 6, 1979 which was filed on behalf of workers and former workers producing women's and girl's cocktail dresses and evening dresses at A'Paree Corporation, Camden, New Jersey. The investigation revealed that the correct name of the company is A'Paree, Incorporated.

The petitioner requested withdrawal of the petition in a letter. On the basis of the withdrawal, continuing the investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C. this 4th day of September, 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 79-28657 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5755]

Indianapolis Glove Co., Inc., Mount Ida, Ark.; 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.

The investigation was initiated on July 17, 1979 in response to a worker petition received on July 9, 1979 which was filed on behalf of workers and former workers producing cotton jersey work gloves at Indianapolis Glove Company, Incorporated, Mt. Ida, Arkansas. It is concluded that all of the requirements have been met.

U.S. imports of fabric work gloves and mittens increased both absolutely and relative to domestic production in 1978 from 1977 and increased absolutely in January-March 1979 compared to the same period in 1978.

Imports of cotton jersey work gloves by Indianapolis Glove Company increased in January-June 1979 compared to the same period in 1978.

A customer survey revealed a major customer who reduced purchases from the subject firm while increasing purchases of imported fabric work gloves.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the cotton jersey work gloves produced at Indianapolis Glove Company, Incorporated, Mt. Ida, Arkansas 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 Indianapolis Glove Company, Incorporated, Mt. Ida, Arkansas who became totally or partially separated from employment on or after August 20, 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 6th day of September 1979.

James F. Taylor,
*Director, Office of Management,
Administration and Planning:*

[FR Doc. 79-28658 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5743; TA-W-5747]

J. Kasliner Co., Inc., Neptune City, N.J. and Rose Coat, Inc., Neptune City, N.J.; Negative Determination 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.

The investigation was initiated on July 16, 1979 in response to two worker petitions received on July 10, 1979 which were filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats, jackets and sportswear at J. Kasliner and Rose Coats, Neptune City, New Jersey. The investigation revealed that the names of the firms are J. Kasliner Company, Inc. and Rose Coat, Inc., that workers at J. Kasliner only produce ladies' coats and jackets, and that workers at Rose Coat produce ladies' suits in addition to ladies' coats, jackets and sportswear. In the following determination, 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 manufacturers for whom J. Kasliner and Rose Coat performed contract work did not purchase imported ladies' coats and jackets or ladies' sportswear, and did not use foreign contractors for such production.

The major manufacturer for whom the two companies produced ladies' coats and jackets experienced an increase in its total sales and contracts to other domestic sources in the first half of 1979 compared to the first half of 1978.

The major manufacturer for whom Rose Coat product ladies' sportswear (primarily shorts) decreased contracts

with other domestic sources in the first half of 1979 compared to the same period in 1978. A secondary survey of this manufacturer's major customers revealed some customers that increased their purchases of imported ladies' sportswear (including shorts) in the first half of 1979 compared to the same period in 1978; however, most of these same customers increased their purchases of domestically produced ladies' sportswear (including shorts) by a greater amount over the same period.

U.S. imports of Women's, Misses' and Children's (including ladies') Coats and Jackets, Slacks and Shorts, and Suits declined absolutely in the first half of 1979 compared to the first half of 1978.

Conclusion

After careful review, I determine that all workers of the J. Kasliner Company, Inc. and Rose Coat, Inc., Neptune City, 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 6th day of September 1979.

Harry J. Gilman,
*Supervisory International Economist, Office
of Foreign Economic Research.*

[FR Doc. 79-28639 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5573]

Toler, Browning & Toler Mining Co., Jupiter Mining Co., Logan County, W. Va.; Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Adjustment Assistance on July 27, 1979, applicable to all workers of Toler, Browning & Toler Mining Company, Logan County, West Virginia. The Notice of Certification was published in the Federal Register on August 3, 1979, (44 FR 45798).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification. The review of the case revealed that the Jupiter Mining Company is a predecessor-in-interest to Toler, Browning & Toler Mining Company, Logan County, West Virginia and that the two companies constitute a single firm for purposes of Section 222 of the Trade Act and 29 CFR 90.2. Under the circumstances, the original impact date of April 20, 1979, contained in the initial certification has been changed to September 1, 1978, when layoffs and

reduced hours commenced at the Jupiter Mining Company.

The intent of the certification is to cover all workers of the Jupiter Mining Company and the Toler, Browning & Toler Mining Company, Logan County, West Virginia, who were affected by the decline in production of coal at the Logan County, West Virginia, mine related to import competition. The certification, therefore, is revised to include all workers at the Jupiter Mining Company, Logan County, West Virginia.

The certification applicable to TA-W-5573 is hereby revised as follows:

"All workers at the Toler, Browning & Toler Mining Company, Logan County, West Virginia and its predecessor-in-interest, the Jupiter Mining Company Logan County, West Virginia, separated from employment on or after September 1, 1978, are eligible to apply for adjustment assistance under Title II Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 6th day of September 1979.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 79-28660 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5510-A-G, 5511, 5512]

Bethlehem Mines Corp., Kayford-Boone-Nicholas Division, Charleston, W. Va.; Negative Determination Regarding Application for Reconsideration

By application dated August 17, 1979, the petitioning union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers mining coal at the Kayford-Boone-Nicholas Division of the Bethlehem Mines Corporation, Charleston, West Virginia. The determination was published in the *Federal Register* on August 14, 1979, (44 FR 47637).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioning union claims in its application for reconsideration that the Department should not have used production comparisons for 1977 and 1978 in denying its petition for trade adjustment assistance. The petitioning union further contends that the Department should have recognized the losses in the domestic metallurgical coal market due to imports of metallurgical coal and coke in making its determination.

The Department's review of the investigative file revealed that workers at Kayford-Boone-Nicholas, KBN, Division of Bethlehem Mines Corporation were denied eligibility because metallurgical coal production increased in 1978 compared to 1977 for the KBN mines. A few mines had declines in production and employment, where the dominant cause was the depletion of metallurgical coal in the mines. Severe winter weather and the rehabilitation of a mine also played a dominant role in some of the worker separations.

The Department does not agree with the petitioning union's claim that production comparisons for 1977 and 1978 should not have been used to deny the petition. Given the one-year coverage limitation of the Act, a certification may not cover layoffs which occurred more than one year prior to the date of the petition—in this case layoffs occurring after May, 1978. Possible import impact in an earlier time period would not be relevant. The first quarters of 1978 and 1979 were not typical quarters for comparison since production in the former was affected by a strike and in the latter by severe weather conditions. Partial year comparisons made to discount the impact of a four-month industry-wide strike from December, 1977 to March, 1978 and a wildcat strike in August, 1977 revealed a sharp increase in metallurgical coal production at the KBN mines in the period under review.

Finally, in terms of the criteria contained in Section 222 of the Trade Act of 1974, the Department does not see validity in the petitioning union's apparent claim that the loss of a potential metallurgical coal market by a captive coal mining division of Bethlehem Steel because of import penetration can be considered a basis for certification under the Trade Act of 1974.

Conclusion

After review of the application and the investigative file, I conclude that

there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 6th day of September 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-28661 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1979.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Chrysler Corp., Hamtramck Assembly Plant (UAW)	Hamtramck, Mich	9/4/79	8/28/79	TA-W-5,979	Aspen & Volare.
Chrysler Corp., Jefferson Assembly Plant (UAW)	Detroit Mich	9/4/79	8/28/79	TA-W-5,980	Trucks.
Chrysler Corp., Missouri Truck Plant (UAW)	Fenton, Mo	9/4/79	8/28/79	TA-W-5,981	Trucks.
Chrysler Corp., St. Louis Assembly Plant (UAW)	St. Louis, Mo	9/4/79	8/28/79	TA-W-5,982	Diplomat, LeBaron.
Chrysler Corp., Warren Truck Plant (UAW)	Warren, Mich	9/4/79	8/28/79	TA-W-5,983	Trucks
Chrysler Corp., Detroit Forge Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,984	Car and truck parts.
Chrysler Corp., Mound Road Engine Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,985	Engines.
Chrysler Corp., Twinsburg Stamping Plant (UAW)	Twinsburg, Ohio	9/4/79	8/28/79	TA-W-5,986	Car and truck body parts.
Chrysler Corp., 8 Mile Stamping and Outer Dr. Stamping Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,987	Hood and window parts, fuel tank, instrument panels.
Chrysler Corp., Mack Avenue Stamping Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,988	Body and suspension assemblies.
Chrysler Corp., Detroit Trim Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,989	Trim.
Chrysler Corp., McGraw Glass Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,990	Windshields, back glass.
Chrysler Corp., New Castle Machine and Forge Plant (UAW)	New Castle, Ind	9/4/79	8/28/79	TA-W-5,991	Car parts.
Chrysler Corp., Trenton Engine Chemical Division (UAW)	Trenton, Mich	9/4/79	8/28/79	TA-W-5,992	Chemicals, brakes linings, parts.
Chrysler Corp., Fostoria Foundry Plant (UAW)	Fostoria, Ohio	9/4/79	8/28/79	TA-W-5,993	Engines, transmissions, and clutches.
Chrysler Corp., Indianapolis Foundry Plant (UAW)	Indianapolis, Ind	9/4/79	8/28/79	TA-W-5,994	318-360 engine blocks.
Chrysler Corp., New Process Gear Plant (UAW)	E. Syracuse, N.Y.	9/4/79	8/28/79	TA-W-5,995	Axles, transmissions, transaxles, cases.
Chrysler Corp., Introl Division (UAW)	Ann Arbor, Mich	9/4/79	8/28/79	TA-W-5,996	Instruments, gauges, switches and other car and truck parts.
Chrysler Corp., Kokomo Transmission Plant (UAW)	Kokomo, Ind	9/4/79	8/28/79	TA-W-5,997	Transmissions.
Chrysler Corp., Warren Stamping Plant (UAW)	Warren, Mich	9/4/79	8/28/79	TA-W-5,998	Body parts.
Chrysler Corp., Eldon Avenue Axle Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-5,999	Gears and axles.
Chrysler Corp., Kokomo Casting Plant (UAW)	Kokomo, Ind	9/4/79	8/28/79	TA-W-6,000	Clutches, pistons, bearings, intake, etc.
Chrysler Corp., Van Wert Complex Plant (UAW)	Van Wert, Ohio	9/4/79	8/28/79	TA-W-6,001	Car parts.
Chrysler Corp., Toledo Machining Plant (UAW)	Perysburg, Ohio	9/4/79	8/28/79	TA-W-6,002	Car parts.
Chrysler Corp., Huntsville Plant (UAW)	Huntsville, Ala	9/4/79	8/28/79	TA-W-6,003	Electronics.
Chrysler Corp., Huber Foundry Plant (UAW)	Detroit, Mich	9/4/79	8/28/79	TA-W-6,004	Blocks, heads, cams, cranks.

[FR Doc. 79-28667 Filed 9-13-79; 8:45 am]
BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Workers Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purposes of each of the investigations is to determine whether

absolute or relative increases of imports of articles like or directly competitive with articles produced by the worker's firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial

separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below,

not later than September 24, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment

Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of September 1979.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Auerbach & Co. d.b.a. LaJolla Sportswear (workers)	Los Angeles, Calif.	9/4/79	8/28/79	TA-W-5,972	Men's clothing: separate slacks, shirts, jackets, and suits.
DeLuxe Fashions, Inc. (ILGWU)	New York, N.Y.	9/4/79	8/28/79	TA-W-5,973	Brassieres and girdles.
Ford Aerospace & Communications Corp., Electronics Division (UAW)	Lansdale, Pa.	9/4/79	8/27/79	TA-W-5,974	Auto radios, speed controls, electronic ignition, intermittent windshield wipers, and voltage regulators.
Marion Hardwood Manufacturing Co., Holston Plant (workers)	Marion, Va.	9/4/79	8/28/79	TA-W-5,975	Men's and boys' pajamas and robes.
Northern Yarn Manufacturing Corp. (company)	Brooklyn, N.Y.	9/4/79	8/24/79	TA-W-5,976	Winding of skeins of yarn onto cones.
Phoenix Clothes Genesco Apparel (workers)	Shippensburg, Pa.	9/4/79	8/27/79	TA-W-5,977	Men's trousers and vests.
Step Master Shoes (company)	Greenup, Ill.	9/4/79	8/28/79	TA-W-5,978	Shipment of infants and youth shoes to the retail outlets.

[FR Doc. 79-28668 Filed 9-18-79; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision

thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request

is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of September 1979.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ageada Limited Inc. (workers)	Lockhart, Tex.	8/27/79	8/3/79	TA-W-5,959	Thermal heat limiter fuse, automobile radiator thermostat and string type tubeless tire repair.
Bethlehem Steel Corp., Hoboken Shipyard (I.U.M.S.W.A.)	Hoboken, N.J.	8/21/79	8/9/79	TA-W-5,960	Conversion, repair, overhaul and maintenance of marine vessels.
Curlee Clothing Co. (workers)	Mayfield, Ky.	8/21/79	8/13/79	TA-W-5,961	Men's suits, vests, sportcoats and slacks.
Newark Textile Printing, Inc. (workers)	East Newark, N.J.	8/21/79	8/21/79	TA-W-5,962	Textile printing and dyeing on fabrics.
P.G.H., Inc., Mine No. 1 (UMWA)	Wet Branch, W. Va.	8/14/79	8/8/79	TA-W-5,963	Metallurgical coal.
P.G.H., Inc., Mine No. 2 (UMWA)	Wet Branch, W. Va.	8/14/79	8/8/79	TA-W-5,964	Metallurgical coal.
P.G.H., Inc., Mine No. 3 (UMWA)	Wet Branch, W. Va.	8/14/79	8/8/79	TA-W-5,965	Metallurgical coal.
P.G.H., Inc., Mine No. 4 (UMWA)	Wet Branch, W. Va.	8/14/79	8/8/79	TA-W-5,966	Metallurgical coal.
P.G.H., Inc., Mine No. 5 (UMWA)	Wet Branch, W. Va.	8/14/79	8/8/79	TA-W-5,967	Metallurgical Coal.
P.G.H., Inc. Preparation Plant (UMWA)	Wet Branch, W. Va.	8/14/79	8/8/79	TA-W-5,968	Cleaning of coal.
Royalty Smokeless Coal Co. (workers)	Premier, W. Va.	8/14/79	8/9/79	TA-W-5,969	Engineering work to develop the mines.
Trace Fork Coal Co., Mine No. 12 (UMWA)	Premier, W. Va.	7/20/79	7/12/79	TA-W-5,970	Metallurgical coal.
Royalty Smokeless Coal Co., Rebuild Shop (UMWA)	Premier, W. Va.	7/20/79	7/12/79	TA-W-5,971	Metallurgical coal.

[FR Doc. 79-28669 Filed 9-13-79; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held October 5, 6, 7, and 8, 1979, from 8:30 a.m. to 6:30 p.m. each day, in room 1422, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c), (4), (6) and 9 (B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
July 9, 1979.

(FR Doc. 79-28587 Filed 9-13-79; 8:45 am)
BILLING CODE 7537-01-M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (AFI/General Section) will be held October 2 and 3, 1979, from 9:00 a.m. to 5:30 p.m., at the Writer's Guild Board Room, 89955 Beverly Boulevard, Los Angeles, California.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information

given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
July 9, 1979.

(FR Doc. 79-28609 Filed 9-13-79; 8:45 am)
BILLING CODE 7537-01-M

Humanities Panel; Advisory Meetings

September 11, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

1. Date: October 3, 4, & 5, 1979.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.

Purpose: To review applications for the development of humanities Special Program formats submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

2. Date: October 5-6, 1979.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.

Purpose: To review NEH Fellowships in Category B applications in Art, Music, Literature, and Philosophy submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

3. Date: October 12-13, 1979.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.

Purpose: To review NEH Fellowships in Category A applications in Interdisciplinary submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

4. Date: October 12-13, 1979.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.

Purpose: To review NEH Fellowships in Category B applications in History, Religion, and the Social Sciences submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

5. Date: October 19-20, 1979.

Time: 9:00 a.m. to 5:30 p.m.

Room: 314.

Purpose: To review NEH Fellowships in Category A applications in Interdisciplinary submitted to the National Endowment for the Humanities for projects beginning after January 1, 1980.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1979, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

If you desire more specific information, contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

(FR Doc. 79-28679 Filed 9-13-79; 8:45 am)
BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on the Three Mile Island, Unit 2, Accident Bulletins and Orders; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island, Unit 2 Accident Bulletins and Orders, will hold an open meeting on October 2, 1979 in Room 1046, 1717 H St., NW., Washington, DC 20555 to consider the response of vendors and utilities to the NRC Office of Inspection and Enforcement Bulletins and NRC Orders.

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:

Tuesday, October 2, 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 hold discussions with representatives of the NRC Staff, various utilities and industries, and their consultants, pertinent to this review.

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. Thomas G. McCreless, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 10, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-28627 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 2); Request for Action Under 10 CFR 2.206

Notice is hereby given that by petition dated August 9, 1979 the Anti-Nuclear Group Representing York (ANGRY) requested that an environmental impact statement be issued concerning the venting of radioactive gases from the Three Mile Island Nuclear Station, Unit 2. This petition is being treated as a request for action under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the petition within a reasonable time.

Copies of the petition are available for inspection in the Commission's Public Document Room at 1717 H Street, NW, Washington, DC 20555 and in the local public document room at the State Library of Pennsylvania, Education

Building, Commonwealth & Walnut Streets, Harrisburg, Pennsylvania 17126.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 6th day of September 1979.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-28629 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. Stn 50-518, Stn 50-519, Stn 50-520, and Stn 50-521]

Tennessee Valley Authority; Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 2 to Construction Permit Nos. CPPR-150, CPPR-151, CPPR-152, and CPPR-153, issued to the Tennessee Valley Authority for construction of the Hartsville Nuclear Plant, Units A1, A2, B1, and B2, located at the permittee's site in Trousdale and Smith Counties, Tennessee. The amendments reflect additions to the construction phase monitoring plan for mussels during discharge diffuser construction. The amendments are effective as of the date of issuance.

The amendments were issued in response to a Memorandum and Order by the Atomic Safety and Licensing Appeal Board (Board) dated August 14, 1979.

For further details with respect to this action, see (1) the Board's Memorandum and Order August 14, 1979, (2) Amendment No. 2 to Construction Permit CPPR-150, (3) Amendment No. 2 to Construction Permit CPPR-151, (4) Amendment No. 2 to Construction Permit CPPR-152, and (5) Amendment No. 2 to Construction Permit CPPR-153. All of these items and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the Local Public Document Room located at the Tennessee State Library and Archives, 403 Seventh Avenue, North, Nashville, Tennessee.

A copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 7th day of September 1979.

For the Nuclear Regulatory Commission.

Donald E. Sells,

Acting Branch Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 79-28630 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-23, issued to Carolina Power & Light Company (the licensee), which amended the license for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment consists of a change to the license which adds a phrase to the Fire Protection license condition specifying that the licensee will complete the modifications identified in Paragraphs 3.1.1. through 3.1.27 of the NRC's Fire Protection Safety Evaluation (SE) dated February 28, 1978. In addition, the Commission has issued Supplement No. 1 to the Fire Protection Safety Evaluation which authorizes a limited extension of the completion dates for certain plant modifications which we have required at H. B. Robinson Unit No. 2.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 18, 1979, and the licensee's letter dated April 27, 1979, (2) Amendment No. 40 to License No. DPR-23, (3) the Commission's related Supplement No. 1 to the Safety

Evaluation, and (4) Amendment No. 31 and its related Fire Protection Safety Evaluation dated February 28, 1978. 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2), (3) and (4) 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 September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

*Chief, Operating Reactors Branch #1,
Division of Operating Reactors.*

[FR Doc. 79-28608 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, OH 714-4, is entitled "Applications of Bioassay for Fission and Activation Products" and is intended for Division 8, "Occupational Health." It identifies the bases that will be used by the NRC staff in evaluating the need for incorporating in licenses provisions to require bioassay programs in installations where employees may be subject to internal radiation exposure from the inhalation or ingestion of fission or neutron activation products. The guide also describes methods for developing such bioassay programs. The guide will endorse ANSI N343-1978, "Internal Dosimetry for Mixed Fission and Activation Products."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do

not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by October 29, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 5th day of September 1979.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Siting, Health and Safeguards Standards, Office of Standards Development.

[FR Doc. 79-28608 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445A and 50-446A]

Texas Utilities Generating Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated September 5, 1979, with respect to an operating license application for Comanche Peak Steam Electric Station, Units No. 1 and 2:

You have requested our further advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, with regard to the participation by the Texas Municipal Power Agency (TMPA) in the Comanche Peak Steam Electric Station, Units 1 and 2, NRC Docket Nos. 50-445A and 50-446A.

The Comanche Peak Steam Electric Station will consist of two units, each rated at 1160 megawatts. The station is being built and will be operated by Texas Utilities Generating Company (TUGCO), a subsidiary of Texas Utilities Company (TU).¹ By the terms of the agreement between TUGCO and TMPA, TMPA will secure a 6.2 percent ownership interest, or 72 MW in each unit.

TMPA is an agency established in 1975 pursuant to Texas law, and it consists of four Texas municipalities engaged in the generation, transmission, and distribution of electric power. TMPA was formed so that municipal systems with electric generation in Texas could join together to build new generation and to use their existing generation more effectively. The present members of TMPA are the Cities of Bryan, Denton, Garland and Greenville.

By letter to you dated August 1, 1978, the Department advised the Nuclear Regulatory Commission (NRC) that an antitrust hearing would be necessary in reference to the operating license application of TUGCO. That antitrust hearing, currently in the final stages of discovery, is scheduled to begin in February of 1980. The basis for the Department's recommendation that an antitrust hearing be conducted on the Comanche Peak operating license was that TU had combined with other utilities in Texas and agreed to disconnect from any other electrical utility that commenced operation in interstate commerce. In light of TU's dominant position in Texas, the fact that it had disconnected from other electric utilities in 1976 when those utilities went into interstate commerce, and in view of changed circumstances in the electric utility markets in Texas, as set forth in my letter to you dated February 21, 1978, regarding the South Texas Project, NRC Docket Nos. 50-498A and 50-499A, the Department concluded that an antitrust hearing was necessary.

Between 1976 and 1978 TMPA entered into two agreements with Texas Power and Light Company (TP&L), a TU subsidiary, whereby TP&L agreed to supply ready economy energy interruptible off-peak economy energy to TMPA. On January 2, 1979, TMPA entered into two additional contracts with TU subsidiaries: the Comanche Peak Ownership Agreement and a transmission agreement. All of the foregoing contractual agreements contain restrictions which, in effect, foreclose TMPA from interconnecting with and engaging in the buying and selling of power or energy with electric utilities that operate in interstate commerce. It is TU's "intrastate only" policy and practice which is the subject of the present Comanche Peak antitrust

¹The designation "TU" comprises the Texas Utilities Company and its various operating and service subsidiary companies including Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company, each of which is a joint owner of the Texas Utilities Generating Company (TUGCO).

hearing. Resolution of the antitrust issues in that hearing will necessarily resolve any antitrust questions raised by these restrictions in the contractual agreements between TMPA and TU subsidiaries. TMPA has agreed to be bound by the outcome of the present Comanche Peak antitrust hearing, including the resolution of the intrastate only restrictions in its contracts with TU subsidiaries (See attached letter).

Our investigation of TMPA's application to participate in the Comanche Peak Steam Electric Station did, however, uncover the existence of an agreement entered into in 1973 between the City of Garland (Garland) and TP&L. This agreement effected a territorial division of retail marketing areas within Garland, a market jointly served by Garland and TP&L. In 1978 the Texas Public Utilities Commission jointly certified this market area to Garland and TP&L. This agreement continues to operate at the present time, and, in fact, an exchange of some of the allocated marketing areas between Garland and TP&L occurred in 1977.

The Department believes that a purely local agreement between a municipality and an investor-owned electrical utility operating under a franchise granted by the municipality to divide retail marketing areas within the municipality's limits and which does not bear a significant relationship to competition in the generation or transmission of electric power at the wholesale level ordinarily does not form the basis for initiating an antitrust hearing under Section 105c. This is not to say, however, that such agreements should not be scrutinized by the NRC where relevant to other antitrust concerns. It is the Department's belief that the antitrust consequences, if any, stemming from such purely local agreements on the retail level would be more appropriately dealt with by state utility commissions or under state or federal antitrust legislation than by the NRC. Indeed, the Department is examining this agreement to determine whether further action is appropriate under the federal antitrust laws.

In light of the attached letter referenced above, whereby the members of TMPA have agreed to be bound by the outcome of the present Comanche Peak antitrust hearing, the Department believes that an antitrust hearing on the application of TMPA to participate in the Comanche Peak units is not necessary.

Attachment

August 29, 1979.

Texas Municipal Power Agency Application for Amendment of Comanche Peak Steam Electric Station Construction Permits

The Texas Municipal Power Agency (TMPA) is a signatory to contracts with subsidiaries of the Texas Utilities Company that contain language which the Department of Justice has construed as preventing or limiting TMPA from operating in, or interconnecting with other electric utilities that are operating in, interstate commerce. In order to avoid the necessity of an antitrust hearing on TMPA's participation in the Comanche Peak Steam Electric Station, NRC docket numbers 50-445A and 50-446A, TMPA makes the following representations:

(1) While TMPA is a party to contracts that contain intrastate only provisions, TMPA did not request that such provisions be included in the contracts and would not object to such provisions being deleted from the contracts or enjoined, should such deletion be ordered or an injunction be issued in an administrative or judicial proceeding or be agreed to by the other signatories to the contracts.

(2) TMPA agrees to be bound by the outcome of the present operating license antitrust proceedings involving the Comanche Peak Steam Electric Station including any conditions that are attached to the operating license as a result of that proceeding.

Texas Municipal Power Agency

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 15, 1979 either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, US Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.
Jerome Saltzman,
Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

[FR Doc. 79-28605 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-23, issued to the Carolina Power and Light Company, (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of September 1, 1979.

The amendment revises the Technical Specifications to reflect corporate organization changes and a change to the audit frequency for the Security Plan.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate

findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and 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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 2, 1979; (2) Amendment No. 41 to License No. DPR-23; (3) the Commission's letter dated September 5, 1979. 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. 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 5th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,
Chief, Operating Reactors Branch #1,
Division of Operating Reactors.

[FR Doc. 79-28628 Filed 9-13-79; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Relocation of Dulles Highway Field Office

The Dulles Highway Field Office function will be relocated to the New York Field Office of the National Transportation Safety Board on October 1, 1979. The area responsibility for the highway function will remain the same, i.e.—Maine, Vermont, New Hampshire, New York, Delaware, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Virginia, West Virginia, Pennsylvania, Ohio, and Michigan.

All agencies and individuals having business with the Dulles—Highway Field Office will contact the New York Field Office after October 1, 1979. The office is located in the Federal Building, Room 202, John F. Kennedy International Airport, Jamaica, New York 11430.

Telephones 212 995-3716 (Commercial);
665-3716 (FTS).

William L. Lamb,
Chief, Field Investigation Division.

September 11, 1979.

[FR Doc. 79-28654 Filed 9-13-79; 8:45 am]

BILLING CODE 4910-58-M

POSTAL SERVICE

Westport Station, Kansas City, Mo.; Intent To Prepare Environmental Impact Statement; Correction

AGENCY: U.S. Postal Service, Field Real Estate and Buildings Office, Central Region.

ACTION: Correction of Notice of Intent to Prepare Draft Environmental Impact Statement (DEIS).

SUMMARY: In the Federal Register of Friday, August 24, 1979, FR Doc. 79-26347, at 44 FR 49816, the Postal Service published a notice of its intention to prepare a DEIS for a proposed expansion of the existing Westport Postal Station located at 200 Westport Road, Kansas City, Missouri. The second sentence in the Summary, dealing with the purpose of the proposed expansion, failed to mention relocation of the Station's dock and a building expansion. Accordingly, the second sentence should read as follows: "The purpose of the proposed expansion is to provide surfaced parking area for additional operational, employee, and customer vehicles, relocation of the dock, and a building expansion of approximately 2,300 square feet.

DATE: Information submitted by interested parties concerning this proposal must be received on or before September 27, 1979.

ADDRESS: Information should be submitted to Mr. Gilbert B. Mullen, Field Manager, Field Real Estate and Buildings Office, 5700 Broadmoor, Room 920, Mission, Kansas 66202.

FOR FURTHER INFORMATION CONTACT: Robert H. Coven, (202) 245-4304.

W. Allen Sanders,
Acting Deputy General Counsel.

[FR Doc. 79-28633 Filed 9-13-79; 8:45 am]

BILLING CODE 7710-12-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Report of Staff Contacts

The President's Commission on Pension Policy has directed its staff to maintain and publish for the public

record a listing of contacts of a substantive nature made with individuals, organizations, and groups interested in the activities of the Commission.

The following is the staff report of such contacts for the month of August.

Dwight Bartlett, chief actuary, Social Security Administration

Jim Storey, Urban Institute

Louise Russell, Brookings Institution

Ewa Bielski, Citizen's Commission on Pension Policy

Dave Mathieson, Office of Management and Budget

Bob Clark, University of North Carolina

Rick Cooper and Phil Odeen, Coopers & Lybrand

Doug Sorenson, U.S. Department of Treasury

Bill Birdsall, University of Michigan

Michael Batten, Industrial Gerontology Consultant

Howard Winklevoss, Winklevoss and Associates

Robert Moore, Alexander & Alexander

Bob Kalman, AFSCME

Daniel Halperin, U.S. Department of Treasury National Association of State Social Security Administrators

Market Facts, Inc.

Stanford Research Institute

Peat, Marwick & Mitchell

Frances Jacobs, Administration on Aging

Michael T. Leibig, Zwerdling & Maurer

John Windsor, Heritage Investment Advisors

Jim Ball, Arthur Andersen & Company

Leo Kramer, Len Laury, and Paul Taff

Arnold Strasser, Office of Management and Budget

Charles Lininger, U.S. Department of Health, Education and Welfare

Fred Tarpley, Small Business Administration

Donald Grubbs, George B. Buck Associates

Barbara Mehlsack, Committee on Education and Labor, U.S. House of Representatives

Western Pension Conference

Bert Seidman and Larry Smedley, AFL-CIO

Lee Webb, Conference on Alternative State and Local Policies

Elloit Bredhoff, AFL-CIO Industrial Union Dept.

Thomas F. Duzak, United Steelworkers of America

Signed at Washington, D.C. this 10th day of September 1979.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 79-28546 Filed 9-13-79; 8:45 am]

BILLING CODE 6820-99-M

Open Meeting

The third meeting of the President's Commission on Pension Policy has been scheduled for 8:30 a.m. on Friday, September 28, 1979, in Room 2008 of the New Executive Office Building, 726 Jackson Place, N.W., Washington, DC.

The Commission was established by Executive Order 12071 dated July 12,

1978, and was continued by Pub. L. 96-14 dated May 24, 1979.

The tentative agenda for this meeting is as follows:

(1) Hearing on the three main sources of support for retirement income—Social Security benefits, employee pensions, and personal savings—often referred to as the three-legged stool. The purpose of the hearing is to explore the present relationships among these three sources of retirement income and to discuss the strengths and weaknesses of the present systems.

(2) Study Group reports.

(3) Staff reports.

(4) Presentations from the public.

The meeting will be open for observation by the public. Persons interested in attending should address a letter to the President's Commission on Pension Policy, 736 Jackson Place, N.W., Washington, DC 20006. The Commission's telephone number is 395-5132. Admission of observers will be on the basis of earliest notification and to the extent space is available.

Signed at Washington, D.C., this 10th day of September 1979.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 79-28547 Filed 9-13-79; 8:45 am]

BILLING CODE 6820-99-M

SMALL BUSINESS ADMINISTRATION

National Advisory Council; Public Meeting

The Small Business Administration National Advisory Council will hold a public meeting from 8:30 a.m., on Wednesday, October 10, 1979, to 12:00 Noon, on Friday, October 12, 1979, at the Shoreham Americana, 2500 Calvert Street, N.W., Washington, D.C., to discuss such business as may be presented by members the staff of the Small Business Administration, and others attending.

For further information, call or write K. Drew, Deputy Advocate for Advisory Councils, U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416—(202) 653-6748.

Dated: September 7, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-28634 Filed 9-13-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY**Customs Service****Import Sampling; Memorandum of Understanding With the Food and Drug Administration****Cross Reference**

For a document giving notice of a Memorandum of Understanding between the Customs Service and the Food and Drug Administration (FDA) setting forth cooperative working arrangements under which FDA will perform import sampling services for the Customs Service, see FR Doc. 79-28424 appearing elsewhere in this issue of the Federal Register.

BILLING CODE 4810-22-M

Certain Firearms and Parts From Brazil; Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary affirmative determination that the Government of Brazil has given benefits which may constitute bounties or grants on the manufacture, production or exportation of certain firearms and parts. If a final determination is not reached prior to December 31, 1979, then in accordance with section 102(a)(2) of the Trade Agreements Act of 1979 (P.L. 96-39, 93 Stat. 144), it will be made no later than March 17, 1980.

EFFECTIVE DATE: September 14, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Operations Officer, Technical Branch, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone (202-566-5492).

SUPPLEMENTARY INFORMATION: On April 5, 1979, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the Federal Register (44 FR 20536). The notice stated that a petition had been received alleging that benefits given by the Government of Brazil upon the manufacture, production or exportation of certain firearms and parts from Brazil constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) ("the Act").

The merchandise specified in the petition includes rifles classified under item numbers 730.23, 730.25, 730.27, 730.29 and 730.31 of the Tariff Schedules of the United States Annotated (TSUSA); shotguns under item numbers 730.37, 730.39, 730.41, 730.43 and 730.45; combination shotguns and rifles under item numbers 730.51, 730.53, 730.55, 730.57 and 730.59; and parts of rifles, shotguns and combination shotguns and rifles under item numbers 730.63, 730.65, 730.67, 730.71, 730.73, 730.74, 730.75 and 730.77. Merchandise from Brazil entered under each of the foregoing item numbers except 730.29, 730.41 and 730.77 currently is free of ordinary Customs duties under the Generalized System of Preferences (GSP), authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465, 88 Stat. 2066-2071). If a final affirmative determination is made before December 31, 1979, those items entered under GSP will be referred to the International Trade Commission (the Commission) pursuant to section 303(b) of the Act (19 U.S.C. 1303(b)) in order that the Commission may determine whether an industry in the United States is being or is likely to be injured by reason of the importation of such merchandise into the United States. If an affirmative determination is not made before December 31, 1979, then, in accordance with section 102(a) of the Trade Agreements Act of 1979 (P.L. 96-39, 93 Stat. 144), all merchandise from Brazil covered by this determination (dutiable as well as duty free) may be referred to the Commission for an injury determination under section 705(a) of the Act if Brazil is then a "country under the Agreement" within the meaning of section 701(b) of the Act.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been preliminarily determined that certain programs of the Government of Brazil provide benefits which may constitute bounties or grants within the meaning of section 303 of the Act to manufacturers and/or exporters of the subject merchandise. These benefits have been conferred under the following programs:

(1) Excessive remission upon export of the Industrial Products Tax (IPI), a value-added tax. The remission consists of granting, upon export, of an IPI tax credit greater than the IPI actually incurred during the production process.

These credits, based upon the FOB, C and I, C and F, or CIF value of the exports, may be used by the firm to offset other taxes owed, redeemed for cash, or in limited circumstances, transferred from one firm to another. To

the extent that the excessive credits have been used by manufacturers of the subject merchandise to reduce tax liabilities or have been transferred or redeemed for their cash value, a bounty or grant would exist. No information has been provided to date regarding the use of these credits by manufacturers of the subject merchandise. Before making a final determination, information will be sought with regard to IPI calculations on a basis other than FOB value, and the extent to which these credits are utilized by the firms concerned.

(2) Preferential credit arrangements for the production of merchandise destined for export and for export financing under Resolution 398, amended by Resolution 515. Under this program, administered by the Department of Foreign Commerce of Banco de Brasil S.A. (CACEX), manufacturers of merchandise for export may obtain from commercial banks working capital financing and export financing of 20, 30 or 40 percent (by sector) of the value of the exports of the preceding year. To this amount may be added an amount corresponding to 20 percent of the increase in the value of exports of the firm for the previous year. This financing is provided at a rate below that offered by commercial institutions for loans of similar size and duration, and may be exempt from a one percent financial transaction tax. However, complete information regarding the use of this financing by manufacturers of the subject merchandise has not been provided to date. To the extent that this program is used by such manufacturers, a bounty or grant would exist. The bounty would be measured by the difference between the terms mandated by the Government under Resolution 398 and those available in private commercial markets.

(3) Programs of the Industrial Development Council (CDI) which provide exemptions from duties and IPI taxes on imported capital goods used in the manufacture for export of the subject merchandise, and which provide for accelerated depreciation of plant and equipment made in Brazil for the production of firearms. To the extent that CDI benefits have been used in the acquisition of capital goods used for the manufacture for export of the subject merchandise, a bounty or grant would exist. To date, insufficient information has been provided regarding the extent of the use of these programs by manufacturers of the subject merchandise.

(4) Reduction of taxable income by the percentage of total sales accounted

for by export sales. In "Textile Products from Brazil," 43 FR 53423-24, (November 16, 1978), the Treasury Department stated that.

(w)hile export earnings are exempted from the payment of income taxes and (are) therefore a bounty, the possible benefits derived therefrom were not computed into the final bounty in view of the uncertainty of the overall tax effect of IPI/ICM credits, which themselves are treated as [taxable] income.

In the absence of information from respondents or the Government of Brazil concerning the actual experience of the firearms industry with regard to the utilization of the IPI credits and the profitability of the firms under investigation, this program is preliminarily considered a bounty or grant.

In addition, it has been preliminarily determined that the following programs have not been utilized by manufacturers of firearms in Brazil, and that therefore benefits have not been paid which could constitute bounties or grants within the meaning of section 303 of the Act.

(1) Tax credits available to firms located in Brazil's less developed regions as administered by the Superintendency for the Development of the Northeast (SUDENE) and the Superintendency for the Development of the Amazon (SUDAM).

(2) Exemption from duties and value-added taxes on capital goods imported to sustain specific export projects, administered by the Commission for the Granting of Fiscal Benefits to Special Export Programs (BEFIEIX).

(3) The reduction of certain duties and the extension of IPI credits in connection with certain approved projects under programs administered by the Export Incentives Commission (CIEIX).

(4) Financing for export under programs administered by CACEX under Resolution 68.

(5) Financing for export exchange contracts under Resolution 391.

Accordingly, it is preliminarily determined that bounties or grants within the meaning of section 303 of the Act are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of certain firearms and parts from Brazil. If a final determination in this case is not made by December 31, 1979, then, in accordance with section 102(a)(2) of the Trade Agreements Act of 1979 (P.L. 96-39, 93 Stat. 144); a final determination will be made no later than March 17, 1980.

Before a final determination is made, consideration will be given to any relevant data, views or arguments which

are submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office no later than October 15, 1979. Any request for an opportunity to present views orally should accompany such submission, and a copy of all submissions should be delivered to any counsel that has heretofore represented any party to these proceedings.

This preliminary determination is published pursuant to section 303(a) of the Act.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 101-5, May 16, 1979, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

David R. Brennan,
Acting General Counsel of the Treasury.
September 11, 1979.
[FR Doc. 79-28637 Filed 9-13-79; 8:45 am]
BILLING CODE 4810-22-M

Internal Revenue Service

Statement of Income Tax Withheld on Wages; Proposed Forms Revision

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed forms revision.

SUMMARY: This document contains proposed revisions of Form W-2, Wage and Tax Statement, Form W-2P, Statement for Recipients of Periodic Annuities, Pensions, Retired Pay, or IRA Payments, and Form W-3, Transmittal of Income and Tax Statements. The Changes result from determinations made by the Internal Revenue Service and the Social Security Administration that the preparation of these forms by all employers and the processing of these forms would be facilitated by making the changes contained herein. The revised forms are published in proposed form in order to permit private printers, users, and other interested persons an opportunity to review the revisions and to offer comments with respect to them.

DATES: Written comments must be delivered or mailed by October 26, 1979. The revised forms are for use beginning with forms to be filed for tax year 1980.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: Tax Forms Coordinating Committee, Room 5577, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Richard T. Wan of the Returns Processing and Accounting Division, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224 (Attention TX:R:IM), 202-506-4874 (Not a toll-free number).

SUPPLEMENTARY INFORMATION: This document contains proposed revisions of Form W-2, Wage and Tax Statement, Form W-2P, Statement for Recipients of Periodic Annuities, Pensions, Retired Pay, or IRA Payments, and Form W-3, Transmittal of Income and Tax Statements. These revisions are proposed to facilitate the preparation and the processing of the forms.

As a result of the enactment of Pub. L. 94-202, all employers and payers were instructed to file Forms W-2, W-2P, and W-3 with the Social Security Administration starting with forms filed for tax year 1978. The filing of Forms W-2, W-2P, and W-3 with the Social Security Administration eliminates the need for employers and payers to file the forms with the Internal Revenue Service. The Social Security Administration extracts the data contained on the forms for use in both the Social Security Administration and the Internal Revenue Service's program.

The revised Forms W-2, W-2P, and W-3 reflect certain administrative and processing needs as well as comments from the public that Forms W-2, W-2P, and W-3 for tax years 1978 and 1979 were not easily preparable. The proposed new official Forms W-2, W-2P, and W-3 will be 7 inches wide as compared to the 8 inch wide official Forms of prior years. However, the Service will continue to permit the private printing of Forms W-2, W-2P, and W-3 in 7½ inch and 8 inch widths. Official and privately printed Forms W-2 (Copy A) and W-2P (Copy A) must continue to be filed in the three forms to an unperforated page format. The 1980 data format contains certain changes and additions from prior years. These are illustrated herein. Specifications for privately printed Forms W-2, W-2P, and W-3 should be issued by February, 1980 for tax year 1980 use. Printers, employers, and payers are cautioned that the proposed forms illustrated herein may change, and that they should not initiate any procurement activity until the official forms and printing specifications are issued. Please note that Forms W-2, W-2P and W-3 published for use with respect to tax

year 1979 and earlier tax years will not be acceptable to the Service after the issuance of the official Forms W-2, W-2P, and W-3 for tax year 1980, and after the issuance of related private printing specifications.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

James I. Owens,

*Assistant Commissioner of Internal Revenue
(Taxpayer Service and Returns Processing).*

BILLING CODE 4830-01-M

PROPOSED REVISED FORMS

Forms W-2, W-2P, and W-3 with respect to layouts are proposed as follows:

Form W-2 (Copy A)

Exhibit A

1 Control number		22222							
2 Employer's name, address, and ZIP code			3 Employer's identification number			4 Employer's State number			
			5 Non-Employee <input type="checkbox"/>	Deceased <input type="checkbox"/>	Pension plan <input type="checkbox"/>	Legal rep. <input type="checkbox"/>	942 emp. <input type="checkbox"/>	Sub-total <input type="checkbox"/>	Cor-rection <input type="checkbox"/>
8 Employee's social security number			9 Federal income tax withheld			6 *		7 Advance EIC payment	
			10 Wages, tips, other compensation			11 FICA tax withheld			
12 Employee's name (first, middle, last)			13 Total FICA wages			14 FICA tips			
15 Employee's address and ZIP code			16 Employer's use						
			17 State income tax		18 State wages, tips, etc.		19 Name of state		
			20 Local income tax		21 Local wages, tips, etc.		22 Name of locality		

Form **W-2 Wage and Tax Statement 1980**
283-030-1

Copy A For Social Security Administration
See Instructions for Forms W-2 and W-2P

Department of the Treasury
Internal Revenue Service

Do NOT Cut or Separate Forms on This Page

Form W-2P (Copy A)

Exhibit B

1 Control number		55555										
2 Payer's name, address, and ZIP code			3 Payer's Federal identifying number									
			4 State income tax withheld			5 Name of State						
7 Recipient's social security number			8 Gross annuity, pension, etc.			6 TA not determined <input type="checkbox"/>		Deceased <input type="checkbox"/>	Legal rep. <input type="checkbox"/>	Sub-total <input type="checkbox"/>	Correction <input type="checkbox"/>	Void <input type="checkbox"/>
			9 Taxable amount			10 Federal income tax withheld						
11 Recipient's name (first, middle, last)			12			13 IRA code						
14 Recipient's address and ZIP code			Copy A—For Social Security Administration See Instructions for Forms W-2 and W-2P and back of Copy D.									

Form **W-2P 1980**

Statement for Recipients of Periodic
Annuities, Pensions, Retired Pay, or IRA Payments

Department of the Treasury
Internal Revenue Service

Do NOT Cut or Separate Forms on This Page

Form W-3

Exhibit C

1 Control number		33333				
<input type="checkbox"/> Kind of Tax Statements Transmitted	2 941/941E	Military	943	3 W-2	4 Original	5 With TIN
	<input type="checkbox"/> CT-1	<input type="checkbox"/> 942	<input type="checkbox"/> Section 218	<input type="checkbox"/> W-2P	<input type="checkbox"/> Corrected	<input type="checkbox"/> Without TIN
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 State SSA number	7 Advance EIC payments			8 Number of statements attached		
9 Federal income tax	10 Wages, tips and other compensation			11 FICA tax withheld		
12 Employer's State number	13 Total FICA wages			14 FICA tips		
15 Employer's identification number				16 Establishment number		
17 Employer's name				18 Gross annuity, pension, retired pay or IRA payment		
19 Employer's address and ZIP code (If available, place label over boxes 15, 17, and 19.)				20 Taxable amount		

Under penalties of perjury, I declare that I have examined this return, including accompanying documents, and to the best of my knowledge and belief, it is true, correct, and complete. In the case of documents without recipients' identifying numbers, I have complied with the requirements of the law by requesting such numbers from the recipients, but did not receive them.

Signature ▶

Title ▶

Date ▶

Form **W-3** Transmittal of Income and Tax Statements 1980

Internal Revenue Service
Department of the Treasury

[FR Doc. 79-28635 Filed 9-13-79; 8:45 am]

BILLING CODE 4830-01-C

VETERANS ADMINISTRATION**Advisory Committee on Structural Safety of Veterans Administration Facilities; Meeting**

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Lafayette Building, 811 Vermont Avenue, NW, Washington, DC on October 29, 1979, at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2864), prior to October 26, 1979.

Dated: September 6, 1979.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Assistant Deputy Administrator for Financial Management and Construction.

[FR Doc. 79-28599 Filed 9-13-79; 8:45 am]

BILLING CODE 8320-01-M

Wage Committee; Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 4, 1979
Thursday, October 18, 1979
Thursday, November 1, 1979
Thursday, November 15, 1979
Thursday, November 29, 1979
Thursday, December 13, 1979
Thursday, December 27, 1979

The meetings will convene at 2:30 p.m. and will be held in Room 1063, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and

recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: September 6, 1979.

Max Cleland,

Administrator.

[FR Doc. 79-28598 Filed 9-13-79; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 131]

Assignment of Hearings

September 10, 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 14215 (Sub-18F), Smith Truck Service, Inc., transferred to MH.

MC 115311 (Sub-307F), J & M Transportation Co., Inc., now assigned for hearing on December 4, 1979 (9 days), at New Orleans, LA, in a hearing room to be later designated.

MC 138882 (Sub-183F), Wiley Sanders Truck Lines, Inc., now assigned for hearing on September 11, 1979 (2 days), at San Francisco, CA, is postponed indefinitely.

MC 10331, Pennsylvania Public Utility Commission V. Mushroom Transportation Co., Inc., now assigned for hearing on September 27, 1979 (2 days), at Philadelphia, PA, is postponed indefinitely.

MC 142431 (Sub-7F), Waymar Transport Corp., now being assigned for hearing on December 4, 1979 (1 day), at Chicago, IL, in a hearing room to be designated later.

MC 127840 (Sub-87F), Montgomery Tank Lines, Inc., now being assigned for hearing on December 5, 1979 (1 day), at Chicago, IL, in a hearing room to be designated later.

MC 143230 (Sub-2F), Luck Trucking, Inc., now being assigned for hearing on December 6, 1979 (2 days), at Chicago, IL, in a hearing room to be designated later.

MC 114273 (Sub-409F), CRST, Inc., now being assigned for hearing on December 10, 1979 (2 days), at Chicago, IL, in a hearing room to be designated later.

MC 38170 (Sub-30F), White Star Trucking, Inc., now being assigned for hearing on December 12, 1979 (3 days), at Chicago, IL, in a hearing room to be designated later.

MC 134922 (Sub-276F), B. J. McAdams, Inc., now being assigned for hearing on October 18, 1979 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 129032 (Sub-66F), Tom Inman Trucking, Inc., now being assigned for Prehearing Conference on October 15, 1979 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 136511 (Sub-25F), Virginia Appalachian Lumber Corporation, now being assigned for hearing on October 30 1979 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 136393 (Sub-3F), N.Y., N.J., Conn., Freight & Messenger Corp. now being assigned for hearing on October 29, 1979 (1 week), at New York, NY, location of hearing room will be designated later.

MC 119657 (Sub-23F), George Transit Line, Inc., now being assigned for hearing on October 11, 1979 (2 days), at Chicago, IL, location of hearing room to be designated later.

MC 146293 (Sub-4F), Regal Trucking Co., Inc., now assigned for hearing on October 17, 1979 (2 days), at Atlanta, GA, in a hearing room to be later designated.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-28572 Filed 9-13-79; 8:45 am]

BILLING CODE 7035-01-M

[Revised Exemption No. 171]

Exemption Under Provision of Rule¹⁹ of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

Because of a strike, the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, RI is unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships are idle because of the inability of the RI to return them to owners. In addition, RI freight cars on other lines are not needed on the RI because of the strike.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) The Chicago, Rock Island and Pacific Railroad Company (RI) is authorized to accept from shippers general service freight cars described in paragraph (b) owned by other railroads regardless of the provisions of Car Service Rules 1 and 2. This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' orders requiring return of cars to owners.

(b) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the Official Railway Equipment Register, ICC-RER 6410-B issued by W. J. Trezise, or successive issues thereof as having the following mechanical designations:

Plain Boxcars: "XM", "XMI", "XMIH"

Gondola Cars: "GA", "GB", "GD", "GH", "GS", "GT"

Hopper Cars: "HFA", "HK", "HM", "HMA", "HT", "HTA"

Flat Cars: "FM", less than 200,000 lb. capacity

(c) RI owns numerous general service freight cars and specialized equipment cars that are not needed on RI because of the strike. The RI general service freight cars listed in paragraph (b) and RI freight cars subject to Car Service Directives 150 and 155 shall be exempt from the provisions of Car Service Rules 1 and 2.

(d) This exemption does not authorize use of RI Cars subject to Car Service Directives 145 and 435 by other railroads. Any railroad desiring to use these cars must receive authorization from Henry Metz, General Superintendent, Car Utilization and Service, RI, Chicago, Illinois.

¹(e) Carriers connecting with the RI may accept and bill general service freight cars listed in paragraph (b) owned by other railroads which are received in switching service from RI regardless of the provisions of Car Service Rules 1 and 2.

Effective August 30, 1979.

Expires September 5, 1979.

Issued at Washington, D.C., August 30, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 79-28571 Filed 9-13-79; 8:45 a.m.]

BILLING CODE 7035-01-M

[Finance Docket No. 29121F]

Railgon Co. and Traller Train Co.; Pooling Agreement

Railgon Company (Railgon) and Trailer Train Company (Trailer Train), 300 South Wacker Drive, Chicago, IL 60606, represented by Robert J. Williams, Esquire, Vice President-General Counsel & Secretary, Railgon Company and Trailer Train Company, 300 South Wacker Drive, Chicago, IL 60606 and Paul R. Duke, Esquire, Covington & Burling, 888 16th Street NW., Washington, DC 20006, hereby given notice that on the 30th day of August, 1979, they filed with the Interstate Commerce Commission at Washington, DC, a joint application pursuant to 49 U.S.C. 11342 for a decision authorizing the railroad applicants to enter into a pooling agreement and approving the said agreement, for the pooling of car service and for the pooling and division of earnings as affected thereby in connection with research and development, design, purchase and finance, use, maintenance and repair and sharing in the cost of ownership and operation of railroad gondola cars.

Should the authority sought herein be granted, it is intention of the applicants to augment the national freight car supply initially by establishing a pool of 4000 to 7000 free-running, general purpose gondola cars, to be available without discrimination to any railroad applicant. These cars will provide an addition to the nation's fleet of gondola cars which probably would not be realized if each railroad were to act independently.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy

¹ Addition.

Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976)*, any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra, at p. 487.*

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423, and the aforementioned counsel for applicants, within 30 days after the date of first publication in the Federal Register. Also interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-28573 Filed 9-13-79; 8:45 a.m.]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 180

Friday, September 14, 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

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, September 19, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that the items be moved to the discussion agenda.

1. Proposed regulations implementing a section of the Right to Financial Privacy Act to provide for cost reimbursement to financial institutions that provide financial records to Federal agencies. (Proposed earlier for public comment; docket No. R-0243)

2. Proposed amendments to the Board's Rules of Practice for Formal Hearings to implement the expansion in the Board's supervisory authority under the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Discussion Agenda

1. Alternative actions with respect to the Board's amendment and interpretation to Regulation 7 (Truth in Lending) regarding open-end credit plans secured by consumers' residences. (Proposed earlier for public comment; docket No. R-0202)

2. Further consideration of Congressional proposals relating to the Bank Holding Company Act and the Bank Merger Act.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Griffith L. Garwood,
Secretary of the Board.

[S-1779-79 Filed 9-12-79; 12:09 am]

BILLING CODE 6210-01-M

2

[M-244, Amdt. 2; Sept. 11, 1979]

CIVIL AERONAUTICS BOARD. Revised list of persons expected to attend.

TIME AND DATE: 9:30 a.m., September 13, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 13. Pacific Common Fares Investigation (Instructions to staff).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: For subjects A012 and for reason of closure, please see CAB Meeting Announcement M-244 dated September 6, 1979.

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter. **Managing Director.**—Mr. Cressworth Lander. **Executive Assistant to the Managing Director.**—Mr. John R. Hancock.

Office of International and Domestic Aviation.—Mr. Steve Rothenberg and Mr. Mark S. Kahan.

Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Douglas V. Leister, Mr. James S. Horneman, Mr. Edward R. Wilbur, Mr. Herbert P. Aswall, and Mr. John H. Kiser.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson, Mr. John T. Golden, and Ms. Patricia Kennedy.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Michael Schopf, and Mr. Donald H. Horn.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

[S-1782-79 Filed 9-12-79; 2:35 pm]

BILLING CODE 6320-01-M

3

[M-244, Amdt. 3; Sept. 12, 1979]

CIVIL AERONAUTICS BOARD. Second revised list of persons expected to attend.

TIME AND DATE: 9:30 a.m., September 13, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 13. Pacific Common Fares Investigation (Instructions to staff).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: For subjects A-12 and for reason of closure, please see CAB Meeting Announcement M-244 dated September 6, 1979.

Persons Expected To Attend

Board Members.—Chairman Marvin S. Cohen, Member Richard J. O'Melia, Member Elizabeth E. Bailey, and Member Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter. **Managing Director.**—Mr. Cressworth Lander. **Executive Assistant to the Managing Director.**—Mr. John R. Hancock.

[S-1783-79 Filed 9-12-79; 2:35 pm]

BILLING CODE 6320-01-M

4

[M-245, Sept. 11, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10:00 a.m., September 18, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Travel Weekly will be making a presentation on a recent study conducted for Travel Weekly by Louis Harris Organization. The study is entitled "The Character and Volume Of The U.S. Travel Agency Market 1978."

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1784-79 Filed 9-12-79; 2:35 pm]

BILLING CODE 6320-01-M

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, September 18, 1979.

PLACE: Commission conference room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

MATTERS TO BE CONSIDERED:*Open to the Public*

1. Proposed contract for processing of the 1979 Employer Information Report.
2. Proposed contract for processing of the 1979 State and Local Government Information Report.
3. A proposed time and material contract for survey data tabulation and documentation.
4. Freedom of Information Act appeal No. 79-8-FOIA-249 concerning a request for a predetermination settlement agreement by a person who is not a party to the agreement.
5. Proposed questionnaire requesting information on the impact of Federal employment opportunity programs and activities, to be sent to employers.
6. Interagency procedures guidelines as required by Executive Order 12067.
7. Proposed notice for the Federal Register regarding OFCCP Construction Goals for Minorities and Women.
8. Draft Memorandum of Understanding between EEOC and the Federal Energy Regulatory Commission.
9. Federal Aviation Administration's proposed EEO regulations for Airports.
10. Proposed amendment to 29 CFR 1613.700 (Procedures for processing complaints of handicap discriminations.)
11. A statement of requirements for a proposed contract to purchase video-tape play-back equipment for each EEOC field office.
12. Report on Commission Operations by the Executive Director.

Closed to the Public

1. Litigation Authorization: General Counsel Recommendations.
 2. Pregnancy Discrimination Act Litigation.
- Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 11, 1979.

[S-1787-79 Filed 9-12-79; 4:01 pm]

BILLING CODE 6570-06-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Tuesday, September 18, 1979.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Personnel.

DATE AND TIME: 10 a.m., Thursday, September 20, 1979.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

- Setting of dates for future meetings.
- Correction and approval of minutes.
- Advisory opinions:
 - AO 1979-44—Anthony Gaeta, Jr., Assistant Secretary and Treasurer to the Public Affairs Fund.
 - AO 1979-46—Ann Smith, Americans Organized for Responsibility.
- 1980 Elections and related matters: Revision of proposed regulations on the funding and sponsorship of candidate debates.
- Consultant's report on audit process.
- Appropriations and budget.
- Pending legislation.
- Classification actions.
- Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-1777-79 Filed 9-11-79; 4:24 pm]

BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION ON PREVIOUS ANNOUNCEMENT: 44 FR 52787; published September 10, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 12, 1979.

CHANGE IN MEETING: Addition to the agenda meeting of September 12, 1979.

Item No., Docket No., and Company

- M-15—Identification of changes in committed acreage due to Southland exclusion.
- CAG-18—TC79-104, Equitable Gas Co.
- ER-9—ER76-5, Indiana & Michigan Power Co.

Kenneth F. Plumb,
Secretary.

[S-1778-79 Filed 9-11-79; 4:35 pm]

BILLING CODE 6450-01-M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., September 19, 1979.

PLACE: Room 12126 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the 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. Monthly Report of Managing Director of actions pursuant to delegated authority.
2. Matson Navigation Company—60 Percent Increase in Wharfage Charges at U.S. West Coast Ports only in Tariffs FMC-F Nos. 165, 166 and 167.
3. Sea-Land Service, Inc.—Reduced refined sugar rate applicable to Puerto Rico (FMC-F No. 36); and reduced raw sugar cane rate applicable to Georgia (FMC-F No. 37).
4. Agreements Nos. 7590-27—East Coast Columbia Conference, 7890-15—West Coast South America Northbound Conference, and 8300-15—Atlantic and Gulf/West Coast of Central America and Mexico Conference, modifications to conference agreements in compliance with General Order 7.
5. Agreement No. 6200-21—U.S. Atlantic & Gulf/Australia New Zealand Conference, Agreement No. 9831-3—New Zealand/U.S. Atlantic & Gulf Shipping Lines Rate Agreement, Agreement No. 10261-5—U.S. Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement and Agreement No. 10268-3—Australia-Eastern U.S.A. Shipping Conference: Modifications to Conference Agreements in compliance with General Order 7.
6. Mediterranean/U.S. Pacific Coast Force Majeure Agreement No. 10360.
7. Agreement No. 57-113, Pacific Westbound Conference; Agreement No. 2846-39, West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference; Agreement No. 5680-29, Pacific Straits Conference; Agreement No. 6060-24, Pacific/Indonesian Conference; Agreement No. 8493-10, Trans-Pacific American Flag Berth Operators Agreement; Agreement No. 9522-37, Italy, South France, South Spain, Portugal/U.S. Gulf and the Island of Puerto Rico Conference—Modifications providing for agreement on credit rules and for opening and closing of rates.
8. Agreement No. 2846 DR-7, modification of the West Coast of Italy, Sicilian & Adriatic Ports North Atlantic Range Conference's (WINAC) Dual Rate Contract, Agreement No. 9522 DR-9, modification of the Med-Gulf Conference's Dual Rate Contract, and Agreement No. 9615 DR-6, modification of the Iberian/North Atlantic Westbound Freight Conference's Dual Rate Contract—Clarification of provisions regarding legal right to select the carrier and entitlement to contract rates.
9. Agreement No. 10274, among Japan Line Ltd., K.K.K., Mitsui OSK, NYK and YSS: Pooling agreement in the eastbound and westbound trades between Japanese ports and ports on the U.S. Atlantic Coast.
10. Docket No. 79-85—Trailer Marine Transport Corporation—Proposed Reduced Rates on Sugar Cane & Refined Sugar N.O.S.—Petition for Reconsideration of Order of Investigation and Hearing.
11. Pacific Coast European Conference—Petition requesting rescission of staff rejection of "equalization rule" tariff filings.

Portion Closed to the Public-

1. Docket No. 77-60: Agreement No. 5700-26 (Modification of a Conference Agreement)—Discussion of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1781-79 Filed 9-12-79; 12:48 pm]

BILLING CODE 6730-01-M

9

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, September 18, 1979.

PLACE: Hearing Room "A", Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED:

1. Alternatives to rail line abandonment.
2. Directed rail service.

CONTACT PERSON FOR MORE

INFORMATION: Douglas Baldwin, Director, Office of Communications, telephone (202) 275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1780-79 Filed 9-12-79; 12:48 pm]

BILLING CODE 7035-01-M

10

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME: 9 a.m.-5 p.m. (Thursday) and 8:30 a.m.-3:30 p.m. (Friday).

DATE: September 13 and 14, 1979.

PLACE: Federal Center, Denver, Colo.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Opening Remarks, Chairman Benton.
Reports of the White House Conference on Library and Information Services Advisory Committee Chairmen and Staff.

Reports on NCLIS Committee Meetings.

Executive Director's Report.

Multitype Library Networking, Colorado

State Library, Anne Marie Falsone.

Report on National Periodicals System Advisory Committee Meeting of September 7, 1979.

Presentation of Draft Report on National Periodicals System, Arthur D. Little, Inc.

Discussion of the National Periodicals System Report, Commissioners' Comments.

Alphonse F. Trezza,

Executive Director.

September 7, 1979.

[S-1785-79 Filed 9-12-79; 2:50 pm]

BILLING CODE 7527-01-M

11

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., September 26, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Patricia Bausell (202) 634-4015.

Dated: September 12, 1979.

[S-1788-79 Filed 9-12-79; 3:08 pm]

BILLING CODE 7600-01-M

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects 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, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction 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 determination decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Alabama:		
AL78-1069.....		Sept. 8, 1978.
Arkansas:		
AR79-4052; AR79-4054; AR79-4055; AR79-4056.....		Mar. 30, 1978.
AR79-4057.....		Aug. 3, 1978
California:		
CA78-5106.....		Aug. 25, 1978.
CA78-5107.....		July 7, 1978.
Florida:		
FL79-1030.....		Feb. 9, 1978.
Georgia:		
GA79-1104.....		Jan. 5, 1978.
Oklahoma:		
OK78-4056.....		June 9, 1978.
OK78-4058; OK78-4059; OK78-4062.....		June 16, 1978.
OK79-4023.....		Feb. 2, 1979.
OK79-4073; OK79-4074.....		Aug. 3, 1978.
OK79-4076.....		Aug. 17, 1978.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:		
IL78-2064(IL79-2075).....		Aug. 4, 1978.
IL78-2139(IL79-2073).....		Oct. 3, 1978.
IL78-2140(IL79-2074).....		Nov. 12, 1978.
IL78-2141(IL79-2077); IL78-2142(IL79- 2078).....		Nov. 24, 1978.
IL78-2143(IL79-2078).....		Dec. 8, 1978.
IL78-2144(IL79-2080).....		Dec. 1, 1978.
Michigan:		
MI79-2018(MI79-2081).....		May 4, 1979.
Mississippi:		
MS79-1055(MS79-1127).....		Apr. 8, 1979.
MS79-1103(MS79-1126).....		July 13, 1979.
South Carolina:		
SC79-1100(SC79-1128).....		June 29, 1978.

Cancellation of General Wage
Determination Decisions

None

Signed at Washington, D.C. this 7th day of September 1979.

Dorothy P. Come,
Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
Decision #AL78-1069 -- Mod. #3 (43 FR 40172 - September 8, 1978) Tuscaloosa County, Alabama				
CHANGE: Electricians	.55	3%+.40		1/2 of 1%
DECISION NO. AR79-4052 - MOD. #3 (44 FR 19103' - March 30, 1979) Pulaski County, Arkansas	12.05			
CHANGE: Carpenters: Carpenters Millwrights & piledriver-men	9 68 10 18	35 35		05 05
Electricians: Cable splicers	11 50 11 625	80 80		1/2 1/2
Laborers: Group I Group II Group III Group IV Group V Group VI Group VII	6 65 6 90 7 05 7 15 7 30 7 55 7 45	60 60 60 60 60 60 60		
Power Equipment Operators: Group I Group II Group III Group IV Roofers Sheet metal workers *Plus 3% SASHI	10 66 9 68 9 22 7 61 9 25 11 57*	40 40 40 40 30 72		05 05 05 05 04
DECISION NO. AR79-4054 - MOD. #1 (44 FR 19104 - March 30, 1979) Sebastian, Crawford & Washington Cos, Arkansas				
CHANGE: Sebastian & Crawford Cos: Carpenters: Carpenters Millwrights-Piledriver-men	9 04 9 79	60 60		04 .04

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
DECISION NO. AR79-4054 - MOD. #1 CONTD:				
CHANGE: Electricians: Cable splicers	35 45	38+5 58 38+5 58		1/2 1/2
Laborers: Group I Group II Group III Group IV Group V Group VI Group VII	33 33 33 33 33 33 33	60 60 60 60 60 60 60		
Plasterers Power Equipment Operators: Group I Group II Group III Group IV Roofers Sheet Metal Workers *Plus 3% SASHI	10 50 10 66 9 68 9 22 7 61 9 25 11 57*	40 40 40 40 40 30 72		02 04
DECISION NO. AR79-4055 --#2 (44 FR 19106 - March 30, 1979) Jefferson County, Arkansas				
OMIT: Carpenters: Work in excess of \$1,000.000 Carpenters Millwrights & Piledriver-men	9 22 9 72	35 35		05 05

MODIFICATIONS P 4

DECISION NO. AR79-4056 - MOD. #2 (44 FR 19108 - March 30, 1979) Garland, Hot Spring and Clark Cos, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr
		H & W	Pensions	Vacation	
OMIT: Carpenters: Garland Co. & Northern 2/3 of Hot Spring Co. (in excess of \$1,000.00) Carpenters Millwrights & Piledriv- ermen	9 06 9 56	45 45	35 35		05 05
(Carpenters contracts under \$1,000.00) Carpenters Millwrights & Piledriv- ermen	8 43 8 93	45 45	35 35		05 05
Carpenters: Clarke and Remainder of Hot Springs Co. Carpenters Millwrights & Piledriv- men	9 22 9 72	45 45	35 35		05 05
Line Construction: Groundman 1st 6 months	45&JR		38		48
ADD: Carpenters: Carpenters Millwrights & Piledriv- men Line Construction: Groundman	9 68 10 18 64&JR	45 45	35 35 38		05 05 48
	14	3312			

MODIFICATIONS P 3

DECISION NO. AR79-4055 CONTD.	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr
		H & W	Pensions	Vacation	
OMIT: Carpenters: Work under \$1,000,000. Carpenters Millwrights & Piledriver- men	8 52 9 02	45 45	35 35		05 05
ADD: Carpenters: Carpenters Millwrights & Piledriver- men	9 68 10 18	45 45	35 35		05 05
CHANGE: Laborers: Group I Group II Group III Group IV Group V Group VI Group VII Power Equipment Operators: Group I Group II Group III Group IV Roofers Sheet metal workers *plus 3% SASMI	6.65 6.90 7.05 7.15 7.30 7.55 7.45 10.66 9.68 9.22 7.61 9.25 11.57*	33 33 33 33 33 33 33 40 40 40 40 55	60 60 60 60 60 60 60 40 40 40 40 30 72		05 05 05 05 05 05 05 04
	14	3311			

MODIFICATIONS P. 5

DECISION NO. AR79-4056 -
MOD. #2 CONT'D:

CHANGE:
Laborers:
Group I
Group II
Group III
Group IV
Group V
Group VI
Group VII
Power Equipment Operators:
Group I
Group II
Group III
Group IV
Roofers
Sheet metal workers
*Plus 3¢ SASMI

DECISION NO. AR79-4057 -
MOD. #1
(44 FR 45855 - August 3,
1979)
Union & Quachita Cos,
Arkansas

CHANGE:
Bricklayers
Carpenters
Carpenters
Millwrights & Piledriver-
men
Laborers:
Group I
Group II
Group III
Group IV
Group V
Group VI
Group VII

CHANGE:
Power Equipment Operators:
Group I
Group II
Group III
Group IV
Roofers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
6 65	33	60		
6 90	33	60		05
7 05	33	60		05
7 15	33	60		05
7 30	33	60		05
7 55	.33	60		04
7 45	33	60		
10 66	40	40		
9 68	40	40		
9 22	40	40		
7 61	40	40		
9 25	55	30		
11 57*	55	72		
10 05		35		05
9 68	45	35		.05
10 18	45	35		
6 65	33	60		
6 90	33	60		
7 05	33	60		
7 15	33	60		
7 30	33	60		
7 55	33	60		
7 45	33	60		
10 66	40	40		05
9 68	40	40		.05
9 22	.40	.40		05
7 61	.40	.40		05
9 25	30	30		

MODIFICATIONS P. 6

DECISION #CA78-5106-Mod. #4
(43 FR 38273-August 25,
1978)

Alameda, Amador,
Calaveras, Contra Costa,
Del Norte, El Dorado,
Humboldt, Marin, Mariposa
Merced, Monterey, Napa,
Nevada, Placer, San Benito,
Sacramento, San Mateo,
San Francisco, San
Joaquin, Santa Cruz,
Santa Clara, Santa Cruz,
Solano, Sonoma, Sutter,
Tehama, Tuolumne, Yolo
and Yuba Counties,
California

Change:
Roofers:
Alameda and Contra
Costa Counties
Roofers
Mastic workers;
Kettlemen (2 kettles
w/o pumps)
Bitumastic; Enamelers;
Pipewrappers; Coal
tar built up
Alpine, Calaveras,
Mariposa, Merced, San
Joaquin and Tuolumne
Counties
Roofers (slate, tile
and composition and
built up)
Felt Machine Operator

Marin, Napa, Solano
and Sonoma Counties
Roofers
Mastic workers;
Kettlemen (2 kettle
w/o pumps)
Bitumastic; Enamelers;
Pipewrappers; Coal
tar pitch

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
\$13 05	\$1 27	\$1 80	\$1 35	09
13 30	1 27	1 80	1.35	09
15 05	1 27	1 80	1 35	09
12 90	1 04	1 00		
13 05	1 04	1 00		
12 43	1 10	1 40	2 43	.09
12 68	1 10	1 40	2 43	.09
14 43	1 10	1 40	2 43	09

MODIFICATIONS P 8

DECISION NO. CA78-5107 - Mod. #8
(43 FR 29444 - July 7, 1978)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Y	
\$13.05	1.27	1.80	1.35		09
13.30	1.27	1.80	1.35		09
15.05	1.27	1.80	1.35		.09
12.90	1.04	1.00			
13.05	1.04	1.00			
12.83	1.02	40			06
12.60	.70	1.10			
12.43	1.10	1.40	2.43		09
12.68	1.10	1.40	2.43		09
14.43	1.10	1.40	2.43		09

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Yuba, Yuma, Yolo and Yuba Counties, California

CRANE:
ROOFERS:
Alameda and Contra Costa Cos
Roofers
Mastic workers; Kettlemen (2 Kettles w/o pumps)
Bitumastic; Enamellers; Pipe-wrappers; Coal tar built up
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties
Roofers (slate, tile, composition and built up)
Felt machine op.
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Roofers
Fresno, Kings, Madera and Tulare Counties
Roofers
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties
Roofers
Mastic workers; Kettlemen (2 Kettles w/o pumps)
Bitumastic; Enamellers; pipe-wrappers; Coal tar pitch

MODIFICATIONS P 7

DECISION #CA78-5106 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Y	
\$12.65	\$1.40	\$1.15	\$1.00		
13.21	.80	1.50	1.90		09
13.46	.80	1.50	1.90		09
14.21	80	1.50	1.90		09
12.45	1.19	1.10	2.00		10
11.98	85	1.51			
13.05	1.27	1.80	1.35		09
12.65	1.04	1.10	1.00		10

Monterey and Santa Cruz Counties
Roofers
San Francisco and San Mateo Counties
Roofers
Mastic workers and Kettlemen (2 kettles w/o pumps)
Bitumastic; Enamellers; Pipe-wrappers; Coal tar
Amador, Sacramento and Yolo Counties
Roofers
San Benito and Santa Clara Counties
Roofers; Kettlemen (1 kettle)
Alameda County:
(Rehabilitation on residential structures defined to include all work, including demolition, repair and alteration on any existing structure which is intended for residential use only)
Roofers

Omit
Roofers:
Amador, Sacramento and Yolo Counties
Enamellers and Pitch

MODIFICATIONS P 10

DECISION NO. GA79-1014 - Mod. #3
(44 FR 1632 - January 5, 1979)
Clayton, DeKalb, & Fulton
Counties, Georgia

CHANGE:

Carpenters, Drywall hangers, &
Resilient floor layers
Cement layers,
Electricians
Wiresmen
Cable splicers
Ironworkers
Laborers:
Group 1
Group 2
Group 3
Group 4
Group 5
Lathers
Millwrights
Painters:
Brush, roller, & drywall
finishers
Paperhangers
Drywall taping (where pros-
scribed tools are used),
boatwain chair & window-
jack work, all steel above
25' (where no scaffold is
erected), & any scaffold
above 15' (not floored solid)
Spray, steamcleaning, water-
blasting, sandblasting,
steepjack work, gold leaf-
ing, stencil designing, &
graining, & marbelizing
Piledrivers
Plumbers & Pipefitters
Power Equipment Operators:
Group A
Group B
Group C
Group D
Group E
Group F
Group G
Roofers
Sheet metal workers
Sprinkler fitters

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12 65	1 40	1 15	1 00	
13 21	80	1 50	1 90	09
13 46	80	1 50	1 90	09
14 21	80	1 50	1 90	09
12 45	1 19	1 10	2 00	10
11 98	85	1 51		
\$10 85	73	65		03
10 85	73	65		03
10 85	73	65		03
9 80	55	60		07
10 05	55	60		07
10 30	55	60		03
10 85	73	65	22 + 50	11
11 93	75	65		03
10 85	73	65		

DECISION NO. CV78-5107 (Cont'd)

ROOFERS CONV'D
Montarey and Santa Cruz
Roofers
San Francisco and San Mateo Cos
Roofers
Mastic workers; Kettlemen (2
kettles w/o pumps)
Bitumastic; Emulators, Pipe-
wrappers; Coal tar
Anador, Sacramento and Yolo
Counties
Roofers (slate, tile and
composition)
San Benito and Santa Clara
Counties
Roofers

DECISION #F79-1030 - Mod. #4
(44 FR 8493 - February 9, 1979)
Broward County, Florida

Change:
Bricklayers
Cement Masons
Marble Setters
Painters:
Brush
Drywall Tapers; Paperhangers
Spray; Sandblast
Plasterers
Sheet Metal Workers
Tile & Terrazzo Workers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10 55	50	45		02
8 60	50	45		02
12 05	9%	11%		1%
12 95	9%	11%		1%
10 55	70	67		07
7 05	30	33		10
7 27	30	33		10
7 55	30	33		10
7 80	30	33		10
8 12	30	33		10
10 30	25	35		06
10 85	45	50		05
10 35	55	75		05
10 60	55	75		05
10 85	55	75		05
11 35	55	75		05
10 70	50	45		02
11 90	90	70		11
10 00	55	75		07
9 65	55	75		07
7 62	55	75		07
8 08	55	75		07
7 02	55	75		07
7 33	55	75		07
6 28	55	75		07
7 75	35	20		02
11 10	70	91		07
11 69	75	1 05		08

MODIFICATIONS P 9

MODIFICATIONS P 12

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
	H & W	Pensions	Vacation		
\$10 65		40	20		07
<p>DECISION NO. OK78-4058 - MOD. #8 CORRD: OMIT: Painters: Hazardous work</p>					
12 80	60	1 10			20
9 70		40	20		10
10 30		40	20		10
10 55		40	20		10
10 55		40	20		10
11 20		40	20		10
10,30		40	20		10
10 65		40	20		07
<p>DECISION NO. OK78-4059 - MOD. #5 (43 FR 26258 - June 16, 1978) Wagoner County, Oklahoma CHANGE: Plumbers & Pipefitters Painters: Brush & roller Highwork and stage Sandblasting Spray painting Hot or bituminous Sheet rock power tools</p>					
<p>DECISION NO. OK78-4062 - MOD. #6 (43 FR 26265 - June 16, 1978) Fittsburg County, Oklahoma CHANGE: Plumbers & Pipefitters Painters: Brush & roller Highwork and stage Sandblasting Spray painting</p>					

MODIFICATIONS P 11

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
	H & W	Pensions	Vacation		
9 70		40	20		10
10 30		40	20		10
10 55		40	20		10
11 20		40	20		10
10 30		40	20		10
12 80	.60	1 10			20
10 65		40	20		.07
<p>DECISION NO. OK78-4056 - MOD. #6 (43 FR 25273 - June 9, 1978) Muskogee, Adair, Cherokee & Okmulgee Cos, Oklahoma CHANGE: Painters (Adair, Muskogee) & Cherokee Cos, Oklahoma Brush painting & roller Highwork or stage Sandblasting & Spray Hot or bituminous Sheetrock power tools plumbers & Pipefitters</p>					
<p>DECISION NO. OK78-4058 - MOD. #8 (43 FR 26258 - June 16, 1978) McIntosh County, Oklahoma CHANGE: Plumbers & Pipefitters Painters: Brush & roller Highwork and stage Sandblasting Spray painting Hot or bituminous Sheet rock power tools</p>					

MODIFICATIONS P 14

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
<p>DECISION NO. OK79-4074 - MOD. #1 (44 FR 45864 - August 3, 1979) Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole & Pottawatomie Cos, Oklahoma</p>				
\$10 75	62	75		05
10 25	62	75		10
11 52		50		
11 52		50		
<p>CHANGE: Bricklayers-Stonemasons: Oklahoma, Cleveland, Canadian & McClain Cos Caddo & Grady Cos Marble masons Terrazzo workers Tile setters</p>				
<p>DECISION NO. OK79-4076 - MOD. #1 (44 FR 48585 - August 17, 1979) Latimer, LeFlore, Haskell, Sequoyah & Pushmataha Cos, Oklahoma</p>				
12 80	60	1 10		20
9 70		40	20	10
10 30		40	20	10
10 55		40	20	10
10 55		40	20	10
11 20		40	20	10
10 30		40	20	10
<p>CHANGE: Plumbers & Pipefitters: LeFlore, Sequoyah, Latimer & Haskell Cos Painters: Brush & roller Highwork and stage Sandblasting Spray painting Hot or bituminous Sheet rock power tools</p>				
10 65		40	20	10
<p>OMIT: Painters: Hazardous work</p>				

MODIFICATIONS P 13

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
<p>DECISION NO. OK78-4062 - MOD. #6 CONFED: CHANGE: Painters: Hot or bituminous Sheet rock power tools</p>				
\$11 20		40	20	10
10 30		40	20	10
<p>OMIT: Painters: Hazardous work</p>				
10 65		40	20	07
<p>DECISION NO. OK79-4023 - MOD. #3 (44 FR 6881 - February 2, 1979) Comanche County, Oklahoma</p>				
11 52		50		
11 52		50		
11 52		50		
<p>CHANGE: Marble setters Terrazzo workers Tile layers</p>				
<p>DECISION NO. OK79-4073 - MOD. #1 (44 FR 45863 - August 3, 1979) Garfield County, Oklahoma</p>				
11 52		50		
11 52		50		
11 52		50		
9 25	55	25		05
10 60	55	70		01
<p>CHANGE: Marble setters Terrazzo workers Tile layers Carpenters: Millwrights & Piledriver-men</p>				

STATE: Illinois
 COUNTY: Bureau, Carroll, Henry, Lee, Ogle, Rock, Stephenson, Whiteside & Winnebago
 SUPERSEDES DECISION IL79-2073
 DATE: Date of Publication
 IL78-2139, dated October 3, 1978 in 43 FR 51573
 DESCRIPTION OF WORK: Heavy & Highway Construction Projects (including Dredging)

COUNTIES: Bureau, Carroll, Henry, Lee, Ogle, Rock, Stephenson, Whiteside & Winnebago	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr Tr.
		H & W	Pensions	Vacation		
CARPENTERS: Bureau County	\$12.70	75	.70		03	
Carroll, Stephenson & Jo-Davies Counties	11.65	55	.75			
Lee County	11.425	55	1.00			
Whiteside County	9.635	35	.35			
Rock Island & Henry Cos ; Oregon & South thereof in Ogle County	13.95	60	90		04	
Winnebago County, North of Oregon in Ogle County	10.33	40	1.25			
CEMENT MASONS: Bureau County	11.85		1.00			
Carroll, JoDavies, Lee, Ogle & Stephenson Cos.; Whiteside County excluding Erie & S.W thereof	11.75	55	1.00			
Rock Island County; Western half of Henry County & Erie & S W thereof in Whiteside County	11.77	70	60			
Eastern half of Henry Co	12.60		75			
WINNEBAGO COUNTY	11.78	.55	1.00			
ELECTRICIANS: Winnebago, Ogle, Lee & Stephenson Cos.; Townships of Warren, Rush, Nora, Stockton, Wards Grove, Pleasant Valley & Berkenman in JoDavies Co ; Townships of Cherry Grove, Shannon, Rock Creek, Lima Wysox & Elkhorn Grove in Carroll Co ; Townships of Genesee, Jordan, Hopkins, Sterling, Whiteside Co, Townships of Hume, Montgomery & Tampico & Hahnman	12.96	.50	38+ 80		18	
Remainder of JoDavies Co	12.25	75	38+ 75		09	

DECISION NO. IL79-2073

ELECTRICIANS: (Cont'd) Bureau Co ; Townships of Walnut, Ohio, Lamaille, Clarion, Bureau, Dover, Berlin & Westfield Henry Co.; Townships of Anawan, Burns, Cambridge, Galva, Kawadee, Weller & Metherfield; Bureau Co.; Townships of Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indian town, Leepertown, Macon, Manlius, Milo, Mineral, Neposset, Princton, Sibley, Wheatland & Wyand Rock Island & Whiteside Cos.; Cities of Chadwick, Mt. Carroll, Savanna & Thompson in Carroll Co.; Savanna Ord plant in Jo-Davies Co ; & Remainder of Henry Co	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr Tr.
		H & W	Pensions	Vacation		
IRONWORKERS: Bureau County Henry & Rock Island Cos.; Thompson & Savanna & Vicinity in Carroll Co ; E Dubuque, Galena & Hancock & Vicinities in JoDavies Co, & the Western half of Whiteside Co. Lee, Ogle, Stephenson & Winnebago Cos ; Eastern half of Whiteside Co ; & Remainder of Carroll & JoDavies Counties	\$13.93	.80	38+.70		2/108	
LABORERS: Henry County: Unskilled Semi-Skilled Skilled	13.30	50	38+ 50		48	
	12.49	.55	7.5%		.03	
	14.015	.75	.75		.02	
	13.87	75	.375		.11	
	13.25	.75	.375		.10	
	10.63	.80	.55		.035	
	10.83	80	55		.035	
	11.03	80	55		.035	

DECISION NO. IL79-2073

LABORERS: BUREAU COUNTY

UNSKILLED
SEMI-SKILLED
SKILLED

ILL-50-LAB-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10 67	.45	.60		.035
10 87	.45	.60		.035
11 07	.45	.60		.035

UNSKILLED: Common Laborers; Carpenter Tenders; Tool Cribmen; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Asphalt Plant; Laborers; Wrecking Laborers; Janitors; Wrecking-Dismantling Buildings; Walkmen & Housemovers; Driving of Stakes; Stringlines for all Machinery

SEMI-SKILLED: Handling of Materials treated with Oil, Creosote, Asphalt or any other foreign material, Track Laborers, Cement Handlers & Rebars; Concrete Tenders & Material Wheelers; Kettleman & Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Unit used for Wet Concrete or handling of Building Materials; Laborers w/DeWatering Systems; All Sewer Workers; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime & Pastes; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving) Placing, Cutting & Trying or Reinforcing; Deck Hand; Dredge Hand & Shore Laborers; Bankmen on Floating Plant; Asphalt Workers w/Machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Caisson Workers plus depth; Gun-nite Nozzle Men; Leadman on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer & Drill Operators; Layout Man; Steel Form Setters (street & highway); Air Tamping Hammerman; Signal Man on Crane, Concrete Saw Operator; Screenman on Asphalt Pavers; Laborers Tending Masons w/Hot Materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-Mix Scalemen; Portable or Temporary Plant; Laborers Handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator

DECISION NO. IL79-2073

LABORERS: ROCK ISLAND CO

UNSKILLED
SEMI-SKILLED
SKILLED

ILL-81-LAB-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10 52	50	1 00		.035
10 77	50	1 00		.035
11 02	50	1 00		.035

UNSKILLED Common Laborer; Carpenter Tender; Rod & Chain Man; Flagman; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees, Removal of Trees, Asphalt Plant Laborers; Wrecking Laborers; Writers of Scale Ticket, Scaleman (Permanent-Portable or Temporary Plant); Deck Hand

SEMI-SKILLED Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any mechanical device taking the place of Concrete Buggy or Wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on Joints; Sheetting Hammer Drivers (2-Men) Backup Man or Joint Man with Pipelayer; Laborer in Ditch or Tunnel on Sewer & Water Main & Telephone Conduit Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Main Line; Handling of Materials treated with Oil, Creosote, Asphalt &/or any foreign material harmful to skin or clothing; Chloride Handlers; The unloading & Laborers w/Steel Workers & Re-Bars; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

SKILLED String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gun-nite Nozzle Man; Welders; Cutters; Burners & Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

DECISION NO. IL79-2073

LABORERS:
REMAINDER OF COUNTIES

CLASS I
CLASS II
CLASS III

ILL-101-LAB-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10 65	.65	.60		.035
10 85	.65	.60		.035
10 95	.65	.60		.035

CLASS I - Common Laborers, Carpenter Tenders, Tool Cribmen, Firemen or Salamander Tenders, Flagmen, Gravel Box Men, Dumpmen & Spotters, 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, Asphalt Plant Laborers, Wrecking Laborers, Writer of Scale Tickets, Fire Shop Laborers, Fireproofing Laborers, Janitors, Driving of Stakes, Stringlines for all machinery, Rod & Chainmen with Technical Engineers, With Land Surveyors, Asphalt Workers with Machine & Layers, Grade Checker, Singal Man on Crane, Coring Machine Operator, Concrete Workers (Wet), On Concrete Paving, Placing, Cutting & Tying or Reinforcing Steel Form Setters-Street & Highway

CLASS II - Scaffold Workers, Handling of materials treated with any foreign matter harmful to skin or clothing, Bulk Cement Handlers, Unloading of Re-Bars, Batch Dumpers, Mason Tenders, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials, Vibrator Operators, Mortar Mixer Operators, Cement Silica, Clay Fly Ash, Line & Plasters, Handlers (bulk or bag) Deck Hand, Dredge Hand & Shore Laborers, Bankmen on Floating Plant, Power Tools, Material Selector (Firebrick or Castable Material) Chain Saw Operators, Mix Tamping Hammerman, Concrete Saw Operator, Front End Man on Chip Spreader, Luteman, Asphalt Raker.

CLASS III - Jackhammer & Drill Operators, Laborers with DeWatering Systems, Bottom Sewer Workers plus depth, Cofferdam Workers plus depth, Caisson Workers plus depth, Gunnite Nozzle Men, Leadman on Sewer Work, Welders, Cutters, Burners & Torchmen, Layout Man &/or Tile Layer, Screenman on Asphalt Pavers, Laborers Tending Masons with Hot Material, Multiple Concrete Duct-Leadman, Curb Asphalt Machine Operator, Ready-Mix Scalemen, Permanent, Portable or Temporary Plant, Laser Beam Operator, Concrete Burning Machine Operator, Underpinning & Shoring of building, Pump Men

DECISION NO. IL79-2073

POWER EQUIPMENT OPERATORS
ROCK ISLAND CO., & THE
WESTERN 1/2 OF HENRY COUNTY

CLASS 1
CLASS 2
CLASS 3
CLASS 4
CLASS 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11 80	.65	.70		.08
11 80	.65	.70		.08
10.40	.65	.70		.08
10.40	.65	.70		.08
9.35	.65	.70		.08

CLASS 1 - Crane, Shovel, Ciamshell, Dragline, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Lazer man or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Filedriver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Wrenching Machine, Cleaning & Priming Machine, Endloader (one half cubic yard or over, on basement excavation work), Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat Concrete Paver, Seaman Trav-J-Plant or similar machines, CMI Autograder of similar Machine, Slip Form Paver, Caisson Augering Machine, Mucking, Asphalt Heater-planer unit Hydraulic Cranes, Mine Hoists

CLASS 2 - Athey, Barber-Greene, Euclid or Hasis loader, Asphalt Pug Mill, Fireman & Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader (other than mentioned above), Forklift, Elevating Grader, Group Equipment Greaser, Letcoursepull & smaller machine, DW-10, Straddle Carrier, Water Winch & similar machines, Motor Patrol, Power Blade Push Cat, Tractor pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachment, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Welding (3 or 4), Fuller Kenyon Cement Pump or similar machines, Automatic Cement & Gravel Batch Plants (one stop set-up), Seaman Pukin-Mixer or similar machines, Propelled Sheep Roller or Compactor (used in conjunction with a grading spread), Asphalt Spreader Screed Operator Apsco Spreader or similar machine, Slusher, Forklift (over 6,000 lb cap or working at heights above 28 ft.) Conveyors

DECISION NO. IL79-2073

POWER EQUIPMENT OPERATORS: (Con't)

CLASS 3 - Asphalt Booster, Fireman & Pump Operator at Asphalt Plant, Compressor (500 cu ft & over), Concrete Finishing Machine, Form Grader with Rollers on Earth, Mixers (3 bag to 16B), Power operated Bull Float, tractor without power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end) Flexplane or similar machines, Portable Machine Fireman, Hydrohammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator Crusher Operator, Trench Machine (40 H P. & under), Power Sub Grader (on forms), or similar Machines, Forklift (6,000 or less cap), Gypsum Pump, Conveyor over 20 H P

CLASS 4 - Air Compressor (275 c f m or over) driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bags), Power Batching Machines (cement auger or conveyor), Boiler Engineer or Fireman, Water Pumps, Welding Machine, Mechanical Broom, Automatic Cement & Gravel Batch Plants (two or three stop set-up), Small Backhoes or Endloaders, Self-Propelled Curing Machine

CLASS 5 - Oiler, Water Pump (pumping water to paver), Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat

DECISION NO. IL79-2073

POWER EQUIPMENT OPERATORS:
EASTERN 1/2 OF HENRY CO. &
REMAINDER OF BUREAU CO.

ILL-20-PEO-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appl Fr.
	H & W	Pensions	Vacation	
\$13 08	45	80		05
12.80	45	80		05
12.505	45	80		05
12.23	45	80		05
11.62	45	80		05

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5

GROUP 1: Crane, Hydro Crane, Shovels, Crane type Backfiller, Tower Cranes-Mobile & Crawler & Stationary Derricks & Hoist (3-drum), Dragline, Dragline, Drott Yumbo & similar types considered as Cranes Backhoe, Derrick Boats, Pile Driver & Skid Rigs, Clam Shells, Locomotive Cranes, Road Pavers - Single Drum, Dual Drum & Tri Batcher, Motor Patrols & Power Blades - Dumore, Elevating similar types, Mechanics Central Concrete Mixing Plant Operator, Blacktop Plant Operators & Plant Engineers Gradall, Caisson Rigs - Requires Oiler, Skimmerscoopering Scooper, Dredges (all types) Hop-Toe-Crane-type (require oiler), Escalated rate on Crane & Derricks Booms, \$ 01 per hour, per ft, over 80' including jib all Cherry Pickers, Cherry Pickers (over 15 tons require oiler), Work Boat, Ross Carrier, Helicopter, Dozer & Tournadozer

GROUP 2: Asphalt Heater & Planter Combination (used to plant streets), Trench Machines, Pump Crete - Belt Crete - Squeeze Crete - Screw type Pumps & Gypsum, Bulker & Pump Dinkeys, Tournapulls-all, & similar types, Multiple Unit Earth Movers, \$ 25 per hour for each Scoop over one Scoop (all sizes), Pushcats, Endloaders (all types), Side Booms, P-H One Pass Soil Cement Machines & Similay types, Wheel Tractors (industrial or Farm-type with Dozer Hoe End Loader or other attachments Backfillers, Asphalt Surfacing Machines Euclid Loader, Fork Lifts, Formless Finishing, Jeep w/Ditching Machine or other attachments, Tunneluger, Rock Crusher, Automatic Cement & Gravel Batching Mobile Drills (soil testing) & similar types, Pugmill with Pump Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Power Launches, Boring Machine, C M I & similar types (require oiler), all (1) & (2) Drum Rollers, Dewatering System, Straw Blower, Hydro-Seeder, Boring Machine Hydro-Boom, Starting Engineer on Pipeline, F W D & similar type

DECISION NO. IL79-2073

POWER EQUIPMENT OPERATORS:

CLASS	Fringe Benefits Payments			Education Exp./Yr. Appr. Tr.
	Basic Hourly Rates	II & V	Penalties	
CLASS I	\$12.90	1 10	1 10	.60
CLASS II	12 35	1 10	1 10	.60
CLASS III	11 60	1 10	1 10	.60
CLASS IV	10 50	1 10	1 10	.60
CLASS V	9 50	1 10	1 10	.60

CLASS I Asphalt Plant, Asphalt Heater & Planer Combination, Asphalt Spreader, Autograde, Belt Loader, Caisson Rigs, Central Radmix Plant, Concrete Breaker (truck mounted), Concrete Conveyor, Concrete Paver over 27E cu ft., Concrete Placer, Concrete Tube Float, Cranes, All Attachments, Cranes, Linds, Peco & Machines of a like nature, Derricks, Traveling, Dredges, Euclid Loader, Elevating Type, Gradall, & Machines of a like nature, Derricks, All, Derrick Boats, Derricks, Traveling, Dredges, Euclid Loader, Elevating Type, Gradall, and machines of a like nature, Grader, Elevating Hoists, 1, 2 & 3 drum Locomotives, all, Mucking Machine, 1 cu. yd & over, Mucking Machine, under 1 cu yd, Piledrivers & Skid Rig, Pre-Stress Machine, Pump Cretes Dual Ram (requiring frequent lubrication & water), Rock Drill Crane type, Slip Form Paver, Straddle Buggies, Tractor w/Boom, Tractaire w/ Attachments, Trenching Machine, Underground Boring &/or Mining Machine under 5 ft., Wheel Excavator Widener (Apsco)

CLASS II Mechanic-Welder, Hatch Plant, Bituminous Mixer, Bulldozer Combination Backhoe Front End Loader Machine, Concrete Breaker or Hydro-Hammer, Concrete Grinding Machine, Concrete Mixer or Paver 75 Series to & including 27 cu ft., Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belted Machine & Sealing Machine, Finishing Machine, Concrete Grader, Motor Patrol, Auto Patrol, Form Grader, Full Grader, Subgrader, Highlight Shovels or Front End Loader, Hydraulic Boom Trucks (All Attachments), Locomotives, Dinky, Pump Cretes, Squeeze Cretes, Screw Type Pumps Gypsum Bulk-er & Pump, Rock Drill (Self-Propelled), Roto-Tiller, Seaman, Etc Self-Propelled scoops; Tractor Drawn, Self-Propelled Compactor, Spreader, Chipstone, Etc, Scraper, Tank Car Heater, Tractor, Push, Pulling Sheep's Foot, Disc, Compactor, Etc Tug Botic

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POWER EQUIPMENT OPERATORS: (Cont'd)

GROUP 3: Apsco Spreader or similar types, Tractors (track-type) without power units pulling rollers, Rollers on Asphalt - Breck or Macadam, Concrete Breakers, Concrete Spreaders, Center Stripper, Cement Finishing Machines, Vibro Tampers (all similar types) Self-Propelled, Mechanical Bull Floats, Mixers over three bag to 27E, Winch and Boom Trucks, Tractor pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Sceded, Mul Pulling Rollers, Pugmill without pump, Barber Greene or similar loaders, Track-type tractors with power unit attached (minimum fireman, Sceded Man on laydown Machine, & Spray machine on paving)

GROUP 4: Power Subgrader, Oil Distributor, Straight Tractor, Tractor w/ (without attachments), Curb Machines, Paver Ditch Machines, Truck Crane Oiler, & Truck type Hoopoe Oilers

GROUP 5: Herman Nelson Heater, Dravo, Warner, Silent Glo & similar types, One Engineer will operate 1-5 & after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser Crawler Crane & Skid Oiler, Rollers 5 ton & under on Earth & Gravel, Form Graders, Pump (1) or (2), Light Plant (1) or (2), Generator (1) or (2), Conveyor (1) or (2), Welding Machine (1) or (2) Mixer 3 bags & under, & Bulk Cement Plant

DECISION NO. IL79-2073

POWER EQUIPMENT OPERATORS: (Cont'd)

CLASS III Boilers, Boiler & Throttle Valve, Brooms, All Power Propelled, Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer (2 Bags & over) Conveyor, Portable, Fireman on Boiler, Forklift Trucks, Greaser Engineer, Grouting Machine Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger, Single Drum, Jeep Diggers, Pipe Power Saw, Concrete, Power-Driven, Pug Mills, Rollers, All, Steam Generators, Stone Crushers, Stump Machine, Winch Trucks with "A" Frame, Work Boats, Tamper, Form Motor Driven

CLASS IV Air Compressors, All, Generators, Heaters, Mechanical, Light Planes, All (1 through 5), Pumps, All, Pumps Well Points, Tractaire, Welding Machines (2 through 6)

CLASS V Oilers

DECISION NO. IL79-2073

ILL-82-TD-1-2-3

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr
	H & J	Pensions	Vacation	
\$10 80	65	20 00a		
11 20	65	20 00a		
11 40	65	20 00a		

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, Warehouseman, 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, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

DECISION NO. IL79-2073

DREDGING:
BUREAU & HENRY COS. ONLY:

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5

Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr Tr
	H & W	Pensions	Vacation		
\$13.07	.45	.80			.05
12.87	.45	.80			.05
12.495	.45	.80			.05
12.22	.45	.80			.05
11.61	.45	.80			.05

GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges, En-
iners & 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

Unlisted classifications needed for work not included within the
scope of the classifications listed may be added after award only
as provided in the labor standards contract clauses (29 CFR, 5.5
(a) (1) (ii))

STATE: Illinois
COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam and Woodford
DATE: Date of Publication
DECISION NUMBER IL79-2074
Supersedes Decision No IL78-2140, dated November 12, 1978 in 43 FR 52641
DESCRIPTION OF WORK: Heavy and Highway Construction Projects (including Dredging)

ILL-HH-3

	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr Tr
		H & W	Pensions	Vacation		
CARPENTERS: Iroquois & Kankakee Cos ; (N of Garver and Guthrie) in Ford County Remainder of Ford County Woodford County Marshall & Putnam Counties; (Peru, Ottawa & Streator & Vicinity in LaSalle County) Grundy Co ; Marselles & Vicinity in LaSalle Co McLean County Livingston County CEMENT MASONS: LaSalle and Putnam Cos Livingston & McLean Cos ; E of Roanoke in Woodford Co Marshall Co, & Remainder of Woodford County Iroquois & Kankakee Cos Ford County Grundy County ELECTRICIANS: Townships of Fountain Creek Love Joy & Prairie Green in Iroquois Co Kankakee Co ; Remainder of Ford and Iroquois Cos Grundy Co ; Northern Half of Central Southampart of LaSalle Co ; Walnut, Ohio, LaMoille, Clarion, Bureau, Dover, Berlin & Westville Townships in Bureau Co	12 72 12 315 12 61	65 45 40	.80 1.10 75			01 08 05
	12 70	75	70			03
	12 73 12.17 12 67	75 60 60	.85 1 00 1 00			.65 05 .05
	11 85		1 00			
	12 64	75				
	11 86 12 60 12 925	1.00 80 45	1.00 75			05 025 .05
	11 02	65	1 28			
	13 17	50	30+ 50			1/40
	13 80	88	30+ 70			1/40
	13 93	88	30+ 70			2/100

DECISION NO. IL79-2074

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr. Appr Tr.
	H & W	Pensions	Vacation	
12 825	65	925		02
14 015	75	75		
12 62	50	30+ 50		5/100
10 26	50	30+ 50		5/100
9 60	50	30+ 50		5/100
9 09	50	30+ 50		5/100
13 30	7 000	6 500		0 250
13 42	45	30		5/100
12 52	45	30		5/100
9 38	45	30		5/100
8 94	45	30		5/100
8 52	45	30		5/100
9 25	55	45		
10 25	55	45		
11 25	55	45		
10 75	55	30		
12 00	55	30		06
12 05	55	30		06
12 05	55			
12 55	55			

IRONWORKERS; (Cont'd)
 Woodford Co.; B W corner of Marshall County
 LaBalle & Putnam Counties; Remainder of Marshall Co
 LINEMEN:
 Iroquois County:
 Linemen, Groundman Equipment Operator
 Groundman Truck Driver:
 W/winch
 WO/winch
 Groundman
 Kankakee & Grundy Cos
 Ford, LaBalle, Livingston, McLean, Marshall, Putnam, & Woodford Counties;
 Linemen
 Groundman Equipment
 Operator
 Groundman Truck Drivers:
 W/winch
 WO/winch
 Groundman
 PAINTERS:
 Putnam County; Twps of Mendota, Ogelsby, Utica & Peru in LaBalle County;
 Brush
 Industrial & Structural Steel
 Spray & Sandblasting
 Remainder of LaBalle Co ; Industrial; Structural Steel & Bridges
 Brush
 Spray
 McLean County:
 Brush
 Structural Steel & Spray

DECISION NO. IL79-2074

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr. Appr Tr.
	H & W	Pensions	Vacation	
13 80	50	30+ 50		1/40
12 92	50	30+1 00		3/40
13 45	50	30+ 40		3/100
12 85	50	30+ 55		002
12 50	75	75		05
12 00	2 65	525		02
12 15	65	1 00		08

ELECTRICIANS; (Cont'd)
 Vicinity of LaBalle, B W Part of Co ; Remainder of Putnam Co ; Twps of Ariape, Concord, Fairfield, Gold Greenville, Hall, Indiantown, Leeper-town, Macon, Manlius Milo, Mineral, Neposet, Princeton, Selby, Wheatland & Wynnet in Bureau County
 Areas West of Bell Plain & Roberts twps of Marshall Co ; Area West but not including Linn, Kansas, Palestine, Roanoke, Casanova & Metamora Twps in Woodford Co
 Livingston Co ; Vicinity of Streator - B E, part of Co south of Eden in LaBalle Co ; Magnolia Twps in Putnam Co ; Area East of Casanova & Metamora Twps including Linn Clayton, Minak, Roanoke, Green and Penola Twps in Woodford County; Area South of Roberts Twps in Ford Co Twps of Artesia, Pigeon Grove & Loda in Iroquois Co ; Cropsy, Anchor, Cheney Grove & Belle Flower Townships in McLean Co
 Remainder of McLean Co (Twps of Ellean, Kansas & Palestine - B E corner) Woodford County
 IROWORKERS:
 Iroquois & Kankakee Cos Grundy County
 Ford Co ; Livingston Co ; Eastern part of McLean Co

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10 67	55	80		035
10 87	55	80		035
11 07	55	80		035
10 63	70	65		035
10 83	70	65		035
11 03	70	65		035
10 63	60	75		035
10 83	60	75		035
11 03	60	75		035

DECISION NO. IL79-2074

LABORERS:
LaSalle & Putnam Counties:

- Unskilled
- Semi-skilled
- Skilled
- Word, Livingston, Iroquois, Kankakee, Marshall & Woodford Cos :
- Unskilled
- Semi-skilled
- Skilled
- McLean County:
- Unskilled
- Semi-skilled
- Skilled

UNSKILLED: Common Laborers; Carpenter Tenders; Tool Cribmen; Firman or Salamander Tenders; Flagmen; Gravel Box Men; Pumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading Exposives; Laying of Sod; Planting of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling Building; Wallmen and Housemovers; Driving of Stakes; Stringlines for all Machinery

SEMI-SKILLED: Handling of Materials Treated with Oil, Creosote, Asphalt or any other Foreign Material, Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/Steel Workers and Rebars; Concrete Workers (wet); Free Air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scarfolds Workers; Motorized Buggies or Motorized Units used for Wet Concrete of Handling of Building Materials; Laborers w/Devatering Systems; all Sever Workers plus Depth; Rod and Chain-with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, Clay, Fly Ash, Lime and Plasters; Handlers (Bulk or Bag); Cofferdam Workers plus Depth; (on Concrete Paving) Placing, Cutting and Tying or Reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Asphalt Workers w/Machine Asphalt Raker; Grade Checker

DECISION NO. IL79-2074

PAINTERS: (Cont'd)

- Grundy County:
- Bridges w/Butt Plates & Hand Rails only
- Bridges w/o Superstructures
- Bridges w/Superstructures and Lift Type
- Kankakee & Iroquois Cos :
- Brush and Roller
- Spray
- Marshall & Woodford Cos :
- Brush
- Structural steel, Bridge & Spray
- TRUCK DRIVERS:
- Grundy, Remainder of Livingston & Woodford Cos :
- 2-3 Axle Trucks
- 4 Axle Trucks
- 5 Axle Trucks
- 6 Axle Trucks
- Kankakee & Iroquois Cos :
- 2-3 Axle Trucks
- 4 Axle Trucks
- 5 Axle Trucks
- 6 Axle Trucks

FOOTNOTES:

A-Per week per employee

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11 50	80	90		05
12 00	80	90		05
12 50	80	90		05
10 85	55	50		
12 35	55	50		
11 30	55	30		03
11 95	55	30		03
11 45	29 00a	33 00a		
11 60	29 00a	33 00a		
11 80	29 00a	33 00a		
12 00	29 00a	33 00a		
11 275	29 00a	33 00a		
11 475	29 00a	33 00a		
11 675	29 00a	33 00a		
11 075	29 00a	33 00a		

DECISION NO. IL79-2074

LABORERS: Grundy County

CLASS 1 - Common Laborers, Plasterer Laborers, Pumps for DeWatering & Other Unclassified Laborers
 CLASS 2 Cement Gun Laborers
 CLASS 3 - Scaffold Laborers & Chimney Laborers over 40'
 CLASS 4 - Windlass & Cement Gun Nozzle Laborers - Gunnite
 CLASS 5 - Stone Handlers & Derrickmen
 CLASS 6 - Jackhammermen
 CLASS 7 - Concrete Vibrator, Plumbers' Laborer & chain Saw Operator
 CLASS 8 - Firebrick & Boiler Setters' Laborers
 CLASS 9 - Chimney Laborers on Firebrick, Caisson Diggers & Wall Point System Men
 CLASS 10 - Boiler Setter Plastic Laborers
 CLASS 11 - Jackhammer on Firebrick Only

SKILLED: Dynamite Man or Blasters; Caisson Workers plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout Man; Steel Form Setters Street and Highway; Air Tamping Hammerman; Signal Man on Crane, Concrete Saw Operator; Screeman on Asphalt Pavers; Laborers Tending Masons w/hot Materials are used; Multiple Concrete Duck-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-Mix Scalmen; Portable or Temporary Plant; Laborers Handling Masterplate or Similar Materials; Laser Beam Operator; Coring Machine Operator

LABORERS (Cont'd)

DECISION NO. IL79-2074

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
10 10	57	1 20		
10.175	57	1 20		
10 20	57	1 20		
10 70	57	1 20		
10 30	57	1 20		
10 325	57	1 20		
10 35	57	1 20		
10 42	57	1 20		
10 45	57	1 20		
10 55	57	1 20		
10 655	57	1 20		

DECISION NO. IL79-2074

ILL-10PEO-2-3

POWER EQUIPMENT OPERATORS:
 LASALLE, GRUNDY, KANKAKEE,
 LIVINGSTON COS; E OF
 THE ILL RIVER IN PUTNAM
 CO

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr Tr.
	H&W	Pensions	Vacation	
12 90	1 10	1 10	60	05
12 35	1 10	1 10	60	05
11 60	1 10	1 10	60	05
10 50	1 10	1 10	60	05
9 50	1 10	1 10	60	05

CLASS I
 CLASS II
 CLASS III
 CLASS IV
 CLASS V

CLASS I - Asphalt Plant, Asphalt Heater & Planer Combination, Spreader, Autograder, Belt Loader, Caisson Rigs, Central Redi-mix Plant, Concrete Breaker (Truck Mounted), Concrete Tube Float, Cranes, all Attachments, Cranes, Linden, Peco & Machines of a like Nature, Derricks, Traveling, Dredges, Euclid Loader, Elevating Type, Gradall, and Machines of a like Nature, Grader, Elevating Hoists, 1, 2, & 3, Drum, Locomotives, all, Mucking Machine 1 Cu Yd. & Over, Mucking Machine, under 1 Cu Yd., Piledrivers & Skid Rig, Pre-stress Machine, Pump Cretes Dual Ram (Requiring frequent Lubrication & Water), Rock Drill Crane Type, Slip Form Paver, Straddle Buggies, Tractor w/Boom, Tractaire w/Attachments, Trenching Machine, Underground Boring &/or Mining Machine under 5 Ft, Wheel Excavator Widener (Apsco)

CLASS II- Mechanic-Welder, Batch Plant, Bituminous Mixer, Bulldozer, Combination Backhoe Front End Loader Machine, Concrete Breaker or Hydro-hammer, Concrete Grinding Machine, Concrete Mixer or Paver 7S Series to & Including 27 Cu. Ft, Concrete Spreader, Concrete Curing Machine, Burlap Machine, Belling Machine & Sealing Machine, Finishing Machine, Concrete Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Hydraulic Boom Trucks (All Attachments), Locomotives, Dinky, Pump Cretes; Squeeze Cretes; Screw Type pumps Gypsum Bulker & Pump, Rock Drill (Self-propelled), Roto-tiller, Seaman, etc, Self-propelled Scoopes; Tractor Drawn, Self-propelled Compactor, Spreader, Chipstone, etc, Scraper, Tank Car Heater, Tractor, Push, Pulling Sheep's Foot, Disc, Compactor, etc Tug Boats

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III - Boilers, Boiler & Throttle Valve, Brooms, all Power Propelled, Cement Supply Tender, Compressor & Throttle Valve, Concrete Mixer (2 Bags & over) Conveyor, Portable, Fireman on Boiler, Forklift Trucks, Greaser Engineer, Grouting Machine Hoists, Automatic, Hoists, all Elevators, Hoists, Tugger, Single Drum, Jeep Diggers, Pipe Power Saw Concrete, Power-driven, Pug Mills, Rollers, all, Steam Generators, Stone, Stump Machine, Winch Trucks with "A" Frame, Work Boats, Tamper, Form Motor Driven

CLASS IV - Air Compressors, all, Generators, Heaters, Mechanical, Light Plants; all (1 through 5), Pumps, all, Pumps Well Pumps, Tractaire, Welding Machines (2 through 6)

CLASS V - Oilers

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POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP 3 -- Apasco Spreader or Similar Types, Tractors (Track-Type) Without Power Units Pulling Rollers, Rollers On Asphalt - Breck or Macadam, Concrete Breakers, Concrete Spreaders, Center Stripper, Cement Finishing Machines, Vibro Tampers (all Similar Types) Self-propelled, Mechanical Bull Floats, Mixers Over three Bag to 27 E, Winch and Boom Trucks, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Sreed, Mule Pulling Roller, Pugmill without Pump, Barber Greene or Similar Loaders, Track-type Tractors with Power Unit Attached (minimum Fireman,) Screed man on Laydown Machine, and Spray Machine on Paving

GROUP 4 -- Power Subgrader, Oil Distributor, Straight Tractor, Tract-air (Without Attachments), Curb Machines, Paver Ditch Machines, Truck Crane Oiler, and Truck Type Hoopoe Oilers
 GROUP 5 -- Herman Nelson Heater, Dravo, Warner, Silent Glo and Similar Types, One Engineer will Operate 1-5 and after 5, Two Operators will be Required, Self-propelled Concrete Saws, Assis- tant Heavy Equipment Greaser Crawler, Crane and Skid Oilers, Rollers 5 Ton and Under on Earth and Gravel, Form Graders, Pump (1) or (2), Light Plant (1) or (2), Generator (1) or (2), Conveyox (1) or (2), welding Machine (1) or (2) Mixer 3 Bags and under, and Bulk Cement Plant

ILL-20-PRO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
		H &W	Pensions	Vacation	
GROUP 1	12 22	45	80		05
GROUP 2	12 02	45	80		05
GROUP 3	11 17	45	80		05
GROUP 4	10 90	45	80		05
GROUP 5	9 46	45	80		05

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POWER EQUIPMENT OPERATORS: McLean, Marshall, Putnam, & Woodford Counties

GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5

GROUP 1 -- Crane, Hydro Crane, Shovels, Crane Type Backfiller, Tower Crane-Mobile and Crawler and Stationary Derricks and Hoist (3 Drum); Dragline, Drott Yumbo and Similar Types considered as Cranes, Backhoes, Derrick Boats, Pile Driver and Skid Rigs, Ciam Shells, Locomotive Cranes, Road Pavers -- Single Drum dual drum and Tri Patcher, Motor Patrols and Power Blades - Dumore, Elevating Similar Types, Mechanics Central concrete Mixing Plant Operator, Blacktop Plant Operators and Plant Engineers, Gradall, Caisson Rigs - Requires Oiler, Skimmerscoopering Scooper, Dredges (all Types) Hop-toe-crane Type (Require Oiler), Escalated Rate on Crane and Derricks Booms, \$.01 Per Hour, Per Ft., over 80' including Jib all Cherry Pickers, Cherry Pickers (over 15 Tons Require Oiler), Work Boat, Ross Carrier, Helicopter, Dozen and Tournadozer

GROUP 2 -- Asphalt Heater and Planter Combination (used to Plant Streets), Trench Machines, Pump-Crete - Belt Crete - Squeeze Crete - Screw Type Pumps and Gysum, Bulker and Pump, Dinkeys, Tournapulls-all, and Similar Types, Multiple Unit Earth Movers, \$ 25 per Hour for each Scoop over one Scoop (all sizes), Push-cats, Endloaders (all types), Side Booms, P-H one-pass Soil Cement Machines and Similar Types, Wheel Tractors (Industrial or Farm-type with Dozer Hoe - End Loader or other Attachments, Backfillers, Asphalt Surfacing Machines Euclid Loader, Forklifts, Formless Finishings, Jeep w/ditching Machine or other Attachments, Tunneluger, Rock Crusher, Automatic Cement and Gravel Batching Mobile Drills (Soil Testing) and Similar Types, Pugmill with Pump, Flasherty Spreader or Similar Types (Require Oiler), Heavy Equipment Greaser (Top Greaser on Spread), Power Launches, Boring Machine, C M I and Similar Types (Require Oiler), all (1) and (2) Drum Hoists, Dewatering System, Straw Blower, Hydro-seeder, Boring Machine, Hydro-Boom, Starting Engineer on Pipeline, F, W D and Similar Types

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, Two to Four Generators, Water Pumps, or Welding Machines, within 400 feet, Air Compressor 600 Cu. Ft and under, Rollers on Aggregate and Seal Coat Surfaces, Fork Lift, Concrete, and Backtop Curb Machine, Farm Tractor with less than Half Yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Gunnite Machine, House Elevators when used for Hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulpmeter, Switchman, Fireman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tamper, Self-Propelled Power Broom, Stripping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser, Deck Hands, Truck Crane, Throttle Valve, Farm Tractor

ILL-1-PEO-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Apr. Tr.
	H & W	Pensions	Vocetion	
12 20	75	75		08
12 10	75	75		08
11 90	75	75		08
8 00	75	75		08

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POWER EQUIPMENT OPERATORS: Ford & Iroquois Counties

CLASS I
CLASS II
CLASS III
CLASS IV

CLASS I -- Master Mechanic
CLASS II -- Utility Operator
CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradalls, Mechanics, Concrete Mixers with Skip Tournamixers, Two Drum Machines, One Drum Hoists with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Tournapull, Tractor, Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or Similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half Yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Dredge Operator, Central Mix Plant Engineer, CHI or similar Type Machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with Dual Attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine Power Blade, Drilling Machines, Incl Well, Testing, Calsons, Shaft or any Similar Type Drilling Machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apcco Paver, Boring Machine (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refriggerating Machine, Freezing Operator, Chair Cat - Self-Propelled, Hydra Seeder, Straw Blower, Power Sub Grador, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe Attached), Lull (or Similar Type Machine), Two Air Compressors, Compressors Hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

DECISION NO. IL79-2074

TRUCK DRIVERS:
 LASALLE, MCLEAN, FORD, FULTON, READING & SUNBURY TOWNSHIPS IN LIVINGSTON CO

ILL-82-TD-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10 80	65	20 00a		
11 20	65	20 00a		
11 40	65	20 00a		

GROUP I - Drivers on 2 Axle Trucks Hauling less than 9 Tons, Air Compressor and Welding Machine including those Pulled by Separate Units, Warehouseman, Graders & Tractors, 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 Pumps, Mechanics & Working Foreman; 5-Axle or more Combination Units; Dispatchers

FOOTNOTES:

a Per Week Per Employee

DECISION NO. IL79-2074

DREDGING CONSTRUCTION:
 MARSHALL, MCLEAN, FULTON, READING & SUNBURY TOWNSHIPS IN LIVINGSTON CO

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
13 07	45	80		05
12 87	45	80		05
12 49	45	80		05
12 22	45	80		05
11 61	45	.80		05

GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5

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

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (1) (ii)).

DECISION NO. IL79-2075

LABORERS:
 FULTON COUNTY & THE REMAIND-
 ER OF TAZEWELL COUNTY

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9 40	.60	.60		.035
9 60	.60	.60		.035
9 80	.60	.60		.035

UNSKILLED LABORERS
 SEMI-SKILLED LABORERS
 SKILLED LABORERS

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oil-
 ing Machinery & Tools, Fireman or Salamander Tenders, Flagmen,
 Gravel Box Men, Form Handlers, Material Handlers, Paving Laborers,
 Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Land-
 scapers, Unloading Explosives, Laying of Sod, Planting of Trees,
 Removal of Trees, Wrecking Laborers, Fireproofing Laborers, Sur-
 veyors, Janitors, Unloading & Carrying of Rebars, Mason Tenders,
 Scaffold Workers, Laborers w/DeWatering Systems, Plaster Tenders
 & Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/oil & Creosote, Asphalt
 and/or Foreign Material harmful to skin & clothing handled by any
 mode or method; Track Laborers, Cement Handlers, Signaling & Spot-
 ting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers,
 Hatch Dumpers, Kettle & Tar Men, Tank Cleaner, Plastic Installer,
 Motorized Buggies or Motorized Units used for Wet Concrete or Build-
 ing Materials, Sewer Workers, Vibrator Operators, Mortar Mixer Op-
 erator, Cement Silica, Clay, Fly Ash, Lime & Plaster Handlets (Bulk or Bag),
 Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying
 of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men
 or Floating Plant, Asphalt Workers & Layers with Machine, Grade
 Checker, Dumpmen & Spotter where Grade is to be established, Power
 Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamp-
 ing Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter,
 Digging Bell Holes, Driving or Stakes & Setting Stairlines for all
 Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Weld-
 ers, Cutters, Burners, & Torchmen, Steel Form Setters-Street & High-
 way, Concrete Saw Operator, Screenman on Asphalt Pavers, Front-End-
 Man on Chip Spreader, Laborers Tending Masons with hot Material
 or/where Foreign Matter of Materials are used, Multiple Concrete
 Duct-Headman, Intemen, Curb Asphalt Machine Operator Ready Mix
 Scaleman, Permanent Portable or Temporary Plant, Laborers Handling
 Master-plate or similar Materials, Laser Beam Opr, Concreté Burn-
 ing Machine Opr., Coring Mach. Opr, Underpinning & Shoring of Build-
 ings, Dynamite Shooter, Cribbing & Jackman in Trench & Hydraulic
 Jackman.

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.42	.45	.38		5/108
12.52	.45	.38		5/108
9.38	.45	.38		5/108
8.94	.45	.38		5/108
8.52	.45	.38		5/108
11.30	.55	.30		.03
11.95	.55	.30		.03
11.52	.60	1.00		.20
12.02	.60	1.00		.20
12.77	.60	1.00		.20
10.10	.55	.15		
10.35	.55	.15		
11.50				
12.00				

LINEMEN:
 Peoria, Tazewell, Stark,
 Fulton, Hancock, Hender-
 son, Knox, McDonough &
 Warren Cos.:

Linemen
 Groundman Equipment
 Operator
 Groundman Truck Driver:
 W/Winch
 NO/Winch
 Groundman

PAINTERS:
 Peoria, Stark, Tazewell &
 Fulton Counties:

Brush
 Bridge Work, Spray &
 Structural Steel
 Warren & Mercer Counties;
 Brush & Roller
 Structural Steel & Spray
 Bridged

Knox & Henderson Counties:
 Brush
 Structural Steel
 McDonough & Hancock Cos :
 Brush
 Spray-Bridge & Structural
 Steel

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11 785	50	60		.035
11 41	55	65		035
11 535	55	65		.035
11 785	55	65		.035
11 785	55	65		.035
11 885	55	65		.035
11 535	55	65		035
11 885	55	65		035
11 41	55	65		035
11 535	55	65		.035
11 785	55	65		.035
11 885	55	65		035
11 41	55	65		035
11 535	55	65		.035
11 785	55	65		.035
11 885	55	65		035
11 41	55	65		035
11 535	55	65		035

LABORERS: (Cont'd)
 Asphalt Raker, Bricksetters, Cutting Torch, Setting lines to level forms, Form Setters, Gunnite Nozzleman, Sandblasting Nozzleman, Powderman, Rip-rapping, Cutting Torchman (elec. & acetylene)
TUNNEL & SUBWAYS (FREE AIR):
 TOP Laborer
 Bell Men (Top & Bottom), all Laborers in Tunnel
 Drill & Powder Men, Gunnite Operator (Tunnel), Operator Cement Placement
 Muckers
 Tunnel Miners
COFFERDAMS & CAISSON (FREE AIR):
 Caisson & Cofferdam Top Men
 Caisson & Cofferdam Miners & Muckers
OPEN SEWER OR TRENCHES:
 Top Man & all other excavating
 Bottom Man who does immediate grading, Batter Board Men, Laser Beam Equipment
 Tile Layer & Caulker
 Cribbing, Jackman & Hydraulic Jackman in Trench
LEVEE & HEAVY GRADING:
 All other Laborers
 Spotters, Dump Man & Cut Man

DECISION NO. IL79-2075

LABORERS:

PEORIA CO. & CITY OF EAST PEORIA IN TAZEWELL COUNTY

ROAD, DRIVEWAYS & ALLEY CONST
 Bricklayer tender, Carpenter tender, Cement Mason tender, Flagman, Concrete Form Dismantler, Piledriver tender, Tool cribmen, Water Carrier, Expansion Joint Assemblers, All other Excavating Work & Labor, Curing all Concrete by Hand Method; Drive Stakes; Stringlines for all Machinery; Waterproofing w/Cold Stuff; Landscape Work
 Stripping Concrete forms with Composite Crew of Carpenters and Laborers
 All Power Operated Tool, Asphalt Kettlemen & Carriers, Cement Men & Sack Shakers, Chipping Hammermen, Jackhammer & Drill Operator (open), Power Form Tamper, Power Concrete Saw, Rigger, Signaling & Spotting Rigs & Equipment, Waterproofing w/Hot Stuff
 Power Wheelbarrows or Buggies
 Gunnite Pump Man, Puddlers, Vibrator Man, Wire Fabric Placer, Sandblasting Pump Man, Strike Off, Unloading, Handling & Carrying of any Coated Material
 Concrete Burning Bars

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11,41	.55	65		035
11,56	.55	65		.035
11 535	55	65		.035
11 66	50	60		035
11 785	50	60		.035

*

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LABORERS:
MERCER COUNTY

CLASS 1
CLASS 2
CLASS 3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
\$10.52	.50	1.00		.035
10.77	.50	1.00		.035
11.02	.50	1.00		.035

CLASS 1 - Common Laborers, Carpenter Tender, Tool Cribman, Salaried Tender, Flagman, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber Landscapers, Unloading Explosives Laying of Sod, Planting of Trees, Removal of Trees, Wrecking Laborers, Unloading of Re-Bats, Scaffold Workers, Signal Man on Crane

CLASS 2 - Handling of materials treated with creosote, Kettle Men, Prime Mover or motorized unit used for wet concrete or handling of building materials, Vibrator Operators, Mortar Mixer, Power Tools used under the jurisdiction of the laborer, Sand Points, Ginnite Nozzle Men, Welders, Cutters Burners and Torchmen, Chain Saw Operator, Jackhammer and Drill Operators, Paving Breakers, Air Tamping Hammerman, Concrete Saw-Operator, Concrete Burning Machine Operator, Coring Machine Operator, Hod Carriers and Plasterer Tenders

CLASS 3 - Caisson Workers after 6 ft. depth, Dynamite Man, Tunnel Miners, Mixerman (plaster only), Pump Man

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LABORERS: (Cont'd)

PIPELINE:
All other laborers, Rollers, Scalers & Spotters Signal Men on Rigs, Rig Men, Kettlemen & Carriers, Men handling hotstuff, Men who do immediate grading for laying of pipe or digging bell holes

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
\$11.41	.55	65		.035
11.535	55	65		.035

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POWER EQUIPMENT OPERATORS: (Cont'd)

CLASS 3 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitator motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Minch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well-point pump) Portable Crusher Operator, Trench Machine (under 40 H.P.) Power Subgrader (on forms) or similar machines, Forklift (6,000 or less cap) Gypsum Pump, Conveyor over 20 H.P., Fuller Kenyon Cement Pump or similar machines

CLASS 4 - Air Compressor (275 c f m or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batch- ing Machine (Cement Auger or Conveyor), Boiler (engineer or fire- man), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Ma- chine

CLASS 5 - Oiler, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boats (Safety Boat and Life Boat), Engine Driven Welding Machine, and Small Tractors (used to unroll or roll wire mesh)

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POWER EQUIPMENT OPERATORS:
MERCER COUNTY

CLASS 1
CLASS 2
CLASS 3
CLASS 4
CLASS 5

Basic Hourly Rates	Fringe Benefits Payments			Education end/yr Appr Tr
	H & W	Pensions	Vacation	
\$11.80	65	70		.08
11.80	65	70		.08
10.40	65	70		.08
10.40	65	70		.08
12.65	65	70		.08

CLASS 1 - Cranes, shovel, Clambhelli, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trench- ing Machine (over 40 H.P.), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Toy or Push Boat, Concrete Paver, Seaman Trav-l-plant or similar machines, CMI Auto-grader or similar machines, Slip Form Paver, Caisson Augering Ma- chine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.

CLASS 2 - Athey, Barber-Green, Euclid or Hais Loader, Asphalt Bug Mill, Fireman and Driver, Concrete Pump, Concrete Spreader (servic- ing one paver) Bulldozer, Endloader, Log Chippers or similar ma- chines, Elevating Grader, Group Equipment Grasser, Letourneauupul and similar machines, DM-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexa- plane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi- Mixer or similar machines, Blastoler Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Ma- chine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Sured Operator, Apcco Spreader or similar machine, slusher, Fork- lift (over 6,000 lb. cap or working at heights above 28 ft.) Con- crete Conveyors, Chip Spreader

DECISION NO. IL79-2075

POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTIES

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Apr. Tr.
		H & W	Pensions	Vocntien	
GROUP 1	\$12 22	.45	.80		.05
GROUP 2	12 02	.45	.80		.05
GROUP 3	11 17	.45	.80		.05
GROUP 4	10.96	.45	.80		.05
GROUP 5	9 46	.45	.80		.05

ILL-20-PEO-2-3

GROUP 1 - Cranes, Escalated Rate on Crane and Derrick Booms, \$ 01 per hr, per ft over 80 ft including jib \$1.00 per hour over scale when Crane or Derrick Boom is positioned 50' or more above adjacent ground level or water level, Hydro Crane, Shovels, Cranes Type Backfiller, Tower Cranes - Mobile & Crawler & Stationary, Derricks & Hoists (3 drum), Draglines, Drott Yumbo & similar types considered as Cranes, Backhoes, Derrick Boats, Pile Driver and Skid Rigs, Ciam Shell, Locomotive - Cranes, Road Pavers - Single Drum - Dual Drum - Tri Batcher, Motor Patrols & Power Blades - Dumore - Elevating & similar type Machines, Central Concrete Mixing Plant Operator, Blacktop Plant Operators and Plant Engineers, Gradall, Calsson Rigs (require oiler), Skimmer Scoop - Koenig Scooper, Dredges (all types), Hoptoe - Crane Type (requires oiler), All Cherry Pickers, Cherry Pickers (over 15 ton require oiler), Work Boat - requires Oiler (over 100 hp), Ross Carrier, Helicopter Dozer, Turnadozer, Tournapulls - all and similar types, Multiple Unit Earth Movers, \$ 25 per hr, for each scoop over one (1), Scoops (all sizes), Pushcarts, Endloaders (all types), Asphalt Surfacing Machine, Slip Form Paver (require Oiler), Rock Crusher, Heavy Equipment Greaser (top greaser on spread), CMI, Auto Grade, CHI Belt Placer & 3 Track and similar types (require Oiler), Side Booms, Starting Engineer on Pipeline, Asphalt Heater & Planer Combination (used to plane streets), Wheel Tractors (with dozer, hoe or end-loader attachments), F W D. and similar types, Blaw Knox Spreader and similar types

DECISION NO. IL79-2075

POWER EQUIPMENT OPERATORS: (Cont'd)

GROUP 2 - Trench Machines, Pump Crete - Belt Crete - Squeeze Crete - Screw type Pumps and Gypsum (operator will clean), Bulker & Pump Power Launches, Boring Machine & Pipe Jacking Machine, Dinkeys, P-E One - Pass Soil Cement Machines and similar types, Wheel Tractors (industry or farm type - other), Back Fillers, Euclid Loader, Fork lifts, Formless Finishing Machines, Jeep w/Ditching Machine, or other attachments, Tunneluger, Automatic Cement & Gravel Batch-ing Plants, Mobile Drills - Soil Testing and similar types, Pugmill with Pump, Fishery Spreader or similar types (require Oiler), All (2) and (2) Drum Hoists, Dewatering System, Straw Blower, Hydro-Seeder, Boring Machine, Hydro-Boom, Bump Grinders (self-propelled), Assistant Heavy Equipment Greaser

GROUP 3 - Apaco Spreader, Tractors (track-type) Without Power-units Pulling Rollers, Rollers on Asphalt - Brick or Macadam, Concrete Breakers, Concrete Spreaders, Center Strippers, Cement Finishing Machines & CMI Texture & Reel Curing Machines, Vibro-Tampers (all similar types) Self-Propelled, Mechanical Bull Floats, Mixers - over three (3) bags to 27E, Winch and Boom Trucks, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Screed, Mule Pulling Rollers, Pugmill without Pump, Barber Greene or similar loaders, Track Type Tractor w/Power Unit attached (minimum), Fire-man, Screed Man on Laydown Machine, Spray Machine on Paving, Curb Machines, Paved Ditch Machine, Power Broom, Self-Propelled Conveyors

GROUP 4 - Power Subgrader, Oil Distributor, Straight Tractor, Tracair Machine (without attachments), Truck Crane Oiler, Truck Type Oilers, Shop Scale for Operators

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Slient Glo & similar types, One (2) Engineer will operate 1-5 & after 5 two (2) Operators required

DECISION NO. IL79-2075

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III

ILL-82-TD-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr Tr
	H & W	Pensions	Vacation	
\$10 80	65	20 00a		
11 20	65	20 00a		
11 40	65	20 00a		

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, Warehouseman, Greasers & Tiremen, Pick-Up Trucks when hauling materials, Tools, or men to and from and on the jobs site; Fork Lifts up to 6,000 lbs , capacity
- GROUP II: - 2 or 3 Axle Trucks hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winch Trucks, Hydrolifts Trucks, or similar equipment when used for transportation purposes, Fork Lifts over 6,000 lb capacity; Winch Trucks; 4-Axle combination units; ticket writers
- GROUP III: - 2,3 or 4 Axle Trucks, Hauling 16 tons or more, Drivers on Oil Distributors, Water Pumps, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

DECISION NO. IL79-2075

DREDGING CONSTRUCTION

Fulton, Hancock, Henderson, Knox, McDonough, Stark, Warren Counties Only:

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr Tr
	H & W	Pensions	Vacation	
\$13 07	45	80		05
12 87	45	80		05
12 495	45	80		05
12 22	45	80		05
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

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (2) CFR, 5 3 (e) (1) (ii)

STATE: Illinois
 DECISION NO : IL79-2076
 Supersedes Decision No IL78-2142, dated November 24, 1978 in 43 FR 55153
 DESCRIPTION OF WORK: Heavy and Highway Construction Projects (Including Dredging Projects)

COUNTIES: See Below
 DATE: Date of Publication

DECISION NO. IL79-2076

ILL-RH-6

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
12 635	60	65		08
11 30	60	1 00		
11 40	55	45		06
11 50		1.00		05
11 75		75		
11 75		75		
13 50	50	38+ 40		35%
11 77	50	38+ 75		1%
13 17	50	38+.70		1/10%
12 92	50	38+1.00		3/4%
12 25	55	1 05		08
12 40	55	90		06
13 42	45	3%		5/10%
12 52	45	3%		5/10%
9 38	45	3%		5/10%
8 94	45	3%		5/10%
8 52	45	3%		5/10%

Counties: Adams, Brown, Cass, Christian, Logan, Morgan, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

CARPENTERS & ELETRIVERMEN: Sangamon Co (Illioopolis & Vicinity)

Logan County

Remainder of Counties

CEMENT MASONS:

Adams & Logan Counties

Sangamon County

Remainder of Counties

ELECTRICIANS:

Christian County

Adams, Brown, Pike & Schuyler Counties

Sangamon, Logan, Menard, Cass, Morgan, & Scott

Cos ; Twps of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt Creek, & Mason in Mason County

Remainder of Mason County

IRONWORKERS:

Brown, Cass, Christian Logan, Mason, Menard, Morgan, Pike, Sangamon, Scott Counties, Kingston & Vicinity in Adams Co. / Eastern of Schuyler Co

Remainder of Adams & Schuyler Counties

LINE CONSTRUCTION:

Linemen

Groundman Operators

Groundmen Truck Driver:

W/Winch

WO/Winch

Groundman

PAINTERS: Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Counties: Brush & Roller Spray

Pike County: Industrial Bridges

Mason County & Schuyler Cos :

Brush Bridge Work & Spray Adams & Brown Counties:

Brush Spray

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
10 95	55	60		
11 45	55	60		
12 18	55	35		
12 43	55	35		
11 30	55	30		03
11 95	55	30		03
8 80				
9 80				

DECISION NO. IL79-2076

ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS:

MASON COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
GROUP 1	13 07	45	80		05
GROUP 2	12 87	45	80		05
GROUP 3	11 92	45	80		05
GROUP 4	11 65	45	80		05
GROUP 5	10 21	45	80		05

GROUP 1 - Crane, Hydro Crane, Shovels, Crane Type Backfiller, Tower Crane-mobile and Crawler and Stationary Derricks and Hoist (3 Drum); Dragline, Drott Yumbo and Similar Types considered as Cranes, Backhoe, Derrick Boats, Pile Driver and Skid Rigs, Clam Shells, Locomotive Cranes, Road Pavers - Single Drum Dual Drum and Tri Batcher, Motor Patrols and Power Blades - Dumore, Elevating Similar Types, Mechanics Central concrete Mixing Plant Operator, Blacktop Plant Operators and Plant Engineers, Gradall, Caisson Rigs - Requires Oiler, Skimmer-scoopering Scooper, Dredges (all Types) Hop-toe-crane Type (Require Oiler), Escalated Rate on Crane and Derricks Booms, \$.01 Per Hour, Per Ft., over 80' Including Jib all Cherry Pickers, Cherry Pickers (over 15 Tons Require Oiler), Work Boat, Ross Carrier, Helicopter, Dozen and Tournadozer

GROUP 2 - Asphalt Heater and Planter Combination (used to Plant Streets), Trench Machines, Pump-Crete - Belt Crete - Squeeze Crete - Screw Type Pumps and Gypsum, Bulker & Pump, Dinkys, Tournapulis-all, and Similar Types, Multiple Unit Earth Movers, \$ 25 per Hour for each Scoop over one Scoops (all sizes), Push-cats, Endloaders (all types), Side Booms, P-H one-pass Soil Cement Machines and Similar Types, Wheel Tractors (Industrial or Farm-type with Dozer Hoe - End Loader or other Attachments, Backfillers, Asphalt Surfacing Machines Euclid Loader, Forklifts, Formless Finishing, Jeep w/ditching Machine or other Attachments, Tunneler, Rock Crusher, Automatic Cement and Gravel Batching Mobile Drills (Soil Testing) and Similar Types, Pugmill with Pump, Flaherty Spreader or Similar Types (Require Oiler), Heavy Equipment Greaser (Top Grasser on Spread), Power Launches, Boring Machine, C M I and Similar Types (Require Oiler), all (1) and (2) Drum Hoists, Dewatering System, Straw Blower, Hydro-seeder, Boring Machine, Hydro-Boom, Starting Engineer on Pipeline, F W D and Similar Types

ILL-HH-LAB-6

DECISION NO. IL79-2076

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Adams County:					
Unskilled	10 51	50	60		035
Semi-skilled	10 71	50	60		035
Skilled	10 86	50	60		035
Logan & Menard Cos: (North of Petersburg):					
Unskilled	10 61	60	40		035
Semi-skilled	10 81	60	40		035
Skilled	10 91	60	40		035
Morgan, Brown, Cass, Mason Pike, Scott & Schuyler Cos:					
Unskilled	10 56	60	45		035
Semi-skilled	10 76	60	45		035
Skilled	10 91	60	45		035
Christian County:					
Unskilled	10 76	45	40		035
Semi-skilled	10 91	45	40		035
Skilled	11 11	45	40		035
Menard County (Petersburgh & South					
Unskilled	10 71	45	40		035
Semi-skilled	10 91	45	40		035
Skilled	11 06	45	40		035
Sangamon County:					
Unskilled	10 71	45	40		035
Semi-skilled	10 91	45	40		035
Skilled	11 06	45	40		035

UNSKILLED - Common Laborers

SEMI-SKILLED - Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Opns ; Chain Saw Opns ; Form Tampers; Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; Hopper Men, Power Tool Opns ; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot tar & Kettle Men; Puddlers behind Paving Mixers and on Walls over Ten (10) Feet High; Pipe Wrapper; Taper Coater & Torchmen on pipeline; Stringline Men & Batter Board Setters on Sewer; Hydraulic Trench Jacks;

SKILLED - Paving Breakers & Air Tampers; Asphalt Pavers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men; Vibrator Men; Cutters & Burners on Wrecking Jobs or Torchmen; Concrete Burners; Men Working in Calasons Below Water Level; Boring Machine

DECISION NO. IL79-2076

POWER EQUIPMENT OPERATORS: (Cont'd)

GROUP 3 - Apsco Spreader or Similar Types, Tractors (Track-Type) Without Power Units Pulling Rollers, Rollers On Asphalt - Breck or Macadam, Concrete Breakers, Concrete Spreaders, Center Stripper, Cement Finishing Machines, Vibro Tampers (all Similar Types) Self-propelled, Mechanical Bull Floats, Mixers over three Bg to 27 E, Winch and Boom Trucks, Tractor Pulling Power Blade or Elevating Grader, Porter Rex Rail, Clary Scream Mule Pulling Roller, Pugmill without Pump, Barber Greene or Similar Loaders, Track-type Tractors with Power Unit Attached (minimum Fireman, Scream man on Laydown Machine, and Spray Machine on Paving

GROUP 4 - Power Subgrader, Oil Distributor, Straight Tractor, Tractor-air (Without Attachments), Curb Machines, Paver Ditch Machines, Truck Crane Oiler, and Truck Type Hoopoe Oilers

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Silent G10 and Similar Types, One Engineer will Operate 1-5 and after 5, Two Operators will be Required, Self-propelled Concrete Saws, Assis- tant Heavy Equipment Greaser Crawler, Crane and Skid Oilers, Rollers 5 ton and Under on Earth and Gravel, Form Graders, Pump (1) or (2), Light Plant (1) or (2), Generator (1) or (2), Conveyor (1) or (2), welding Machine (1) or (2) Miker 3 Bags and Under, and Bulk Cement Plant

DECISION NO. IL79-2076

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES

CLASS I
CLASS II
CLASS III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12 40	70	80		05
10 85	70	80		05
9 50	70	80		05

CLASS I - Asphalt Scream Man, Apsco Concrete Spreaders, Asphalt Pavers, Asphalt Rollers on Bituminous Concrete, Athey Loaders, Backfillers, Crane Type Backhoes, Cableways, Cherry Pickers, Clim Shell, C.N.E & similar type Autograde formless Paver, Auto-grade Placer & Finisher, Concrete Breakers, Concrete Plant Operators, Concrete Pumps, Cranes, Derricks, Derrick Boats, Draglines, Earth Auger Boring Machines, Elevating Graders; Engineers on Drudge, Gravel Processing Machines, High Lift or Fork Lifts, Hoist w/20 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 yds, capacity & under, Sheep foot Roller (self-propelled) Shovels, Skimmer-Scoops, Test Holedrilling Machines, Tower Cranes, Tower Machines, Tower Mixers, Track type & Loaders, Track type Fork Lifts or High Lifts, Track Jacks & Tamper, Tractor, Sideboom, Tranching Machine, Ditching Machine, Tunnelbuggers, 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 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, towel) Firemen, Generators*, Greasers, Light Plants*, 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

ILL-5-PEO-1-2-3

DECISION NO. IL79-2076

BREDGING CONSTRUCTION

Mason County

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
13 07	45	80		05
12 87	45	80		05
12 495	45	80		05
12 22	45	80		05
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

Unlimited classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (1) (ii))

DECISION NO. IL79-2076

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10 80	65	20 00a		
11 20	65	20 00a		
11 40	65	20 00a		

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, Warehouseman, Greasers & Tiremen, Pick-Up Trucks when hauling materials, Tools, or men to and from and on the jobs site; Fork Lifts up to 6,000 lbs , capacity

GROUP II: - 2 or 3 Axle Trucks hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winch Trucks, Hydrolifts Trucks, or similar equipment when used for transportation purposes, Fork Lifts over 6,000 lb capacity; Winch Trucks; 4-Axle combination units; ticket writers

GROUP III: - 2,3 or 4 Axle Trucks, Hauling 16 tons or more, Drivers on Oil Distributors, Water Pumps, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

SUPERSEDES DECISION

STATE: Illinois
 DECISION NO : IL79-2077
 SUPERSEDES Decision No : IL79-2141, dated November 24, 1978 in 43 FR 55147
 DESCRIPTION OF WORK: Heavy and Highway Construction Projects

COUNTIES: See Below

DATE: Date of Publication

COUNTIES: Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermillion

ILL-HH-5

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
	H & W	Pensions	Vacation		
\$12 315 12 815	45 45	1 10 1 10			13 13
12 635 13 135	60 60	65 65			06 06
13 075 13 575	55 55	30 30			07 07
12 395 12 895	75 75	80 80			05 05
12 01 12 51	40 40	50 50			05 05
12 30 13 075 12 30	60	475 50			025
12 925	45				

CARPENTERS & PILEDRIVERS:
 Champaign County, N E 1/4 of Piatt Co., North of US Rt #36 in Douglas Co
 Carpenters
 Piledrivermen
 Macon Co, SW 1/4 of Piatt Co, North of Rt #133 in Moultrie Co, Moweagua & North thereof in Shelby County
 Carpenters
 Piledrivermen
 Cumberland, Coles, Edgar, Clark, Moultrie & Shelby Counties
 Carpenters
 Piledrivermen
 Vermillion County
 Carpenters
 Piledrivermen
 DeWitt County
 Carpenters
 Piledrivermen
CEMENT MASONS:
 Macon Co, Clinton & South thereof in DeWitt Co
 S of Monticello in Piatt Co, N E corner of Moultrie Co; Lovington, Bethany & Moweagua in Shelby County
 Coles & Edgar Counties
 Vermillion County
 Champaign, Douglas, Clark & Cumberland Counties
 Monticello & N thereof in Piatt County, Remainder of Shelby & Moultrie Counties

DECISION NO. IL79-2077

ELECTRICIANS:
 Clark & Edgar Counties
 Vermillion County
 Tps of Waynesville, Wilson & Rutledge in DeWitt County
 Cumberland, Coles & Douglas Cos, Tps of Bowdler, Burbon, Arcola & Sargent in Moultrie Co; Tps of Lowe, Jonathan Creek, Whitley & E Nelson in Shelby County
 Champaign Co; N 1/4 of Douglas Co; Tps of Blue Ridge, Sangamon & Monticello in DeWitt Co.
 Macon Co; Tps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnabridge, Texas Creek & Nixon in DeWitt Co; Tps of Gose Creek, Willow Branch, Cerro Gordo Bement & Unity in Piatt Co; Tps of Garret & that portion of Tuscola lying West of the City of Tuscola & the Ill Central Rail Road tracks in Douglas Co; Tps of Moweagua, Penn, Flat Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Osonee, Cold Springs, Lakewood, Clarkburg, Herrick, Dry Point & Holland in Shelby Co; Tps of Dora Lovington, Marrowbone & Sullivan at the Ill Masonic Home & Farm in E Nelson in Moultrie County

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
	H & W	Pensions	Vacation		
\$12 80 13 17	50 50	38+ 70 38+ 50			01 1/48
12 85	50	38+ 55			002
13 50	50	38+ 40			358
13 45	50	38+ 40			3/108
13 50	50	38+ 40			358

DECISION NO. IL79-2077

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$12.32 13.32	65 65	40 ,40			.04 ,04
11.50 12.25	60 60	40 ,40			
12.50	60	40			
12.80 13.80					

PAINTERS:
Champaign, Coles & Douglas Cos:
Brush
Bridges
Macon, Shelby, Moultrie, DeWitt & Platt Counties:
Brush
Spray
Structural over 50' - Radio - TV & Towers
Vermillion County:
Brush
Spray

DECISION NO. IL79-2077

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$12.15	65	1.00			.08
12.25 11.30	55 90	1.05 2.05			.08 ,10
13.42	.45	3%			5/10%
12.52	.45	3%			5/10%
9.38 8.94 8.52	45 45 .45	3% 3% 3%			5/10% 5/10% 5/10%
12.62	50	3%+.30			5/10%
10.26 9.60 9.09	.50 .50 .50	3%+.30 3%+.30 3%+.30			5/10% 5/10% 5/10%
13.18	45	10%			4%
11.27 8.41	.45 .45	10% 10%			4% 4%

IRONWORKERS:
Champaign, Coles, Cumberland, Douglas, Edgar, Moultrie, Platt, Vermillion & E. 1/2 of DeWitt Co. & East of Decatur in Macon County
Western 1/2 of DeWitt Co. & 1/2 of Shelby Co.; Decatur & West thereof in Macon County
LINEMEN:
Champaign, DeWitt, Douglas, Platt, Edgar & Shelby Cos.; Twp. of E. Oakland, Humboldt Morgan, N. Okaw & Seven Hickory in Coles Co.; Remainder of Moultrie Co.; Linemen
Groundman Equipment Operator
Groundman Truck Driver:
W/Winch
MO/Winch
Groundman
Vermillion County:
Linemen & Groundman Equipment Operator
Groundman Truck Driver:
W/Winch
MO/Winch
Groundman
Cumberland & Clark Cos.; Whitely Twp. in Moultrie Co.; Remainder of Coles County:
Linemen & Digging Machine Operator
Groundman Equipment Operator
ator:
Groundman

DECISION NO. IL79-2077

ILL-HR-5-LAB

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11 55	40	40		.035
11 75	40	40		.035
11 90	40	40		.035
11 30	55	50		.035
11 50	55	50		.035
11 65	55	50		.035
11 25	50	60		.035
11 45	50	60		.035
11 60	50	60		.035
11 25	50	60		.035
11 45	50	60		.035
11 60	50	60		.035
11 15	60	50		.035
11 35	60	50		.035
11 50	60	50		.035
11 25	50	60		.035
11 45	50	60		.035
11 60	50	60		.035
11 55	40	40		.035
11 75	40	40		.035
11 90	40	40		.035

LABORERS:

Champaign County:
Unskilled
Semi-Skilled
Skilled

Coles & Cumberland Cos.:

Unskilled
Semi-Skilled
Skilled

Douglas Co. of S. k of Piatt Co.:

Unskilled
Semi-Skilled
Skilled

Clark & Edgar Counties:

Unskilled
Semi-Skilled
Skilled

Western k of Moultrie Co.:

Unskilled
Semi-Skilled
Skilled

Eastern k of Moultrie Co.:

Unskilled
Semi-Skilled
Skilled

Northern k of Piatt Co.:

Unskilled
Semi-Skilled
Skilled

LABORERS: (Cont'd)

Shelby County:
Unskilled
Semi-Skilled
Skilled

DeWitt County:

Unskilled
Semi-Skilled
Skilled

Macon County:

Unskilled
Semi-Skilled
Skilled

Yermillion County:

Unskilled
Semi-Skilled
Skilled

ILL-HR-5-LAB

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11 15	60	60		.035
11 35	60	60		.035
11 50	60	60		.035
11 55	40	40		.035
11 75	40	40		.035
11 90	40	40		.035
11 15	60	60		.035
11 35	60	60		.035
11 50	60	60		.035
10 75	60	1 00		.035
10 95	60	1 00		.035
11 10	60	1 00		.035

UNSKILLED - Carpenters Tender, Tool Cribmen, Cleaning & Oiling Machinery & Tools, Fireman or Salamander Tenders, Flagmen, Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Wrecking Laborers, Fireproofing Laborers, Janitors, Unloading & Carrying of Rebars, Mason Tenders, Scaffold Workers, Laborers w/DeWatering Systems, Plaster Tenders & Tunnel Laborers (Free Air)

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POWER EQUIPMENT OPERATORS:

Champaign, Clark, Coles,
Edgar, Cumberland, Vermilion,
Moultrie, Douglas

III-1-PEO-1-2-3

Basic Weekly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Peniless	Vacation	
\$12 20	75	75		08
12 10	75	75		08
11 90	75	75		08
8 00	.75	.75		08

CLASS I
CLASS II
CLASS III
CLASS IV

CLASS I - Master Mechanic

CLASS II - Utility Operator
CLASS III - Power Cranes, Draglines, Derricks, Shovels, Gradales, Mechanics, Concrete Mixers with Skip, Turnmixers, Two Drum Machine, One Drum Hoists with Tower or Boom, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Boom Truck, Truck Crane, Turnapull, Tractor Operating Scoops, Bulldozer, Push Tractor, Asphalt Planer, Finishing Machine on Asphalt, Large Rollers on Earth, Rollers on Asphalt Mix, Ross Carriers or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer, Paver Operator, Farm Tractor w/half yard Bucket and/or Backhoe Attachment, Dredging Equipment or Dredge Engineer or Bridge Operator, Central Mix Plant Engineer, CMI or similar type machine, Concrete Pump, Truck or Skid Mounted, Tower Crane, Engine or Rock Crusher Plant, Concrete Plant Engineer, Ditching Machine with dual attachment, Tractor Mounted Loaders, Cherry Picker, Hydro Crane, Standard or Dinky Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machine, Back Filler, Elevating Machine, Power Blade, Drilling Machines, Incol. Well Testing, Caissons, Shaft or any similar type Drilling Machines, Motor Driven Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apasco Paver, Boring Machine, (Head Equipment Greaser), Barber-Greene Loaders, Formless Paver, (Well Point System), Concrete Spreader, Hydra Ax, Masco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mesh Placer, Tree Mover, Helicopter Crew (3), Piledriver - Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine, Freezing Operator, Chair Cart - Self-Propelled, Hydra Seeder, Stray Blower, Power Sub Grader, Bull Float, Finishing Machine, Self-Propelled Pavement Breaker (Backhoe Attached), Jull (or similar type machine), Two Air Compressors, Compressors hooked in Manifold, Overhead Crane, Chip Spreader, Mud Cat, Sull-Air

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LABORERS: (Cont'd)

SEMI-SKILLED - Handling of Materials treated w/Oil & Grease, Asphalt and/or Foreign Material harmful to skin & clothing handled by any mode or method, Track Laborers, Cement Handlers, Signaling & spotting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers, Batch Dumpers, Kettle & Tar Men, Tank Cleaners, Plastic Installers, Motorized Buggies or Motorized Units used for Wet Concrete or Building Materials, Vibrator Operators, Mortar Mixer Opr, Cement Silica, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag), Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing Plant, Asphalt Work-ers & Layers with Machine, Grade Checker, Dumpmen & Spotter where Grade is to be established, Power Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamping Hammermen, Caisson Top Man, Gunnite Pot Man, Hatterboard Setter, Digging Bell Holes, Driving or Stakes & Setting Stringlines for all Machinery

SKILLED - Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Welders, Cutters, Burners & Torchmen, Steel Form Setters-Street & Highway, Concrete Saw Operator, Screeman on Asphalt Pavers, Front-End Man on Chip Spreader, Laborers Tending Masons with Hot Materials or/where Foreign Matter or Materials are used, Multiple Concrete Duct-Leadman, Luteman, Curb Asphalt Machine Operator, Ready Mix Scalemen, Permanent Portable or Temporary Plant, Laborers Handling Master-Plate or similar Materials, Laser Beam Opr, Concrete Burning Machine Opr, Coring Mach. Opr., Underpinning & Shoring of Buildings, Dynamite Shooter, Cribbing & Jackman in Trench & Hydraulic Jackman

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS IV - Concrete Mixers without Skips, Rock Crusher, Ditching Machine under 6', Curbing Machine, One Drum Machines without Tower or Boom, Air Tugger, Self Propelled Concrete Saw, Machine Mounted Post Hole Digger, Two to Four Generators, Water Pumps or Welding Machines, within 400 feet, Air Compressor 600 cu ft. and under, Rollers on Aggregate and Seal Coat Surfaces Fork Lift, Concrete and Blacktop Curb Machine, Farm Tractor with less than half yard Bucket, One Water Pump, Oilers, Air Valves or Steam Valves, One Welding Machine, Truck Jack, Mud Jack, Guniting Machine, House Elevators when used for Hoisting Material, Engine Tenders, Fireman, Wagon Drill, Flex Plane, Conveyor, Siphons and Pulsometer, Switchman, Fireman on Pain Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Self-propelled Power Broom, Striping Machine (motor driven), Form Tamper, Seaman tiller, Bulk Cement Plant Equipment Greaser, Deck Hands, Truck Crane, Oiler Driver, Cement Blimps, Form Grader, Temporary Heat, Throttle Valve, Farm Tractor

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ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTRIES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
\$12 40	70	80		.05
16 85	70	80		.05
9.50	70	80		.05

CLASS I - Asphalt Screed Man, Ascco Concrete Spreaders, Asphalt Pavers, Asphalt Rollers on Bituminous Concrete, Athey Loaders, Backfillers, Crane type Backhoes, Cableways, Cherry Pickers, Clim Shell, C.N.E. & similar type Autograde formler Paver, Autograde Pacer & Finisher, Concrete Breakers, Concrete Plant Operator, Concrete Pumps, Cranes, Detriicks, Derrick Boats, Draglines, Earth Auger Boring Machines, Elevating Graders, Engineers on Dredge, Gravel Processing Machines, High Lift or Fork Lifts, Hoist w/two drums or two or more loadlines, Idcomotives (all), Mechanics, Motor Graders or Auto Patrols, Operators of 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. yds, capacity & under, Sheep Foot Roller (self-propelled) Shovels, Skimmer Scoops, Test Holedrilling Machines, Tower Cranes, Tower Machines, Mower Mixers, Track type & Loaders, Track type Fork Lifts or High Lifts, Track Jacks & Ramper, tractor, Sideboom, Trenching Machine, Ditching Machine, Tunnelbuggers, Wheel type End Loaders, Winch Cat, Scoops (all or tournapull)

CLASS II - Asphalt Boosters & Heaters, Asphalt Distributors, Asphalt or Winch Truck, Building Elevator, Bull Floats of Flexplanes, Concrete Finishing Machines, Concrete Saws, Self Propeller, Concrete Spreader Machines, Gravel or Stone Spreader, Power Operated, Head Equipment Greaser, Hoist Automatic, Hoist w/l drum & l load line, Mud Jacks, Post Holedrillers, 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, Light Plants*, 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 l (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

SUPERSEDES DECISION

STATE: Illinois
 COUNTY: *See Below
 DECISION NUMBER: IL79-2079
 DATE: Date of Publication
 Supersedes Decision No: IL78-2143, dated December 8, 1978 in 43
 FR 34704

DESCRIPTION OF WORK: Heavy & Highway Construction Projects

*COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St Clair & Washington ILL-HH-8

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10 80	65	20 00a		
11 20	65	20 00a		
11 40	65	20 00a		

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III

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, Warehouseman, Grainers & Tiresmen, 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, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 b (a) (1) (ii))

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12 685	70	90		
12 685	60	1 00		
12 685	60	80		
13 775				
12 085	90	62		
13,50	,50	38+,40		358
13 17	,50	38+,70		.18
12 35	50	38+1 00	68	38
12 85	40	128		18
12 73	48	38+ 65	68	48

CARPENTERS & FILEDRIVERMEN:
 Bond, Calhoun, Greene, Jersey & Madison Counties
 Clinton, Monroe, St. Clair & Washington Counties
 Macoupin & Montgomery Cos
 CEMENT MASONS:
 Calhoun, Jersey, St Clair, Washington & Monroe Cos , Western h of Clinton Co , East to but not including Carlyle, Southern part of Bond County, North to & including Smithboro; Remainder of Madison County
 Greene, Macoupin & Montgomery Cos ; Eastern h of Clinton Co. including Carlyle; the Northern part of Bond County & the Northeastern section in Madison County
 ELECTRICIANS:
 Portion East of Butler Grove, Grisham, Hillsboro & Raymond Twp in Montgomery County
 Athensville, Scottville, Girard & Athens North thereof in Macoupin Co
 N W part of Montgomery Co including Dols D' Arc, Harvel & Pittman Twp
 Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co.
 Eastern h of Bond Co., Huey Hoffman & Vicinity in Clinton Co & Remainder of Washington County
 Monroe & St Clair Cos.; Western h of Bond Co., Wendy Twp in Washington Co, & Remainder of Clinton, Madison & Montgomery Counties

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Linenmen: (Cont'd) Monroe & St. Clair Cos Okawville & Vandy Twpds. in Washington Co. Portion East of Roundtree, Irving & East Fork Twpds. in Mont- gomery Cos. & Remainder of Macoupin & Madison Cos Western 1/3 of Bond Co.:	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
Linenmen	\$13 35	3%		.05
Groundman Equipment Opr	11 60	3%		.05
Groundmen Truck Drivers:	9 43	3%		.05
W/Winch & WO/Winch	8 79	3%		.05
Pick-Up-Jeeps	8 73	3%		.05
Groundmen				
PAINTERS:				
Brush	11 93	35		.035
Industrial & Tapers	12 18	35		.035
Bridges	12 43	35		.035
LABORERS: HEAVY CONSTRUCTION				
St. Clair Co.-Freeburg	11 55	60		.035
Laboers	12 05	60		.035
Brick & Plaster Mason				
Tenders	11 80	60		.035
Workmen Cutting & Burning w/a Torch & working on the bottom of Sewer, etc	13 15	60		.035
Dynamite Men				
St. Clair Co.-New Athens	11 50	60		.035
Clinton Co.-Trenton	12 00	60		.035
Randolph Co.-Sparta				
Laboers	11 75	60		.035
Brick & Plaster Mason	13 10	60		.035
Tenders	11 10	1 00		.035
Workmen Cutting & Burning w/a Torch & working on the bottom of Sewers	11 60	1 00		.035
Dynamite Men				
Montgomery Co.-Hillsboro	11 35	1 00		.035
Laboers	12 70	1 00		.035
Brick & Plaster Mason				
Tenders				
Working & Cutting w/a Torch & working on the bottom Sewers				
Dynamite Men				

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IRONWORKERS: Bond, Clahoun, Clinton, Jersey, Madison, Monroe, St Clair & Washington Cos.; Summerville & South thereof in Macoupin Co, & Litchfield, Hillsboro & South thereof in Mont- gomery County	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
Greene, Macoupin Co, North of Summerville & North of Litchfield & Hillsboro in Montgomery County	\$12 95	1.05		.08
Eastern 1/3 of Bond Co. & Re- mainder of Washington Co.:	12.25	1.05		
Linenmen & Digging Oper- tor	13 18	10%		4%
Groundman Equipment Opr.	11 27	10%		4%
Groundman	8 41	10%		4%
Northern 1/3 of Macoupin Co. & Remainder of Mont- gomery Co.:	13 45	3%		5/10%
Linenmen	12 52	3%		5/10%
Operator	7 38	3%		5/10%
Groundman Truck Driver	8 49	3%		5/10%
W/Winch	8 52	3%		5/10%
Groundman				
Calhoun, Greene & Jersey Cos.; S.W. corner of Macoupin Co.; E. Alton, Alton, Wood River & Har- ford in Madison County:	12 35	3%+.65	6%	3/10%
Linenmen	11 45	3%+.65	6%	3/10%
W/Winch	11 15	3%+.65	6%	3/10%
Groundman Truck Driver				
Groundman & Groundman Truck Driver				

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Basic Hourly Rates	Fringe Benefits Payments	Education and/or Appr Tr			
			H & W	Pensions	Vacation
\$12 15		.035			
12 65		.035			
12 40		.035			
13 75		.035			
12 35		.035			
12 60		.035			
12 85		.035			
13 95		.035			
11 65		.035			
12,15		.035			
11 90		.035			
13 25		.035			
11 80		.035			
12 30		.035			
12 05		.035			
13 40		.035			
12 05		.035			
12 55		.035			
12 10		.035			
13 65		.035			

LABORERS: HEAVY CONST

(Cont'd)

Washington Co.-Nashville

Laborers

Brick & Plaster Mason

Tenders

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc

Dynamite Men

Bond Co.-Greenville

Macoupin Co.-Mt. Olive

Laborers

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc

Brick & Plaster Mason

Tenders

Dynamite Men

Madison Co.-Troy

Laborers

Brick & Plaster Mason

Tenders

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc.

Dynamite Men

Monroe Co.-Columbia

Common Laborers

Air Tool Opt; Cooking

Master; Laying or Caulk-

ing Sewer Pipe

Mason & Plaster Tenders

Dynamite Men

Macoupin Co.-Staunton

Madison Co.-St. Jacob-

Highlands

Greene Co.-Roodhouse

Washington Co.-Okawville

Montgomery Co.-Litchfield

Laborers

Brick & Plaster Mason

Tenders

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc

Dynamite Men

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Basic Hourly Rates	Fringe Benefits Payments	Education and/or Appr Tr		
			H & W	Pensions
\$12 35		.035		
12 85		.035		
12 60		.035		
13 95		.035		
12 15		.035		
12 65		.035		
12 40		.035		
13,75		.035		
11,75		.035		
12 25		.035		
12 00		.035		
13 35		.035		
12,45		.035		
12,95		.035		
12 70		.035		
14 05		.035		
11 40		.035		
11 90		.035		
11 65		.035		
13 00		.035		

LABORERS: HEAVY CONST

(Cont'd)

Bond Co.-Fochontas

Macoupin Co.-Gillespie

Washington Co.-Ashely

Laborers

Brick & Plaster Mason

Tenders

Workmen Cutting & Burn-

ing w/a Torch & working

on the bottom of Sewer,

etc

Dynamite Men

Madison Co.-Livingston

Laborers

Brick & Plaster Mason

Tender

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc

Dynamite Men

Madison Co.-Glen Carbon

Laborer

Brick & Plaster Mason

Tenders

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc

Dynamite Men

Macoupin Co.-Carlinville

Calhoun Co.-Hardin

Madison Co.-Marion

Laborers

Brick & Plaster Mason

Tenders

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc

Dynamite Men

Clinton Co.-Carlyle

Laborers

Brick & Plaster Mason

Tenders

Workmen Cutting & Burning

w/a Torch & working on

the bottom of Sewer, etc.

Dynamite Men

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Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr Tr.
		Pensions	Vacation		
\$12 45		25			.035
12 55		25			.035
12 70		25			.035
12 90		25			.035
13 975		25			.035
11 35	80	60			.035
11 45	80	60			.035
11 55	80	60			.035
11,15	80	60			.035
12,775	80	60			.035
11,60	55	60			.035
11,70	55	60			.035
12 10	55	60			.035
11 85	55	60			.035
13 025	55	60			.035
11 40	55	80			.035
11 65	55	80			.035
11 90	55	80			.035
11,65	55	80			.035
12 825	55	80			.035
12 50		25			.035
12 60		25			.035
13 00		25			.035
12 75		25			.035
13,925		.25			.035

LABORERS: HEAVY CONST (Cont'd)
 Madison Co.-Edwardsville Laborers
 Sewer work from building to Main Sewer
 Men working in Main Sewer Ditch
 Brick Mason & Plasterer Tenders
 Dynamite & Power Men
 LABORERS: HIGHWAY CONSTRUCTION
 ZONE I
 Area-1 Madison Co.-Alton Laborers
 Asphalt Raker, etc
 Brick Mason Tenders
 Men working on the bottom etc
 Dynamite Men
 Area-2 St. Clair Co. New Athens-Freeburg Laborers
 Asphalt Raker, etc
 Brick Mason Tender
 Men working on the bottom etc
 Dynamite Men
 Area-3 St. Clair Co. East St. Louis-Madison Co.-Granite City Laborers
 Asphalt Raker, etc
 Brick Mason Tenders
 Men working on the bottom etc
 Dynamite Men
 Area-4 Bond Co.-Sorento Jersey Co.-Jerseyville Laborers
 Asphalt Raker etc
 Brick Mason Tenders
 Men working on the bottom etc
 Dynamite Men

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Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr Tr.
		Pensions	Vacation		
\$11 00	.65	1 00			.035
11 25	.65	1,00			.035
11 50	.65	1 00			.035
12 60	.65	1,00			.035
11 35	80	60			.035
11 45	80	60			.035
11 60	.80	.60			.035
11 50	.80	.60			.035
12,70	.80	60			.035
11 70		1 00			.035
11 80		1 00			.035
11 95		1 00			.035
11 85		1,00			.035
12 20		1,00			.035
11 35	55	80			.035
11 85	55	80			.035
11 625	55	80			.035
11,625	55	80			.035
12 875	55	.80			.035
11,30	65	75			.035
11 80	65	75			.035
12 90	65	75			.035

LABORERS: HEAVY CONST (Cont'd)
 Randolph Co.-Chester Laborers
 Brick & Plaster Mason Tenders
 Workmen Cutting & Burning w/a Torch & working on the bottom of Sewer, etc.
 Dynamite Men
 Madison Co.-Alton All Labor Work
 All Sewer Work
 Well Digging Machine & Nozzle Opr
 Open Well Work
 Hooker on Hard Rock Mining
 Madison Co.-Wood River All Labor Work
 All Sewer Work
 Well Digging Machine & Nozzle Opr
 Open Well Work
 Hooker on Hard Rock Work
 Madison Co.-Granite City Laborers
 Brick Masons & Plasterers Tenders
 Cutting, Burning & Welding
 Oxygen Lancing
 Dynamite Men
 Madison Co.-Collinsville Laborers
 Brick Masons & Plasterers Tenders
 Dynamite Men

DECISION NO. IL79-2079

LABORERS: HIGHWAY CONST
(Cont'd)
Area 3-St. Clair Co.-Belleville

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
\$11 40	55	.80		.035
11 50	55	.80		.035
11 90	55	.80		.035
11 65	55	.80		.035
12 825	55	.80		.035
11 20	55	1 00		.035
11 30	55	1 00		.035
11 70	55	1 00		.035
12 625	55	1 00		.035
11 50	65	.60		.035
11 60	65	.60		.035
12 00	65	.60		.035
12 925	65	.60		.035
11 60	55	.60		.035
11 70	55	.60		.035
12 10	55	.60		.035
11 85	55	.60		.035
13 025	55	.60		.035
11 75		1 00		.035
11 85		1 00		.035
12 25		1 00		.035
12 00		1 00		.035
13 175		1 00		.035

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LABORERS: HIGHWAY CONST
(Cont'd)
Area 4 Madison Co.-Edwardsville

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
	H & W	Pensions	Vacation	
\$12 45		25		.035
12 55		25		.035
12 95		25		.035
12 60		25		.035
13 875		25		.035
11 35	65	75		.035
11 45	65	75		.035
11 85	65	75		.035
11 55	65	75		.035
12 775	65	75		.035
12 25		50		.035
12 35		50		.035
12 75		50		.035
12 50		50		.035
13 675		50		.035
12 55		20		.035
12 65		20		.035
13 05		20		.035
13 05		20		.035
13 575		20		.035
12 45		30		.035
12 55		30		.035
12 95		30		.035
12 70		30		.035
13 875		30		.035

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LABORERS: HIGHWAY CONST
(Cont'd)

Area 5-Macoupon Co.-Shipman

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Laborers	\$12.30		.45		.035
Asphalt Raker	12.40		.45		.035
Brick Mason Tenders	12.85		.45		.035
Men working on the bottom of Sewer	12.55		.45		.035
Dynamite Men	13.725		.45		.035
Laborers	11.85	.55	.35		.035
Asphalt Raker	11.95	.55	.35		.035
Brick Mason Tenders	12.35	.55	.35		.035
Men working on the bottom of Sewers	12.10	.55	.35		.035
Dynamite Men	13.275	.55	.35		.035

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LABORERS: HIGHWAY CONST
(Cont'd)

Area 4-Madison Co.-Highland-St. Jacob

Montgomery Co.-Litchfield

Washington Co.-Okawville

Greene Co.-Roodhouse

Macoupon Co.-Stanton

Laborers

Asphalt Raker

Brick Mason Tenders

Men working at the bottom of Sewer, etc.

Dynamite Men

Clinton Co.-Carlyle

Asphalt Raker

Brick Mason Tenders

Men working at bottom of Sewer

Dynamite Men

Paulding Co.-Chester

Laborers

Asphalt Raker

Brick Mason Tender

Men working on the bottom of Sewer, etc.

Dynamite Men

Area 5-Bond Co.-Pocahontas

Washington Co.-Ashley

Macoupon Co.-Gillespie

Laborers

Asphalt Rakers

Brick Mason Tenders

Men working on the bottom of Sewers

Dynamite Men

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Laborers	\$12.15		.60		.035
Asphalt Raker	12.25		.60		.035
Brick Mason Tenders	12.65		.60		.035
Men working at the bottom of Sewer, etc.	12.35		.60		.035
Dynamite Men	13.575		.60		.035
Laborers	11.50	.65	.60		.035
Asphalt Raker	11.60	.65	.60		.035
Brick Mason Tenders	12.00	.65	.60		.035
Men working at bottom of Sewer	11.75	.65	.60		.035
Dynamite Men	12.925	.65	.60		.035
Laborers	11.10	.65	1.00		.035
Asphalt Raker	11.20	.65	1.00		.035
Brick Mason Tender	11.60	.65	1.00		.035
Men working on the bottom of Sewer, etc.	11.35	.65	1.00		.035
Dynamite Men	12.525	.65	1.00		.035
Laborers	12.35		.40		.035
Asphalt Rakers	12.45		.40		.035
Brick Mason Tenders	12.85		.40		.035
Men working on the bottom of Sewers	12.50		.40		.035
Dynamite Men	13.775		.40		.035

DECISION NO. IL79-2079

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10 80	65	20 00a		
.11 20	65	20 00a		
11 40	65	20 00a		

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III

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, Warehouseman, Greasers & Tiremen, Pick-Up Trucks when hauling materials, Tools, or men to and from and on the jobs site; Fork Lifts up to 6,000 lbs , capacity

GROUP II: - 2 or 3 Axle Trucks hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winch Trucks, Hydrolifts Trucks, or similar equipment when used for transportation purposes, Fork Lifts over 6,000 lb capacity; Winch Trucks; 4-Axle combination units; ticket writers

GROUP III: - 2,3 or 4 Axle Trucks, Hauling 16 tons or more, Drivers on Oil Distributors, Water Pulls, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (1) (ii))

ILL-2-PEO-1-2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12 62	87	1.51		05
10 69	87	1.51		05
10 04	.87	1.51		05
9.94	.87	1.51		05
9 69	87	1.51		
13 67	.87	1.51		.05
13 92	87	1.51		.05
11 97	87	1.51		.05
12.29	.87	1.51		.05

POWER EQUIPMENT OPERATORS:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V
- GROUP VI

- a
- b
- c
- d

POWER EQUIPMENT OPERATORS:

Group I Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Opers Plant Opers., Ditching Machines or Backfillers (requiring oilers), Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more (where oiler or fireman is required), Hoists-2 drum or more (where oiler or fireman is not required) Hydraulic Backhoes, Ditching Machines or Backfiller (not required 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 Boat Opr. (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 Apparatus (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 Opers., (under 25 ft., conveyors (1), Distribution Opers, On Trucks, Siphones or Jets (1) Winch Heads or Apparatus (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, monitngans, 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

SUPERSEDES DECISION

STATE: Illinois
 COUNTY: See Below
 DATE: Date of Publication
 Supersedes Decision No IL78-2144, dated December 1, 1978 in 43
 FR 56379

DESCRIPTION OF WORK: Heavy & Highway Construction Projects

COUNTIES: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union & Williamson

ILL-HH-9

DECISION NO. IL79-2080

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$11 27	45	9%		.25%
8 41	45	9%		.25%
9 45				
10 20				
10 91				
13 17				
11 60				
8 50				
8.75				
9 25				
9.00				
10 90				
8 75				
9 25				
8 10	40			
11 05	40			

LINEMEN: (Cont'd)
 Groundman Equipment Operator
 Groundman
 PAINTERS:
 Franklin & Williamson Cos :
 (Marion & Vicinity):
 Brush
 Industrial
 Alexander, Johnson & Pulaski Cos :
 Industrial
 Bridges
 Spray
 Saline, Gallatin, Hardin & Pope Counties;
 Brush
 Structural Steel
 Spray
 Jackson, Perry & Randolph Cos :
 Brush
 Industrial
 Union County;
 Brush
 Industrial
 Massac County;
 Brush & Roller
 Bridges; Brush & Spray

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$12 685	.60	1 00		05
10 90	50	60		
11 40				
11 40				
12 73	4%	3%+ 65	6%	4%
12 85	40	13%		1%
11 60		85		05
12 95	55	1 05		
11 05	60	1 00		035
11 10	65	1 00		035
9 10	50	30		035
13 35	4%	3%		05
11 60	4%	3%		05
9 43	4%	3%		05
8 79	4%	3%		05
8 73	4%	3%		05
13 18	45	9%		25%

CARPENTERS & PILEDRIVERS:
 Randolph County
 Remainder of Counties
 CEMENT MASONS:
 Alexander, Jackson, Perry, Pulaski, Randolph & Union Counties
 Remainder of Counties
 ELECTRICIANS:
 Red Bud Township in Randolph County
 Balance of Randolph Co & Remainder of Counties
 IRONWORKERS:
 Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, Williamson, Saline (SW of Eldorado)
 Perry & Randolph Counties
 LABORERS:
 Randolph County:
 Heavy
 Highway
 Remainder of Counties
 LINEMEN:
 Red Bud Twp in Randolph Co.:
 Linemen
 Groundmen Equipment Operator
 Groundmen-Truck Drivers with & Without Winch
 Pick-Up-Jeeps
 Groundmen
 Balance of Randolph Co & Remainder of Counties:
 Linemen & Digging Machine Operator:

DECISION NO. IL79-2080

POWER EQUIPMENT OPERATORS
REMAINDER OF COUNTIES

Class	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
Class 1	\$11.80	75	60		035
Class 2	10.80	75	60		035
Class 3	10.50	75	60		035
Class 4	10.20	75	60		035
Class 5	9.45	75	60		035
Class 6	10.80	75	60		035
Class 7	10.50	75	60		035
Class 8	10.00	75	60		035
Class 9	9.95	75	60		035
Class 10	9.35	75	60		035
Class 11	11.90	75	60		035
Class 12	9.90	75	60		035

RIVER WORK and LEVEE WORK
ON MISSISSIPPI and OHIO
RIVERS

Class 1: Apcco or Equal Spreading Machine; Backhoe; Backfiller; Boom or Winch Cat; Bituminous Mixplaco Machine; Blacksmith; Bituminous Surfacing Machine; Bulldozer; Crane; Shovel; Dragline; Truck Crane; Piledriver; Concrete Finishing Machine or Spreader Machine; Concrete Breaker; Concrete or Pumpcrete Pumps; Dinky or Standard Locomotive; Drill Well; Elevating Grader; Forklifts; Rubber-tired; Flex-Plane; Gradall; Hi-Lift, Handblade, Power; Hoists, Tugger Type; Hoists, (2 drums) or over one; Guy-Derrick; Hyster Mechanic; Motor Patrol; Mixer 21 cu ft or over; Push Cat; Pulls and Scrapers; Pumps; 2 Wheel Pointers; Pelt Pulverizer or Pulverizer Equal to Pugmill; Rubber-tired Farm type Tractor with Bulldozer or Hi-Lift (over 4 yd); Rubber-tired Tractor w/auge; Skimmer Scoops; Seaman Tiller; Spreader, Jersey; Tract-Air used w/drill or Hi-Lift; Trenching Machine, or Ditching Machine; Wood Chipper with Equipment Grasser
Class 2: Roller, Self-Propelled, Power Subgrader; Elevator Operator
Class 3: Rubber-tired Farm type Tractor w/bull dozer or Hi-Lift (4 yd. or less)

ILL-2-PEO-1-2-3

DECISION NO. IL79-2080

POWER EQUIPMENT OPERATORS:
PERRY & RANDOLPH COUNTIES

GROUP	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
GROUP I	\$12.62	87	1.51		05
GROUP II	10.69	87	1.51		05
GROUP III	10.04	87	1.51		05
GROUP IV	9.94	87	1.51		05
GROUP V	9.69	87	1.51		05
GROUP VI	13.67	87	1.51		05
a	13.92	87	1.51		05
b	11.97	87	1.51		05
c	12.29	87	1.51		05
d					

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Opers Plant Opers, Ditching Machines or Backfillers (requiring oilers), Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists 2 drum or more (where oiler or fireman is required), Hoists-2 drum or more (where oiler or fireman is not required) Hydraulic Backhoes, Ditching Machines or Backfiller (not required) 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 Boat Opers, (25' & over), Motor Graders or Fork-Lifts, Scoops or Tournapulis, 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 Apparatus (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 Opers, (under 25 ft., conveyors (1), Distribution Opers, On Trucks, Siphones or Jets (1) Winch Heads or Apparatus (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 Oillers GROUP IV Heavy Equipment Oillers (truck cranes, dredges, monigans, large cranes, etc) GROUP V Oillers GROUP VI

- a. Engineers Operating under air pressure
- b. Engineers Operating in air over 10 lbs. pressure
- c. Oillers operating under air pressure
- d. Oillers operating in air over 10 lbs pressure

Class 4: Pump, One Well Point; All tract Type Tractors, Pulling any type Roller or Disc

Class 5: Oiler; All Wheel type Tractors, Oiler on 30 HP Ditches and over; Oiler, Hydra-Crane with 15 ton lifting capacity or more and Cranes similar to Hydra-Crane w/15 ton capacity and more

Class 6: Air Compressor w/valve Driving Piling Air Compressors, Two (220 cu ft capacity or over); Air Track Drills, Air Track Drill w/compressor; Automatic Bins Scales w/compressor or Generator; Pipeline Boring Machine; Bulk Cement Plant w/separate Compressor Bulk Float Power Operator; Concrete Saws, (two); Hydra-Lift (single motor); Straw Mulcher Blower w/spout

Class 7: Backhand Man on Bituminous Surfacing Machine; Boom or Winch Truck; Cat Wagon w/or without Dump; Conveyors, Two; Chip Spreader, Self-Propelled Concrete Saw, One Self-Propelled; Form Grader; Heaters, Two (motor driven); Hoist, 1 drum; Truck Crane; Oiler; Vibrator, Self-Propelled

Class 8: Air Track Drill (one); Belt Drag Machine Power Boom, Mechanical; Plasterer Applicator; Tract-Air

Class 9: Air Compressor (220 cu ft capacity or over), One; Air Compressor under (220 cu ft) Two; Automatic Bins Bulk Cement Plant w/built in Compressor, Running of same Motor or Electric Motor; Firemen or Switchmen; Form Tamper, Self-Propelled; Light Plants (two); Welding Machine (two); Pumps (two); or Combination or 2 Pumps, Light Plants, Welding Machines, Air Compressor (under 200 cu. ft) ; Mud Jacks or Wood Chipper; Mixers, Less than 21 cu ft , Motor Mixer w/skip or Pump; Pipeline Track Jack

Class 10: Air Compressor, Under 220 cu ft capacity (one); Conveyor (one); Conveyor Operator on Self-Propelled Chip Spreader; Heater (one); Motor Driven; Light Plant (one) Pump (one); Welding Machine (one); Ullmac or Equal Spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, Shovel, Dragline 4 yards or more, Scraper, 18 yds Struck or over, Dredge, Derrick and Piledriver Push Boat Operator, Mechanic on 4 yard Machine or over, Engine Man on Dredge, Levee Man on Dredge

Class 12: Oiler on Crane, Dragline, Shovel, 4 yard Machine or over; Oiler on Dredge

DECISION NO. IL79-2080

ILL-82-TD-1-2-3

TRUCK DRIVERS	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	\$10 80	65	20 00a		
GROUP II	11 20	65	20 00a		
GROUP III	11 40	65	20 00a		

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, Warehouseman, Greasers & Tiremen, Pick-Up Trucks when hauling materials, tools, or men to and from and on the jobs site; Fork Lifts up to 6,000 lbs , capacity

GROUP II: - 2 or 3 Axle Trucks hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winch Trucks, Hydrolifts Trucks, or similar equipment when used for transportation purposes Fork Lifts over 6,000 lb capacity; Winch Trucks; 4-Axle combination units; ticket writers

GROUP III: - 2, 3 or 4 Axle Trucks, hauling 16 tons or more; Drivers on Oil Distributors, Water Pulls, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Michigan COUNTY: Kent
 DECISION NUMBER: M179-2081 DATE: Date of Publication
 SUPERSEDES Decision No H179-2018 dated May 4, 1979 in 44 FR 26457
 DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr Tr
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 7 50	1 10	1 20	1 50	03
BOILERMAKERS	11 07				
BRICKLAYERS & STONEMASONS	7 45				
CARPENTERS	5 96				
CEMENT MASONS	6 12				
ELECTRICIANS	11.95	50	32+ 35	42+45b	02
ELEVATOR CONSTRUCTORS	9 90	545	35		02
IRONWORKERS:					
Structural & Ornamental Reinforcing	5 86				
LABORERS - UNSKILLED	5 92				
LABORERS - MASON TENDERS	4 89				
PAINTERS - BRUSH	5 15	50	25		02
PAINTERS - TAPERS	9.55	50	25		02
PLASTERERS	7 80				
PLUMBERS & STEAMFITTERS	12 09	60+ 15	90		
ROOFERS	5 55	.77tc	95	.67	02
SHEET METAL WORKERS	11 40				
TRUCK DRIVERS	5 62				
POWER EQUIPMENT OPERATORS:					
Backhoe Operator	7 15				
Bulldozer Operator	8 35				
Crane Operator	5 27				
Finishing Machine Operator	5 50				
Front End Loader	7 02				
Scrapor	7 00				

FOOTNOTES:

- a 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
- b Employer contributes 4% or regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years & 2% for employee in business less than 5 years
- c \$5 00 per month - Life Insurance

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5 5 (a) (1) (11)).

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
 DECISION NUMBER: MS79-1126 DATE: Date of Publication
 SUPERSEDES Decision No MS79-1103 dated July 13, 1979 in 44 FR 41042.
 DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	H & W	Fringe Benefits Payments			Education end/or Appr Tr
			Pensions	Vacation		
Asbestos workers	10 32	45	50			02
Boilermakers	10 70	1 05	1 05			
Bricklayers:	9.80	25	10			05
Stone, block, & marble masons	9.80	25	10			05
Caulkers, pointer, & cleaners	9 80	25	10			05
Tile & Terrazzo setters	9 70	25	10			05
Carpenters:	8 90	45	35			10
Soft floor layers	8 90	45	35			10
Power saw operator (1 hp or over)	9 15	45	.35			10
Fiber glass insulation application	9 05	45	35			10
Millwrights	9 50	45	35			10
Filedriermen	9 25	45	35			10
Cement masons:						
Plast machine operator	7 85	35	50			05
Electricians:	8 05	35	50			05
Cable splicers	11 10	35	38+ 50			04
Elevators constructors:	11.35	35	38+ 50			04
Elevator constructors	9.62	895	.69	42+45b		03
Glaziers	8 60					01
Ironworkers	10 35	45	85			04
Laborers:						
Laborers	5 23	15	20			05
Mason tenders	5 38	15	20			05
Pipelayers	5 38	15	20			05
Plasterers tenders	5 38	15	20			05
Mechanical tool operator	5 48	15	20			05
Mortar mixers	5 48	15	20			05
Lathers	8 65					01
Line Construction:						
Linemen	10 63	40	38	c+28		48
Cable splicers	10 93	40	38	c+28		48
Groundman	6 44	40	38	c+28		48

MS79-1126 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
		H & W	Pensions	Vacation		
Painters:						
Brushy roller	7 45	15	10			
Spray (except structural steel)	7 95	15	10			
Structural steel (brush)	7 70	15	10			
Swing stage, bos'n chair	7 95	15	10			
Structural steel (spray)	8 20	15	10			
Plasterers	8 15	35	50			05
Plumbers; Steamfitters;						
Pipefitters	10 03	1 05	1 00			
Roofers						
Roofers	9 65		30			
Kettlemen	7 50		30			
Paper roller	7 50	45	45			07
Sheet metal workers	10 20	75	1 05			08
Sprinkler fitters	11 69					

FOOTNOTES:

- a Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day
- b Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employees with more than 5 years service; 4% for employees with less than 5 years
- c One week vacation after one year's service.

MS79-1126 - (Cont'd)

POWER EQUIPMENT OPERATORS

GROUP	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr Tr
		H & W	Pensions	Vacation		
GROUP I	10 63	50	30			05
GROUP II	9 73	50	30			.05
GROUP III	9 48	50	30			.05
GROUP IV	8 88	50	30			.05
GROUP V	7 23	50	30			.05

GROUP I - Engineer operating under air pressure

GROUP II - Mechanic

GROUP III - Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant cherry picker clamshell crane, derrick car, derrick, excavator (power belt), boat, dragline, dredge elevating grader, and loader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, mixer, motor patrol and similar equipment, paver (21 c f or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps

GROUP IV - Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman forklift (over 2 tons and less than 5 tons) heating plant, hoist (one drum), marine engineer's assistant, mixer payloador and similar endloaders pilot power generating plant pump (concrete), roller, scoomobile, tractor (with power take-off) trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tired with backhoe attachment

GROUP V - Air compressor, batch scale, deckhand forklift (2 tons & under), form grader locomotive hostler, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments) welding machine

Booms including jib:

- \$ 50 above regular rate - 100 ft thru 200 ft
- \$ 75 above regular rate - 201 ft thru 300 ft
- \$ 1 00 above regular rate - over 300 ft

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5 5 (a) (1) (ii))

MS79-1127 (Continued)

STATE: Mississippi
 COUNTY: Warren
 DECISION NO: MS79-1127
 DATE: Date of Publication
 Supersedes Decision No MS79-1055 dated April 6, 1979 in 44 FR 20931
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; G-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. 6 paid holidays: A through F
- b. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- c. 2 paid holidays: D & F provided employee has been employed for fifteen (15) working days prior to the holiday

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Pr
		H & W	Pensions	Vacation	
Asbestos workers	10 32	45	50		02
Boilermakers	10 70	1 05	1 05		
Bricklayers:					
Bricklayers	9 80	25	10		05
Stone, block, & marble masons	9 80	25	10		05
Caulkers, painters, & cleaners	9 80	25	10		05
Tila & terrazzo workers	9 70	25	10		.05
Carpenters:					
Carpenters	9 05	45	25		05
Millwrights	9 65	45	25		05
Piledrivermen	9 65	45	25		05
Cement masons	7 85	35	50		05
Electricians:					
Electricians	11 10	35	3% + 50		04
Cable splicers	11 35	35	3% + 50		04
Elevator constructors:					
Elevator constructors	9 62	895	69	4%+add	03
Glaziers	8 60				01
Ironworkers	10 35	45	85		04
Laborers:					
Laborers	2 90				
Mortar mixers	2 90				
Lathers	8 65				
Painters:					
Brush; Drywall espers; Rollers	7 45	15	10		
Spray	7 95	15	10		
Structural steel, (bruh)	7 70	15	10		
Plasterers	8 15	35	50		05
Plumbers; pipefitters	11 24	55	67	c	05
Roofers	9 65	30	30		
Sheet metal workers	10 20	45	45		07
Sprinkler fitters	11 69	75	1 05		08

MS79-1127 (Continued)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	

POWER EQUIPMENT OPERATORS (cont'd)

- Booms, including jib:
 - 50¢ per hour above regular rate - 100 feet to and including 200 feet
 - 75¢ per hour above regular rate - 201 feet to and including 300 feet
 - 1 00 per hour above regular rate - 301 feet and above

Operators servicing other crafts shall draw rate of pay not less than journeymen rate of craft being serviced

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5 5 (a) (1) (11))

MS79-1127 (Continued)	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
GROUP I	50	.30		05
GROUP II	50	.30		05
GROUP III	50	.30		05
GROUP IV	50	.30		05
GROUP V	50	.30		05

POWER EQUIPMENT OPERATORS:

GROUP I: Engineer, operating under air pressure

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating crane, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, miscellaneous, motor patrol and similar equipment, paver (21 c f. or larger), pile driver, ratchet, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width) turnspull (M-10 and similar pull type scraper), Transcator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), wall drillers, wall point pumps

GROUP IV: Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take off), trenching machines (18" or smaller bucket line width), tugboat, wheel truck and tractor, small rubber tired with backhoe attachment

GROUP V:

Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hoistler, motorboat (in or outboard), oiler, pump, roughneck, seaman, tractor (with attachments), welding machine

SUPERSEDES DECISION

STATE: South Carolina
 COUNTY: Lexington & Richland
 DECISION NUMBER: SC79-1128
 DATE: Date of Publication
 Supersedes Decision No. SC79-1100 dated June 29, 1979 in 44 FR 38137
 DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos Workers	\$6 50					
Bricklayers	6 25					
Carpenters	6 24					
Cement Masons:						
Lexington County	7 10					
Richland County	5 00					
Electricians:						
Lexington County	7 00					
Richland County	7 40					
Elevator Constructors	7 425	40	38	15	1/2 of 18	
Ironworkers:						
Lexington County	7 50					
Richland County	6 95					
Laborers:						
Unskilled	3 00					
Mason tenders	3 25					
Lathers	5 50					
Millwrights	7 50					
Painters, Brush:						
Lexington County	7 50	50				
Richland County	5 08					
Plasterers	6 00					
Plumbers & Fitters	7 00					
Roofers	3 50					
Sheet Metal Workers	7 50					
Sprinkler Fitters	8 25	75	1 05		08	
Tile Setters	5 50					
Truck Drivers	3 50					
Welders - Rate for Craft						
POWER EQUIPMENT OPERATORS:						
Bulldozers	4 34					
Bulldozers	4 59					
Cranes, derricks, draglines	5 21					
Front End Loaders	3 95					
Motor Graders	3 50					
Pan Operators	4 00					
Rollers	3 38					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (4) (1) (ii))

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

Correction

In FR Doc 79-27786, published at page 52530, on Friday, September 7, 1979 several pages were illegible. The following pages 52540, 52541 52545, 52548, 52547, 52558, 52562, 52565, 52570, 52571, 52574, and 52575 are reprinted

BILLING CODE 1505-01-M

PAGE 10

DECISION NO. IL79-2069

TRUCK DRIVERS

GROUP I
GROUP II
GROUP III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Fr.
	H & W	Pensions	Vacation	
\$10 80	.65	20 00a		
11 20	65	20 00a		
11 40	65	20 00a		

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, Warehouseman, Greasers & Tiresmen, 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, Mechanics & Working Foreman; 5-Axle or more combination units; Dispatcher

FOOTNOTES

a Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDES DECISION

STATE: Illinois
DECISION NUMBER: IL79-2070
Supersedes Decision No IL78-2041 dated October 27, 1978 in 43 FR 50323

COUNTRIES: See Below
DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction Projects, (excluding single family homes & apartments up to and including 4 stories)

COUNTRIES: Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Jasper, Lawrence, Richland, Wabash & Wayne

ASBESTOS WORKERS:
Fayette County
Clark, Douglas & Edgar Cos
Remainder of Counties

BOILERMAKERS
BRICKLAYERS:
Fayette County:
Bricklayers, Stonemasons, Cement Blocklayers, Pointers-Caulkers-Cleaners-Marble-Tile-Terrazzo Workers
Coles & Cumberland Cos;
Douglas & South thereof in Douglas County:
Bricklayers & Stonemasons
Edgar Co; & North of Arcola in Douglas County:
Bricklayers & Stonemasons
Remainder of Counties:
Bricklayers, Stonemasons, Caulker, Cleaners-Marble-Tile-Terrazzo Workers

CARPENTERS:
Fayette, Clay, Richland & Wabash Cos; Southeastern Part of Edwards County:
Carpenters, Piledriver-men & Soft Floor Layers
Millwrights
Crawford & Lawrence Cos;
Eastern 1/2 of Jasper Co.;
Carpenters & Soft Floor Layers
Millwrights
Piledrivers
Mayne Co.; Northeastern & Western 1/2 of Edwards CO.:
Carpenters, Piledriver-men & Soft Floor Layers
Millwrights

Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Fr.
		Pensions	Vacation		
\$12 63	80	96			.01
12 15	50	1 20			.01
11 30	45	60			.03
11 45	95	1 20			.03
12 43	70	75			10
12 45	45	50			05
12 45	45	50			05
10 95		50			
10 76	65	50			03
11 11	.65	50			03
11 50	70	77			02
12 10	70	77			02
11 90	70	77			02
10 86	45	50			.02
11 21	45	50			.02

DECISION NO. IL79-2070

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$10 70				
13 45	50	38		18
13 50	50	38+ 40		358
12 85	40	138		18
13 50	50	38+ 40		358
12 80	50	38+ 70		01
11 34	45	50		
14,19				
10 905	48	50		25
12 15	65	1 00		08
12 25	55	1 05		08
12 95	55	1 05		
11 30	90	2 05		10

CEMENT MASONS (Cont'd.)
S.W. Corner of Wayne Co.;
Cement Mason & Plasterers
ELECTRICIANS:
Wabash County
Coles & Cumberland Cos ;
Southern h of Douglas Co ;
Twp of Bishop, Douglas,
Lucas, Hoccasin, St
Francis, Summit & Teuto-
pols in Effingham County
Edwards, Wayne & Clay Cos.;
& Remainder of Effingham,
Fayette Counties
Northern h of Douglas Co.,
Twp. of Banner & Liberty
in Effingham Co.; Twps
of Hurricane, S. Hurri-
cane, Ramsey, Bowling
Green, Carson & Loudon
in Fayette County
Remainder of Counties
GLAZIERS:
Coles & Douglas
Clark & Edgar Counties
Edwards, Lawrence, Wabash,
& Wayne Counties
IRONWORKERS:
Coles, Cumberland, Douglas
& Edgar Counties
Avona & North thereof in
Fayette County & Remaind-
er of Effingham County
Fayette Co, (Southern h
below Brownstown)
Clark, Jasper, Crawford
Cos ; Northern h of Law-
rence Co, North of Olney
in Richland Co., Dexter
& East thereof in Effing-
ham Co ; Remainder of
Clay County

DECISION NO. IL79-2070

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
	H & W	Pensions	Vacation	
\$13 075	.55	.30		.07
13,575	45	30		.07
12 315	45	1 10		13
12 815	.45	1 10		.13
11 70		.65		.01
11,75				
9 50			50	01
11 05	80	80		
11 45				
12 01				
11 10				
13 325	.45	.25		.025
12 515	.45			.025

CARPENTERS: (Cont'd.)
Coles, Clark, Cumberland,
Edgar, Effingham Cos;
Western h of Jasper Co.; &
Southern part of Douglas
County:
Carpenters & Soft Floor
Layers
Millwrights & Piledriver-
men
Northern part of Douglas
Co., including Tuscola &
Newman
Carpenters & Soft Floor
Layers
Millwrights & Piledriver-
men
CEMENT MASONS & PLASTERERS:
Northern Part of Fayette
Co.;
Cement Masons & Plaster-
ers
Remainder of Fayette Co.;
Cement Masons
Clark, Edgar & Richland
Cos.;
Cement Masons & Plaster-
ers
Crawford, Lawrence & Wabash
Cos.;
Cement Masons & Plaster-
ers
Clay, Edwards & Jasper Cos,
& Remainder of Wayne Co;
Cement Masons & Plaster-
ers
Coles, Cumberland & Effing-
ham Cos; & Southern part
of Douglas County;
Cement Masons
Plasterers
Northern part of Douglas
County including Tuscola
& Newman
Cement Masons
Plasterers

SUPERSEDES DECISION

STATE: Illinois COUNTY: Kankakee
 DECISION NUMBER: IL79-2071 DATE: Date of Publication:
 Supercedes Decision No : IL78-2166, December 9, 1978 in 43 FR 57767
 DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

DECISION NO. IL79-2071

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day

FOOTNOTES:

a. 6 paid holidays: A through G
 b. Per week - Per Employee

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$13 01	.91	99		.05
13 05	1 05+40%	1.00	5%	03
12 60	80	75		
12 72	65	80		01
70&JR	80	75		
12 60	80	38+70		2/10%
13 80	80	38+60		2/10%
7 86	745	56	a+b	025
12.20	745	56	a+b	025
50&JR				
12 46	60	30		01
11 89	48	89		01
12 50	75	75		05
10 85	55	50		
10 90	45	50		
11 50	80	.75		
13.86	50	1 00		08
13 45	65			
13 52	80	98		.09
13 08	75	1 05		08
11.275	29 00b	31 00b		
11 475	29 00b	31 00b		
11 675	29 00b	31 00b		
11 825	29 00b	31 00b		

DECISION NO. IL79-2071

III-12-PEO-1

POWER EQUIPMENT OPERATORS:

	Fringe Benefits Payments				Education end/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
CLASS I	\$13 25	1 10	1 10	60	.05
CLASS II	11 95	1 10	1 10	60	.05
CLASS III	10 80	1 10	1 10	60	.05
CLASS IV	9 55	1 10	1 10	60	.05

CLASS I - Asphalt Plant, Asphalt Spreader, Auto-Grad, Batch Plant, Benoto (Requires two engineers), Boiler & Throttle Valve, Calsson Rigs, Central Redi-Mix Plant, Combination Backhoe Front End Loader Machine Compressor & Throttle Valve, Concrete Breaker (Truck Mounted), Conveyor, Concrete Paver, Concrete Placer, Concrete Tower, Cranes (all), Derricks (all), Grader, Elevating, Grouting Machines, Highlift Shovels or Front End Loader 2 1/2 yd & over, Hoists, One, Two & Three Drum Hoists, Two Tugger One Floor, Hydraulic Boom Truck, Locomotives (all), Motor Patrol, Pile Drivers & Skid Rig, Post-Hole Digger, Pre-Stress Machine, Pump Cretes Dual Ram (acquiring frequent lubrication & water), Pumpcretes, Squeeze Cretes & Screw type Pumps, Gypsum Bulker & Pump, Rock Drill (Self-Propelled), Rock Drill (truck mounted), Scoops - Tractor Drawn, Slip Form Paver, Straddle Buggies, Tournapull, Tractor with Boom & Side Boom, Trenching Machines

CLASS II - boilers, Bulldozers, Broom all Power Propelled, Concrete Mixer (2 bag & over), Conveyor Portable, Forklift Truck, Grader Engineer, Highlift Shovels or Front End Loaders under 2 1/2 yd Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (All), Steam Generators, Stone Crushers, Tractors, (All), Winch Trucks with "A" Frame

CLASS III - Air Compressor - Small 125 & under (1 to 5 not exceed a total of 300 ft.), Air Compressor - large over 125, Combination - Small Equipment Opr, Generators under & over 50 KW, Heaters, Mechanical Pumps over 3" (1 to 3 not to exceed a total of 300 ft.), Pumps, Well Points, Welding Machine (2 through 5), Winches, 4 Small Electric Drill Winches

CLASS IV - Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (1) (ii)).

DECISION NO. IL79-2071

	Fringe Benefits Payments				Education end/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Unskilled	\$10 77	65	60		.035
Semi-Skilled	10 97	65	60		.035
Skilled	11 17	65	60		.035

UNSKILLED: Common Laborer, Carpenter Tenders; Tool Cribmen, Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Patchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-Dismantling Buildings; Millmen & Hosemovers; Driving of Stakes; Stringlines for all Machinery

SEMI-SKILLED: Handling of materials treated with Oil, Crosscut, Asphalt or any foreign material, Track Laborers; Cement Handlers; Chloride Handlers; The unloading and Labprers w/steel workers 7 ro-Batch Dumpers; Mason & Plasterer Tenders & Material Wheelers Kettlemen & Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Unit used for wet concrete or handling of building materials; laborers w/dewatering systems; All Sewer Workers plus depth; Rod & Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica; Clay; Fly Ash; Lime & Plasters; Handlers (Bulk or bag); Cofferdam Workers plus depth (on concrete paving) placing, cutting & trying or Reinforcing; Deck Hand; Dredge Hand & Shore Laborers; Bankmen on Floating Plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Calsson Workers plus depth; Gunnite; Nozzle Men Loadman on Sucker Work; Welder; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer & Drill Operators; Layout Man; Steel Form Setters (street & highway); Air Tamping Hammerman; Signal Man on Crane, Concrete Saw Operator; Screenman on Asphalt Pavers; Laborers Tending Masons w/hot materials are used; Multiple Concrete Duct-Loadmen; Curb Asphalt Machine Operator; Ready-Mix Scaleman; Portable or Temporary Plant; Laborers Handling Master-plate or similar materials; Laser Beam Operator; Coring Machine Operator

DECISION NO. IL79-2072

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13 65	75	525		.08
13 65	1 24	1 20		10
12.00	2.65	.525		.02
10.75	60	.55		.035
10 95	60	.55		035
11.05	60	55		.035
12.83	45	38		18
10 92	.45	38		18
8 70	.45	38		18
8 41	45	38		18
12 47	50	38+ 50		2/108
13 83	50	38+ 50		2/108

IRONWORKERS: (Cont'd)
 Kane County; DeKalb County (S E 2/3, including Sycamore & DeKalb), DuPage County, (excluding Argonne & vicinity) the Northern half of Kendall Co. & the S E 1/4 of McHenry County
 Lake County; Hebron & Woodstock & E thereof in McHenry County; Argonne & vicinity in DuPage County & Southern half of Kendall County
 LABORERS:
 DeKalb County; Common/ Landscaping & Carpenter Tenders, Mason & Mortar Mixers, Mason & Plasterer Tenders, Vibrator Operator
 Bottom Sewer Workers, Jackhammer Operator, Coalferdam, Gaisson Workers, Gunnite Nozzlemans
 LINEMEN:
 Boone, DeKalb, DuPage, Kane, Kendall, Lake & McHenry Cos
 Linemen, Cranes Operator (15 ton or over), Big-ger Operator
 Equipment Operator
 Truck Driver
 Groundman
 Will County:
 Linemen & Equipment Operators
 Cable Splicers

SUPERSSEDES DECISION

STATE: Illinois
 COUNTIES: Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will
 DECISION NUMBER: IL79-2072
 Supersedes Decision No IL78-2138, dated October 27, 1978 in 43 FR 50328
 DESCRIPTION OF WORK: Heavy and Highway Construction Projects

ILL-HH-1

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12 70	1 08	1 02		.08
11 43	70	85		
11 74	.75	1 00		
11 78	.55	1.00		.06
10.90	.68	.70		
13.20	.90	.86		
11 75	.85	1.05		
11 02	.65	1.28		.05
12.96	.50	38+.80		18
14.20	58	58	88	18
14 67	68	118		18
14 75	58	138		5/108
13 54	.65	38+1.00		1/48
15 11	88	38+ 70		2/108
12 50	75	.375		

CARPENTERS & PILEDRIVERMEN:
 DuPage & Lake Cos
 Will County
 Remainder of Counties
 CEMENT MASONS:
 Boone County
 DuPage County
 Kane, Kendall, McHenry & DeKalb Cos.
 Lake County
 Will County
 ELECTRICIANS:
 Boone & DeKalb Counties
 DuPage County
 Kendall County; Townships of Aurora, Sugar Grove, Big Rock, Kaneville, Blackberry, Butavia, Geneva and the City of St Charles in Kane County; Sandwich Township in DeKalb County
 McHenry County; Kane Co. (that portion north of St Charles, Geneva & Blackberry Townships) excluding St. Charles School for Boys; Townships of Hampshire, Rutland, Dundee, Burlington, Plato, Elgin, Virginia & Compton
 Lake County
 Will County
 IRONWORKERS:
 Boone County; DeKalb Co., (excluding S.E. 2/3, including Sycamore & DeKalb) & the N W half of McHenry County

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
LATHERS	10 50				
LINE CONSTRUCTION:					
Linemen	12 67	45	38+ 15		½
Groundmen operators	12 07	45	38+ 15		½
Groundman	8 10	45	38+ 15		½
Groundman, 1st 6 mos	6 15	45	38+ 15		½
Groundman, powderman	8 78	45	38+ 15		½
PAINTERS:					
Brush, roller, tapers, floor tile & carpet layers, Paperhangers	9 87				
Spray	10 245		45		
PLASTERERS	7 30		45		
PLUMBERS	11 115	90	95		08
POWER EQUIPMENT OPERATORS:					
Group 1	10 48	50	75		
Group 2	10 00	50	75		
Group 3	9 40	50	75		
Group 4	8 80	50	75		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Crane; dragline; derrick; drum or tower hoist (2-drum); power shovel or back hoe (on tracks); piledriver; power blade, motor patrol; mechanic; hydraulic, self-propelled crane; stringer or cherry picker crane
Group 2 - Bulldozer; dirt scoop or pan; elevating grader; drum or tower hoist (1 drum); loader (track or rubber tire); tractor, pusher, roller (asphalt); tractor or back hoe (on rubber tires); tractor (compaction roller or pull blade track)
Group 3 - Fork lift; roller; industrial tractor; tractor (compaction roller or pull blade-rubber tire); distributor (bituminous); finishing machine (concrete paving); concrete saw (self-propelled); air compressor (600 cu. ft or over); small machine (operator)
Group 4 - Oiler, roller-driver

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
ROOFERS	7 90	46	20		
SHEET METAL WORKERS	9 75	62	55		04
SPRINKLER FITTERS	11 48	65	.95		00

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr
		H & W	Pensions	Vacation	
TRUCK DRIVERS:					
Pickup or station wagon	7 15	25			
Dump and under 5 tons, flatbed, warehouseman	7 25	.25			
Transit mix	7 48	25			
Tandem dump over 5 tons, winch, semi-trailer, lowboy, euclids or other similar equipment	7 52	25			

FOOTNOTES: - a-Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as vacation Pay Credit Also 7 Paid Holidays

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (ii) "

Las Alamos County - Use ZONE III rates.

COMMERCIAL LINE WORK

Applies to switching stations and substations adjacent to power plants in zone 1 and zone 2 in Luna, Dona Ana, Otero and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico

ZONE I

The area within 25 miles radius from the downtown Post Office of El Paso, Texas Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer establishes or maintains his place of business; the area within ten mile radius from the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico

ZONE II

All other areas of the jurisdiction except those specified in zone I

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ZONE I					
Linemen - technicians	9.60	.30	3%		4%
Cable splicers	9.85	.30	3%		4%
Equipment opr. (includes helicopter opr.)	9.12	.30	3%		4%
Equipment opr. (includes helicopter mechanic)	8.40	.30	3%		4%
Powderman	8.40	.30	3%		4%
Groundman & Jackhammer Oprs	6.82	.30	3%		4%
ZONE II					
Linemen - technicians	11.05	.30	3%		4%
Cable splicers	11.30	.30	3%		4%
Equipment Opr (includes helicopter opr.)	10.50	.30	3%		4%
Equipment Opr (includes helicopter mechanic)	9.67	.30	3%		4%
Powderman	9.67	.30	3%		4%
Groundman & Jackhammer Oprs	7.85	.30	3%		4%

COMMERCIAL LINE WORK

Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs & Lovington
Zone A - 0 - 12 miles
Zone B - 12 - 22 miles
Zone C - 22 to 40 miles
Zone D - 40 miles and beyond

COMMERCIAL LINE WORK CONTD:

ZONE A

Linemen - technician
Cable splicers
Equipment Opr (includes helicopter opr.)
Equipment Opr (includes helicopter mechanic)
Powderman & Jackhammer Oprs

ZONE B

Linemen - technician
Cable splicers
Equipment opr (includes helicopter opr.)
Equipment opr. (includes helicopter mechanic)
Powderman
Groundman & Jackhammer Oprs

ZONE C

Linemen - technician
Cable splicers
Equipment opr (includes helicopter opr.)
Equipment opr (includes helicopter mechanic)
Powderman
Groundman & Jackhammer Oprs

ZONE D

Linemen - technician
Cable splicers
Equipment opr (includes helicopter opr.)
Equipment opr (includes helicopter mechanic)
Powderman
Groundman & Jackhammer Oprs

Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
		Pensions	Vacation		
11.35	60	3%		4%	
11.70	60	3%		4%	
10.78	60	3%		4%	
9.93	60	3%		4%	
9.93	60	3%		4%	
8.06	60	3%		4%	
11.70	60	3%		4%	
12.05	60	3%		4%	
11.13	60	3%		4%	
10.28	60	3%		4%	
10.28	60	3%		4%	
8.41	60	3%		4%	
11.85	60	3%		4%	
12.20	60	3%		4%	
11.28	60	3%		4%	
10.43	60	3%		4%	
10.43	60	3%		4%	
8.56	60	3%		4%	
12.10	60	3%		4%	
12.45	60	3%		4%	
11.53	60	3%		4%	
11.68	60	3%		4%	
11.60	60	3%		4%	
8.81	60	3%		4%	

HEAVY CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS)

AREA I - Statewide, except San Juan County
 Basing points for zone pay shall be determined from the Center of the following cities - Albuquerque, Carlsbad, Gallup, Raton & Las Cruces

Zone I - 0 - 50 miles

Zone II - Over 50 miles

AREA II - Farmington, San Juan County
 Zone I - 0 - 15 miles from Farmington City Hall

Zone II - 15 to 35 miles from Farmington City Hall

Zone III - Over 35 miles from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments			Education end/of Appr. Tr.
		H & W	Pensions	Vacation	
HEAVY CONSTRUCTION (AREA I):					
GROUP I	8 63	75	60		15
Zone 1	8 88	75	60		15
Zone 2	9 47	75	60		15
Zone 3	10 72	75	60		15
GROUP II	9 55	75	60		15
Zone 1	10 80	75	60		15
Zone 2	9 61	75	60		15
Zone 3	10 86	75	60		15
GROUP III	9 67	75	60		15
Zone 1	10 92	75	60		15
Zone 2	9 77	75	60		15
Zone 3	11 02	75	60		15
GROUP IV	9 87	75	60		15
Zone 1	11 12	75	60		15
Zone 2	10 55	75	60		15
Zone 3	11 80	75	60		15
GROUP V	10 63	75	60		15
Zone 1	9 88	75	60		15
Zone 2	10 13	75	60		15
Zone 3	9 47	75	60		15
GROUP VI	10 72	75	60		15
Zone 1	10 97	75	60		15
Zone 2	9 55	75	60		15
Zone 3	11 05	75	60		15
GROUP VII					
Zone 1					
Zone 2					
Zone 3					
GROUP VIII					
Zone 1					
Zone 2					
Zone 3					
GROUP IX					
Zone 1					
Zone 2					
Zone 3					
GROUP X					
Zone 1					
Zone 2					
Zone 3					
GROUP XI					
Zone 1					
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Zone 3					
GROUP XII					
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Zone 3					
GROUP XIII					
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Zone 2					
Zone 3					
GROUP XIV					
Zone 1					
Zone 2					
Zone 3					
GROUP XV					
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Zone 3					
GROUP XVI					
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GROUP XVII					
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GROUP XVIII					
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GROUP XIX					
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GROUP XX					
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Zone 2					
Zone 3					
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Zone 1					
Zone 2					
Zone 3					
GROUP LXVII					
Zone 1					
Zone 2					
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GROUP LXVIII					
Zone 1					
Zone 2					
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GROUP LXIX					
Zone 1					
Zone 2					
Zone 3					
GROUP LXX					

SUPERSEDES DECISION

STATE: NEW YORK COUNTY: ORANGE
 DECISION NO.: NY79-3028 DATE: DATE OF PUBLICATION
 Supersedes Decision No NY77-3120 dated September 9, 1977 in
 42 FR 45064
 DESCRIPTION OF WORK: Building Construction, (does not include
 single family homes and apartments up to and including 4 stories),
 Heavy and Highway Construction Projects

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
\$14 77 13 19	8617 58	1.7233 15%	7%	02
<p>ASBESTOS WORKERS BOILERMAKERS BRICKLAYERS: All that portion bounded on the east by the Hudson River to Woodbury Twp line south of Bear Mt, thence along this line to a point south of Lake Mombasha, thence due west to the Lehigh-Hudson River R R line, thence north-erly along this R R line to Maybrook, then north-erly along the Penn Central R R line to the Ulster County line and along this line easterly to the starting point, the Hudson River. All that portion lying within these bound-aries including the towns on the East side of the above named R R lines: Bricklayers, Cement Stonemasons: (Building) (Heavy and Highway) Starting at the junction of Ulster County, Sullivan County, and Orange County, along Ulster County line, southeast to the New York, New Haven and Hartford R.R. line to a point south of Wisner, thence east to the top of the Bellvale Mt. Range, thence south-erly to the New Jersey</p>				
9 95 10 20	1 10 1 10	1 10 1 10	a	

DECISION NO NY79-3028

State line, including the Towns of Warwick, New Milford & Bellvale:
 Bricklayers, Cement Masons, Plasterers and Stonemasons:
 (Building)
 (Heavy and Highway)
 CARPENTERS:
 Carpenters, Bridge, Dock and Wharf carpenters:
 Twp of Tuxedo, Woodbury, Part of Cornwall, Monroe, Chester, Blooming Grove and Highlands
 Carpenters, Piledrivermen and Dock Builders:
 Remainder of County
 ELECTRICIANS:
 Twp of Otisville, Middle town, Coshen, Florida, Warwick, Fort Jervis, Sparrow Bush, Monroe, Harman, Southfield, Tuxedo Lake and Tuxedo:
 Remainder of County:
 For the repair, renova-tion, alteration and new installation of electrical systems in light commer-cial and industrial pro-perty, herein defined to include stores, gas stations, motels and hotels
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS HELPERS
 ELEVATOR CONSTRUCTORS HELPERS (PROBATION)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr Tr.
	H & W	Pensions	Vacation	
10 00 10 25	83 83	1 53 1 53	a	
10 80	1 20	60	1 45+b	15
10 75	75	1 05	55	05
10 50 11 45	8% 7 48	19% 38+1 00	10%	1% 1%
6 35 11.32	75 745	1% 35+e	.30 b+d	02
8 94 5 66	745	35+c	b+d	02

DECISION NO NY79-3028	Fringe Benefits Payments				Education and/or Appr. Tr
	H & W	Pensions	Vacation	Education and/or Appr. Tr	
LATHERS	1 05	15	1 00	01	01
LEADBURNERS	1 40	25	1 00	01	01
LINE CONSTRUCTION: Linemen cable splicer helper & material man	1 00	34+75	9	3 1/2	3 1/2
Groundman digging machine operator	1 00	34+75	9	3 1/2	3 1/2
Groundman mobile equipment operator	1 00	34+75	9	3 1/2	3 1/2
Groundman truck driver and mechanic	1 00	34+75	9	3 1/2	3 1/2
Groundman dynamite man	1 00	34+75	9	3 1/2	3 1/2
Cable splicer	1 00	34+75	9	3 1/2	3 1/2
MARBLE SETTERS, TERRAZZO WORKERS AND TILE SETTERS: West Newburgh, Little Britain, Rock Tavern, Lagrange, New Hampton, Ridgeburg & Johnson to County Line and all areas inclusive south thereof	1 21	1 71	h	h	h
County lines:	1 05	1 50	1 15	1 15	1 15
Marble setters; cutters	1 18	1 50	1 50	1 50	1 50
Terrazzo workers; helpers	1 21	1 50	1 50	1 50	1 50
Terrazzo workers' helpers	1 21	1 50	1 50	1 50	1 50
Terrazzo machine operator	1 21	1 50	1 50	1 50	1 50
Tile setters	1 15	1 27	1 27	1 27	1 27
Tile setters' helpers	1 15	1 27	1 27	1 27	1 27
That area in Orange County following within a 50 mile radius from Columbus Circle, NYC. (Arced boundary line is just south of Newburgh; South of Maybrook; North of Goshen; South of Middletown) North of Johnson North of Unionville	1 15	1 27	1 27	1 27	1 27
Marble setter helpers	1 85	1 85	1 85	1 85	1 85
Tile setter helper	1 85	1 85	1 85	1 85	1 85
Terrazzo helper	1 85	1 85	1 85	1 85	1 85

DECISION NO NY79-3028	Fringe Benefits Payments				Education and/or Appr. Tr
	H & W	Pensions	Vacation	Education and/or Appr. Tr	
ELEVATOR CONSTRUCTORS	9 35	32+c	b+d	02	02
MODERNIZATION	7 01	32+c	b+d	02	02
ELEVATOR CONSTRUCTORS	8 50	32+c	b+d	02	02
MODERNIZATION HELPERS	6 38	32+c	b+d	02	02
ELEVATOR CONSTRUCTOR REPAIR HELPER	12 85	1 91	67	01	01
GLAZIERS	10 75	2 98	1 60		
IRONWORKERS: Reinforcing, Ornamental, and Structural	1 78	2 98	1 60		
LABORERS: BUILDING Common laborers, Mason Tenders, Mortar Mixers, Hod Carriers, Scaffold Builders, Concrete men, Vibrator men, poured gypsum, roof work, wrecking	9 60	1 05	1 05		
Walking Power Buggy men, Landscaper, Chipping Hammer (air or electric 1" and under)	1 05	1 05	1 05		
Asphalt men, Pipelayers, Air or Electric Jackhammer, Powdermen, Gunnite, Sand-blasting, Air Trac, Bar-men, Chain Saw, Riding Power Buggy, Vibro, Bar-co, Joy Tamper or similar, Joy or Jib Drills, Walk Behind Roller, Hagon Drill, All Fork Lifts	1 05	1 05	1 05		
Grade, Pipe, Concrete Clearing, Black Top, Drill, Paving etc, Blaster, Form Setter, Burner (acetylene torch), Ingersoll-Rand, Heavy Duty Crawler Type HCHZ, Drill Machines Or equivalent, All wrecking work fifty feet or more above grade	10 25	1 05	1 05		

DECISION NO NY79-3028

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONT'D)

- GROUP 3 Pump, staging
- GROUP 4 A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, shipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumperete, squeezecrete & similar types; equipment; forklifts; front end loaders (2 yds but less than 5 yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Fans, Lefourneau, D's Ukes, pump-crete machines, squeezecrete & concrete pumping; scrapers-le-Tourneau, D's Ukes; side booms; squeezecrete; "straddle" carrier, ross and similar types; winch trucks (hoisting)
- GROUP 5 Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists

- GROUP 6 Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-backtop
- GROUP 7 Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde concrete machine (CMI & similar types); autograde curb trimmer & side-walk shoulder, slipform (CMI & similar types); bar bending machines (power); batchers; batching plant & crusher on site; belt conveyer system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); cat dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft; crushing machines; ditching machine, small (ditch witch or

DECISION NO NY79-3028

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	15 63	128+ 40	10%	a	38
GROUP 2	13 81	128+ 40	10%	a	38
GROUP 3	12 93	128+ 40	10%	a	38
GROUP 4	12 82	128+ 40	10%	a	38
GROUP 5	12 59	128+ 40	10%	a	38
GROUP 6	12 10	128+ 40	10%	a	38
GROUP 7	11 81	128+ 40	10%	a	38
GROUP 8	11 64	128+ 40	10%	a	38
GROUP 9	11 59	128+ 40	10%	a	38
GROUP 10	11 64	128+ 40	10%	a	38
GROUP 11	11 42	128+ 40	10%	a	38
GROUP 12	11 59	128+ 40	10%	a	38
GROUP 13	10 78	128+ 40	10%	a	38
GROUP 14	10 61	128+ 40	10%	a	38
GROUP 15	10 27	128+ 40	10%	a	38

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION

- GROUP 1 Helicopters pilot/engineer
- GROUP 2 Autograde-combination subgrader, base WTL spreader & base trimmer (CMI & similar types); autograde placer-trimmer-spreader-combination types; back hoses (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks- land or floating (building & heavy construction rate only); drill master, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and dragline pump; front end loaders (5 yds & over); gradalls; grader, rag; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broymill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scoop (loader and shovel) Koehring; shovels; treechopper with boom; trench machines

DECISION NO. NY79-3028

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD,
STREET AND SEWER CONSTRUCTION (CONT'D)

GROUP 7 (CONT'D)
 similar; drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; ladderator; lights; portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plasterer pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

GROUP 8
 Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only

GROUP 9
 Brooms & sweepers; bulldozer, D5 and over; fireman, sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractor, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site)

BILLING CODE 4505-01-0

DECISION NO NY79-3028

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD,
STREET AND SEWER CONSTRUCTION (CONT'D)

GROUP 10
 Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only

GROUP 11
 Front end loaders (under 1 yd) - highway, road, street & sewer construction rate only

GROUP 12
 Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8

GROUP 13
 Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 or less than 4 inch suction including submersible pumps); pumps, diesel engine & Hydraulic (material of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance)

GROUP 14
 Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only, farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil, supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type - single (highway, road, street and sewer construction rate only)

GROUP 15
 Assistant engineer/oller; mechanics helper; tire repair and maintenance

FRIDAY
SEPTEMBER 14, 1979

Friday
September 14, 1979

Part III

Consumer Product Safety Commission

Omnidirectional Citizens Band Base
Station Antennas; Proceeding To Develop
a Consumer Product Safety Standard

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Chapter II]

Omnidirectional Citizens Band Base Station Antennas; Proceeding To Develop a Consumer Product Safety Standard by the Commission

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proceeding to develop a proposed consumer product safety standard.

SUMMARY: The Commission begins the development of a proposed mandatory consumer product safety standard for omnidirectional Citizens Band base station antennas to reduce the risk of injury to consumers caused by electric shock occurring when the antenna comes into contact with electrical power lines while the antenna is being put up or taken down. The Commission has determined that it is more expeditious for the Commission to develop this proposed standard itself than for interested parties outside the Commission to develop the proposed standard. The Commission also solicits participation in the standard development proceeding by interested persons outside the Commission, and will contribute to costs of some persons who qualify for funding of their participation.

DATES: Persons interested in participating in the development of the standard should notify the Commission's Office of the Secretary, preferably by October 15, 1979. Persons requesting funding for their participation are requested to submit the information to support their request by October 15, 1979 so that the requests may be considered before the first meeting of the public participants, which is presently scheduled for November 1, 1979. Although requests for funding may be submitted at any time during the development process, funding will not be approved for participation that takes place before the consideration of the funding request by the Commission.

Persons who have information that would be helpful to the Commission in the development of the standard are also requested to submit the information to the Commission by October 15, 1979. Information that is submitted after that time will also be considered if practicable.

The Commission has specified that the development period, which is the period of time that the Commission allots to develop the provisions of a

proposed standard and to prepare the standard for publication as a proposed standard, shall be until April 30, 1981. The Commission may extend the development period by publishing a notice in the Federal Register providing reasons for the extension. If the Commission does not publish a proposed standard within 45 days after the end of the development period, it will publish a notice in the Federal Register specifying the time period within which either (1) the proposed standard will be published or (2) the proceeding terminated.

ADDRESSES: Submissions should be addressed to the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, NW., Washington, D.C. 20207. Copies of all materials which the Commission has concerning this proceeding may be obtained from the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6557.

SUPPLEMENTARY INFORMATION:

A. The Product

This notice applies to antennas designed or intended to be used as outdoor omnidirectional Citizens Band (CB) base station antennas. (An omnidirectional antenna transmits and receives an approximately uniform signal level in all horizontal directions from the antenna.)

B. The Risk of Injury

The Commission estimates that approximately 220 persons in 1975, 275 persons in 1976, and 220 persons in 1977 were electrocuted in incidents involving communications antennas. In addition, a large number of non-fatal injuries occurred in these years. The vast majority of these incidents occurred when the antennas contacted electrical power lines while being put up or taken down. Typically, these incidents occur when the antenna contacts the power line while the antenna is being carried to where it will be erected or when it falls into a power line because it gets out of the control of the persons who are putting it up or taking it down. The Commission estimates that over 70 percent of the antennas involved in these accidents are Citizens Band (CB) base station antennas.

Data available to the Commission show that almost 3/4 of the incidents involve power lines carrying about 7000 volts and that less than 10 percent of the incidents involve lines carrying 13,000 volts or more. It also appears that

almost all of the power line contacts took place with the antenna rather than the supporting structure and that about 66 percent of the accidents occurred when the antenna contacted the power line within the top 5 feet of the antenna, about 87 percent involved contact within the top 10 feet of the antenna, and about 90 percent involved contact within the top 15 feet. About half the accidents occurred with antennas that were less than one year old, and about 30 percent occurred with antennas that were one to three years old. (However, it is difficult to evaluate these figures concerning the age of the antennas since the number of antennas sold during the past several years is not known. The commission will try to obtain these data during the standard's development.)

The typical victim of an antenna accident is an adult male who has had some previous experience with putting up antennas, or who is assisting someone with previous experience.

From 78 incidents that have been investigated in depth by the Commission, it appears that approximately half of the accidents involved multiple victims. These incidents involved 86 fatalities and 61 non-fatal injuries. The non-fatal injuries were often quite severe, involving prolonged hospitalization, skin grafts, and, occasionally, loss of limbs.

The Commission has not received complete data for 1978, but preliminary data show that there has been a substantial reduction in deaths in 1978. The reduction may stem in large part from reduced sales of antennas. However, the Commission preliminarily estimates that over 100 electrocution deaths associated with antennas occurred during 1978 and that this constituted the major cause of electrocution among all consumer products.

C. Background

As a result of the information that it received concerning these deaths and injuries, and in response to a petition filed with the Commission by Lawrence H. Chapman on June 29, 1976, the Commission took several actions. First, the Commission reasoned that if consumers knew of the danger and how to avoid it, they would be able to take steps to protect themselves. Therefore, the Commission issued a rule (16 CFR Part 1402) requiring manufacturers and importers of (1) outdoor Citizens Band (CB) base station antennas, (2) outdoor television antennas, and (3) antenna supporting structures to provide purchasers with (a) instructions on how to avoid the hazard of contacting electric power lines with the antenna or

supporting structure while putting it up or taking it down, (b) labels on the antennas (and provided with the supporting structures), warning of the hazard of electrocution and referring the reader to the instructions, and (c) statements on the packaging or parts container, and at the beginning of the instructions, warning of this hazard and referring the reader to the instructions. A detailed discussion of the rule and the reasons for issuing it is in the Federal Register document that issued the rule (43 FR 28392; June 29, 1978).

In addition, the Commission concluded that while the labeling rule of Part 1402 is necessary in order to reduce the deaths that occur due to the contact of television and CB base station antennas with electric power lines, a standard that would help insure that the antenna would not conduct a harmful amount of electricity to the installer if the antenna did contact a power line would address the risk of electrocution more effectively than labels and instructions alone and thereby cause a greater reduction in deaths and injuries.

Accordingly, the Commission contracted with Systems Consultants, Inc. for a study of the technical feasibility of a safety standard that would address the risk of electrocution associated with CB antennas. The study, entitled "Feasibility Study for a Citizens' Band Base Station Antenna Standard," concluded that insulating the antenna was the most promising approach for providing protection. Copies of the study and the other materials that the Commission has concerning the feasibility of a safety standard for antennas may be obtained from the Office of the Secretary.

After considering the feasibility study and the other information available to it, the Commission has preliminarily determined that the shock hazard associated with CB base station antennas constitutes an unreasonable risk of injury and that a consumer product safety standard is necessary to eliminate or reduce that unreasonable risk.

However, the Commission recognizes that directional antennas and omnidirectional antennas present different questions of technical feasibility and cost for any safety standard that would apply to each type. The directional type of CB base station antenna is generally heavier and more complex than the omnidirectional type of antenna due to the larger number of elements that are required to produce its directional characteristics. Because of this, the Commission believes that a standard applicable only to omnidirectional CB base station

antennas can be developed more quickly than a standard that would be applicable to both directional and omnidirectional CB base station antennas. In addition, the omnidirectional type of antenna is used more often than the directional type. For these reasons, the scope of the standard development proceeding is limited to omnidirectional antennas. The Commission anticipates that much of the technical information that is obtained during the development of a standard for omnidirectional antennas will also be applicable to a standard for directional antennas. The Commission will continue to evaluate the feasibility of a standard for directional antennas, and if it appears that such a standard is feasible, it will address the desirability of a mandatory standard for directional antennas at a later time.

A packet of information concerning (1) the specific nature of the risks of injury associated with omnidirectional antennas, (2) the basis for the Commission's determination concerning the need for a mandatory standard, and (3) additional information relating to the development of the proposed standard by the Commission which may be helpful to potential participants or other interested persons may be obtained from the Office of the Secretary.

D. Development of the Proposed Standard by the Commission

Under section 7 of the Consumer Product Safety Act, 15 U.S.C. 2056, a proposed consumer product safety standard may generally be developed in the following ways:

1. The Commission may solicit offers from persons or organizations outside the Commission to develop a recommended standard. Persons submitting such offers are referred to as "offerors," and the development of recommended standards in this manner is called the "offeror process."
2. The Commission may invite persons or organizations outside the Commission to submit to the Commission an existing standard which could be proposed as a consumer product safety standard.
3. The Commission may publish an existing standard or combination of existing standards as a proposed consumer product safety standard.
4. The Commission may develop the proposed standard itself if the Commission determines that it is "more expeditious" than development by the offeror process.

In the case of the electrocution hazard associated with CB base station antennas, the Commission is not aware of any standard issued, adopted, or proposed by any Federal department or

agency or by any other qualified agency, organization, or institution that would adequately reduce the risk and could be published as a proposed standard by the Commission. However, any person is invited to submit to the Commission by October 15, 1979, an existing standard or combination of existing standards as the proposed consumer product safety standard.

The Electronic Industries Association (EIA) has an ad hoc committee working on the development of a voluntary standard for omnidirectional CB base station antennas. The Commission considered whether such a voluntary standard might adequately address the risk of injury. After communicating with EIA, however, the Commission concludes that a mandatory standard is needed to adequately reduce the risk and cannot at this time conclude that EIA's development effort will result in a standard that would be suitable for prompt proposal as a mandatory standard. Therefore, the Commission has decided to proceed with the development of a mandatory standard. (However, the Commission's staff will monitor EIA's development effort, and the Commission intends to consider any standard developed by EIA to determine if the standard could be proposed by the Commission as a mandatory standard.)

In determining whether a standard should be developed by the Commission itself rather than through the offeror process, the Commission is required by section 7(b)(2) of the Consumer Product Safety Act to consider the following factors.

1. The nature of the risk of injury associated with the product.
2. The expertise of the Commission with respect to the risk of injury.
3. The expertise of the Commission in developing consumer product safety standards.
4. The resources available to the Commission and the priorities established by the Commission.

After considering these factors, the Commission determined that it would be more expeditious for the Commission to develop this standard itself than for interested parties outside the Commission to develop the standard. In the Federal Register of July 3, 1979 (44 FR 38854), the Commission published a notice announcing its determination to develop the standard itself and requesting public comment on the determination.

E. Response to Comments

In response to the Federal Register notice of July 3, 1979, the Commission received 18 comments. Although the Commission is not legally required to

reply to these comments, an explanation of the comments and the Commission's response to them are given below.

Most of the comments that were received did not address the merits of the Commission's determination to develop a standard itself rather than to rely on the offeror process. Rather, the comments addressed the type of standard that should be issued, the need for a standard, and other issues. These comments need not be specifically addressed at this time since these issues will be considered in the future during the development of the standard. However, the comments that are relevant to the development of a standard will be addressed by the staff and public participants during the development proceeding. Comments that were not strictly responsive to the July 3, 1979, Federal Register notice included the following:

1. One commenter noted that in his opinion many antennas were installed at heights that were too high for optimum performance or that were inappropriate for the location of the antenna in congested areas.

2. A commenter supplied data on antenna shock incidents and contended that 16 CFR Part 1402 should apply to antenna products in addition to CB and TV antennas.

3. Several commenters generally supported the goal of a mandatory standard for CB omnidirectional base station antennas.

4. Three commenters opposed a standard because they believed it would be ineffective and inflationary, while two others contended that the government should not protect "careless" people from themselves or that a standard would be a waste of money.

5. One commenter suggested that the standard should not allow the erection of an antenna in any location where it could contact a high voltage line in any direction.

6. One commenter suggested a specified shrink tubing and a specified coating as suitable insulating materials.

7. Another commenter suggested that an insulating sleeve should be slipped over the antenna rods or sprayed onto all metal parts.

8. One commenter suggested that publicity to make users more safety conscious will be more effective than a standard.

9. One commenter contended that weathering or a coating of salt will destroy the value of the insulation after a period of time, and another suggests that contamination of the antenna will result in the antenna becoming a hazard in actual use.

10. A commenter suggested that the Commission contact the American Radio Relay League for information during the standard's development.

11. One commenter argued that a warning label provides enough protection, and that if an antenna contacts a power line, people need only stay away until the power company "takes care of it."

12. One comment raised the possibility that a safety standard could create "an aura of protection * * * that could result in the opposite effect * * * (from that) which the Commission is trying to obtain."

13. One commenter reported interference effects caused by nearby CB transmitters.

14. Three of the commenters responded to the Commission's request that persons who were interested in participating in the development of the standard should notify the Commission.

15. Three commenters suggested that the problem could be addressed by insulating the power lines themselves.

Three commenters discussed the decision of the Commission to develop the standard itself. The National Consumers League (NCL) stated that it was not challenging the Commission's authority to develop this particular standard itself rather than by using the offeror process. However, they criticized the reasons the Commission used to justify in-house development, indicating that they believed those reasons would apply to all standard development proceedings. They noted the improvements in the management of the offeror process that have been made over the years and expressed the fear that if the CPSC unduly limits the use of the offeror process, it will limit the experience of groups outside the Commission in developing mandatory standards.

The Commission does not believe that the reasons given in the July 3, 1979, Federal Register notice to support the determination to develop the standard itself would apply equally in all other standard development situations. As explained in that notice, the Commission's staff has been actively involved in work related to the risk of electric shock associated with CB antennas for several years and in fact has already issued a regulation (16 CFR Part 1402) dealing with the same risk of injury that is addressed by this proceeding. In addition, the hazard to be addressed by this proceeding is especially severe. These factors might not be present to the same degree in other proceedings. The Commission believes that the decision of whether to develop a standard in-house must be

made on a case by case basis after considering the factors specified in section 7(b)(2) of the act and that in the case of omnidirectional CB base station antennas, it is more expeditious for the Commission to develop the standard itself. The reasons for the Commission's decision to develop the standard itself are set forth in the July 3, 1979, Federal Register notice.

NCL also expressed concern over the fact that the Commission has put out for a bid a contract for technical research and assistance and has formulated a management plan before arranging for input from public participants. The Commission agrees with the view expressed by the commenter regarding the benefits of public participation in as many phases of standards development as possible. In this case, however, it would unduly delay the beginning of the necessary research to wait for formal participation by public participants in the standard development proceeding in the preparation of the contract documents. (However, the relevant documents may be obtained by request from the Office of the Secretary, and any comments will be considered.) Furthermore, the research provided for in the contract that the Commission has put out to bid would be contracted for by the Commission regardless of whether an offeror were conducting the proceeding, since the information to be obtained by the contract would be necessary in order for the Commission to evaluate a standard recommended by an offeror. The Commission also anticipates that it may be necessary to contract for additional research during the development period. If it does so, the public participants will have the opportunity to participate in evaluating the results of contract research and in deciding what additional contract research, if any, is necessary to support the standard development effort. For these reasons, the Commission believes that contracting for technical assistance at this time will not preclude effective participation by the public in the development effort.

The Commission also believes that a management plan is a necessary part of the information that potential public participants will need to know in order to decide whether to participate in the standard development process. However, changes may be made in the management plan at any time, and public participants may suggest any changes they feel are appropriate.

Two commenters expressed support for the Commission's determination to develop the standard itself. One of those commenters noted the Commission's

expertise in developing consumer product safety standards and in determining the feasibility of a standard.

A CB antenna manufacturer supported the Commission's efforts to introduce rules to address the electrocution hazard and offered to participate in any way possible. They stated that they had begun development work on designs that they believe "will achieve the goals of the Commission regarding safety."

F. Technical Issues

As explained above, the report prepared by a contractor for the Commission concluded that the most promising approach for providing protection from shock would involve insulating the antenna. Accordingly, the Commission anticipates that the thrust of the development effort will involve a resolution of issues relating to insulation. However, the development effort must include consideration of whether there are other means of achieving the objective of the standard while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with public health and safety. Some of the technical and factual issues that will be addressed during the development of the proposed standard are listed below.

1. The degree and nature of the risk of injury the standard is designed to eliminate or reduce.

2. The appropriate number of consumer products, or types of classes thereof, subject to the standard.

3. The need of the public for the consumer products subject to the standard, and the probable effect of the standard upon the utility (including the reception and transmission characteristics of the antennas), cost, or availability of the products to meet such need.

4. The special needs of elderly and handicapped persons and the extent to which such persons may be adversely affected by the standard.

5. The proper period of time between the issuance of a standard and the time that manufacturers would be required to comply with it.

6. Whether a performance standard is feasible, or whether the standard should specify design requirements such as types and thicknesses of insulating materials.

7. The level of voltage the standard should protect against. (Data available to the Commission show that almost 66 percent of the incidents involve power lines in the 7000 volt range and that less than 10 percent of the incidents involved lines carrying 13,000 volts or more.)

8. The period of time the insulation should be able to provide protection against the shock hazard when in contact with the power line.

9. Should there be requirements for abraision and/or impact resistance for the insulation? If so, what?

10. How much of the antenna should be insulated? (Available data show that almost all of the power line contact takes place with the antenna rather than the supporting structure and that about 66 percent of the accidents occurred within the top 5 feet of the antenna, about 87 percent occurred within the top 10 feet, and about 90 percent within the top 15 feet.)

11. Should the standard include a requirement that the antenna maintain its ability to provide protection (a) over a specified period of use or (b) under simulated or accelerated weathering tests in order to protect persons who take the antenna down?

12. What level of current should the standard specify as the maximum that the antenna may conduct under the standard's test conditions?

13. What is the potential for fire hazards caused if the insulation contacts high voltage power lines or self-heats as a result of operation of the antenna?

14. What are the potential environmental effects of a standard?

15. An estimation of the injury reduction that will be provided by the standard.

16. Should the labeling and instruction requirements of Part 1402 be maintained in their present form?

17. What requirements are appropriate in connection with the possible need for a mandatory testing program, and the certificates and labels of compliance, provided for under section 14 of the CPSA?

Persons who may have information relating to these and any other issues involved in the development of a standard to address the shock hazards associated with antennas are requested to contact the Commission at any time during the development, preferably by October 15, 1979, so that the Commission may consider the information during the development of the standard. Persons aware of any existing standards that may be relevant to this proceeding to develop a standard to address the shock hazards associated with antennas are also requested to notify the Commission.

G. How the Commission Will Develop the Standard

The Commission itself will ultimately approve the form and content of any standard for CB omnidirectional antennas that may be proposed. The

staff will develop the data necessary to support the proposed standard and will prepare a draft proposed standard. The staff will forward the supporting data, the draft proposed standard, and the staff's recommendations and analysis to the Commission for its consideration.

The Commission's Program Manager for the Electrical Shock Hazard Program, Carl Blechschmidt, will be responsible for the compilation of data and development of the draft proposed standard as well as a draft proposed certification rule and possible testing program under section 14 of the CPSA. He is also responsible for maintaining liaison with the public participants. (Unless otherwise noted, a reference in this plan to the "standard" also refers to the certification rule and possible testing program.) He will be assisted by the Electrical Hazard Team (EHT) Project Manager, Melvin Spencer; the Electrical Hazard Team, which is composed of representatives from various Commission directorates; and other staff of the Commission necessary to develop and support the standard. (The Electrical Hazard Team is a permanently established group in the Commission whose function is to investigate and make recommendations concerning regulatory and other actions relating to electric hazards in all consumer products.)

Within the legal guidelines furnished by the Office of General Counsel (OGC), the EHT Program Manager will make the final determinations of the substance of the staff recommendations for requirements of the standard, the test procedures, any mandatory testing program, and the certification rule and will make the other determinations required for the development of these items. Where development of the standard requires a balancing of competing interests (such as degree of protection vs. economic impact), he will make such determinations as are necessary to the expeditious development of the draft proposed standard, and will provide the Commission with analysis of the pros and cons of the major alternatives encountered during the development of the standard. He will ensure that the technical and economic data required for the technical rationale and findings required by section 9 of the CPSA are developed by the staff. He will direct the scope of the staff's effort and, where appropriate, will determine which of various alternative approaches to risk reduction shall be investigated further. He will use his judgment in obtaining guidance on these determinations from the Director of the Office of Program

Management, the Executive Director, the Office of General Counsel, and/or the Commissioners. The Program Manager will be responsible for presenting to the Commission the staff's recommendations, with a full discussion of the alternatives in major areas of controversy and reasons for and against selecting these alternatives.

One or more persons from the Commission's staff will be assigned to assist the Program Manager in each of the following areas:

1. *Standard requirements.* A staff member will direct the group that will do the engineering work necessary for the development of the requirements of the recommended standard.

2. *Test procedures.* A staff member will direct the group that will do the engineering work necessary to develop test procedures for determining compliance with the requirements of the recommended standard.

3. *Certification and Compliance strategy.* Staff members will work with the Office of General Counsel in preparing the draft proposed and final testing program, certification rule, and compliance strategy.

4. *Human factors and labeling.* A staff member will provide information on all aspects of human behavior associated with installation and handling of the antennas.

5. *Economic impact.* A staff member will be responsible for analyzing the potential economic impact of the draft recommended standards and certification rules. This person will investigate the potential cost and other effects associated with insulating various portions of the antenna and the economic impact of a variety of alternatives.

6. *Hazard analysis.* A staff member will provide the hazard analyses required to evaluate various standard provisions under consideration and to support the findings required by section 9 of the CPSA.

The development effort will also be aided by interested persons from outside the Commission (participants) in the manner described in section H below.

The Office of Public Participation (OPP) will handle the administrative responsibilities associated with recruitment of the participants, the selection of participants who may receive funding, and the payment of any Commission contribution to the cost of participants. If requests for contribution to the cost of participants are received, a Financial Compensation Selection Committee consisting of the General Counsel, Executive Director, and Secretary of the Commission will decide

which requests for compensation will be granted.

The Directorate for Engineering and Science (ES) will be responsible for the technical engineering aspects of the development of the standard, including:

a. Providing the staff members referred to in paragraphs 1 and 2 above.

b. Coordinating and developing test methodology and analysis required for the standard.

c. Developing the criteria for the possible testing program and certification rule in cooperation with the Office of General Counsel and the EHT member from the Directorate for Compliance and Enforcement.

d. Monitoring the development of the Electronic Industries Association's voluntary standard for CB omnidirectional antennas.

e. Preparing any Memorandum of Need for contract research in support of standards development and evaluation of any proposals submitted.

f. Monitoring the research effort after a contract has been let.

g. Informing participants of the technical engineering issues involved in the development of the standard.

The Directorate for Hazard Identification and Analysis will be involved in the development of the standard through its Division of Economic Program Analysis (HICP), Division of Hazard Analysis (HIEA), and Division of Human Factors (HIEH). HICP will analyze the economic impact aspects of the various alternatives offered and prepare the economic impact statements; HIEA will be responsible for the collection and analysis of additional data to support various provisions of the standard, especially as required by 9(c) of the CPSA; and HIEH will provide information on all aspects of human behavior associated with installation and handling of the equipment.

The Directorate for Compliance and Enforcement will develop the compliance strategy for enforcing the standard and, in cooperation with ES, will work with the Office of General Counsel in the development of a certification rule and possible testing program under section 14 of the CPSA. It is expected that a draft proposed and final certification rule and testing program, if appropriate, will be prepared along with a draft proposed and final standard. The staff believes that the simultaneous development of the draft certification rule and draft standard will reduce the total development time.

The Office of General Counsel (OGC) will provide guidance to the staff concerning the legal sufficiency of the information needed to support the

issuance of a standard, including technical and economic supporting data. This shall include guidance at the stage when the need for contracts is being considered or questionnaires or surveys are being formulated, as well as review of draft documents. OGC shall ensure that the criteria in section 9 of the CPSA and the requirements of the National Environmental Policy Act (NEPA) and all other applicable statutes are considered and addressed during the development effort. OGC shall prepare the required Federal Register notices, including format and editorial aspects of the standard and certification rule, in consultation with the staff. An OGC representative shall attend team meetings as necessary. OGC shall assist in resolving official comments on Federal Register notices and determine the legal sufficiency of the responses to comments.

The Office of Communications will be responsible for:

a. Coordinating and disseminating information such as press releases and information materials for the general public concerning the standard development proceeding.

b. Providing data and recommendations for any section of the standard dealing with instructions.

The Commission shall maintain complete written records of the development of the proposed standard as provided in 16 CFR 1105.18(f). The Commission will make these records available for public inspection and will supply copies upon request, subject to the provisions of its regulations relating to the availability of Commission records (16 CFR Part 1015). Participants who request a financial contribution for the costs of their participation must keep complete records of the costs incurred (see section H below).

The Comptroller General of the United States or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records relevant to the development of the proposed standard or to the expenditure of any contribution of the Commission for the development of such proposed standard.

H. Public Participation

The Commission invites interested persons (including individual consumers, consumer organizations, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, and educational institutions) to participate with the Commission in

the development of the standard in the manner described below.

Section 7(d)(4) of the act requires that the Commission issue regulations governing the Commission's development of proposed consumer product safety rules by the Commission. These regulations must include requirements for notice and opportunity for interested persons (including representatives of consumers and consumer organizations) to participate in the development of such standard. The Commission has recently issued regulations for the Commission development of proposed standards (16 CFR Part 1105, Subpart C; 44 FR 48618; August 17, 1979), and these regulations will be followed in this proceeding.

Public participation is provided for in this proceeding by a series of public meetings, by open staff development meetings, by individual task assignments, by written comments on the final staff draft, and by participation, by phone and by mail during the development process. Participants may begin or end their participation in the proceeding at any time and may participate in any or all of the ways discussed below.

1. Public meetings. There will be a series of 4 public meetings to be scheduled in Washington, D.C. at appropriate times during the development of the standard. The tentative dates for such meetings are November 1, 1979; February 28, 1980; June 30, 1980; and October 31, 1980. The public participants will be provided with the material that is available to the Commission that they will need to keep abreast of the progress of the development of the standard prior to each scheduled meeting.

These public meetings will be for the purpose of briefing the public on major milestones in the development of the standard, and for receiving data and comments from the public participants.

At the public meetings, the participants may submit such information and make such comments as they see fit. However, the presiding officer of the meeting may require the participants to limit or combine their presentations if time limitations must be imposed.

The public meetings will be announced in advance in the Commission's Public Calendar, which is a weekly publication distributed without charge. Any interested person may be placed on the mailing list for the Public Calendar by contacting the Office of the Secretary. In addition, persons who have notified the Office of the Secretary that they wish to participate in this proceeding will be directly notified of

the time, place, and agenda of these meetings. These meetings will be open to any interested member of the public, space permitting. The Commission expects that any person who wishes to contribute information or comments at these meetings will have an opportunity to do so. However, if an exceptionally large number of persons desire to participate, space or time limitations may make it necessary to restrict the number of participants.

The first public meeting, presently scheduled for November 1, 1979, will be for the purpose of familiarizing the public participants with the information possessed by the Commission and obtaining initial input from the participants. If necessary, the meeting may extend for a second day to November 2, 1979.

Those persons who wish to participate in the development of the standard by attending the November 1, 1979, meeting should notify the Commission's Office of Public Participation by October 15, 1979, so that they may be provided with the appropriate background materials prior to the meeting.

2. Open staff development meetings. It is anticipated that much of the development effort will take place at meetings conducted on a frequent basis by the Commission's staff. When the Commission's staff determines that because of the number of staff participants, the importance of the issues being discussed, or other factors, it is desirable that the meetings be open to the public, notice of the meetings will, when possible, be placed in the Commission's Public Calendar. When time limitations make this unfeasible, the Commission will attempt to notify the public participants who have expressed an interest in attending these meetings. Participants are invited to attend any or all of the meetings that are open to the public in order to participate in the standard development by submitting such information and making such comments as they see fit. Participants should call CPSC staff before the meetings to confirm the schedule of these meetings. (See paragraph 5 below for information on how to contact CPSC by telephone.) The Commission wishes to stress that participation at these open meetings is not restricted to those participants who have received specific task assignments or who are receiving funding from CPSC. On the other hand, the Commission does not intend that all meetings involving its staff members or contractors will be open to the public.

3. Task assignments. In addition to participation by attendance at the public

meetings and staff development meetings described above, individual public participants will be given an opportunity to work on particular tasks during the standard development in conjunction with the appropriate staff team members. Such assignments must be approved by the EHT Program Manager and agreed to by the public participant involved. It is anticipated that these assignments would primarily involve participants with an applicable technical background. Participants who would be interested in participating in a task assignment are encouraged to notify the EHT Program Manager.

Among the technical backgrounds that would be relevant to this proceeding are (1) engineering training with experience in high-voltage measurements or dielectric materials or (2) experience in radio communications or antenna design or construction.

4. Comment on final draft. When the final staff draft of the recommended proposed standard has been prepared, a copy will be sent to all persons who have notified the Office of the Secretary of their interest in participating in the development of the recommended proposed standard as well as to any other interested persons. These persons may submit written comments concerning the draft, which could include agreeing or disagreeing with any aspect of the draft. Where applicable, statements of disagreement should include alternate language suggested for the standard and the reasons, as specific and detailed as possible, for the alternate position. After making any changes to the draft resulting from consideration of the comments and statements of disagreement, the staff shall prepare a briefing package for the Commission, which will include an analysis of the comments and statements. Any statements of disagreement that are still applicable will be forwarded to the Commission with the briefing package and recommended proposed standard.

The actual decisions required for the development of the draft proposed standard will be made by the Commission's staff in the manner described in Section G above, and consensus or majority vote procedures will not be used in the development of the standard.

The staff shall keep minutes of all public meetings and open staff development meetings. These minutes will discuss the issues deliberated, the various positions discussed, alternatives offered, and assignments made. They will also highlight the advantages and disadvantages of various test procedures and the agenda of the next

scheduled meeting. The minutes will discuss specific technical differences encountered during the meeting. Copies of the minutes will be sent to all persons who have contacted the Commission indicating that they wish to participate. In addition, the staff will forward to the Commission and the participants a bi-monthly report on the progress of the development of the standard.

5. *Mail and/or phone.* For participants who wish to participate in ways in addition to or other than those described above, or who cannot attend the public or staff meetings, provision has been made for participation by mail or phone.

Participants periodically will be sent copies of meeting minutes, documents, drafts, etc., relating to the development of the standard. These persons may submit any comments or information by mail to Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 or by phone to the Commission's toll-free Hot Line (800-638-8326; in Maryland, dial 800-492-8363). If a participant wishes to speak to a staff member involved in the development of the standard, the Hot Line personnel will take the caller's name and number, and the appropriate staff person will return the call. If there is a sufficient response to this opportunity to participate by phone, the Commission will designate a period each week when staff members involved in the development of this standard will be available to take calls on the Hot Line number.

Funding for public participants. The Commission's regulations provide that the Commission may agree to contribute to the cost of persons who participate with the Commission in developing a proposed standard if the Commission determines:

(1) That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

(2) That the participant to whom a contribution is made is financially responsible.

The Commission has only limited funds available for contribution to public participants. In this proceeding, the Commission initially has allocated \$23,000 for this purpose and estimates that this could provide funding for up to 6 public participants for attendance at the public meetings and for limited task assignments. After considering the requests for funding, however, the Commission may decide to provide a larger amount of funding for public participation.

The Commission expects that at least half of the funded participants would have an applicable area of technical expertise. However, funding for persons whose interests are those of general consumers will also be fully considered.

The Commission expects that persons applying for funding in response to this notice would be willing to participate during the entire development period. However, participants may apply for a contribution at any time and for all or part of the remaining development proceeding.

The Commission may compensate participants for any or all of the following costs:

- (1) Salaries for participants, or employees of participants;
- (2) Fees for consultants, experts, contractual services, and attorneys that are incurred by participants;
- (3) Transportation costs;
- (4) Travel-related costs such as lodging, meals tipping, telephone calls; and
- (5) All other reasonable costs incurred, such as document reproduction, postage, baby-sitting, and the like.
- (6) Long distance telephone calls to Commission staff.

Examples of the types of funding that would be considered by the Commission would include (1) transportation costs to the public meetings, (2) per diem expenses of \$50.00 per day for meals, lodging, and miscellaneous expenses for participants from outside the Washington, D.C. area or (3) compensation for attendance at public meetings or work in preparation for the meetings.

In considering whether a contribution is likely to result in a more satisfactory standard, the Commission shall consider (i) the need for representation of one or more particular interests, areas of expertise, or points of view in the development proceeding and (ii) the extent to which particular interests, points of view, or expertise can reasonably be expected to be represented if the Commission does not provide any financial contribution.

In order to be eligible to receive a financial contribution, a participant must request in advance a specific type of contribution with an explanation as to why the contribution is likely to result in a more satisfactory standard than would be developed without a contribution (see the preceding paragraph). The request for a contribution shall contain, to the fullest extent possible and appropriate, the following information:

(1) A description of the point of view, interest and/or expertise that the

participant intends to bring to the proceeding;

(2) The reason(s) that representation of the participant's interest, point of view, or expertise can reasonably be expected to contribute substantially to a full and fair determination of the issues involved in the proceeding;

(3) An explanation of the economic interest, if any, that the participant has (and individuals or groups comprising the participant have) in any Commission determination related to the proceeding;

(4) A discussion, with supporting documentation, of the reason(s) a participant is unable to participate effectively in the proceeding without a financial contribution;

(5) A description of the participant's employment or organization, as appropriate; and

(6) A specific and itemized estimate of the costs for which the contribution is sought.

Requests for contributions must be submitted to the Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207, by October 15, 1979, or at least 60 days before the person wishes to begin participation.

The Commission may authorize a financial contribution only for participants who meet all of the following criteria:

(1) The participant represents a particular interest, expertise, or point of view that can reasonably be expected to contribute substantially to a full and fair determination of the issues involved in the proceeding;

(2) The economic interest of the participant in any Commission determination related to the proceeding is small in comparison to the participant's costs of effective participation in the proceeding. If the participant consists of more than one individual or group, the economic interest of each of the individuals or groups comprising the participant shall also be considered, if practicable and appropriate; and

(3) The participant does not have sufficient financial resources available for effective participation in the proceeding, in the absence of a financial contribution.

The Commission shall compensate participants only for costs that have been authorized and only for such costs actually incurred for participation in a proceeding.

The participant shall be paid upon submission of an itemized voucher listing each item of expense. Each item of expense exceeding \$15 must be substantiated by a copy of a receipt, invoice, or appropriate document

evidencing the fact that the cost was incurred.

The Commission shall compensate participants only for costs that it determines are reasonable. As guidelines in these determinations, the Commission shall consider market rates and rates normally paid by the Commission for comparable goods and services, as appropriate.

Except for the provision of expenses such as for airline, train, or bus tickets for authorized travel, compensation is usually reimbursed to participants and not paid in advance. However, the Commission may make any contribution in advance upon specific request, and the contribution may be made without regard to 31 U.S.C. 529, which prohibits advance payments in cases of contracts for the performance of services.

The items of cost toward which the Commission will not contribute include:

(1) Costs for the acquisition of any interest in land or buildings;

(2) Costs for the payment of items in excess of the participant's actual cost; and

(3) Costs determined not to be allowable under generally accepted accounting principles and practices or Part 1-15, Federal Procurement Regulations (41 CFR Part 1-15).

I. Conclusion

Therefore, under section 7 of the Consumer Product Safety Act, 15 U.S.C. 2056, and after considering the factors specified in section 7(b)(2) of the act, the Commission begins the development of a proposed consumer product safety standard for omnidirectional Citizens Band base station antennas.

Dated: September 10, 1979.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-28559 Filed 9-13-79; 8:45 am]

BILLING CODE 6355-01-M

FRONT COVER

Friday
September 14, 1979

Part IV

**Department of the
Interior**

Geological Survey

**Outer Continental Shelf; Oil and Gas and
Sulphur Operations**

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Department of the Interior, U.S. Geological Survey.

ACTION: Final rule.

SUMMARY: This rule incorporates the modifications of 30 CFR 250.34 required to conform to the Outer Continental Shelf (OCS) Lands Act Amendments of 1978, 92 stat. 629 (herein referred to as the "Act"). A proposed rule was published on January 17, 1979, in the Federal Register (44 FR 3513). The proposed rule described modifications in existing practices and procedures related to (1) exploration activities on OCS oil and gas leases, (2) coordination and consultation with the Governors of affected States and the executives of affected local governments, and (3) development and production activities on OCS oil and gas leases. Issuance of this rule implements the changes that are needed to make the provisions of section 250.34 consistent with the Act.

DATES: This rule becomes effective December 13, 1979.

ADDRESSES: A copy of 30 CFR 250.34 may be obtained from the following offices of the Geological Survey:

Director, U.S. Geological Survey; National Center—Mail Stop 620, Reston, Virginia 22092.

Conservation Manager—Eastern Region, U.S. Geological Survey, 1725 K Street, N.W., Suite 204, Washington, D.C. 20244.

Conservation Manager—Gulf of Mexico Region, U.S. Geological Survey, 336 Imperial Office Building, P.O. Box 7944, Metairie, Louisiana 70010.

Conservation Manager—Western Region, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94205.

Area Oil and Gas Supervisor—Pacific Area, U.S. Geological Survey, 1340 West Sixth Street, Room 160, Los Angeles, California 90017.

Area Oil and Gas Supervisor—Alaska Area, U.S. Geological Survey, 800 "A" Street, Suite 109, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, Branch of Marine Oil and Gas Operations, Conservation Division; Mail Stop 620, U.S. Geological Survey, National Center, Reston, Virginia 22092, (703) 860-7531.

Supplementary Information

Background: Rules establishing practices and procedures under which the U.S. Geological Survey (herein

referred to as the "Survey") makes information contained in exploration plans and development and production plans available to affected States, executives of affected local governments, and other interested parties were published January 27, 1978 (43 FR 3880). Those practices and procedures were set out in a revise § 250.34 of Title 30 of the Code of Federal Regulations. On September 18, 1978, the OCS Lands Act Amendments of 1978 were enacted (Public Law 95-372). Certain provisions of the Act required revision of the regulations published January 27, 1978. By notice of November 1, 1978 (43 FR 50903), the Department of the Interior temporarily suspended certain provisions of 30 CFR 250.34 pending full implementation of the Act. A proposed rule incorporating the modifications of § 250.34 was published January 17, 1979 (44 FR 3513). In addition, on May 10, 1979, proposed modifications to 30 CFR 250.34 were published to implement the requirement of section 5(a)(8) of the Act that the Secretary of the Interior issue regulations which provide for compliance with the national ambient air quality standards pursuant to the Clean Air Act (42 U.S.C. 7401, et seq.) to the extent that activities authorized under the Act significantly affect the air quality of any State. Those modifications are being developed under a separate rulemaking activity.

Comments: A total of 50 sets of comments and recommendations were timely submitted in response to the invitation contained in the notice of proposed rule published January 17, 1979. Comments and recommendations were received from 2 private citizens, 5 public interest groups, 12 State and local government agencies, and 31 oil and gas companies and trade organizations.

Public Hearings: Oral testimony relating to the proposed revisions of 30 CFR 250.34 was also taken at public hearings held in Los Angeles, California; New Orleans, Louisiana; and Washington, D.C.

Differences Between Proposed Rule and Final Rule: The differences between the provisions of the final rule and the provisions of the proposed rule are the result of the Department's efforts to incorporate the comments of the public, to make the provisions of the final rule more clear, and to assure conformance with the Act. In this regard, special attention has been given to the specific provisions of sections 5, 11, 19, 21, and 25 of the Act (43 U.S.C. 1334; 1340; 1345; 1333; and 1351 respectively).

Discussion of Major Comments

General Comments: (1) Duplication of efforts. Several respondents suggested that implementation of the proposed regulations would result in unnecessary duplication of effort by lessees. In keeping with Departmental policy, every effort was made to eliminate duplicative paperwork, reduce the volume of material submitted, and simplify the review procedures as fully as possible. Our review of the proposed rule identified no instance of significant duplication. When a lessee is required to submit information or data already in the possession of the Survey office that is to review the plan and accompanying Environmental Report, the lessee shall incorporate that information or data into the plan or report by appropriate reference identifying the documents and page numbers where the specific information or data will be found in the records of the Survey.

(2) Need for regulatory analysis. Several respondents suggested that implementation of the proposed regulations would have a significant impact on the Nation's economy and the oil and gas industry. They recommended the preparation of a regulatory analysis pursuant to Executive Order 12044. Prior to the publication of the modifications of 30 CFR 250.34 the Survey prepared a Negative Declaration and Regulatory Analysis. The "negative declaration" was based upon examination of the criteria established by the Department of the Interior (43 CFR Part 14) to determine whether the proposed regulations constituted a significant regulatory action requiring preparation of a regulatory analysis under Executive Order 12044. The examination indicated that an analysis was unnecessary based upon the following considerations: (1) The proposed changes were being made to existing regulations and did not mark a fundamental departure from established practices and procedures; (2) the proposed changes were in response to specific statutory requirements; and (3) the proposed changes should decrease the financial burden borne by lessees operating in the western Gulf of Mexico by eliminating the requirement that Environmental Reports be submitted with exploration plans or development and production plans, unless information contained in an Environmental Report is needed by a State to make a coastal zone consistency determination.

A review of that determination and the comments submitted by respondents failed to develop any basis or criteria which demonstrated any error in the

previous negative determination or to justify a change in that determination.

(3) *Need for Environmental Impact Statement.* Several respondents indicated that implementation of the revised regulations would constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement (EIS) is required for compliance with section 102(2)(C) of the National Environmental Policy Act. Prior to the publication of the proposed modifications of 30 CFR 250.34, the Survey prepared a Negative Declaration and Environmental Assessment. The "negative declaration" was based upon the fact that the proposed regulations are specifically designed to, among other things, assure the protection of the marine, coastal, and human environments. The proposed regulations recognize that exploration activities and development and production activities may significantly affect the environment and provide for the evaluation of the effects of those activities. In those instances where significant impacts adversely affecting the marine, coastal, and human environments are identified, EIS's will be prepared in accordance with section 102(2)(C) of the National Environmental Policy Act.

(4) *Identity of official to administer regulations.* Several respondents expressed concern over the designation of the Director of the Geological Survey as the responsible administering official in 30 CFR 250.34. Current regulations identify the Supervisor as the official responsible for administering the regulations in 30 CFR 250.34. Respondents indicated that the proposed change would tend to create delays and confusion, and would disrupt the present system which has worked well for many years. We have not adopted the suggestion to designate the Supervisor as the USGS official administering these regulations. However, the change incorporated into these regulations will not appreciably alter present practices and procedures under which the Area Oil and Gas Supervisors and District Supervisors administer the provisions of 30 CFR Part 250, including § 250.34. Most of the authorities previously delegated to the Supervisor through the regulations will be delegated to the Supervisor or comparable officer through a Delegation of Authority from the Director. This approach anticipates a pending reorganization of the Conservation Division which will modify the organizational structure of offices at the Area and District levels.

(5) *Effective date of rule.* One respondent recommended that it be made clear that exploration plans and development and production plans submitted after the effective date of these regulations will be subject to the requirements of these regulations. This respondent also questioned when the revised regulations will become effective. The review and processing of exploration plans and development and production plans submitted after the effective date of these regulations will be governed by the applicable provisions of these regulations. The effective date of these regulations will be the 91st day following their publication in the Federal Register as final rule.

(6) *Environmental reports.* Several respondents took exception to the decision to continue requiring the submission of Environmental Reports in support of exploration plans and development and production plans. Some questioned the Department's legal authority to require the reports, and many complained that the information contained in a lease sale EIS is sufficient to determine the environmental impact of activities covered in plans. Finally, some pointed out that the information required is so detailed, particularly for development and production plans, that the preparation of Environmental Reports is tantamount to preparing an EIS. The Department believes that it has ample authority to require the submission of Environmental Reports and that this authority predates enactment of the OCS Lands Act Amendments of 1978. The specific requirement that a lessee submit an Environmental Report in support of proposed exploration plans and development and production plans has been a part of the regulations governing oil and gas operations in the OCS since January 27, 1978. Similar information has been required of lessees on a case-by-case basis since the earliest oil and gas operations were regulated on the OCS. The information contained in Environmental Reports is needed to carry out the purposes of the Act and the specific requirements of sections 11(c)(1), 25(a)(2), and 25(h)(1) of the Act. Although impacts of exploration activities may be covered, to a degree, in the corresponding lease sale EIS, the information and data contained in the corresponding lease sale EIS are not generally sufficiently site-specific to provide adequate environmental information and data for the review of exploration or development and production plans. To the extent that the information and data in the

corresponding lease sale EIS are sufficient, the governing provisions of the regulations make it clear that the lessee is to incorporate that information and data in the Environmental Report by appropriate reference and to avoid unnecessary detail and length. The intention is that information be sufficiently detailed to permit the evaluation of the impacts of the proposed activities, considering operating conditions in the lease area as well as past experience. It also recognizes the Department's agreement with the Office of Coastal Zone Management to require specific information in order that coastal States with approved coastal zone management programs will have access to sufficient information for the coastal zone consistency reviews required under the Coastal Zone Management Act.

(7) *Gulf of Mexico exemption.* Treatment in the proposed regulations of the exemption for certain Gulf of Mexico leases created in section 25(a)(1) of the Act has raised several questions.

First, some respondents requested clarification of those parts of the Gulf subject to the exemption. A number of commenters accurately pointed out that the proposed regulations are not precise in identifying those parts of the OCS that are adjacent to Florida. One respondent recommended limiting this area to the tracts which are contiguous with the seaward boundary of Florida, while most urged the adoption of the area identified in the June 7, 1978, Federal Register (43 FR 24711). In order to correct the ambiguity of the proposed regulatory language, the regulations have been modified to indicate that the Director will determine which OCS areas of the Gulf of Mexico are adjacent to the State of Florida. In making these determinations the Director will use, if they are available, the projected boundaries of each State established by the National Oceanic and Atmospheric Administration.

The terms "eastern Gulf of Mexico" and "western Gulf of Mexico" will be used to differentiate between the portions of the Gulf subject to the exemption. Definitions will be added to 30 CFR 250.2 which indicate that, as used in § 250.34, "western Gulf of Mexico" means all OCS areas of the Gulf of Mexico except those deemed by the Director to be adjacent to the State of Florida and "eastern Gulf of Mexico" means all OCS areas of the Gulf of Mexico deemed by the Director to be adjacent to the State of Florida.

A second issue which arose concerned the extent of the exemption created for western Gulf of Mexico

leases. Several respondents argued that leases in the western Gulf of Mexico are exempt, under section 25(a)(1) of the Act, from the requirement that development and production plans must be submitted to and approved by the Director before the commencement of operations. The Department does not agree with this interpretation of section 25(a)(1) of the Act.

After reviewing the Act, the Conference Committee Report, and the legislative history, the Department is convinced that section 25(a)(1) of the Act does not bar the Secretary from continuing to require the submission of development and production plans for leases in the western Gulf of Mexico. We have interpreted this section to mean that the procedures for handling of development plans and requirements for plan content, while mandatory for all other areas, do not necessarily apply to development and production activities in the western Gulf of Mexico. The purpose of the Gulf of Mexico exemption is to insure that onerous and unnecessary environmental reporting requirements and burdensome procedures are not imposed on lessees in this area of the Gulf where oil and gas activities have occurred for years.

The information and data contained in development and production plans are as essential for the proper management of development and production activities in the Gulf of Mexico as they are for the proper management of these activities on leases in frontier areas of the OCS. In addition, these plans are necessary for the Secretary of the Interior to carry out a multitude of functions mandated by the Act, including:

(1) Insuring that lessees exploring, developing, and producing OCS leases issued after September 18, 1978, use the best available and safest technologies [see: section 21(b)];

(2) Preventing waste and insuring the conservation of the natural resources of the OCS [see: section 5(a)];

(3) Insuring the prompt and efficient exploration and development of the OCS [see: section 5(a)(7)];

(4) Enforcing, in cooperation with other Federal Agencies, all health, safety, and environmental laws and regulations on the OCS [see: section 5(a)];

(5) Insuring compliance with any rate of production requirements imposed by the Department of Energy [see: section 5(g)];

(6) Exercising the authority to grant suspensions of operations or suspensions of production [see: section 5(a)];

(7) Exercising the authority to authorize or require the unitization of leases [see: section 5(a)(4)]; and

(8) Insuring coordination and consultation with affected States and local governments [see: section 19].

If the information required to carry out these functions is not obtained through development and production plans, then it would have to be obtained through some other means. The Department believes that the most efficient means of obtaining the information is through the plans. The regulations have been modified, however, to allow the Director to limit the amount of information required in development and production plans to that information that is necessary to assure conformance with the Act, other laws, applicable regulations, and lease provisions.

In the proposed rule the Department exempted leases in the western Gulf of Mexico from the requirement that an Environmental Report be submitted with the development and production plan, unless an affected State with an approved coastal zone management program indicates a need for the report to make a coastal zone consistency determination. We have retained this provision. However, we added new paragraphs §§ 250.34-3(a)(1)(iii) and 250.34-3(b)(1)(iv) which specifically allow the Director, after consultation with the Office of Coastal Zone Management and the affected State, to limit the information that will be required to be included in Environmental Reports (Exploration and Development/Production) to that information that is necessary for a State to make a coastal zone consistency determination.

Several respondents recommended that the treatment which section 25(a)(1) of the Act provides for development and production plans be extended to exploration plans. Although section 11 of the Act contains no language to support any special treatment for exploration plans in the western Gulf of Mexico, we feel that it makes sense to extend the exemption and limitations that apply to Environmental Reports for development and production plans to Environmental Reports for exploration plans. Exploration, development, and production activities have been conducted for more than 30 years in the Gulf of Mexico, and enough is known about the mature parts of the Gulf area for us to be more selective concerning the environmental information required from lessees. For this reason, we also rejected the suggestion of one respondent that there should be no special exemption from the requirement

to submit Environmental Reports with plans in the western Gulf of Mexico.

(8) *Identification of affected States.* Several respondents wanted the regulations to include a definition of "affected State." The Department has not included a definition of "affected State" in this rule (30 CFR 250.34) because the definition of the terms used in 30 CFR Part 250 are contained in 30 CFR 250.2. The term "affected State" will be defined in 30 CFR 250.2(a).

(9) *Early consultation with State and local government agencies.* The suggestion that State and local government agencies receive proposed exploration plans and development and production plans before they are "deemed submitted" by the Survey has been rejected. Only complete plans will be available to State and local governments. By submitting one copy of a proposed plan and the accompanying Environmental Report to the Survey for a "completeness" review, the lessee will be protected against the submission and replacement of multiple copies of a deficient plan.

Several respondents asserted that the Department has no authority to take 10 working days for exploration plans and 20 working days for development and production plans for completeness reviews. The Department disagrees with this interpretation of the statute and believes that the incorporation of this procedure will actually speed the review of plans. In order to meet the tight time periods accorded in the Act for the review of plans, it is imperative that only complete plans (i.e., plans containing all of the information required) enter the review process.

The recommendation by one respondent that OCS operators be required to consult with State and local representatives and appropriate Federal officials before making a formal application for approval of an exploration plan or a development and production plan has not been adopted. However, operators are encouraged to participate in preapplication reviews. Informal conferences are believed to be helpful to all concerned.

(10) *Formal consultation with affected States during the review of exploration plans.* The suggestion that the regulations specify a formal consultation procedure with affected States during review of exploration plans has not been adopted, however, any affected State may submit timely comments. The Department recognizes that the short timeframe mandated for the Federal review of exploration plans (30 days) makes it difficult for States to participate in the review process. Section 11 of the Act is silent on the role

of affected States without approved coastal zone management programs in the review of plans; however, we believe that it is consistent with sections 102 and 202 of the Act to afford affected States an opportunity to receive and review plans in a timely fashion. In this regard, a provision has been included that requires exploration plans to be transmitted to affected States within 2 working days of the date the plans are "deemed submitted" by the Director. Recipients are encouraged to review plans and submit their comments on the plans as expeditiously as possible. Comments submitted in a timely fashion will be considered by the Survey.

Several respondents complained that the timeframes for review of plans, especially review of explorations plans, are not adequate to permit State and local agencies to review and comment on proposed plans. The Department cannot alter these timeframes because they are prescribed by the provisions of the Act.

(11) *Impact of the preparation of an Environmental Impact Statement on the timeframe allotted for coastal zone consistency review.* One respondent recommended that, in instances when the Director determines that approval of a development and production plan is a major Federal action requiring the preparation of an EIS, the 6-month time period for a State's consistency review of a plan should not commence until the final EIS has been published. The Department rejects this recommendation. It is clear from the provisions of section 25 of the Act that a State's coastal zone consistency review is independent of the National Environmental Policy Act review procedures, and the coastal zone consistency review should be completed within the timeframe specified in the Act and the implementing regulations. The Environmental Report is designed to provide all the information needed for the consistency review. To adopt the suggested procedure would result in a delay that is contrary to the intent of Congress.

(12) *Consistency concurrence.* Several commenters pointed out that the provisions of § 250.34-1(b)(4) and 2(c)(3)(i) of the proposed rules, which requested that the Governor of an affected State with an approved coastal zone management program, notify the lessee and the Director, at the earliest possible time, if the Governor determines that the activities described in detail in a plan will have no significant impacts on land and water uses in the State's coastal zone, are in conflict with provisions of 15 CFR

930.79. We agree and have deleted the provisions.

Also, several commenters pointed out that § 250.34-2(g)(1)(iii) of the proposed rules incorrectly implies that the Director, rather than the States with approved coastal zone management programs, make the consistency determination before approving a development and production plan. We have clarified this situation by dropping, in the final rules, the specific reference to the Coastal Zone Management Act of 1972 in the list of plan approval criteria.

Finally, some commenters asked whether § 250.34-1(h) of the proposed regulations, which states that a lessee "may" revise a plan to accommodate a State's objection(s) raised during the consistency review process and resubmit the plan to the Director and the State for review, conflicts with 15 CFR 930.83, which states that a lessee "shall" revise and resubmit the plan. We agree that there is a conflict in the language contained in the proposed language and have decided to change it to conform to the language of 15 CFR 930.83.

(13) *Impact of air quality regulations.* One respondent argued that the Secretary may not approve a development and production plan until regulations implementing section 5(a)(8) of the Act are in effect. The Department finds no basis for this assertion. Proposed regulations to implement section 5(a)(8) of the Act were published in the Federal Register on May 10, 1979 (44 FR 27449). It is expected that final rules will be published later this year. The requirements of those final rules will be applicable to exploration, development, and production activities in the OCS. There is no language in the Act to suggest that Congress intended a moratorium or a delay in the exploration for and development of oil and gas from the OCS until these regulations are promulgated. A primary purpose of the Act is to insure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time.

(14) *Consistency of Federal regulations with State regulations.* Several respondents pointed out a conflict between the requirements of the proposed § 250.34 regulations and the requirements of regulations of the California Coastal Commission regarding the submission of exploration plans. The § 250.34 regulations provide for the distribution of plans to affected States after they are "deemed submitted." The California Coastal Commission regulations require the advance submission (15 days) of plans for exploration before the Commission begins its coastal zone consistency review process. The Federal regulations

governing coastal zone consistency review indicate that the State's coastal zone consistency review process starts with the receipt of a plan from the Secretary of the Interior or the delegate of the Secretary. Personnel of the Department of the Interior have discussed this situation with personnel of the California Coastal Commission. Currently the Commission only requires the advance submission of a general statement of a lessee's exploration intentions so that the Commission may prepare for the receipt of the actual exploration plan and accompanying Environmental Report from the Survey. There is no conflict between this requirement of the Commission's regulations and the regulations in this section. Given the expeditious consideration that exploration plans have received by the California Coastal Commission, this procedure seems to be working well.

(15) *Public notice of the submission of development and production plans.* The recommendation of one respondent that procedures be adopted which require the publication of a notice announcing the submission of development and production plans has been adopted. Upon receipt of a development and production plan, a notice announcing that fact will be published in the Federal Register. Where there is a high degree of public interest in the proposed plan, the Director may also publish a notice in local newspapers.

(16) *Mailing list of interested citizens.* One respondent suggested that the Director should keep a mailing list of citizens who have expressed interest in receiving copies of plans. Although we have not adopted this suggestion within the body of the regulations, Survey officers that receive and distribute plans are expected to maintain a mailing list of persons interested in knowing when plans have been submitted. In this way, those citizens who wish to be made aware of the information contained in plans can learn of the availability of plans and how the plans can be reviewed.

A related suggestion by one respondent to incorporate language indicating that the Director will consider timely recommendations of the public that are submitted in connection with development and production plans has been adopted.

(17) *Area covered by exploration plan and development and production plan.* Several respondents suggested modifying language to clarify the area to be covered by an exploration plan. The language of § 250.34-1(a)(1) has been modified to make it clear that an exploration plan may cover more than

one leasehold. When an exploration plan covers more than one leasehold, it must represent a comprehensive exploratory program for all of the area included in the leases covered by the plan.

The recommendation of one respondent that lessees be required to cover as many leases as possible when submitting a development and production plan has not been adopted. These regulations allow lessees to include operations on more than one lease in their development and production plans. It should also be noted that other regulations in 30 CFR Part 250 contain provisions which govern the unitization of OCS oil and gas leases. The provisions of those regulations and the provisions of OCS oil and gas leases provide adequate authority to require the submission of development and production plans covering more than one lease.

Several respondents argued that the proposed regulations required too much detail concerning the location of exploratory wells. They recommended using the language of section 11(c)(3)(C) of the Act, which refers to "the general location of each well," as opposed to the language of the proposed regulations, which refers to "the approximate location" of each well. We have rejected this recommendation because information on well location must be as specific as possible to adequately assess the impacts of the proposed activity, and to assist States with approved coastal zone management programs in the consistency review process.

(18) *Deadline for submission of exploration plans.* Numerous comments were received regarding the provisions in the proposed regulations which would require lessees to submit exploration plans within a specific timeframe [§ 250.34-1(a)(4)]. Those commenters contended that the provisions should be dropped because they go beyond the authority of the Secretary of the Interior and because the proposed provisions were not sufficiently flexible to reflect the sequential nature of exploration activities on the OCS. The provisions of the proposed regulations in § 250.34-1(a)(4) which would require lessees to submit exploration plans within a specific timeframe were designed to implement section 5(a)(7) of the Act, requiring the Secretary to issue regulations for the prompt and efficient exploration and development of a lease area. After considering the comments the Department decided that a more flexible approach could be adopted and still meet the mandate of the Act. Therefore, the provisions requiring the

submission of an exploration plan within a specific timeframe have been modified to allow the lessee of a lease issued for an initial period of five years to submit, before the end of the second lease year, either an exploration plan or a general statement of exploration intentions. For leases for an initial period of more than five years, the lessee shall submit either an exploration plan or a general statement of exploration intentions within a period of time specified at the time the tracts are offered for leasing. These provisions will only be applicable to leases issued after the effective date of these regulations.

(19) *List of required Federal licenses and permits.* Some respondents suggested that an exploration plan and a development plan should include a list of all the Federal licenses and permits required to implement the proposed plan. This suggestion has not been adopted. Such a listing is not necessary to complete the documents, data, and information needed before an exploration plan or a development and production plan can be approved. However, the Department supports the Office of Coastal Zone Management in its efforts to encourage lessees to obtain a State's coastal zone consistency review of all interrelated licenses and permits at one time.

(20) *Cost of additional surveys.* Many respondents questioned the provisions of paragraph 250.34-1(k) and 250.34-2(n) which spell out the Director's authority to require a lessee to conduct geological, geophysical, or other surveys that the Director determines to be necessary for the evaluation of activities to be carried out under a proposed or approved exploration plan or proposed or approved development and production plan. The Department does not believe that it is the intent of Congress that the Department should pay for surveys and reports required to evaluate the exploration, development, and production activities which the lessee proposes to conduct on the leasehold.

(21) *Environmental assessment.* The Department did not adopt the suggestion that a provision be added requiring the Director to provide the Governor of each affected State with a copy of the environmental assessment prior to the approval of a plan. Environmental reviews are conducted as part of the decisionmaking process for exploration plans and development and production plans. Environmental assessments generally are not complete until the end of the time allowed for making the decision to approve or disapprove a plan. However, copies of environmental assessments will be provided to those

affected States that advise the Survey of their desire to receive them.

(22) *Proprietary and confidential information.* One respondent suggested that lessees be required to provide a general statement describing the subject matter of confidential and proprietary data and information deleted from exploration plans and from development and production plans. The purpose of this statement would be to give those receiving or reviewing the plans a general idea of the nature of the information covered by the deleted material. This suggestion has been adopted.

(23) *General statement of development and production intentions.* Varying comments were received on the requirement to submit a general statement of development and production intentions with exploration plans. Some respondents believed that the provision should indicate that such a statement will be required in all cases. Other respondents felt that the provision should be deleted in its entirety. The discretionary authority to require such a statement is provided for in section 11(c)(4) of the Act, and has been retained in the final regulations.

(24) *Application for permit to drill.* The suggestion of one respondent that these regulations require the Director to transmit a copy of a lessee's application for a permit to drill to affected States for review has not been adopted. The drilling operations covered by these applications are covered by exploration plans or development and production plans which have been reviewed and approved. They are not subject to review under either section 19 of the Act or the Coastal Zone Management Act. However, in order to address the respondent's concern for followup information on activities conducted under approved plans, specific language has been added to the regulations which provides for the transmission to the affected States of copies of each approved application for permit to drill.

(25) *Emergency situations.* Some respondents asked that the "emergency" conditions under which emergency measures might be approved or directed be more clearly defined. Unfortunately, it is not possible to list all the possible emergency situations which may develop. Any attempt to define "emergency" may limit the Department's ability to authorize or require immediate response to unforeseen situations where quick action is necessary. Therefore, the language of the proposed regulations has been retained.

(26) *Conditional approval of exploration plan.* Several respondents suggested the elimination of the

reference to "conditional" approvals for exploration plans. This suggestion has been adopted. Under the provisions of the regulations published in this notice, an exploration plan may be approved prior to receipt of the State's concurrence with the lessee's coastal zone consistency certificate. However, no license or permit called for under an approved exploration plan can be granted until the State's concurrence in the lessee's coastal zone consistency certificate is received or is conclusively presumed; or the Secretary of Commerce takes action under the Coastal Zone Management Act.

(27) *Review of activities conducted under approved plans.* Some commenters recommended deletion of the requirement that activities conducted under approved plans be periodically reviewed by the Director. Others suggested expansion of the provisions to prescribe additional criteria for triggering the review of activities being conducted under approved plans. The Department has rejected these suggestions. Operational experience gained under the current regulations, which contain similar language, indicates that a general statement, like the one included in the proposed regulations, is sufficient to recognize that such reviews are to be expected. The language also provides regulatory authority for those reviews that become necessary for proper implementation of the Act.

Section-by-Section Discussion

The discussion in the preceding section was intended to give the reader an overview of the major comments that were received, together with a brief statement of the reasons for accepting or rejecting the suggestions that were offered. In this section, specific changes made in the proposed rules will be described.

§ 250.34-1. Exploration plan

The first sentence of § 250.34-1(a)(1) has been modified to show clearly that the commencement and continued conduct of exploration activities must be in accordance with the approved exploration plan. The sentence now reads: "No exploration activities, except for preliminary activities, may be commenced or conducted on any leased area except in accordance with an exploration plan approved by the Director."

The third sentence of § 250.34-1(a)(1) has been modified by omitting the phrase "whichever is less" because it added unnecessary confusion to this section of the regulations. Also, the regulations continue to allow the lessee

to conduct "preliminary activities." These activities are necessary in order for lessees to gather sufficient information to prepare an initial exploration plan. Without some knowledge of the area's geology, it would be difficult or impossible to prepare a comprehensive exploration plan, including locations for proposed wells for the area. This system conforms with past practice and it has been shown that it does not result in any appreciable adverse environmental impacts.

The fifth sentence of § 250.34-1(a)(1) has been modified to recognize that an exploration plan shall be based upon all available relevant information and may cover more than one leasehold. It is the Department's intention that an exploration plan provide for a comprehensive exploration program for all of the area covered by the lease(s) which the lessee(s) chooses to cover by the plan. The Department expects the lessee to identify all potential hydrocarbon accumulations and the wells that the lessee intends to drill to explore the accumulations. The sentence now reads: "An exploration plan shall be based upon all available relevant information and shall identify, to the maximum extent possible, all potential hydrocarbon accumulations and the wells that the lessee proposes to drill to evaluate the accumulations in the entire area included within the lease(s) covered by the exploration plan."

Section 250.34-1(a)(1)(ii) has been modified to emphasize that exploration plans must include oil spill containment and cleanup plans.

The words "of each directionally drilled well" have been deleted from § 250.34-1(a)(1)(iv). This change reflects our belief that the reviewers of exploration plans are interested in knowing the proposed surface and projected bottom hole locations of all the wells proposed to be drilled under the plan regardless of whether they are "directionally drilled."

The proposed regulations included language in § 250.34-1(a)(2)(i) which indicated that an Environmental Report would be considered part of the exploration plan and would accompany it through all review processes. Because "all review processes" ultimately include plan approval or disapproval, and because the Survey does not approve or disapprove an Environmental Report but instead uses it for the review of the impacts of proposed activities, this section has been modified to make it clear that the plan and Environmental Report are separate documents. An Environmental Report will, however, continue to

accompany the related plan through all review processes.

Section 250.34-1(a)(2)(ii) has been modified to indicate that the only time an Environmental Report will be required in the western Gulf of Mexico is when the proposed exploration activities would affect a land or water use in the coastal zone of a State with an approved coastal zone management plan. The Director retains the right, however, to request specific environmental information to make the findings required under applicable law, including but not limited to the Act, the National Environmental Policy Act, and the Coastal Zone Management Act.

Sections 250.34-1(a)(3) and (4) in the proposed rule have been dropped and a new § 250.34-1(a)(3) has been added which states that, for all leases for an initial period of five years issued after the effective date of these regulations, the lessee shall submit before the end of the second lease year either an exploration plan or a general statement of exploration intentions. A new sentence has been added to indicate that for leases with an initial period of more than five years, the lessee shall submit either an exploration plan or a general statement of exploration intentions within a period of time specified at the time the tracts are offered for leasing.

Section 250.34-1(a)(5) has been modified to include the requirement that lessees provide a general statement describing the subject matter of confidential and proprietary data and information that has been deleted from the copies of an exploration plan that are provided for distribution to States and are made available to local government executives, and other interested parties.

Section 250.34-1(a)(6) has been modified to indicate that an exploration plan and its accompanying Environmental Report will not be deemed submitted until the Director has sufficient copies of the documents for the prescribed distribution. Language has also been incorporated that makes it clear that an exploration plan must include the certificate of consistency called for in 15 CFR Part 930 in order for the plan to be considered complete.

Section 250.34-1(b)(1) has been modified to indicate that an exploration plan and its related Environmental Report will be transmitted to the recipients listed in the paragraph "within 2 working days" after the date the plan is "deemed submitted."

Section 250.34-1(b)(3) has been modified by the substitution of a new § 250.34-1(b)(3) which reads: "(3) When it is determined that the activities

proposed in an exploration plan will significantly affect any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act, the plan will be processed in accordance with the regulations in this section and the regulations governing Federal Coastal Zone Management Consistency Procedures (15 CFR Part 930)."

Section 250.34-1(c) has been modified to refer to the environmental review process outlined in § 250.34-4.

Section 250.34-1(d) has been modified to indicate that the Director will consider all written comments that are timely received from the Governor of an affected State.

Section 250.34-1(e)(2)(ii) has been changed to make it clear that the lessee is responsible for making whatever modifications are necessary to gain approval of an exploration plan.

Section 250.34-1(j)(1) has been modified to indicate that the Director will periodically review activities being conducted under an approved exploration plan. Those activities, coupled with additions to and refinements of existing information and data will serve as the basis for the Director's decision to order a revision of an approved plan.

Section 250.34-1(j)(2) has been modified to indicate that plan revisions which call for additional permits will be subject to coastal zone consistency review. Language has also been added to indicate that the recipients of approved plans will be provided information copies of all revisions of and updates to approved plans.

§ 250.34-2 Development and Production Plans

The first sentence of § 250.34-2(a)(1) has been modified to read: "(a)(1) No development or production activities may be commenced or conducted on any leased area, except in accordance with a plan of development and production approved by the Director." The changes in this section are designed to make it conform to the language of § 250.34-1(a)(1) and to show clearly that the commencement and continued conduct of development and production activities must be in accordance with an approved development and production plan.

Section 250.34-2(a)(1)(ii) has been modified to emphasize that a development and production plan must include oil spill containment and cleanup plans.

The words "of each directionally drilled well" have been deleted from

§ 250.34-2(a)(1)(iii). This change reflects our belief that the reviewers of development and production plans are interested in knowing the proposed surface and projected bottom hole locations of all wells proposed to be drilled under the plan regardless of whether they are "directionally drilled."

Section 250.34-2(a)(1)(iv) has been modified by inserting the word "relevant" between "available" and "geological."

Section 250.34-2(a)(2) has been reorganized into subparagraphs (2) and (3). The new § 250.34-2(a)(2) provides that the Director may limit the information that will be required to be included in a development and production plan for leases in the western Gulf of Mexico.

The new § 250.34-2(a)(3)(i) has been modified to make it clear that the Environmental Reports are not considered part of development and production plans. Also, § 250.34-2(a)(3)(ii) has been modified to indicate that the only time that an Environmental Report will be required in the western Gulf of Mexico is when the proposed development and production activities would affect a land or water use in the coastal zone of a State with an approved coastal zone management program. The Director also retains the right to request specific environmental information to make needed findings under applicable law, including the Act, the National Environmental Policy Act, and the Coastal Zone Management Act.

Section 250.34-2(a)(5) has been modified to include the requirement that lessees provide a general statement describing the subject matter of confidential and proprietary information and data that has been deleted from the copies of a development and production plan that are provided for distribution to States and local government executives and are to be made available to other interested parties.

Section 250.34-2(a)(6) has been modified to indicate that a development and production plan and its accompanying Environmental Report will not be deemed submitted until the Director has sufficient copies of the documents for the prescribed distribution. Language has also been incorporated that makes it clear that a development and production plan must include the certificate of coastal zone consistency called for in 15 CFR Part 930 in order for the plan to be considered complete.

Section 250.34-2(b)(1) has been modified to reflect the changes made in § 250.34-2(a)(6) and to indicate that the Director shall notify the public of the

availability of plans and Environmental Reports for review.

Section 250.34-2(c)(3)(i) has been modified to indicate that the Director will consider all comments that are timely received.

Section 250.34-2(d) has been modified to refer to the environmental review process outlined in § 250.34-4.

Section 250.34-2(g)(2)(ii) has been changed to make it clear that the lessee is responsible for making whatever modifications are needed to gain approval for a plan.

The provisions of § 250.34-2(g)(2)(iii)(A) have been revised to recognize that a State's concurrence with a coastal zone consistency certification may be conclusively presumed after 3 months, unless the State indicates that it needs additional time (up to 3 months) to complete its review.

Section 250.34-2(i) has been revised to recognize the authority of the Secretary of Commerce to make a finding under section 307(c)(3)(B)(iii) of the Coastal Zone Management Act.

Section 250.34-2(l) has been modified to indicate that the Director will periodically review activities being conducted under an approved development and production plan. Those activities, coupled with additions to and refinements of existing information and data, will serve as the basis for the Director's decision to order a revision to an approved plan.

Section 250.34-2(l) has been modified to indicate that plan revisions which call for additional permits will be subject to coastal zone consistency review. Language has also been added to indicate that the recipients of approved development and production plans will be provided information copies of revisions of and updates to approved plans.

Section 250.34-3—Environmental Report

Sections 250.34-3(a) and (b) have been slightly modified to clarify the nature and scope of the information that is to be included in an Environmental Report (Exploration) and (Development/Production). The principal changes are designed to make it clear that the Department does not want the lessee to duplicate information or data which is already in the possession of or readily available to the Survey office that will process the plan and review the report. The lessee is to incorporate that information or data into an Environmental Report (Exploration or Development/Production) by reference. Lessees are also required to provide information on how to obtain copies incorporated by reference.

These subsections have also been expanded to include special provisions for leases in the western Gulf of Mexico. Under these provisions the Director may, after consultation with the Office of Coastal Zone Management and the affected State(s), limit the amount of information that is required to be included in an Environmental Report, if a report is needed at all, to the information needed to make coastal zone consistency determinations.

Section 250.34-3(a)(1)(G) has been restructured to state more clearly the environmental and socioeconomic considerations to be addressed in the lessee's Environmental Report. The restructuring of this paragraph has not resulted in any addition to the lessee's reporting burden.

The provisions of § 250.34-3(b)(1)(i)(A)(4) have been expanded to include the specific requirement that lessees identify the means of transportation to be used to bring wastes to shore, the disposal methods to be utilized, and the location of onshore waste disposal or treatment facilities for waste generated on the OCS that requires onshore disposal. Finally, all references to information relating to air quality have been deleted. The Department is currently completing work on regulations to implement section 5(a)(8) of the Act and envisions reincorporating air quality information requirements into 30 CFR 250.34-3 as a new subsection.

§ 250.34-4—Compliance with NEPA

Section 250.34-4 has not been revised to include specific criteria to indicate the circumstances under which the Director will determine that approval of a development and production plan constitutes a major Federal action requiring the preparation of an EIS. Efforts to establish criteria would unnecessarily limit the discretionary authority granted the Secretary of the Interior under section 25(e)(1) of the Act. We recognize, however, the desirability of having these documents give as comprehensive an assessment of the environmental impact of development and production activities in a given area as is possible.

Authors

Thomas McCloskey, Office of the Assistant Secretary—Energy and Minerals, U.S. Department of the Interior [202/343-4457]; Theresa Hooks, Office of the Solicitor, U.S. Department of the Interior [202/343-4325]; and Gerald Rhodes, Geological Survey, U.S. Department of the Interior [703/860-7531].

Environmental Impact and Regulatory Analysis Statements

The Department of the Interior has determined that this revision of the regulations in 30 CFR 250.34 does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. The Department has also determined that this notice of final rule is not a significant action and does not require the preparation of a regulatory analysis under Executive Order 12044.

Dated: September 11, 1979.

Joan M. Davenport,

Assistant Secretary of the Interior.

The provisions of 30 CFR § 250.34 are revised to read:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

Sec.

250.34 Exploration, development, and production activities.

250.34-1 Exploration plan.

250.34-2 Development and production plan.

250.34-3 Environmental Report.

250.34-4 Compliance with the National Environmental Policy Act.

§ 250.34 Exploration, development, and production activities.

§ 250.34-1 Exploration plan.

(a)(1) No exploration activities, except for preliminary activities, may be commenced or conducted on any leased area except in accordance with an exploration plan approved by the Director. The purposes of this section, preliminary activities are geological, geophysical, and other surveys necessary to develop a comprehensive exploration plan. Such preliminary activities are those which do not result in any physical penetration of the seabed of greater than 300 feet of unconsolidated formations, or 50 feet of consolidated formations, and which do not result in any significant adverse impact on the natural resources of the Outer Continental Shelf (OCS). A proposed exploration plan may apply to one or more leases held by an individual lessee, or may be submitted by a group of lessees acting under an approved unitization, pooling, or drilling agreement. An exploration plan shall be based upon all available relevant information and shall identify, to the maximum extent possible, all the potential hydrocarbon accumulations and wells that the lessee(s) propose(s) to drill to evaluate the accumulations in the entire area included within the

lease(s) covered by the exploration plan. An exploration plan shall include:

(i) The proposed type and sequence of exploration activities to be undertaken together with a tentative timetable for their performance from commencement to completion;

(ii) A description of the drilling vessel(s), platform(s), or other installation(s) or device(s) to be permanently or temporarily attached to the seabed indicating the important features thereof with special attention to safety features and pollution-prevention and control features including oil spill containment and cleanup plans;

(iii) The types of geophysical equipment to be utilized;

(iv) The approximate location of each proposed exploratory well, including surface and projected bottom hole locations;

(v) Current structure maps and, as appropriate, schematic cross sections showing expected depths or marker formations; and

(vi) Such other relevant information and data as the Director may require.

(2)(i) Except as provided in paragraph (a)(2)(ii) of this section, at the same time as a lessee submits an exploration plan, an Environmental Report [Exploration] shall be submitted pursuant to the provisions of § 250.34-3(a). The report will not be considered part of the exploration plan; however, the report shall accompany the plan through all review processes.

(ii) A lessee submitting an exploration plan for leases in the western Gulf of Mexico is not required to submit an Environmental Report, unless the proposed exploration activities would affect a land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act. Also, the Director may request specific environmental information to make the findings required under applicable law, including but not limited to the Act and the National Environmental Policy Act.

(3) For leases issued with an initial period of five years, prior to the end of the second lease year, the lessee shall submit either an exploration plan or a general statement of exploration intentions. For leases issued with an initial period of more than five years, the lessee shall submit either an exploration plan or a general statement of exploration intentions within a period of time specified at the time the tracts are offered for leasing. When a general statement of exploration intentions is submitted in lieu of an exploration plan, the statement shall be prepared and submitted in a manner and form

prescribed by the Director. These requirements shall apply only to leases issued after the effective date of this regulation.

(4) The Director may require that an exploration plan be accompanied by a general statement of development and production intentions. The general statement of development and production intentions shall be prepared and submitted in a manner and form prescribed by the Director, and the statement shall be for planning purposes only and shall not be binding on any party.

(5) The lessee shall indicate which portions of the exploration plan the lessee believes are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the implementing regulations (43 CFR Part 2). The lessee shall include a written discussion in the plan of the general subject matter of the deleted portions for transmittal to the recipients of copies of a plan identified in paragraph 250.34-1(b)(1).

(6) An exploration plan shall not be deemed submitted until:

(i) The Director has determined that the plan and accompanying Environmental Report are complete and contain the information required by §§ 250.34-1(a) and 250.34-3(a). The determination of whether a plan and accompanying Environmental Report are complete shall be made within 10 working days after the filing of the plan.

(ii) The plan is accompanied by a certificate of coastal zone consistency as provided in 15 CFR Part 930, whenever the activities described would significantly affect the land uses and water uses in the coastal zone of (a) State(s) with a coastal zone management program, approved pursuant to section 306 of the Coastal Zone Management Act.

(iii) The Director has been given the number of copies of a complete exploration plan and accompanying Environmental Report that the Director has determined is necessary for distribution pursuant to § 250.34-1(b)(1). The Director shall advise the lessee of the number of copies that are needed for distribution.

(b)(1) Within 2 working days after the date an exploration plan has been deemed submitted, the Director shall transmit a copy of the plan, except for those portions determined to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the implementing regulations (43 CFR Part 2), and the accompanying Environmental Report to the Governor of each affected State, except as provided in paragraph (b)(2) of this

section, and the coastal zone management agency of each affected State that has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act. The Director shall also make copies of the exploration plan and accompanying Environmental Report available to any appropriate federal agency, interstate regional entity, and the public in accordance with established Departmental practices and procedures.

(2) The Governor of an affected State adjacent to the western Gulf of Mexico that does not have a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act may receive copies of exploration plans by submitting to the Director a written request for the documents. The Director shall notify the appropriate lessees immediately upon receipt of such a request.

(3) When it is determined that the activities proposed in an exploration plan will significantly affect any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act, the plan will be processed in accordance with the regulations in this section and the regulations governing Federal Coastal Zone Management Consistency Procedures (15 CFR Part 930).

(c) The Director shall review the environmental impacts of the activities described in the exploration plan pursuant to the provisions of § 250.34-4.

(d) In the evaluation of an exploration plan, the Director shall consider timely received written comments from the Governor of an affected State, whether or not the State has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act. The Director may consult directly with affected States regarding matters contained in the comments.

(e)(1) In the evaluation of an exploration plan, the Director shall consider whether the plan is consistent with:

- (i) The provisions of the lease;
- (ii) The provisions of the Act; and
- (iii) The provisions of the regulations prescribed under the Act, including air quality regulations prescribed by the Secretary pursuant to section 5(a)(8) of the Act and environmental, safety, and health requirements.

(2) Within 30 days of submission of a proposed exploration plan, the Director shall:

(i) Approve any plan which is consistent with the criteria in subparagraphs (e)(1) (i), (ii), and (iii) of this section;

(ii) Require the lessee to modify any plan which is inconsistent with paragraphs (e)(1) (i), (ii), or (iii); or

(iii) Disapprove any plan if it is determined that a proposed activity under the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to natural resources of the OCS including any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environment and that the proposed activity cannot be modified to avoid the condition(s).

(3) The Director shall notify the lessee in writing of the reason(s) for disapproving an exploration plan or for requiring modification of a plan and the conditions that must be met for plan approval.

(f) The lessee may resubmit an exploration plan, as modified, to the Director. Within 30 days of resubmission, the Director shall approve or disapprove the modified plan based upon the criteria in paragraphs (e)(1) (i), (ii), and (iii) of this section.

(g) When a State objects to a lessee's coastal zone consistency certification, the lessee shall modify the plan to accommodate the State's objection(s) and resubmit the plan to: (1) The Director for review pursuant to the criteria in paragraphs (e)(1) (i), (ii), and (iii) of this section; and (2) Through the Director, to the State for review pursuant to the Coastal Zone Management Act and the implementing regulations (15 CFR 930.83 and 930.84). Alternatively, the lessee may appeal the State's objection to the Secretary of Commerce pursuant to the procedures described in section 307 of the Coastal Zone Management Act and the implementing regulations (Subpart H of 15 CFR 930). The Director shall approve or disapprove a plan as resubmitted within 30 days of the resubmission date.

(h) A modified exploration plan which has been disapproved pursuant to subsection (f) of this section may be revised and resubmitted to the Director for review and approval or disapproval in the same manner as, and with the same information required for, a new plan.

(i) If the Director disapproves an exploration plan, pursuant to paragraph (e)(2)(iii) of this section, the Secretary may, subject to the provisions of section 5(a)(2)(B) of the Act and the implementing regulations (30 CFR 250.12 and 43 CFR 3320.2), cancel the lease(s), and the lessee shall be entitled to

compensation in accordance with section (5)(a) of the Act and the implementing regulations (30 CFR 250.12 and 43 CFR 3320.2).

(j)(1) The Director shall periodically review the activities being conducted under an approved exploration plan. The frequency and extent of the Director's review shall be based upon the significance of any changes in available information and in other onshore or offshore conditions affecting or affected by exploration activities being conducted pursuant to the plan. If the review indicates that the plan should be revised to meet the requirements of this Part, the Director shall require such revision pursuant to paragraph (j)(2) of this section.

(2) Proposals to revise an approved exploration plan, whether initiated by the lessee or ordered by the Director, shall be submitted to the Director for approval in the same manner as, and with the same information required for, a new exploration plan. When the Director determines that a proposed revision could result in a significant change in the impacts previously identified and evaluated, the revision shall be subject to all of the procedures in this section except those pertaining to the consistency requirements of the Coastal Zone Management Act. When the Director determines that a proposed revision calls for additional permits, the proposed revision shall be subject to all of the procedures in this section. Information copies of all revisions to an approved exploration plan will be forwarded by the Director to the recipients of the previously approved plan.

(k) The Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for the evaluation of activities to be carried out under a proposed exploration plan or of activities being carried out under an approved plan. The lessee shall provide the Director, upon request and without cost to the lessor, copies of any data obtained as a result of those surveys.

(l) The lessee may not drill any well until the Director's approval of an application for permit to drill, filed in accordance with the requirements of 30 CFR 250.41(a), has been received. The Director shall not approve any permit until all affected States with approved coastal zone management programs have concurred or have been conclusively presumed to concur with the applicant's coastal zone consistency certification accompanying a plan; or the Secretary of Commerce has made the finding authorized by section

307(c)(3)(B)(iii) of the Coastal Zone Management Act. Permit applications must conform to the activities described in detail in the related approved exploration plan and shall not be subject to a separate State coastal zone consistency review.

(m) Nothing in this section shall be viewed as limiting the lessee's responsibility to take appropriate measures to meet emergency situations. In such situations, the Director may approve or require departures from an approved exploration plan.

§ 250.34-2 Development and production plan.

(a)(1) No development or production activities may be commenced or conducted on any leased area, except in accordance with a development and production plan approved by the Director. A plan may apply to one or more leases held by an individual lessee or may be submitted by a group of lessees acting under an approved unitization, pooling, or drilling agreement. A plan shall provide for the effective and efficient development and production of all known accumulations of hydrocarbons found on the leasehold(s) that are capable of production in paying quantities. A development and production plan shall include:

(i) A description of the specific work to be performed, including all the development and production activities that the lessee(s) propose(s) to undertake during the time period covered by the plan and all activities to be undertaken up to and including the commencement of sustained production.

(ii) A description of the drilling vessels(s), platforms(s), pipelines(s), or other facilities and operations located on the OCS which are proposed or known by the lessee (whether or not owned or operated by the lessee) to be directly related to the proposed development, including the location, size, design, and important features of the facilities and operations (with special attention to safety and pollution-prevention and control features including oil spill containment and cleanup plans) and the labor, material, and energy requirements associated with the facilities and operations;

(iii) The location of each well, including the surface and projected bottom hole locations;

(iv) Current interpretations of all available relevant geological and geophysical data, including structure maps and schematic cross sections of productive formations;

(v) A description of the environmental safeguards to be implemented in the

course of development and production operations under the plan, together with a discussion of how such safeguards are to be implemented;

(vi) All safety standards to be met and the safety features to be utilized in order to meet those standards;

(vii) An expected rate of development and production and a time schedule for the performance of activities from commencement to completion of both; and

(viii) Such other relevant information and data as the Director may require.

(2) For leases in the western Gulf of Mexico the Director may limit the information that will be required to be included in a development and production plan to those parts of paragraphs (a)(1) (i) through (viii) that are necessary to assure conformance with the Act, other laws, applicable regulations, and lease provisions. In determining the information to be included in a plan, the Director shall consider current and expected operating conditions, together with experience gained during past operations of a similar nature in the area of proposed activities.

(3)(i) Except as provided in paragraph (a)(2) of this section, at the same time the lessee submits a development and production plan to the Director, an Environmental Report (Development/Production) shall also be submitted pursuant to the provisions of § 250.34-3(b). The report will not be considered part of the development and production plan. However, the report will accompany the plan through all review processes.

(ii) Submission of an Environmental Report will not be required for leases in the Gulf of Mexico, except as provided in paragraph (a)(2)(iii), or for leases anywhere on the OCS on which oil and gas in paying quantities had been discovered before enactment of the Act, unless the proposed activities would affect any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to Section 306 of the Coastal Zone Management Act. Also, the Director may request specific environmental information to make findings required under applicable law, including but not limited to, the Act and the National Environmental Policy Act.

(iii) Submission of an Environmental Report will be required for leases located in the eastern Gulf of Mexico.

(4) The Director may require the lessees of tracts on which oil or gas, or both, have been discovered in paying quantities and which are adjacent to or nearby the area covered in the development and production plan, to

submit a preliminary description of their plans for development and production from those leases on adjacent or nearby areas.

(5) The lessee shall indicate which portions of the development and production plan the lessee believes are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the implementing regulations (43 CFR Part 2). The lessee shall include a written discussion in the plan of the general subject matter of the deleted portions of the plan for transmittal to the recipients of copies of the plan identified in § 250.34-2(b)(1).

(6) A development and production plan shall not be deemed submitted until:

(i) The Director has determined that the plan and accompanying Environmental Report are complete and contain the information required by §§ 250.34-2(a) and 250.34-3(b). The determination of whether a plan and accompanying Environmental Report are complete shall be made within 20 working days after the filing of the plan.

(ii) The plan is accompanied by (a) certificate(s) of coastal zone consistency as provided in 15 CFR Part 930, whenever the activities described would significantly affect the land uses and water uses in the coastal zone of (a) State(s) with a coastal zone management program, approved pursuant to section 306 of the Coastal Zone Management Act.

(iii) The Director has been given the number of copies of a complete development and production plan and accompanying Environmental Report that the Director has determined is necessary for distribution pursuant to subsection 250.34-2(b)(1). The Director shall advise the lessee of the number of copies that are needed for distribution.

(b)(1) Within 10 days after a development and production plan has been deemed submitted, the Director shall publish a notice of receipt and transmit a copy of the plan, except for those portions of the plan determined to be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the implementing regulations (43 CFR Part 2), and the accompanying Environmental Report to the Governor of each affected State, except as provided in paragraph (b)(2) of this section, the coastal zone management agency of each affected State that has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act, and the executive of each affected local government that requests a copy. The Director shall also make copies of the plan and accompanying Environmental

Report available to any appropriate federal agency, interstate regional entity, and the public, in accordance with established Departmental practices and procedures.

(2) The Governor of an affected State adjacent to the western Gulf of Mexico that does not have a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act may receive copies of development and production plans by submitting to the Director a written request for the documents. The Director shall notify the appropriate lessees immediately upon receipt of such a request. The Governor of Florida will receive copies of plans under the provisions of paragraph (b)(2) of this section.

(c)(1) The Governor of each affected State, the coastal zone management agency of each affected State that has a coastal zone management program approved pursuant to Section 306 of the Coastal Zone Management Act, and the executive of each affected local government shall have 60 days from the date of receipt of the development and production plan and accompanying Environmental Report to submit comments and recommendations to the Director. The executive of any affected local government must forward all recommendations to the Governor of the State prior to submitting them to the Director. In addition, any interested federal agency or person may submit comments and recommendations to the Director. All comments and recommendations shall be made available to the public in accordance with established Departmental practices and procedures.

(2) In the evaluation of a development and production plan, the Director shall accept recommendations of the Governor of each affected State and may accept the recommendations of the executive of an affected local government, if the Director determines, after having provided the opportunity for consultation, that the recommendations provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State. In the evaluation of a plan, the Director shall also consider written comments by any appropriate federal agency, interstate regional entity and the public that are timely received. The Governor of each affected State shall be given, in writing, the reasons for rejecting the Governor's recommendations or for implementing any alternative means identified during consultations with the Governor.

(3)(i) When it is determined that activities proposed in a development

and production plan will significantly affect any land use or water use in the coastal zone of a State with a coastal zone management program approved pursuant to Section 306 of the Coastal Zone Management Act, the plan will be processed in accordance with the regulations in this section and the regulations governing Federal Coastal Zone Management Consistency Procedures (15 CFR Part 930).

(ii) The Governor of an affected State that does not have a coastal zone management program approved pursuant to Section 306 of the Coastal Zone Management Act may advise the Director that the State does not wish to receive or review development and production plans under section 19 of the Act.

(d) The Director shall review the environmental impacts of the activities described in the development and production plan pursuant to the provisions of § 250.34-4.

(e)(1) If the Director determines, subject to the provisions of Section 102(2)(C) of the National Environmental Policy Act, that approval of a development and production plan is a major Federal action significantly affecting the quality of the human environment, the Director shall transmit the draft environmental impact statement to the Governor of each affected State, the coastal zone management agency of each affected State that has a coastal zone management program approved pursuant to section 306 of the Coastal Zone Management Act, and the executive of each affected local government that requests a copy. The Director shall also make copies of the environmental impact statement available to any appropriate federal agency, interstate entity, and the public, in accordance with established Departmental practices and procedures.

(2) Prior to or immediately after a determination by the Director that approval of a development and production plan requires that the procedures under the National Environmental Policy Act shall commence, the Director may require lessees of tracts in the vicinity, for which development and production plans have not been approved, to submit preliminary or final plans for their leases.

(3) A determination by the Director that approval of a development and production plan requires commencement of the procedures under the National Environmental Policy Act shall have no effect upon the timeframe that a State with a coastal zone management program approved pursuant to section

306 of the Coastal Zone Management Act has to complete its coastal zone consistency review.

(f) After reviewing the record of any public hearing held with respect to the approval of a development and production plan for which an environmental impact statement is prepared, the Director shall, within 60 days after the release of the final environmental impact statement, approve, require modification of, or disapprove the plan. Where no environmental impact statement is prepared, the Director shall, after reviewing all comments and recommendations submitted pursuant to paragraphs (c)(1) and (2) of this section, approve, require modification of, or disapprove a plan no later than 60 days after the last day of the comment period provided in paragraph (c)(1) of this section.

(g)(1) In the evaluation of a development and production plan, the Director shall consider whether the plan is consistent with:

- (i) The provisions of the lease;
- (ii) The provisions of the Act;
- (iii) The provisions of regulations prescribed under the Act, including air quality regulations prescribed by the Secretary pursuant to section 5(a)(8) of the Act;
- (iv) Other applicable Federal laws;
- (v) Environmental, safety, and health requirements; and
- (vi) The statutory requirement to protect property, natural resources of the OCS including any mineral deposits (in areas leased or not leased), and the national security or defense.

(2) The Director shall:

(i) Approve any plan which is consistent with the criteria in subparagraphs (g)(1)(i) through (vi) of this section;

(ii) Require the lessee to modify any plan which is inconsistent with the criteria in subparagraphs (g)(1)(i) through (vi) of this section; or

(iii) Disapprove any plan if the Director determines that:

(A) State concurrence with the applicant's coastal zone consistency certification has not been received, the State's concurrence has not been conclusively presumed, or the State objects to the consistency certification and the Secretary of Commerce does not make the determination authorized by section 307(c)(3)(B)(iii) of the Coastal Zone Management Act;

(B) Operations threaten national security or national defense; or

(C) Exceptional geological conditions in the lease area, exceptional resource value in the marine or coastal environmental, or other exceptional

circumstances exist, and that (1) implementation of the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environments; (2) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and (3) the advantages of disapproving the plan outweigh the advantages of development and production.

(3) The Director shall notify the lessee in writing of the reason(s) for disapproving a development and production plan or for requiring modification of a plan and the conditions which must be met for plan approval.

(h) The lessee may resubmit a development and production plan, as modified, to the Director. Within 60 days following the 60-day comment period provided for in § 250.34-2(c)(1), the Director shall approve or disapprove the modified plan based upon the criteria in subparagraphs (g)(1) (i) through (vi) of this section.

(i)(1) If a development and production plan is disapproved for the sole reason that a State consistency certification has not been obtained, the Director shall approve the plan upon receipt of the concurrence, at the time when concurrence is conclusively presumed, or when the Secretary of Commerce makes a finding authorized by Section 307(c)(3)(B)(iii) of the Coastal Zone Management Act.

(2) If a development and production plan is disapproved because a State objects to the lessee's coastal zone consistency certification, the lessee shall modify the plan to accommodate the State's objection(s) and resubmit the plan to: (1) The Director for review pursuant to the criteria in subparagraphs (g)(1) (i) through (vi) of this section; (2) Through the Director, to the State for review pursuant to the Coastal Zone Management Act and the implementing regulations (15 CFR 930.83 and 930.84). Alternatively, the lessee may appeal the State's objection to the Secretary of Commerce pursuant to the procedures described in § 307 of the Coastal Zone Management Act and the implementing regulations (subpart H of 15 CFR 930). The Director shall approve or disapprove a plan, as revised, within 60 days following the 60-day comment period provided for in § 250.34-2(c)(1).

(j) A modified development and production plan which has been disapproved pursuant to subsection (h) of this section may be revised in the

same manner as, and with the same information required for, a new plan.

(k) Development and production plans disapproved pursuant to subparagraph (g)(2)(iii) or subsection (h) of this section are subject to the provisions of section 25(h)(2) of the Act and the implementing regulations (30 CFR 250.12 and 43 CFR 3320.2).

(l)(1) The Director shall periodically review the activities being conducted under an approved development and production plan. The frequency and extent of the Director's review shall be based upon the significance of any changes in available information and in onshore or offshore conditions affecting or impacted by development or production activities being conducted pursuant to the plan. If the review indicates that the plan should be revised to meet the requirements of this Part, the Director shall require such revision pursuant to paragraph (l)(2) of this section.

(2) Proposals to revise an approved development and production plan, whether initiated by the lessee or ordered by the Director, shall be submitted to the Director for approval in the same manner as, and with the same information required for, a new development and production plan. When the Director determines that a proposed revision could result in a significant change in the impacts previously identified and evaluated, the revision shall be subject to all of the procedures in this section except those pertaining to the consistency requirements of the Coastal Zone Management Act. When the Director determines that a proposed revision calls for additional permits, the proposed revision shall be subject to all the procedures in this section. Information copies of all revisions to an approved plan will be forwarded by the Director to the recipients of the previously approved plan.

(3) When any revision to an approved development and production plan is proposed by the lessee, the Director may approve the revision if it is determined that the revision is consistent with the protection of the marine, coastal, and human environments and: will lead to greater recovery of oil and natural gas; improve the efficiency, safety, and environmental protection of the recovery operation; is the only means available to avoid substantial economic hardship to the lessee; or is otherwise not inconsistent with the provisions of the Act.

(m) Whenever the lessee fails to submit a development and production plan in accordance with provisions of this section or fails to comply with an

approved plan, the lease may be canceled in accordance with section (5)(c) and (d) of the Act and the implementing regulations (30 CFR 250.12 and 43 CFR 3320.2).

(n) The Director may authorize or direct the lessee to conduct geological, geophysical, or other surveys that the Director determines are necessary for the evaluation of activities to be carried out under a proposed development and production plan or are being carried out under an approved plan. The lessee shall give the Director, upon request and without cost to the lessor, copies of any data obtained at a result of the surveys.

(o) The lessee may not drill any well until the Director's approval of an application for permit to drill, filed in accordance with the requirements of 30 CFR 250.41(a), has been received.

Permit applications must conform to the activities described in detail in the related approved development and production plan, and shall not be subject to a separate State coastal zone consistency review.

(p) Nothing in this section shall be viewed as limiting the lessee's responsibility to take appropriate measures to meet emergency situations. In such situations, the Director may approve or require departures from an approved development and production plan.

(q) The lessee shall, contemporaneously with the submission to the U.S. Geological Survey, submit to the Federal Energy Regulatory Commission that portion of any development and production plan which relates to production of natural gas and the facilities for transportation of natural gas.

§ 250.34-3 Environmental Report.

(a) Environmental Report (Exploration). At the same time the lessee submits an exploration plan to the Director, an Environmental Report (Exploration) shall be submitted, except as provided for in § 250.34-1(a)(2)(ii). The report shall identify the name of the lessee or operator and the lease(s) involved. The report should be in summary form and shall include information available at the time the related exploration plan is submitted to the extent that such information is accurate, current, and applicable to the geographic area and the proposed activities covered by the plan. The lessee shall refer to information and data contained in the related plan, other Environmental Reports, and other environmental analyses and impact statements prepared for the geographic area by identifying the information and indicating a source for obtaining copies

of the cited materials. Information and data which are site specific or which are developed subsequent to the most recent environmental impact statement or other environmental impact statements and analyses in the immediate area shall be specifically considered. The Environmental Report (Exploration) shall include the following:

(1) To the extent that information is not contained in the related exploration plan, the Environmental Report shall contain:

(i) A brief description of the following:

(A) The procedures, personnel, and equipment that are to be used for preventing, reporting, and cleaning up spills of oil or waste materials which may occur during the exploration activities, including information on response time, capacity, and location of equipment and sites and methods of disposal;

(B) The location, size, number and land requirements (including rights-of-way and easements) of onshore support and storage facilities, and, where possible, a timetable regarding the acquisition of lands and the construction or expansion of any facilities;

(C) The estimated number of persons expected to be employed in support of offshore, onshore, and transportation activities, and, where possible, the approximate number of new employees and families likely to move into the affected area;

(D) The most likely travel routes for boat and aircraft traffic between offshore and onshore facilities, the probable location of onshore terminals, and the estimated frequency such routes will be traversed;

(E) The quantity and composition of solid and liquid wastes and pollutants likely to be generated by offshore, onshore, and transport operations;

(F) Major supplies, services, energy, water, or other resources within affected States necessary for carrying out the related plan;

(G) Environmentally sensitive or potentially hazardous areas, including:

(1) Site specific geology, e.g., bathymetry, seismicity, extent and type of bottom sediments, and geologic features which pose a potential hazard to the activities proposed;

(2) Historic patterns and other meteorological conditions including storm frequency and magnitude, wind direction and velocity, of offshore areas; listing, where possible, the means and extremes of each;

(3) Physical oceanography including onsite direction and velocity of currents;

(4) Onsite flora and fauna including bottom communities, where present, transitory birds and mammals that may

be in the area when proposed activities are being conducted, identification of endangered species and their habitats that could be affected by proposed activities, and typical fishing seasons of the area;

(5) Environmentally sensitive areas (onshore as well as offshore), e.g., refuges, preserves, sanctuaries, rookeries, calving grounds, and areas of particular concern identified by an affected State pursuant to the Coastal Zone Management Act which may be affected by the proposed activities; and

(6) Onsite uses of the area, e.g., shipping, military use, recreation, boating, and commercial fishing;

(7) Archeological and cultural resources located within the area that may be disturbed by the proposed activities;

(8) Existing and planned monitoring systems that are measuring or will measure environmental conditions and provide information and data on the impacts of activities in the geographic areas.

(ii) An assessment of the direct effects on the offshore and onshore environments expected to occur as a result of implementation of the exploration plan, expressed in terms of magnitude and duration, with special emphasis upon the identification and evaluation of unavoidable and irreversible impacts on the environment.

(iii) For leases in the western Gulf of Mexico, the Director, after consultation with the Office of Coastal Zone Management and the affected State(s) with an approved coastal zone management program(s), may limit the amount of information required to be included in an Environmental Report to those parts of paragraphs 250.34-3(a)(1)(i) and (ii) of this section necessary for the State's review and concurrence with the consistency determination, considering operating conditions, operating experience, and existing facilities in the area of proposed activities. The Director shall advise the lessee of the amount of information required to be included in an Environmental Report.

(2) Such other information and data as the Director may require.

(3) The name, address, and telephone number of an individual employee of the lessee to whom inquiries by the Director and the affected State(s) may be made.

(b) Environmental Report (Development/Production). At the same time the lessee submits a development and production plan to the Director, an Environmental Report (Development/Production) shall be submitted, except as provided for in § 250.34-2(a)(2)(ii). The report shall identify the name of the

lessee or operator and the lease(s) involved. The report shall be as detailed as necessary to enable identification and evaluation of the environmental consequences of the proposed activities and shall include information available at the time the related plan is submitted to the extent that such information is accurate, current, and applicable to the geographic area and activities covered by the plan. The lessee shall refer to information and data contained in the related plan, other Environmental Reports, and other environmental analyses and impact statements prepared for the geographic area by identifying the information and data and indicating a source for obtaining copies of the cited material. Information and data which are site-specific or which are developed subsequent to the most recent environmental impact statement or other environmental impact statements and analyses in the immediate area shall be specifically considered. The Environmental Report (Development/Production) shall include the following:

(1) To the extent that information is not contained in the related development and production plan, the Environmental Report shall contain:

(i) A brief description of the following:

(A) The location, description, and size of any offshore and, to the maximum extent practicable, land-based operations to be conducted or contracted for as a result of the proposed activity. This shall include:

(1) The acreage required within a State for facilities, rights-of-way, and easements;

(2) The means proposed for transportation of oil and gas to shore, the routes to be followed by each mode of transportation, and the estimated quantities of oil or gas, or both, to be moved along such routes;

(3) An estimate of the frequency of boat and aircraft departures and arrivals, the onshore location of terminals, and the normal routes for each mode of transportation; and

(4) The quantities, types, and plans for disposal of solid and liquid wastes and pollutants likely to be generated by offshore, onshore, and transport operations, and, regarding any wastes which may require onshore disposal, the means of transportation to be used to bring the wastes to shore, the disposal methods to be utilized, and the location of onshore waste disposal or treatment facilities.

(B) The requirements for land, labor, material, and energy for the items identified above, including:

(1) The approximate number, timing, and duration of employment of persons who will be engaged in onshore

development and production activities, and approximate number of local personnel who will be employed for or in support of the development activities (classified by the major skills or crafts that will be required from local sources and estimated number of each such skill needed), and the approximate total number of persons who will be employed during the onshore construction activity and during all activities related to offshore development and production;

(2) The approximate number of people and families to be added to the population of local near-shore areas as a result of the planned development;

(3) An estimate of significant quantities of energy and resources to be used or consumed, including electricity, water, oil and gas, diesel fuel, aggregate, or other supplies, which may be purchased within an affected State; and

(4) The types of contractors or vendors which will be needed, although not specifically identified, and which may place a demand on local goods and services.

(C) A schedule setting forth specific near-shore and onshore development activities which correspond to the offshore development and production activities described in detail in the related plan. To the maximum extent possible, individual activities are to be projected on a year-to-year basis. The schedule shall include:

(1) The sequence in which events are expected to be accomplished;

(2) An estimate of the time required to complete specific activities;

(3) The month and year that specific actions are most likely to occur onshore and offshore; and

(4) The month and year that other pertinent activities associated with development of onshore and offshore facilities are likely to be accomplished.

(D) A description of any environmental monitoring systems proposed for use by the lessee.

(E) A description of the contingency plans that are in effect for the area to be developed together with a discussion of the pollution-prevention and cleanup equipment that is or will be maintained on the drill site and in the area pursuant to a Regional Contingency Plan.

(F) A narrative description of the existing environment, with an emphasis placed on those environmental values that may be affected by the proposed action. This section shall contain a description of the physical environment of the area covered by the related plan. This portion of the report shall include data and information obtained or developed by the lessee together with other pertinent information and data

available to the lessee from other sources. The information and data to be included in the lessee's report on the environment shall include, where appropriate:

(1) Summary conclusions of cultural and historical resource surveys of the lease(s) or unit area;

(2) The seafloor configuration, stability, foundation characteristics, sedimentation, and erosion potential at the site of structural components described in the plan;

(3) The seismic risk and conditions including geophysical high-resolution surveys of sites, routes, and corridors;

(4) The aquatic biota, including a description of fishery and marine mammal significance and utilization of the lease or unit area;

(5) The predevelopment ambient water column quality and temperature data for incremental depths for the area encompassed by the plan;

(6) The physical oceanography, including ocean currents described as to prevailing direction, seasonal variations, and variations at different depths in the lease(s) or unit area;

(7) Historic patterns and other meteorologic conditions, including storm frequency and magnitude, wind direction and velocity, and ambient air quality, listing, where possible, the means and extremes of each;

(8) The other uses of the area such as military use for national security or defense; and

(9) The existing or planned monitoring systems that are currently measuring impacts of activities on the environment in the lease sale area.

(ii) An assessment of the effects on the environment expected to occur as a result of implementation of the related plan. This section of the report shall identify specific and cumulative impacts that may occur both onshore and offshore and measures proposed to mitigate these impacts. Such impacts shall be quantified to the fullest extent possible and shall be accumulated for all activities for each of the major elements of the environment (i.e., water, biota, etc.). In every case, impacts shall be expressed in terms of magnitude and duration. The report shall place special emphasis upon the identification and evaluation of unavoidable and irreversible impacts on the environment and additional environmental monitoring systems that may be needed to provide accurate reporting of cumulative impacts on the environment.

(iii) A discussion of alternatives to the activities proposed that were considered during the development of the related plan; for example, a comparison of development and production operations

using a bottom-supported platform which extends above the surface of the ocean with a similar degree of oil and gas development using seafloor completion and production techniques. Any significant differences in the environmental impacts of the use of alternative technologies shall be identified and discussed.

(iv) For leases in the western Gulf of Mexico, the Director, after consultation with the Office of Coastal Zone Management and the affected State(s) with (an) approved coastal zone management program(s), may limit the amount of information required to be included in an Environmental Report (Development/Production) to those parts of § 250.34-3(b)(1)(i) thru (iii) of this section necessary for the State's review and concurrence with the consistency determination, considering operating conditions, operating experience, and existing facilities in the area or proposed activities.

(2) Such other information and data as the Director may require.

(3) The name, address, and telephone number of an individual employee of the lessee to whom inquiries by the Director and the affected States may be directed.

§ 250.34-4 Compliance with the National Environmental Policy Act (NEPA)

(a) Prior to approval of an exploration or development and production plan, or approval of significant revisions to an approved exploration or development and production plan, the Director shall review the environmental impacts of the activities proposed in accordance with applicable policies and guidelines to determine whether the proposed exploration activities, or development and production activities, should be approved, and whether approval of the proposed activities constitutes a major federal action significantly affecting the quality of the human environment requiring preparation of an Environmental Impact Statement pursuant to Section 102(2)(C) of the National Environmental Policy Act and the implementing regulations. In the preparation of documents that present evaluations of the environmental impacts expected to result from the conduct of the activities described in the plan, the Director may utilize information contained in the lessee's Environmental Report.

(b) During the review conducted in accordance with subsection (a) above, the Director shall give particular attention to:

(1) The location and design of exploration, development, and production facilities which are proposed

for installation in areas of high seismic risk or seismicity;

(2) The location and design of exploration, development, and production facilities which are proposed for installation within or near the boundary of a marine sanctuary, wildlife refuge, or other areas of high ecological sensitivity;

(3) The location of bottom-founded structures in areas of potentially hazardous natural bottom conditions; and

(4) The use of new or unusual technology.

(c) An Environmental Impact Statement shall be prepared when the Director determines that the impacts of activities described in the new or revised plan constitute a major Federal action significantly affecting the quality of the human environment and have not been adequately considered in a previous Environmental Impact Statement. In this regard, the Director shall consider:

(1) Whether implementation of the activities described in the new or revised plan would require construction of new onshore processing, storage, treatment, or transportation facilities which could have significant adverse impacts upon the marine, coastal, or human environments;

(2) Whether the cumulative impact of the proposed activities have been previously considered, or whether the impacts are significantly greater than those previously analyzed; and

(3) The likelihood of adverse impacts on the marine, coastal, or human environments that differ significantly in magnitude, duration, or nature from the impacts previously analyzed.

(d) The Director shall declare the approval of a development and production plan in any area or region (as defined by the Director) of the OCS, except in the western Gulf of Mexico, to be a major federal action at least once pursuant to subsection 25(e) of the Act.

(e) Where it has been determined that an Environmental Impact Statement will be prepared, the Director shall decide whether the Statement will cover the activities described in a single development and production plan or those described in a number of such plans covering an area of the OCS where there is a likelihood of significant development. In the preparation of an Environmental Impact Statement, the Director may utilize information in any relevant Environmental Impact Statement or any other document previously prepared during or as a result of an environmental review where that action serves to reduce repetition and to expedite or facilitate the conduct and

completion of the National Environmental Policy Act process.

[FR Doc. 79-28613 Filed 9-13-79; 8:45 am]

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Part V

Department of Labor

Mine Safety and Health Administration

Explosives

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, and 57

Explosives

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: These final rules amend 30 CFR Parts 55, 56, and 57 by adding a new standard which prohibits the loading of explosives or blasting agents into blastholes through drill steel or other devices which could be withdrawn from the hole after loading. This prohibition will give metal and nonmetal miners new protection from loading hazards in blasting operations where high water tables and unconsolidated strata impede drilling and loading.

EFFECTIVE DATE: January 14, 1980.

FOR FURTHER INFORMATION CONTACT: Frank Delimba, Chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, Mine Safety and Health Administration, Room 717, Ballston Tower Number Three, 4015 Wilson Boulevard, Arlington, Virginia, 22203, Telephone: (703) 235-8646.

SUPPLEMENTARY INFORMATION:

I. Background Information

On November 9, 1977, Congress enacted the Federal Mine Safety and Health Amendments Act of 1977 [the "Amendments Act"], Pub. L. 95-164, 91 Stat. 1290 *et seq.*, which amended the Federal Coal Mine Health and Safety Act of 1969, Pub. L. 91-173, 83 Stat. 742, 30 U.S.C. 801 *et seq.*, (1976 ed.) and repealed the Federal Metal and Nonmetallic Mine Safety Act of 1966, Pub. L. 89-577, 80 Stat. 772, 30 U.S.C. 721 *et seq.* (1976 ed.) The resulting law, the Federal Mine Safety and Health Act of 1977 (the "Mine Act"), 30 U.S.C. 801 *et seq.* (1976 ed. and Supp. I (1977)), established for the first time a single safety and health statute applicable to all mining. These rules are promulgated under the special authority contained in section 301(c)(3) of the Amendments Act, 91 Stat. 1317, 30 U.S.C. 961(c)(3), (Supp. I (1977)) to continue rulemaking proceedings begun by the Secretary of the Interior, and the general rulemaking provision in section 101(a) of the Mine Act, 91 Stat. 1291, 30 U.S.C. 811 (Supp. I (1977)).

In October of 1974, and again in March of 1976, the Federal Metal and Nonmetal Mine Safety Advisory Committee (MNMSAC), recommended that the Secretary of Interior adopt a

standard to prohibit the loading of explosives or blasting agents into blastholes through hollow drill stem equipment. However, further rulemaking was deferred pending the evaluation of an alternative method of loading explosive material using expendable tubes. This evaluation was completed in March of 1978 under a Bureau of Mines research contract (Evaluation of Alternatives for the Kelly Bar Method of Loading Explosives, Contract No. J-0177005).

To continue the rulemaking and to ensure full public participation, a revision of the standard recommended by MNMSAC was drafted and circulated by MSHA to interested persons on July 25, 1978 for comment. After consideration of the comments by MSHA, the circulated standard was proposed in the Federal Register (44 FR 2604, January 12, 1979) and 60 days were allowed for public comment. A public hearing under section 101(a)(3) of the Mine Act was held on the issues raised by comments on May 18, 1979, in Miami, Florida. The official record was kept open until June 1, 1978 for the submission of further comments. The major issues raised by public comment and the hearing testimony are discussed below.

II. Purpose and Effect of the Final Rule

These final rules prohibit the loading of explosive material into boreholes through or with hollow drill steel ("Kelly Bar") or other devices which could be withdrawn from the borehole while containing explosive material. The standard also prohibits the use of any hollow tube, through which explosive materials are loaded, and which is capable of being withdrawn from the borehole. However, loading hose leading from pneumatic or similar loading machines and collar pipes or collar sleeves are permitted since they extend a relatively short distance down the borehole.

The use of a Kelly Bar is common practice for loading explosive materials into boreholes which do not remain open after the drill steel is removed because of high water tables and the unconsolidated character of the conglomerate rock formation. Often loose sand and rock collapse into the hole and prevent open hole loading.

In Kelly Bar loading, holes are drilled with hollow drill stems and open-end bits. After reaching the desired depth, rotation and flushing of the drill is stopped, the upper end of the drill stem is opened and explosive charges are inserted. On large diameter boreholes, a core breaker is used to keep the Kelly Bar free of cuttings and debris. After the

hole is drilled to depth, the core breaker is withdrawn and the explosives are loaded into the hollow drill stem. The core breaker is repositioned over the Kelly Bar, which is then withdrawn, leaving the explosives in the hole.

There are two primary hazards associated with the Kelly Bar loading method. First, a hazardous condition can exist when explosives are loaded into a Kelly Bar which has become blocked. When the Kelly Bar is withdrawn, the explosive materials remain in the bar. Attempts to remove the charge have resulted in several accidents. The use of a core breaker, withdrawn after the hole is drilled to depth, has minimized the risk of a blocked Kelly Bar. However, the practice of using a core breaker has been neither uniformly effective nor consistent. Second, it is not always possible, after loading, to remove the Kelly Bar from the hole with a straight pull. Binding of the Kelly Bar by sand or rock, or a twisted hole, often requires that the bar be rotated or hammered to free it. This must be done while explosive materials are contained within the bar. Rotation of, and impact against, the bar can cause heat or sparks or premature detonation of the explosive materials in the bar.

Accident records show that Kelly Bar loading resulted in three deaths in one accident in 1964, four deaths and three serious injuries in three accidents in 1971, and two injuries in an accident in 1974. On construction work at the Panama Canal in 1975, the same loading practice caused five deaths and at least one serious injury in one accident. These accidents might have been avoided if a viable alternative method of loading blastholes had been used.

Research has demonstrated that expendable paper-based tubes can be conveniently placed through suitably modified Kelly Bar drills and left in place once the Kelly Bar is retracted. Packaged charges of dynamite or water gel explosives or slurry can then be loaded into the expendable tubes and fired to produce blasts which are equal to, or better than, those produced by the current method. MSHA concluded that this method, which is a viable alternative to the Kelly Bar method of loading explosives, will result in improved safety conditions for miners.

III. Discussion of the Proposed Rule and Comments

The draft rules and the proposal prohibited loading boreholes through or with hollow drill steel or other tubing or casing which could be extracted while containing explosive materials.

Comments to the proposed rules stated that the standard could be

interpreted to restrict the use of loading hose in bulk loading of explosive materials. The rules are intended to apply to any pipe, tubing or casing which may be part of a drilling unit through which explosives or blasting agents are loaded, and which could be removed from the drill hole while containing a dangerous amount of explosive materials. The rules are not intended to apply to hose used in connection with pneumatic loading or pump machines which are used as part of a loading function, as opposed to a drilling function. The final rules are not intended to prohibit slurry loading. In addition, the rules are not intended to restrict the use of collar pipe or collar sleeves, which are removed from drill holes with only a small residue of explosive remaining. A sentence clarifying these exclusions has been added to the final standard.

MSHA believes that the final rules, which permit the use of loading hose, collar sleeves and collar pipes, respond to comments concerned with ambiguity in the scope of the proposal. Additionally, certain editorial changes have been made to clarify the standard.

A substantial delay in the effective date of the final rules of up to 18 months was requested by some participants at the public hearing. Similar requests also were received from post-hearing commenters.

In reviewing the position of the affected mine operators regarding a delayed effective date, MSHA has taken into consideration several factors. First, there is the unrefuted danger associated with use of the Kelly Bar and similar types of explosive loading methods. Second, consideration of alternatives to the Kelly Bar method began over six years ago, and MSHA (formerly MESA) has considered forbidding its use for a number of years. MNMSAC first recommended adoption of a rule prohibiting use of the Kelly Bar in 1974. Finally, MSHA has taken into consideration the fact that smaller diameter expendable paper tubes can be placed into existing, unmodified, drill steel to comply with the final rule. Furthermore, the industries affected by the final rules have kept abreast of these developments as they have occurred, and they have been provided the fullest opportunity to participate in the rulemaking process. However, in an effort to assure that the rules do not impose unnecessary burdens upon the industry, MSHA has added a 120-day delayed effective date to the final standard. MSHA believes that this 120-day delayed effective date will provide

operators with adequate time for compliance.

Economic Impact

It has been determined that these rules would not have major economic consequences requiring the preparation of a regulatory analysis under Executive Order 12044 or the Department of Labor's guidelines for implementing the Executive Order (Improving Government Regulations, 44 FR 5570, January 26, 1979).

It is estimated that the total cost of compliance with the rule will be approximately \$500,000 during the first year. A full assessment of the economic effects of the final rules has been made by MSHA, and is available to the public.

Drafting Information

The principal persons responsible for drafting the rules are: John F. Honecker, Office of Standards, Regulations and Variances, MSHA; and Mitchell M. Eskenazi, Division of Mine Safety and Health, Office of the Solicitor, Department of Labor.

Dated: September 10, 1979.
Robert B. Lagather,
Assistant Secretary for Mine Safety and Health.

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETAL OPEN PIT MINES

Part 55, Subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

A. Section 55.6 "Explosives" is amended as follows:

1. New mandatory standard 55.6-142 is added as follows:

§ 55.6 Explosives.

55.6-142 *Mandatory.* Explosives or blasting agents shall not be loaded into boreholes through or with either drill stem equipment or other devices which could be extracted while containing explosives or blasting agents. The use of loading hose, collar sleeves or collar pipes is permitted.

(Sec. 101, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811), and Sec. 301(c)(3), Pub. L. 95-164, 91 Stat. 1318 (30 U.S.C. 961(c)(3))

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL AND CRUSHED STONE OPERATIONS

Part 56, Subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

B. Section 56.6 "Explosives" is amended as follows:

1. New mandatory standard 56.6-142 is added as follows:

§ 56.6 Explosives.

56.6-142 *Mandatory.* Explosives or blasting agents shall not be loaded into boreholes through or with either drill stem equipment or other devices which could be extracted while containing explosives or blasting agents. The use of loading hose, collar sleeves or collar pipes is permitted.

(Sec. 101, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811), and Sec. 301(c)(3), Pub. L. 95-164, 91 Stat. 1318 (30 U.S.C. 961(c)(3))

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETAL UNDERGROUND MINES

Part 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

C. Section 57.6 "Explosives" is amended as follows:

1. New mandatory standard 57.6-142 is added as follows:

§ 57.6 Explosives.

57.6-142 *Mandatory.* Explosives or blasting agents shall not be loaded into boreholes through or with either drill stem equipment or other devices which could be extracted while containing explosives or blasting agents. The use of loading hose, collar sleeves or collar pipes is permitted.

(Sec. 101, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811), and Sec. 301(c)(3), Pub. L. 95-164, 91 Stat. 1318 (30 U.S.C. 961(c)(3))

[FR Doc. 79-28660 Filed 9-13-79; 8:45 am]
BILLING CODE 4510-43-M

Friday
September 14, 1979

REGISTRATION

Part VI

**Equal Employment
Opportunity
Commission**

Guidelines on Discrimination Because of
Religion; Proposed Revision

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1605]

Proposed Guidelines on Discrimination Because of Religion

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed Guidelines.

SUMMARY: The Equal Employment Opportunity Commission is proposing a revision of its Guidelines on Discrimination Because of Religion. We are taking this action in response to the public confusion concerning the duty of employers and labor organizations to provide reasonable accommodation for the religious practices of employees or prospective employees. If adopted, these Guidelines will clarify this duty and thereby prevent an employee or prospective employee from being discriminated against and unnecessarily penalized because of his or her religious practices.

DATES: Comments must be received on or before December 13, 1979.

ADDRESSES: Address all comments to: Marie D. Wilson, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, Office of Policy Implementation, Room 4002, EEOC, 2401 E Street NW., Washington, D.C. 20506, (202) 634-7060.

SUPPLEMENTARY INFORMATION:

Section 701(j) of Title VII of the Civil Rights Act of 1964, as amended creates an obligation to provide reasonable accommodation for the religious practices of an employee or prospective employee, unless to do so would create an undue hardship. In 1977, the Supreme Court rendered its decision in *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977). The Court's interpretation of an undue hardship led to much confusion in the employment sector. It left employers, employees and labor organizations unclear as to the extent of the statutory duty under Title VII to provide reasonable accommodation for the religious practices of an employee or prospective employee. The Commission held public informational hearings on this issue in April and May of 1978 in New York City, Los Angeles and Milwaukee. To allow interested persons an opportunity to participate in all stages of its rulemaking process and in compliance with Executive Order 12044, Improving Government Regulations (43

FR 12661, March 24, 1978), the Commission published its intent to review its current *Guidelines on Discrimination Because of Religion* (44 FR 6200, January 31, 1979). The purpose of this review was to determine if any changes in the Guidelines were needed based on the information obtained from the Commission's informational hearings.

After this information was studied, the Commission considered several alternatives among which were: (1) The Commission could seek new legislation; (2) the Commission could publish the transcript of the hearings and then employers could develop solutions from the information obtained at the hearings; (3) the Commission could rely on its existing Guidelines; (4) the Commission could revise its Guidelines or; (5) the Commission could revise its Guidelines and publish the transcript of the hearings.

The last alternative was selected because the hearings established that many people desired clarification of the Guidelines and that many employers had developed alternative employment practices for accommodating the religious practices of employees and prospective employees which could be of use generally. A transcript of the hearings will be available for purchase after October 15, 1979.

One issue repeatedly raised during the hearings concerned the use of pre-selection inquiries into an applicant's availability to work during an employer's scheduled hours. Many employers—especially employers who operate on shifts or 7 days a week—ask applicants if they are available to work all of the scheduled working hours even though the applicant would only be working some of those hours. The employer then often excludes any applicants who are not available at all the specified times. This procedure prevents many applicants, who are not available at all times because of their religious practices, from being employed even before the employer determines whether or not it could accommodate the applicant without an undue hardship to its business. The Commission has developed one solution to this problem (at footnote 10) which would enable the employer to determine the majority of hours when all the applicants would be available, while deferring until after the position is offered determination of the times when individuals cannot be available because of religious practices. The Commission asks the public to comment on this solution and to suggest other alternatives.

These Guidelines are a significant regulation under Executive Order 12044.

Their purpose is to clarify the Commission's current *Guidelines on Discrimination Because of Religion*. There are no regulatory burdens or recordkeeping requirements necessary for compliance with the Guidelines. The Commission has determined that they would not have a major economic impact on the economy and that a regulatory analysis is not necessary.

In compliance with Executive Order 12067 (43 FR 28967, July 5, 1978), the Commission has consulted during the drafting stage with representatives of the Department of Justice, Department of Labor, Department of Treasury and the Office of Personnel Management. As a result of this coordination and cooperation, the Commission and the above agencies have developed these proposed Guidelines. At the end of the 90 day comment period, the Commission will continue to consult with these agencies on issues raised through the public comment process. The Commission and these agencies will then issue final Guidelines. Each agency may decide if additional provisions are necessary under its specific statutory authority.

Signed at Washington this 11th day of September 1979.

For the Commission.

Eleanor Holmes Norton.

Chair.

Accordingly, it is proposed to amend 29 CFR Chapter XIV by revising Part 1605 to read as follows:

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Sec.

1605.1 "Religious" nature of a practice or belief.

1605.2 Reasonable accommodation without undue hardship as required by section 701(j) of Title VII of the Civil Rights Act of 1964.

Appendix A to § 1605.2 Background information.

Authority: Sec. 713(a), 78 Stat. 205; 42 U.S.C. 2000e-12.

§ 1605.1 "Religious" nature of a practice or belief.

In most cases whether or not a practice or belief is religious is not at issue. However, in those cases in which the issue does exist, the Commission will define religious practices to include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views. This standard was

* The word "practice" as used in these guidelines means "observance and practice, as well as belief", as stated in section 701(j), 42 U.S.C. 2000e(j).

developed in *United States v. Seeger*, 380 U.S. 163 (1965) and *Welsh v. United States*, 398 U.S. 333 (1970). The Commission has consistently applied this standard in its decisions.² The fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee or prospective employee.

§ 1605.2 Reasonable accommodation without undue hardship as required by section 701(j) of title VII of the Civil Rights Act of 1964.³

(a) *Purpose of This Section.* This section clarifies the obligation imposed by Title VII of the Civil Rights Act of 1964, as amended, (sections 701(j), 703 and 717) to accommodate the religious practices of employees and prospective employees. This section does not address other obligations under Title VII not to discriminate on grounds of religion, nor other provisions of Title VII.⁴ The legal principles which have been developed with respect to other aspects of discrimination prohibited by Title VII on the bases of race, color, sex, and national origin also apply to religious discrimination in all circumstances other than where an accommodation is required.

(b) *Duty to Accommodate.* (1) Section 701(j) makes it an unlawful employment practice under § 703(a)(1) for an employer to fail to reasonably accommodate the religious practices and beliefs of an employee or prospective employee, unless the employer demonstrates that accommodation would result in undue hardship on the conduct of its business.⁵ Section 701(j) in conjunction with § 703(c), imposes an obligation on a labor organization to reasonably accommodate the religious practices and beliefs of an employee or prospective employee, unless the labor organization demonstrates that

accommodation would result in undue hardship.⁶

(2) After an employee or prospective employee notifies the employer or labor organization of his or her need for a religious accommodation, the employer or labor organization has an obligation to explore all possible methods of reasonable accommodation. A refusal to accommodate is justified only when an employer or labor organization can demonstrate that an undue hardship would in fact result from each alternative. A mere assumption that many more people, with the same beliefs as the person being accommodated, may also need accommodation is not evidence of undue hardship.

(c) *Alternatives for Accommodating Religious Practices.* (1) Employees and prospective employees most frequently request an accommodation because their religious practices conflict with their work schedules. The following subsections are some means of accommodating the conflict between work schedules and religious practices which the Commission believes that employers and labor organizations must explore as part of the obligation to accommodate. These are not intended to be all-inclusive. There are often other alternatives which would reasonably accommodate an individual's religious practices when they conflict with a work schedule. There are also employment practices besides work scheduling which may conflict with religious practices and cause an individual to request an accommodation. See, for example, the Commission's finding number (3) from its Hearings on Religious Discrimination, in Appendix A to § 1605.2. The principles expressed in these guidelines apply as well to such requests for accommodation.

(2) Some alternatives for accommodating an individual's religious practices could, to various degrees, disadvantage the individual in terms of wages, desirability of position, or career opportunities. The obligation to provide equal employment opportunity to the extent possible, irrespective of religious beliefs, requires that employers and labor organizations adopt the

alternative which least disadvantages the individual requiring the accommodation.

(i) *Voluntary Substitutes.* Reasonable accommodation without undue hardship is possible where a satisfactory voluntary substitute is available. In a number of cases, the securing of a substitute has been left entirely up to the individual seeking the accommodation. The Commission believes that the obligation to accommodate requires that employers and labor organizations do everything possible to facilitate the securing of a satisfactory voluntary substitute. Some means of doing this which would not involve substantial cost are: to publicize policies regarding accommodation and substitution; to promote an atmosphere in which such substitutions are favorably regarded; to provide a central file, bulletin board or other means for matching voluntary substitutes with positions for which substitutes are needed.

(ii) *Flexible Scheduling.* One means of providing reasonable accommodation for the religious practices of employees or prospective employees which employers and labor organizations must explore is the creation of a flexible work schedule. The following list is an example of areas in which flexibility might be introduced: Flexible arrival and departure times; floating or optional holidays; flexible work breaks; use of lunch time in exchange for early departure; staggered work hours; and permitting an employee to make up time lost due to the observance of religious practices.⁷

(iii) *Lateral Transfer and Change of Job Assignments.* When an employee cannot be accommodated either as to his or her entire job or an assignment within the job, employers and labor organizations must consider whether or not it is possible to change the job assignment to give the employee a lateral transfer.

(iv) *Payment of Dues to a Labor Organization.* Some collective bargaining agreements include a provision that each employee must join the labor organization or pay the labor organization a sum equivalent to dues. When an employee's religious practices do not permit compliance with such a provision, the labor organization must accommodate the employee by permitting him or her to donate a sum equivalent to dues to a charitable

² See CD 76-104 (1976), CCH ¶ 6500; CD 71-2620 (1971), CCH ¶ 6283; CD 71-779 (1970), CCH ¶ 6180.

³ Section 701(j), 42 U.S.C. 2000e(j) states: "The term 'religion' includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business."

⁴ This section is not intended to limit any additional obligations to accommodate religious practices which may exist pursuant to constitutional, statutory or executive order provisions such as E.O. 11246; neither is it intended to provide guidance for statutes which require accommodation on bases other than religion such as § 503 of the Rehabilitation Act of 1973.

⁵ See *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63, 74 (1977).

⁶ Section 1605.2 is primarily directed to obligations of employers or labor organizations, which are the entities covered by Title VII that will most often be required to make an accommodation. However, the principles of § 1605.2 also apply when an accommodation can be required of other entities covered by Title VII, such as an employment agency (§ 703(b)) or a joint labor-management committee controlling apprenticeship or other training or retraining (§ 703(d)). See, for example, § 1605.2(c)(1) "Scheduling of Tests or Other Selection Procedures."

⁷ On September 29, 1978, Congress enacted such a provision for the accommodation of Federal employees' religious practices. See Public Law 95-390, 5 U.S.C. 5550a "Compensatory Time Off for Religious Observances."

organization other than one associated with the employee's religion.⁸

(d) *Undue Hardship*—(1) *Cost*. In the *Hardison* decision, the Court indicated that it would be an undue hardship on an employer if it is forced to bear "more than a *de minimis* cost" in order to accommodate an employee's need to be absent from his or her scheduled duty hours. 432 U.S. at 84. Interpretation of "more than a *de minimis* cost" has to be made on a case by case basis with due regard given to the identifiable cost in relation to the size and operating cost of the employer, and the number of individuals who will in fact need a particular accommodation. In general, the Commission interprets this phrase as it was used in the *Hardison* decision to mean that costs similar to the regular payment of premium wages of substitutes, which was at issue in *Hardison*, would constitute undue hardship. However, the infrequent payment of premium wages for a substitute or the payment of premium wages while a more permanent accommodation is being sought are costs which an employer can be required to bear as a means of providing a reasonable accommodation. In most circumstances an employer can also be required to pay administrative costs necessary for providing the accommodation, such as those costs involved in rearranging schedules and recording substitutions for payroll purposes.

(2) *Seniority Rights*. The *Hardison* decision also indicated that it would be undue hardship to require a variance from a seniority system in order to accommodate an employee's religious practices when doing so would deny another employee his or her shift preference guaranteed by that system. 432 U.S. at 80. The Commission believes that arrangements for voluntary substitutes (see paragraph (c)(1) of this section do not interfere with legitimate expectations founded on a seniority system.

(e) *Selection Practices*.—(1) *Scheduling of Tests or Other Selection Procedures*

When a test or other selection procedure is scheduled at a time when an employee or prospective employee cannot attend because of his or her religious practices, the user of the test should be aware that the principles enunciated in these guidelines apply and that it has an obligation to accommodate such employee or

prospective employee unless undue hardship would result.

(2) *Inquiries Which Determine An Applicant's Availability to Work During An Employer's Scheduled Working Hours*. (i) The duty to accommodate pertains to prospective employees as well as current employees.

Consequently, an employer may not permit an applicant's need for a religious accommodation to affect in any way its decision whether to hire the applicant unless it can demonstrate that it cannot reasonably accommodate the applicant's religious practices without undue hardship. When an employer inquires into an applicant's availability to work during its scheduled working hours prior to making a decision whether to hire the applicant, there is a danger that the employer will deny the position to an applicant requiring an accommodation in order to avoid having to make any effort to accommodate the applicant, even though an accommodation without undue hardship is possible. There is also a danger that many selecting officials will not be able to objectively evaluate an applicant when they know the applicant will require an accommodation, especially when the official is selecting from among similarly qualified applicants. When the need for an accommodation affects a decision to reject an applicant, the applicant will usually be unaware of this fact; even if the applicant suspects that the rejection was based on the need for a religious accommodation, the applicant will find it difficult to prove. Awareness of employer attitudes toward accommodation, and of the difficulty of challenging a rejection because of a need for an accommodation, discourages applicants from applying to employers who make pre-selection inquiries into availability.⁹

(ii) Therefore, because pre-selection inquiries concerning availability have the effect of excluding persons of certain religious beliefs, an employer must justify such inquiries by business necessity. Employers who believe they have a legitimate interest in knowing the availability of their applicants prior to selection must consider procedures which would serve this interest without excluding persons whose religious practices need accommodation.¹⁰

⁹ Evidence of these problems was submitted through oral and written testimony at the Commission's Hearings on Religious Discrimination.

¹⁰ An example of such a procedure is for the employer to initially ask a question such as: "Apart from absences for religious observances will you be available for work at the following times?" Then, after a position is offered, the employer can inquire into the need for a religious accommodation and determine, according to the principles of these Guidelines, whether an accommodation is possible.

(iii) The Commission will consider there to be *prima facie* evidence that the need for an accommodation influenced a decision to reject an applicant when: (A) Prior to selection the employer elicits information which would determine an applicant's need for a religious accommodation; (B) this procedure is not justified by business necessity; and (C) the employer rejects a qualified applicant after the employer has determined the applicant's need for an accommodation. The burden is then on the employer to demonstrate that factors other than the need for an accommodation were the reason for rejecting the qualified applicant, or that a reasonable accommodation without undue hardship was not possible.

Appendix A To § 1605.2—Background Information

In 1966, the Commission adopted guidelines on religious discrimination which stated that an employer had an obligation to accommodate the religious practices of its employees or prospective employees unless to do so would create a "serious inconvenience to the conduct of the business". 29 CFR 1605.1(a)(2), 31-ER 8370 (1966).

In 1967 the Commission revised these guidelines to state that an employer had an obligation to reasonably accommodate the religious practices of its employees or prospective employees, unless the employer could prove that to do so would create an "undue hardship". 29 CFR 1605.1(b)(c), 32 FR 10298.

In 1972, Congress amended Title VII to incorporate the obligation to accommodate expressed in the Commission's 1967 Guidelines by adding section 701(j).

In 1977, the United States Supreme Court issued its decision in the case of *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977). *Hardison* was brought under Section 703(a)(1) because it involved facts occurring before the enactment of Section 701(j). The Court applied the Commission's 1967 Guidelines, but indicated that the result would be the same under section 701(j). It stated that *Trans World Airlines* had made reasonable efforts to accommodate the religious needs of its employee, *Hardison*. The Court held that to require *Trans World Airlines* to make further attempts at accommodations—by unilaterally violating a seniority provision of the collective bargaining agreement, paying premium wages on a regular basis to another employee to replace *Hardison*, or creating a serious shortage of necessary employees in another department in order to replace *Hardison*—would create an undue hardship on the conduct of *Trans World Airlines'* business.

This type of inquiry would provide an employer with information concerning the overwhelming majority of times when applicants will be available, while deferring until after a position is offered the identification of those times when the usually small number of applicants needing accommodation will not be available.

⁸ *Intr'n Ass'n of Machinist and Aerospace Workers v. Anderson*, F. 2d 397 (9th Cir. 1978); cert denied—U.S.—, 47 L.W. 3738 (June 5, 1979).

and would therefore, exceed the duty to accommodate Hardison.

In 1978, the Commission conducted public hearings on religious discrimination in New York City, Milwaukee, and Los Angeles in order to respond to the concerns raised by *Hardison*. Approximately 150 witnesses testified or submitted written statements.¹¹ The witnesses included employers, employees, representatives of religious and labor organizations and representatives of Federal, State and local governments.

The Commission found from the hearings that:

(1) There is widespread confusion concerning the extent of accommodation under the *Hardison* decision.

(2) The religious practices of some individuals and some groups of individuals are not being accommodated.

(3) Some of those practices which are not being accommodated are:

—Observance of a Sabbath or religious holidays;

—Need for prayer break during working hours;

—Practice of following certain dietary requirements;

—Practice of not working during a mourning period for a deceased relative;

—Prohibition against medical examinations;

—Prohibition against membership in labor and other organizations; and

—Practices concerning dress and other personal grooming habits.

(4) Many of the employers who testified had developed alternative employment practices which accommodate the religious practices of employees and prospective employees and which meet the employer's business needs.

(5) Little evidence was submitted by employers which showed actual attempts to accommodate religious practices with resultant unfavorable consequences to the employer's business. Employers appeared to have substantial anticipatory concerns but no, or very little, actual experience with the problems they theorized would emerge by providing reasonable accommodation for religious practices.

Based on these findings, the Commission is revising its Guidelines to clarify the obligation imposed by Section 701(j) to accommodate the religious practices of employees and prospective employees.

[FR Doc. 79-28708 Filed 9-13-79; 8:45 am]

BILLING CODE 6570-06-M

¹¹The transcript of the Commission's Hearings on Religious Discrimination can be examined by the public at: The Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

This transcript will be published by the Government Printing Office and available for purchase on approximately October 15, 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/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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 July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

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**FEDERAL COMMUNICATIONS COMMISSION**

- 47092 8-10-79 / FM broadcast stations in Calif. and Mo., table of assignments
 47092 8-10-79 / TV broadcast stations in Dayton, Ohio; table of assignments

Rules Going Into Effect September 15, 1979**AGRICULTURE DEPARTMENT****Agricultural Marketing Service—**

- 46249 8-7-79 / Handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg.

SECURITIES AND EXCHANGE COMMISSION

- 45610 8-3-79 / "Redeemable preferred stocks;" presentation in financial statements

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.

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