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FRIDAY, MAY 7, 1976

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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

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Correction

In FR Doc. 76–12461 appearing on page 18054 in the issue of Friday, April 30, 1976 in the table in the second column under the entry for Massachusetts the figure under "Total apportionment" should read "209,906".

[Amdt. No. 80]

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PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

On February 27, 1976, there was published in the FEDERAL REGISTER (41 F.R. 8501–8505) a notice of proposed rulemaking to amend the regulations governing the Food Stamp Program in a number of respects. Interested persons were invited to submit written comments, suggestions, or objections. Responses were received from a total of 2707 parties, expressing approximately 5270 comments. All comments were received and considered. Comments not specifically discussed or reflected herein have nevertheless been weighed in determining the final rule.

The review of the regulations which led to the proposed rulemaking was undertaken in response to the directive contained in Chapter I of the Supplemental Appropriations Act of 1976, P.L. 94–157, that $100,000 of the Supplemental Appropriation be immediately available "only for revising program regulations as authorized by existing law." The Report of the House Committee on Appropriations on the Supplemental Appropriation Bill, 1976, House Report 94–645, pp. 6–9, urged that changes be made in the regulations to "put an end to many existing violations."

The proposals were designed to bring about these and other needed improvements in the administration of the program. The following changes were proposed:

(1) Redefine "income"; provide for determinations of gross household income to be made on the basis of the average income of the household during the 90 days preceding the day on which application is made to participate in the program; eliminate itemized deductions; adjust gross income by subtraction of one standard amount to determine eligibility and basis of issuance for households;

(2) Modify existing income standards for eligibility to provide, as a test of eligibility, the non-farm income poverty guidelines prescribed by the Office of Management and Budget;

(3) Set the purchase requirements so that the share a household contributes toward its coupon allotment will be 30 percent of its adjusted gross income; and reduce the minimum bonus received by households;

(4) Tighten coupon and cash (purchase requirement) accountability of State agencies and issuing agents;

(5) Limit participation by minors to those for whom no adult person is legally responsible;

(6) Require monthly income reports from participating households; and

(7) Require job searches in addition to registration with the State and Federal agencies by members of households subject to the existing work registration requirement and otherwise strengthen work registration requirements.

Most of the comments received were opposed to one or more of the proposed changes. However, many of these adverse comments resulted from a misinterpretation of the effect of the proposed regulations. Many elderly commentors, for example, objected to the proposed regulations on the ground that they would lead to reductions in their benefits. Department studies show, however, that a high percentage of current elderly participants will benefit from the relevant modifications. (See the analysis of § 271.3(c)(1)(iii), *infra*.) Additionally, commentors claimed that the Office of Management and Budget (OMB) poverty eligibility level was too low; not realizing that a standard deduction of $100 ($125 for the elderly) is deducted from the monthly income of each household before the OMB poverty level is used. (See the Income Eligibility Standards section, *infra*).

Some of the misinterpretation may have resulted from confusion over the language of the proposals. For example, it was never intended that foster children be categorically ineligible; yet letters raised that objection to § 271.3(f). The Comment Analysis which follows details those instances where the final regulations were made more explicit in response to the comments. Moreover, the final regulations incorporate many suggestions raised by those opposing the proposals. (See in particular the Comment Analysis on § 271.3(a)(1)(iii) [monthly reporting]; § 271.3(c)(1)(ii) [income definition]; § 271.3(f) [minors].)

The Department fully recognizes that, even as modified and clarified, opposition to the changes will exist. The Department nonetheless believes that these reforms make the Food Stamp Program more responsive to the nutritional needs of the elderly and the long-term poor, and achieves a more equitable distribution of program benefits.

The following is a general statement of the bases and purposes of the rules adopted herein.

COMMENT ANALYSIS

NOTICE OF ADVERSE ACTION—SECTION 271.1(n)(2)

This section is amended to clarify when notices of adverse action are not required for housholds that fail to report monthly. (See Monthly Reporting, section 271.3(a)(1)(iii), *infra*.)

MONTHLY REPORTING—SECTION 271.3(a)(1)(iii)

Several hundred comments were received regarding this proposal. The comments were largely unfavorable toward initiating a monthly reporting requirement. Many of the comments opposed this provision on grounds that it would result in increased administrative costs and would create hardships on certain individuals, such as those with stable incomes or those who may have physical, mental, or language handicaps. Some of the comments objected to the provision automatically terminating households if monthly reports were not received on time.

The failure to report changes in household status and income now accounts for over 25 percent of the total number of certification errors.[1] It is expected that the monthly reporting system will significantly reduce these errors. However, in view of certain administrative and recipient hardships raised by the comments, the requirement that all households submit monthly reports has been changed. State agencies may now exclude from this requirement certain households whose income is stable as defined in § 271.3(a)(1)(iii). These households would still be required to report any changes in status or income to the certification worker when they occur.

Adverse action notices will not be sent to those households which are subject to the monthly reporting requirement if such households fail to file their monthly reports on time. These households will be

subject to immediate suspension or termination. In this connection, however, it should be noted that such households, as a group, are those households with the most widely fluctuating income. Since the monthly reporting requirements will be made known to this group at the time they are certified, it may reasonably be expected that most, if not all, failures to file timely reports will reflect situations in which the reports of the households involved would result in adverse action. For this reason, it is not inappropriate to provide for suspension or termination of such households without prior notice of adverse action.

It is expected that there will be some increased administrative costs as a result of the reporting provisions. However, it is felt these costs can be kept to a minimum by excluding stable households from this requirement, by providing mail-in forms instead of recertification interviews and by diverting much of the processing to clerical and automated systems. The increased administrative costs should also be partially offset by a reduction in the cost of correcting overissuances and underissuances which occur when households fail to report status and income changes.

Moreover, a monthly reporting system will likely reduce fraud in that dishonest participants will be faced with the prospect of signing a written statement, each month, which they know to be factually incorrect. Currently, fraud may be practiced by inaction; simply by failing to report changes in status, whereas, under the new regulations, such fraud would require active misrepresentation.

To avoid the hardships of automatic termination, pointed out in the comments, that provision of the proposed regulations has been revised. State agencies may, for those households which must report, suspend rather than terminate the household's eligibility for failure to so report. Under this change the household will not receive an authorization to purchase (ATP) card if the report is not timely, but the household would not be required to go through the application process again. Benefits for the next month can be based on information contained in the late report averaged with the monthly reports received before and after the late report. However, failure to report for two consecutive months will result in automatic termination.

In light of issues raised in the comments, a change has been made to provide State agencies with flexibility in prescribing the types of information to be reported, other than information on income, resources, and household size. As changed, the regulations make it clear that income received on the monthly report will be averaged with the household's prior two months' income. Also, in response to inquiries, the proposed regulations were rewritten to emphasize that income reported on the monthly report will have to be verified only if there is a substantial change in income or a change in the source of that income. Other household circumstances will be verified only if questionable. Moreover, it has been clarified that households which submit monthly reports will not be subject to the certification periods currently used. Instead continued participation will depend on monthly reporting and on fulfilling the obligation to report for an interview every 6 months.

DEFINITION OF INCOME—SECTION 271.3(c)(1)(ii)

Approximately 200 comments were received on the proposed definition. Most comments expressed a negative reaction to the definition. Of the negative comments, most opposed the deletion of certain income exclusions. Based on these comments, the exclusion for the value of condemned or substandard housing provided by an employer, and the exclusion for loans, except those loans for which payment is deferred until completion of the recipient's education, have been reinstated. Also reinstated is the exclusion of a child's earnings, with the exception that the age limit has been lowered from the former limit of 18 to age 14. The requirement that the child be a student has been abandoned. The provision is now consistent with federally mandated income exclusions for both applicants and recipients of benefits under Title IV-A of the Social Security Act.

The exclusions for lump sum payments and irregular income, however, have not been reinstated. This income was formerly excluded due to the difficulty in anticipating such income. However, with the use of a retrospective accounting period the justification for excluding such income no longer exists. The amount can be readily determined by the caseworker and is available to the household to meet its food needs.

Therefore, all lump sum payments and irregular income are to be counted as income. This change is in accord with the Department's policy of making the Food Stamp Program more responsive to the needs of the truly poor.

Several State agencies suggested that kinds of income which must be excluded by express provision of Federal law be specifically enumerated. In view of the fact that changes are made from time to time in such exclusions, FNS will issue such a listing in its instructions in order to facilitate keeping such a list up-to-date.

STANDARD DEDUCTION—SECTION 271.3(c)(1)(iii)

Comments on this proposal exceeded 400, the large majority of which were opposed to its adoption. Nearly all of the opposition centered on one or more of the two points described below.

The major arguments presented were that the proposal would discriminate against employed persons with legitimate work expenses and elderly persons faced with rising medical costs; and that a standard deduction should be adjusted according to household size, region, and cost-of-living changes.

The Department's position, regarding the contention that a standard deduction will discriminate against working persons and the elderly, remains that the Food Stamp Program (FSP) is intended to be a food assistance program and, as such, cannot and should not subsidize every other special expenditure, no matter how worthy, by way of allowing an itemized deduction. Congress specified that the purpose of the FSP was to provide an adequate diet. The FSP was not intended to subsidize medical care, high shelter costs or other household expenses. For every dollar deducted for a non-food expenditure, purchase requirements are decreased, and therefore bonuses increased, by 30 cents. Therefore the Food Stamp Program is directly subsidizing non-food consumption.

The comments opposing a standard deduction generally indicate that the effect and impact of eliminating itemized deductions and using a standard deduction have been misunderstood by those commenting. The Department has collected and analyzed data on itemized deductions and the types of households benefiting therefrom. Those households who currently gain substantial benefit from itemizing deductions are those with gross incomes high enough to afford large deductible expenditures and not the truly poor. The following information on the effects and impacts of itemized versus standard deductions is taken from a July, 1975 report submitted by the Department to the Congress. The figures have been updated since the publication of that report.[3] Data on income deductions show that, on average, a family of four that qualifies as eligible with a net income just at the $553 maximum level claims about $1,900 worth of deductions per year, therefore, having a gross income of about $8,500.

There is considerable variation in the amount of deductions claimed by participants, with the larger deductions being claimed by households with larger gross incomes. The table below, taken from a September, 1975 survey of food stamp households demonstrates the extent that deductions increase as gross income increases. For example, the chart shows that the average monthly deduction of participating two-person households, with monthly incomes between $560 and $625, is $200. Such households in that income range would be ineligible altogether if they had no deductions. However, these cases exemplify the situations whereby higher income households gain eligibility.

The table further demonstrates that households in the lowest gross income ranges claim relatively small deductions. On the average, four-person households below the poverty line (incomes under $421 per month) claim less than $68 per month. The major benefits of itemized deductions, therefore, accrue to higher and middle income households, not to the very poor.

Average amount of all deductions claimed by participating households by household size and gross monthly income

Monthly household gross income	Size of household (average amount)								
	1	2	3	4	5	6	7	8+	Total
None	$43	$54	$63	$80	$54	$50	$55	$68	$55
$0.01 to $99.99	43	42	50	53	66	54	108	103	47
$100 to $214.99	41	52	60	57	51	55	69	33	47
$215 to $284.99	89	57	64	63	90	61	57	42	65
$285 to $359.99	136	83	74	64	52	64	52	62	73
$360 to $419.99	209	148	103	85	68	86	69	77	93
$420 to $489.99	339	196	145	108	81	69	64	59	104
$490 to $559.99	301	184	188	154	117	90	60	55	120
$560 to $624.99	488	223	220	190	134	127	116	72	148
$625 to $694.99	0	223	247	221	161	139	116	81	159
$695 to $849.99	0	379	318	286	224	152	173	113	198
$850 to $999.99	0	64	341	329	312	228	242	167	249
$1000 to $1249.99	0	486	282	507	412	319	308	279	330
$1250 and up	0	0	0	130	0	493	216	327	439
Total	51	73	89	95	91	93	90	85	77

Deduction of a standard amount from the gross income of all households, regardless of level of gross income, could remedy some of these problems by providing larger benefits at the lower end of the income distribution scale while curtailing them at the upper end. The table above, updated in response to the unanticipated opposition to proposed § 271.3(c)(1)(iii), demonstrates that lower income participants would actually benefit thereby.

Additionally, the Department's studies show that average deductions for work expenses are only $10 per month for all recipients and $56 per month for the 18 percent of recipients claiming deductions; significantly less than the Department's $100 monthly standard deduction.[3] Similarly, Departmental studies show average medical deductions to be $8 per month for all recipients, $41 per month for the 19 percent claiming medical deductions, which is adequately recognized in the Department's $125 monthly standard deduction for elderly persons, and the regular $100 deduction.[4] Indeed 173,000 of the 500,000 newly eligible will be elderly persons benefitting from adoption of the standard deduction.[5]

The Department has considered and rejected proposals to adjust the amount of the standard deduction by household size, region or changes in the cost of living. Data on the use of itemized deductions show that large households do not claim significantly larger deductions than small households in the same income class.[6] Moreover, the larger coupon allotments provided to larger households adequately accommodate the higher food demand of additional family members.[7]

Because the Food Stamp Program is intended to subsidize the food expenses of participating households, it is important that this subsidy, which is the bonus amount a household receives, be adequate for all household sizes. This adjustment for household size is accomplished through application of economies of scale to coupon allotments. Thus, while a one-person household of any income is eligible to purchase a total of $50 per month[8] in stamps, a household of eight is eligible to purchase $298 worth of stamps per month.[9] Equity in determining how purchase prices are set and how benefits are scaled to income dictates that households with the same income should be required to pay the same amount for their stamps, with the net food subsidy adjusted for household size. By applying the Department's uniform standard deduction to all households equity will be maintained for purchase prices at all income levels, while net benefits will still be scaled to accommodate all household sizes through differentials in the coupon allotments. Making the deduction a function of household size distorts the economies of scale already included in program benefits by further decreasing benefits to small households and increasing benefits to large households.

The Act specifically provides that the Secretary promulgate uniform national standards of eligibility. In addition, the minor benefits accruing to some families through a regional variation plan would not overcome the additional inequities and administrative costs and complexities, created by such a program.[10]

Tying the standard deduction to increases or decreases in the Consumer Price Index (CPI) is superfluous. The food stamp allotment is already adjusted semi-annually, as required by the Food Stamp Act, to reflect changes in food prices. Food stamp program benefits will be continually responsive to CPI changes in food prices. Using the standard deduction will speed the certification process, allowing prompter delivery of benefits to applicants.

90-DAY RETROSPECTIVE ACCOUNTING—SECTION 271.3(C)(2)

Heavy commentary was received on this proposal, of which the overwhelming sentiment was unfavorable. In general, the comments either opposed the concept of retrospective accounting or favored retrospective accounting with modification of the proposed system. The commenters opposing retrospective accounting contend that the use of past income as a basis of eligibility is not a good indication of current need and cite the recently unemployed and households with highly fluctuating income as examples of how the use of past income would be a poor measure of current household needs. Commentors who favored retrospective accounting felt that the proposed system should be changed to reduce the accounting period from 90 to 30 days or to change the accounting period from 90 days to 3 months.

The retrospective accounting period proposal was designed to reduce the certification and issuance errors which result from anticipating income and to focus benefits on long-term poor. Additionally, the retrospective accounting approach provides a convenient method for considering unanticipated lump sum payments. (See the analysis of § 271.3(c)(1)(ii), *supra*.) These goals can only be accomplished through the use of prior income, therefore, the retrospective income accounting provision has been retained, with certain modifications as indicated below.

The retrospective accounting system will not work to the detriment of all households as many commentors claim. Rather, the system may inure to the benefit of many households. For example, those households with highly fluctuating incomes could benefit from the averaging of income within the retrospective accounting period. A single month of high income would be averaged with two months of lower income, generally resulting in the household's eligibility. In fact, these households will further benefit since they no longer need be terminated in high income months and then reapply when their income returns to its normal level.

The commentors who favored changing the retrospective accounting period to 30 days thought that use of the shorter period would result in a more sensitive indication of household need. This suggestion was not adopted because it neglects one of the main purposes of the longer period which is to single out households with a long-term need for food assistance and get an accurate picture of their long-term needs. The commentors who wished to change the accounting period from 90 days to 3 months focused on the administrative problems of using days instead of months to determine income and making the transition from a 90-day system to a monthly reporting system. To overcome these problems the suggestion to use the prior 3 months rather than the prior of 90 days of income has been adopted.

A clarification has been made to show that certain self-employment income and large lump sum payments received by students and contract workers will continue to be averaged over the period of time the payment is intended to cover. This averaged income will then be added to any other income received during the household's 3-month retrospective accounting period.

Contrary to the contention of some commentors the implementation of a 3-month retrospective income accounting period for use with the income eligibility standards for the Food Stamp Program is a reasonable exercise of the discretion granted the Secretary by the Food Stamp Act to prescribe uniform national standards of eligibility. (7 U.S.C. 2014(b)).

30 PERCENT PURCHASE REQUIREMENT—APPENDICES A–1 THROUGH F–1 TO 7 C.F.R. PART 271

The largest number of comments touched on the 30 percent purchase requirements. Most were opposed to its adoption. Nearly all of the opposition centered on one or more of the points described below.

The opposition regarding this issue centered around three major objections. It was suggested that the proposal would increase the cost of food stamps for most participants and would act as a barrier to participation for many poor households without sufficient funds to purchase food stamps. It was felt that the 30 percent policy was unfair in that it requires food stamp participants to spend a larger percentage of their income on food than the average American spends. The 30 percent purchase requirement provision was also challenged as a restatement of a policy Congress rescinded in 1975 by enactment of Public Law 94–4.

For most needy households in the lowest income levels, the net effect of a uniform 30 percent purchase requirement along with the proposed standard deduction will be a decrease in their purchase requirement. (The table appearing above, published in response to the general misunderstanding reflected in the comments, demonstrates the redistribution of program benefits to poorer households.) The 30 percent purchase requirement, operating in concert with the standard deduction, requires that no household will pay more than 24.6 percent of gross household income. Only households with the highest allowable income will be required to pay 24.6 percent of gross income, while lower income households would pay at a lower rate. Thus, for the lowest income families, the standard deduction will significantly reduce net income for food stamp purposes. Moreover, the uniform maximum 24.6 percent purchase requirement will eliminate inequities in the Food Stamp Program. Currently, the percentage of net income charged as a purchase requirement varies from zero to 30 percent, the statutory limit. Additionally, inequities exist from the use of income intervals which results in varying percentages of income within these intervals. The uniform percent proposal would eliminate these differentials, as every household with the same income will be charged the same amount for food stamps, that is, 30 percent of its gross income less the standard deduction.

Moreover, the use of a standard deduction will eliminate purchase requirements for the neediest households thereby greatly expanding the number of households eligible for coupons at the zero purchase level. In February 1976, 369,000 households participated at the zero purchase level.[11] In a simulation study using 50,000 households it was estimated that 713,000 households would be eligible to participate at the zero purchase level under the proposed regulations.[12] In addition, households are provided an opportunity to arrange for the purchase of stamps at a time consistent with the receipt of income and, if they choose, to purchase less than a full month's allotment.

In responding to the second argument, that it would be unfair to require food stamp recipients to spend a higher percentage of income on food than the average family spends, data compiled by the Bureau of Labor Statistics (BLS) refute the premise of that argument. BLS surveys show that the average percentage of gross income spent for food by households with incomes below $3,000 is 48 percent; the average for households below $4,000 is 41 percent, and for those with incomes below $6,000 the average is 38 percent.[13] For these low-income households food stamp purchase requirements are computed as if they had even less income than the figure used by the BLS. The regulations deduct $1,200 per year from gross income ($1,500 for households with an elderly person) and only then reduce food outlays to 30 percent of this new net income figure.

Finally, concerning the third point, Public Law 94–4 (Feb. 20, 1975) merely froze purchase requirements at the January 1, 1975 level for the calendar year of 1975, in order to allow adequate time to study food stamp reform as a whole. However, that cost increase suspension expired December 30, 1975. During 1975 this Department collected and analyzed studies of the food stamp program and determined that the 30 percent purchase requirement is, in conjunction with the standard deduction, more equitable in terms of benefiting, to a greater extent, the elderly poor and large poor households.[14] Moreover, the regulations inhibit some higher income families from using the food stamp program as a subsidy for disproportionately high non-food expenditures.

A $10.00 minimum bonus award has previously been in effect to assure that all eligible households would receive some benefit. For these households, the minimum bonus prevents the anomaly of being "technically" eligible but being unable to enjoy a net benefit. The $5.00 bonus is a sufficient incentive to encourage those eligible to participate in the program. The reduction of the minimum bonus from $10 to $5 redistributes program benefits to make awards more consistent with the needs of participants.

WORK REGISTRATION—SECTION 271.3(d)

Approximately 300 comments were received with regard to this proposal of which a majority were unfavorable. Many comments were directed towards the proposal to amend section 271.3(b)(1)(iv) to require registrants to regularly inquire about employment and to engage in activities directly related to securing employment. Comments primarily concerned: (1) the proper role of Employment Service Offices in view of the fact that such Offices are better equipped to assist registrants in a job search, but recognizing some dissatisfaction in such Offices' ability to perform as currently required; (2) increased administrative costs to State agencies if local food stamp certification offices must monitor the job search requirement; (3) the need to define what constitutes an acceptable job search, especially in periods of high unemployment; and (4) the increased opportunity the requirement may provide for error and abuse.

Rather than allow a registrant to wait to be contacted by the already overburdened Employment Service Office, the job search requirement is intended to require the registrant to actively inquire about job opportunities. The requirement is also an attempt to broaden the registrant's job search beyond those opportunities listed with Employment Service Offices. It is not unreasonable to expect job seekers to actively pursue employment opportunities rather than passively rely upon food stamp assistance to meet their nutritional needs.

There will be increased administrative costs for assistance to registrants in job searches and for monitoring of such activity. The Food and Nutrition Service will continue to pay the State agencies for 50 percent of such costs.

Various methods of implementation of the job search requirement have been studied by the Food and Nutrition Service (FNS) in consultation with Department of Labor staff. FNS will continue to work with State and Federal agencies in order to establish administrative procedures which can best accomplish the goal of the job search requirement.

FNS has not further defined job search as requested by a number of comments. The regulatory language has purposely been left broad enough to enable FNS to cooperate with the States in order to accommodate the varying needs of divergent economic circumstances.

With clear instructions and proper training of eligibility workers, errors and client abuse can be reduced to a minimum. FNE will closely scrutinize the implementation of the job search requirement so as to prevent undue client abuse and error and insure its effectiveness.

Further comments were directed towards deletion of certain conditions of job suitability in section 271.3(d)(3) and (4). Specifically, comment was made on: (1) deletion of "piece rate basis" resulting in migrant and other workers being offered jobs below the minimum wage; (2) discrimination against those who could not or would not join a union for personal reasons; (3) the requirement that registrants accept jobs with a high risk to health and safety; and (4) the requirement that registrants accept any employment although not in their principal field of experience.

It was never intended that migrants be treated differently from others regardless of whether their income is received on a "piece rate basis". To avoid any misunderstanding concerning the minimum wage requirement this point will be clarified in the implementing instructions.

The deletion of the union job exclusion as a condition of acceptable employment is directed toward preventing recipients from refusing a job solely because such job involves joining or resigning from a union and thereby meeting the work registration requirement. This fosters the

policy that only the involuntary poor should receive food stamp assistance. Likewise, denying assistance to those refusing employment outside of their special field of experience, redistributes the program benefits to the involuntary poor. Both of these provisions bring the regulations more closely into conformity with the work requirement of the Act (7 U.S.C. 2014(c)).

The Food and Nutrition Service has reinstated the degree of risk to a registrant's health or safety as a criterion for declining a particular job offer. While not explicitly stated in the Food Stamp Act as a valid reason for refusing a job offer, it is a reasonable extension of Congressional intent as expressed in the legislative history of the work registration provision.

A few technical changes from the proposed text have been made. The phrase "accept an offer of employment to which he is referred by such office" appearing in section 271.3(d)(1)(iv) has been deleted and the first sentence of section 271.3(d)(1)(v) has been amended to read "accept any offer for employment, whether or not he is referred to such employment by the State or Federal employment office, and continues such employment." This change will improve the orderly structure of the paragraph and broaden the scope of job offers a registrant must accept.

In the last sentence of the opening paragraph of section 271.3(d) reference is made to "(d)(3)(iv) and (5)" in referring to unlawful strikes. The correct reference is "(d)(3) and (5)."

In the proposed language explaining the minimum wage, a technical omission was made. Therefore, in section 271.3(d)(3) we have corrected "(d)(i), (ii) or (iii)" to read "(d)(3)(i), (ii), or (iii)."

Section 271.3(b)(2) for "curing" a registrant's noncompliance is being restructured to allow the registrant's requirements and cures to be in the same order.

MINORS—SECTION 271.3(f)

Approximately 90 percent of the comments received on this issue opposed its adoption. The main objections to the proposed change centered on the following points: (1) the proposal will impose diverse eligibility criteria in that the definition of "minors" will vary from State to State; (2) low income students, particularly those staying with minority families, will have to forfeit their education in order to continue receiving food stamps; (3) foster children will be barred from participating; and (4) the provision will unfairly burden minors by requiring them to resort to fair hearings or legal actions when persons responsible for support refuse to cooperate. Moreover, some comments suggested that proposed 7 CFR § 271.3(f) would unnecessarily increase the administrative burden placed on State agencies for staffing and paperwork.

Although States variously define the terms "minor" and "emancipation" the proposed regulations establish uniform national eligibility criteria by providing that all persons, to whom a legal obligation to support is owed, shall not be eligible unless they are living with the person owing that support. Thus, in States which define "emancipated minor" as a minor to whom no obligation of support is owed, it is clear that emancipated minors may apply for food stamp assistance. Moreover, the current proposal provides for the uniform treatment of all minors, to whom a legal obligation of support is owed, in that it does not discriminate against minors on the basis of their non-matriculated status.

The proposed regulations have been rewritten in light of the comments objecting to the exclusion of foster children from participation. It was never intended that foster children would be ineligible for food stamps. The wording is being changed to make clear that an adult member of the household, acting *in loco parentis* for the minor, shall satisfy the eligibility requirement. This permits foster children to participate even though that adult may not be legally obligated to support the minor. To avoid future misapprehensions on this point the regulations define the term *"in loco parentis"*. See § 270.2(11).

Some comments objected to the requirement that persons legally responsible for support will be required to provide financial information to FNS. That requirement is justified by the difficulties of accurately determining the financial status of persons required to provide support, from sources other than the person so responsible for support. As a safeguard, all persons have the right to a fair hearing if they believe they have been aggrieved in the handling of their case. Nor is anything in this provision intended to limit the ability of the State agency to work with households, outside the formal hearing process, to resolve difficulties.

Insofar as the burden to the State agencies is concerned, it is not expected that this provision will affect a large portion of their caseload. Moreover, States already have in operation, because of tax dependency provisions, mechanisms for obtaining information from persons not part of the applicant household.

COUPON AND CASH ACCOUNTABILITY—SECTIONS 271.6 AND 271.7

Approximately one half of the comments on this issue opposed the proposed changes. The major issues raised by State agencies and others who commented were the high cost of implementing these procedures and the administrative burden the provisions placed on the States. However, the changes are urgently needed to correct abuses in the handling of cash and coupons by State issuing agents.

Section 271.6(f) of the regulations requires States to reconcile food stamp accounts monthly. State agencies are currently required to report coupon sales and cash collected and deposited to FNS on a monthly basis. The only new requirements in this provision are that these reports be internally reconciled, that is, that State agencies now assure themselves that the deposits reported have been made, and secondly that the State agencies themselves, not the issuance agents, prepare the reports. This provides a safeguard against potential mistakes and fraud. Moreover, the monthly reconciliation requirement imposes no new requirements on issuance agents. The provisions for monthly reconciliations may make it necessary for some States to acquire additional staff. A number of States, however, already have an effective accountability system.

Section 271.6(h) requires a State agency bank account. This provision gives State agencies more complete control over the deposits of their issuance agents and can reduce the possibility of error and fraud.

While legislation may be required in some States to establish these bank accounts, the method of deposit is similar to that used in the Active General Depositaries before January 1974. It is anticipated that State legislators will recognize the advantages of State control over the deposits of its agents.

While section 271.6(h) requires that State agencies transmit deposits to FNS on a daily basis, it makes no change in the depositing frequency required of issuance agents. Agents will simply be depositing in the State account instead of directly to the Federal reserve bank. The State account will be cleared daily.

States with locally run programs complained that a Statewide agency bank account would be inappropriate. However, "State agency" is defined as encompassing a State's local offices. See § 270.2(vv). Each project area office may thus establish its own bank account for deposits within its project; the changes in depositing in those areas should be minimal.

Section 271.6(j), dealing with fiscal sanctions for issuance agents that fail to make timely deposits, received many comments. Some complained that the sanctions proposed were too weak. However, this argument is inappropriate since States may impose whatever sanction they choose in their contracts. Additionally, we have rewritten this paragraph to make more specific certain interest requirements. See § 271.6(l).

The Postal Service exception [§ 271.6(h)] raised some comments. The terms under which the Postal Service issues coupons is worked out by negotiation at the national level between FNS and the Postal Service. The Postal Service is responsible for complying with the terms of that agreement. Section 271.6(h), which dealt with the Postal Service has been deleted, and instead § 271.6(m) provides that the agreement binds the Postal Service.

Section 271.7 received four negative comments on monthly billings. Section 271.7 does not significantly affect the State agencies. At present States are billed periodically for differences reported on the monthly accountability reports. The proposed change only requires more frequent billing periods.

A new paragraph (f) to § 271.7 has been added which specifies State agency liability for late deposits and for interest collected from issuance agents. This en-

courages States to make timely deposits so that interest is not lost.

Additionally, technical changes have been made to improve the organization of material in this section and to correct certain inaccurate references. Sections affected by these changes include 271.6 (a), (b) and (f).

INCOME ELIGIBILITY STANDARDS—APPENDICES A–1 THROUGH F–1 TO 7 CFR PART 271

Sections 2 and 5(a) of the Food Stamp Act (7 U.S.C. 2011, 2014(a)) require that participation in the Food Stamp Program be limited to those households whose income and financial resources are determined to be substantial limiting factors in permitting such households to purchase a nutritionally adequate diet. The Office of Management and Budget (OMB) guidelines define, as a practical matter, the parameters of "low income households." These guidelines are thus suitable for use in determining income standards as required in the regulations. This Department is unaware of any better standard for determining where the "low income" level begins than the OMB guidelines which, when adjusted annually, reflects a continuing evaluation of the national low-income level.

The comments generally misinterpreted the intended maximum gross income limits under the proposed regulations. It is important to note that the OMB guidelines were not intended to serve as the maximum income eligibility standard. Households will also receive the benefit of the standard deduction of $100 per month ($125 if there is an elderly member). For example, while the maximum eligible monthly net income for a family of four is $458 under the new guidelines, the effective gross income figure will be $558 per month as a result of the standard deduction.

Of the approximately 350 comments which opposed the use of the OMB Poverty Guidelines as the income eligibility standard almost all raised one or more of the following points: (a) the poverty-level is too low a maximum eligibility income level; (b) the guidelines fail to recognize regional disparities in the cost of living; and (c) the guidelines lag behind the most recent cost of living adjustment data.

With respect to the first point, that is, that OMB poverty guidelines are not high enough, the Department relies on the expertise utilized in the development of the OMB figures as well as the widespread Governmental use of such figures in providing similar eligibility limitations for like benefits. Section 2 of the Food Stamp Act (7 U.S.C. 2011) states that it is the purpose of Congress to provide a nutritionally adequate diet to low-income households. The OMB guidelines reflect the national "low-income" level and are appropriate and reasonable as a standard of eligibility. In practical application, this figure is increased by the standard deduction to provide gross income eligibility maximum in excess of the Government's official "low-income" level.

The current OMB poverty level index for a family of four is $5,500 annually. Taking into consideration the proposed $1,200 annual standard deduction ($1,500 annual standard deduction for those households with an elderly member) households with an income of $6,700 ($7,000 if an elderly person is a member of the household), will be eligible for food stamps. This $558 per month compares to $482 which is the average monthly gross income for a four-person household currently participating in the Food Stamp Program. It should be noted that 90 percent of currently participating four-person households have monthly incomes below $558.[15]

The Food Stamp Act places upon the Secretary the duty to establish, within his discretion, reasonable, uniform food stamp eligibility standards. (7 U.S.C. 2014) The Secretary's adoption of the poverty guidelines issued by the Office of Management and Budget is an effective and uniform exercise of this authority.

In addition, regionalization of the national standards of eligibility would pose an administrative pitfall created by the lack of useful data upon which to base such adjustments. No regional definition of poverty exists today. Regionalization of eligibility criteria is administratively unfeasible and there is no practical data upon which to base such adjustment.

With respect to the third point, that is the need for cost of living adjustments in the poverty-level figures provided by OMB, poverty levels are adjusted annually in February by the Consumer Price Index when the Community Services Administration's poverty index is published. This annual adjustment is automatic.

Consistent with the Child Nutrition Programs the maximum income for all households in Puerto Rico and the Virgin Islands will be the same poverty guidelines used for the 48 States and the District of Columbia. For Guam, the poverty guidelines will be the same as those used for Hawaii.

IMPLEMENTATION

State agencies submitted approximately 20 comments on implementation. All of those comments stated that the period allowed for implementation was inadequate. The implementation dates have been adjusted. State which cannot implement the new eligibility limits, standard deduction and 30 percent purchase requirement by June 1 may request an extension to September 1, 1976, subject to approval by the Food and Nutrition Service. States are to use the basis of issuance tables, current eligibility limits, and itemized deductions for June if FNS approves extensions of the implementation date beyond that time. New basis of issuance tables predicated on the regulations as they existed before the changes adopted herein must go into effect in July 1976, although the new tables do not represent any change from the current tables for the 48 States and the District of Columbia. These tables, plus adjusted eligibility limits based thereon, and the current system of itemized deductions will be continued for all households until such time as the State implements these regulations for new applicants and households applying for subsequent certification, and for any certified household until such time as the household has been converted to the new procedures but in any event not later than September 1, 1976.

The basis of issuance tables for the 48 States and the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam which will become effective July 1, 1976 for the period July 1, 1976 through August 31, 1976 for those households whose eligibility and basis of issuance have not been determined in accordance with Appendices A–1 through F–1, are published herewith as Appendices A–2 through F–2.

State agencies objected to implementing the new eligibility standards concurrently with implementation of changes in income exclusions. Because of the new definition of income, State agencies would have been required to contact each household, while changes in the eligibility limits require only desk reviews. States complained that they could not complete both tasks for the entire caseload by June. Accordingly, State agencies will be required to apply the revised income exclusions only to new applicants and subsequent applications as of June 1 or later as approved by FNS. States shall have until December 31, 1976, to convert all certified households to the revised income exclusions. No changes have been made in the implementation schedule proposed for the other provisions affecting certified households.

The proposed regulations contained no specific implementation date for the accountability provisions, although September 1 has generally been assumed. In the revised regulations, State agencies will be responsible for implementing the accountability provisions by September 1, or for having submitted a plan that will enable implementation by December 31, 1976.

Therefore Parts 270 and 271 of Chapter II, Title 7, Code of Federal Regulations are amended, in part, as follows:

1. Section 270.2 is amended by adding a new paragraph (ll) and relettering paragraphs (ll) and (mm), (mm) and (nn), respectively. The new paragraph (ll) reads as follows:

§ 270.2 Definitions.

* * * * *

(ll) "In loco parentis" means a relationship under which an adult or public or private agency acts either as legal guardian or otherwise performs the duties and responsibilities of a parent with respect to a person who is not his child.

* * * * *

2. In § 271.1, paragraph n(2) is amended to read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * *

(n) *Notice of adverse action.* * * *

(2) Individual notices of adverse action are not required when:

(i) Mass changes in benefits are required for certain classes of recipients because of changes required by Federal or State law or Federal Regulation affecting the basis of issuance tables, income standards, or other eligibility criteria. Such changes include, but are not limited to, changes in maximum income limitations and basis of issuance tables prescribed in the general notice published in the FEDERAL REGISTER pursuant to § 271.5, and changes in social security payments or public assistance grants.

(ii) The State agency receives a written statement from the head of the household or his authorized representative that food stamp assistance is no longer desired or that supplies information that requires reduction or termination of benefits and the recipient acknowledges in writing that he knows the required action will be taken;

(iii) The State agency receives notification of the death of the head of a single person household;

FOOTNOTES

[1] "Semi-Annual Quality Control Report for January 1975 to June 1975," Quality Control and Evaluation Branch, Food Stamp Division, United States Department of Agriculture.

[2] "A Report in Accordance with Senate Resolution 58," Section II, Chapter I, Food and Nutrition Service, United States Department of Agriculture, July 21, 1975.

[3] "Survey of Household Characteristics: Sept. 1975," Program Development Branch, Food Stamp Division, United States Department of Agriculture, (unpublished survey).

[4] *Ibid.*

[5] "Transfer Income Model," Food Stamp Division, Program Development Branch, Food and Nutrition Service, United States Department of Agriculture.

[6] See Table, *supra.*

[7] "Thrifty Food Plan," Agricultural Research Service, United States Department of Agriculture.

[8] See the poverty guideline at 41 Fed. Reg. 8502 (February 27, 1976).

[9] *Ibid.*

[10] Congressional Testimony by Richard L. Feltner, Assistant Secretary of Agriculture, before the Committee on Agriculture and Forestry, United States Senate, November 19, 1975, at p. 6.

[11] "Monthly Household and Minimum Purchases Report," Program Reporting Staff, Food and Nutrition Service, United States Department of Agriculture, February 1976.

[12] See footnote 5.

[13] See "1972–73 Consumer Expenditure Survey," Bureau of Labor and Statistics, United States Department of Labor.

[14] See footnote 2; footnote 3; "Options for Improving the Equity and Efficiency of Benefit Determination Procedures for the Food Stamp Program," prepared by Mathematica, Inc., for Food and Nutrition Service, United States Department of Agriculture, July 1975; "National Participation and Cost Impacts of Proposed Changes in the Food Stamp Program," prepared by Mathematica, Inc., for Food and Nutrition Service, United States Department of Agriculture, July 1975.

[15] See footnote 3.

(iv) The State agency receives notification that the household has moved from the project area;

(v) The action is taken as a result of the expiration of the certification as provided in § 271.4(a)(4)(i); or

(vi) The action is taken as the result of circumstances reported by the household on the monthly report form, as the result of nonreceipt of the monthly report, or, as a result of a household's failure to report to a six-month interview.

* * * * *

3. Section 271.3 is revised to read as follows:

§ 271.3 Household eligibility.

(a) *Household.* (1) Eligibility for and participation in the program shall be on a household basis.

(i) Eligibility shall be denied or terminated if the applicant household refuses to cooperate in providing information necessary for making a determination of eligibility or ineligibility. Applicants must assure that all statements made on the application are correct and complete.

(ii) If a participating food stamp household refuses to cooperate in providing the information necessary to complete a quality control review, the household may be subject to denial of further and/or future food stamp benefits. However, after such action and subsequent termination or denial, a household may reapply and be certified for participation in the Food Stamp Program: *Provided,* That the household cooperates fully and completely in supplying to the certifying officer full verification of all information prior to such certification.

(iii) Households who receive income from only federally aided public assistance programs, general assistance programs, supplemental security income, social security benefits or retirement income such as any type of pension or annuities and who do not receive any earned income shall be required to report changes in household circumstances in accordance with one of the following State selected requirements:

(A) The State agency may require that these households report all changes in gross monthly income or changes in any other household circumstances which are required to be reported on the application form within 10 days of the date the changes become known to the household. The State agency shall: (1) issue a notice of adverse action, when necessary, within 10 days from the date when the change was reported; and (2) assure the change is reflected in the household's basis of issuance based on the accounting period in which the month in which the change occurred first appears.

(B) The State agency may require that these households submit a monthly report as outlined in § 271.3(a)(1)(iv) below. The State agency shall require these households to submit a monthly report in accordance with § 271.3(a)(1)(iv) when pertinent data demonstrates that such households are not reporting changes on an accurate and timely basis.

(iv) All households not included under (a)(I)(iii) of this section shall report to the State agency each month information about their household circumstances in the previous month. The month that is being reported shall be defined as the reporting month. The information reported by such household shall include, but not be limited to, the resources and size of the household as of the last day of the reporting month, and all income received by the household members during the reporting month. The income of persons who are not household members on the last day of the reporting month need not be included on the report and shall not be counted as income to the household during that reporting month. State agencies are encouraged to request any other information relating to household circumstances in the reporting month which will aid in the reduction of errors when determining eligibility. The filing of such a report shall be a condition of eligibility. Failure of a household to file such a report within 10 days of its specified reporting date shall result in suspension or termination of eligibility. The reporting form shall inform the household that the circumstances reported will be used to adjust eligibility and basis of issuance each month and of the suspension or termination action the State intends to take based on nonreceipt of the report. If a household submits its monthly report within 10 days of its specified reporting date the State agency shall verify the reported circumstances in accordance with § 271.4(a)(2)(iii), average the income received in the reporting month with the income received in two prior reporting months, and determine the household's eligibility and basis of issuance. The State agency must further provide eligible households with an opportunity to purchase their full coupon allotment no later than the month immediately following the month in which the report is due.

If a household fails to submit the report within 10 days of the reporting date the State agency may either suspend or terminate the household's eligibility. A State agency electing to suspend a household's eligibility may do so for one month allowing the household to participate again only if all monthly reports which are due have been received. If two consecutive reports are not filed, then the household shall be terminated.

(2) Eligible household members 60 years of age or older who are housebound, feeble, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, an elderly person as defined in § 270.2(r) of this subchapter, who is housebound, feeble, physically handicapped or otherwise disabled to the extent that he cannot adequately prepare all of his meals and the spouse of such an elderly person may use all or any part of the coupons issued to them to purchase meals prepared for and delivered

to them by a nonprofit meal delivery service authorized by FNS.

(3) Eligible household members 60 years of age or older, or elderly persons as defined in § 270.2(r) of this subchapter and the spouse of such an elderly person may use all or any part of the coupons issued to them to purchase meals prepared especially for them at communal dining facilities authorized by FNS for such purpose.

(4) Members of eligible households who are narcotics addicts or alcoholics and who regularly participate in a drug or alcoholic treatment and rehabilitation program on a nonresident basis may use all or any part of the coupons issued to them to purchase food prepared for or served to them during the course of such program by a private, nonprofit organization or institution authorized by FNS. Narcotics addicts or alcoholics who regularly participate in a drug or alcoholic treatment program on a resident basis shall be certified for program participation through the use of an authorized representative which shall be the private nonprofit organization or institution that is administering such treatment and rehabilitation program. Such organization or institution shall apply on behalf of such addict or alcoholic and receive and spend the coupon allotment for meals prepared by or served to such addict or alcoholic. Such organization or institution shall notify the State agency as provided in paragraph (a)(1)(iv) of this section of changes in income and household circumstances and when such addict or alcoholic leaves the treatment and rehabilitation center. Such organization or institution shall be responsible for any misrepresentation or fraud committed in the certification of center residents and shall assume total liability for food coupons held on behalf of resident recipients.

(5) Eligible households in Alaska residing in areas determined by FNS as areas where access to retail food stores is difficult and who rely substantially on hunting and fishing for subsistence may use all or any part of the coupons issued to them to purchase hunting or fishing equipment, excluding firearms, ammunition and other explosives.

(b) *Income and resource eligibility standards of public assistance and general assistance households.* Households in which all members are included in a federally aided public assistance or general assistance grant shall, if otherwise eligible under this subchapter, be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

(c) *Income and resource eligibility standards of other households.* Each State agency shall apply the uniform national income and resource standards of eligibility established by the Secretary to determine the eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance.

(1) *Gross monthly income.* (i) Gross monthly income means all income which was received in a prior accounting period as specified in § 271.3(c)(2). Gross monthly income includes, but is not limited to, the following:

(A) All compensation for services performed as an employee;

(B) Net income from self-employment, which shall be the total gross income from such enterprise (including the total gain received from the sale of any capital goods or equipment related to such enterprise), less the cost of producing that income. The following shall not be considered as the cost of producing income:

(*1*) Payments on the principal of the purchase cost of income-producing real estate;

(2) Payments on the principal for the purchase cost of capital assets, equipment, machinery, and other goods;

(3) Depreciation; and

(*4*) A net loss sustained in any previous period;

(C) The total amount of a roomer's payment to the household;

(D) The total payment received from each boarder less a deduction for each boarder of the value of the monthly coupon allotment for a one-person household;

(E) Payments received as an annuity; pension; retirement; or disability benefit; veterans', workmen's or unemployment compensation; and old-age, survivors, or strike benefit;

(F) Payments received from federally aided public assistance programs, general assistance programs, or other assistance programs based on need;

(G) Payments received from Government-sponsored programs such as Agricultural Stabilization and Conservation Service programs, the Work Incentive Program, or Manpower Training Program;

(H) Payments, except those for medical costs, made on behalf of the household by a person other than a member of the household;

(I) Cash gifts or awards for support, maintenance, or the expenses of education;

(J) Scholarships, educational grants (including loans on which repayment is deferred until completion of the recipient's education), fellowships, and veterans' educational benefits;

(K) Support and alimony payments;

(L) Rents, dividends, interest, royalties, trust income, and all other payments from any source whatever which may be construed to be a gain or benefit; and

(M) The actual value of housing received from an employer by members of a household as income in kind, in lieu of or supplemental to household income, not to exceed $25 per month. No value is to be assigned to housing received as payment in kind which has been condemned or declared substandard under Federal, State, or local housing codes.

(ii) The following shall not be considered income to the household. (This list is inclusive and no other exclusions from income shall be allowed):

(A) Payments for medical costs made on behalf of the household;

(B) Income which must be excluded from gross income for Food Stamp Program purposes by express provision of Federal law;

(C) All loans, except loans on which repayment is deferred until completion of the recipient's education;

(D) Income received as compensation for services performed as an employee or income from self-employment by a child residing with the household who has not attained his fourteenth birthday;

(E) Any gain or benefit which is not in money (except as provided in paragraph (c)(1)(i)(m) of this section).

(iii) For the purpose of determining eligibility and basis of issuance, a standard deduction of: (1) $100 per month shall be taken from the gross monthly income (after allowance of any applicable exclusions) of all households; plus, (2) an additional deduction of $25 a month for any household in which there is at least one member whose age is 65 or older. No other deductions shall be allowed.

(2) *Handling of income.* The eligibility of nonassistance households and the basis of issuance of all households shall be determined by adding the household's gross monthly income over a prior three-month period and dividing by three. This prior three-month period shall be defined as the accounting period. For initial applications the accounting period is the three-month period prior to the month in which application is made. To determine the continued eligibility and basis of issuance of households that submit monthly reports, the accounting period shall include the reporting month and the two months preceding the reporting month. To determine the continuing eligibility and basis of issuance of households who are not required to submit monthly reports, the accounting period shall be the same as that established for households which report monthly for a comparable issuance month. For most households the gross monthly income included in the accounting period shall be all income actually received during the accounting period. However, to arrive at the gross monthly income of households who receive income from the following sources, the income from these sources shall be averaged as indicated below and this average shall then be added to any other income received during the months included in the accounting period.

(i) Income from a self-employment enterprise which is received less frequently than every three months shall be averaged evenly over the period it is intended to cover.

(ii) Income from scholarships, educational grants, fellowships, and veterans' educational benefits shall be averaged over the period it is intended to cover.

(iii) Income received on other than an hourly or piecework basis under a contract which is renewable on a yearly or longer basis (such as, but not limited to, school employees) shall be deemed to be received continuously for an entire year even though predetermined nonwork

(vacation) periods are involved or actual compensation payments are scheduled for payment during work periods only. Income received under such contracts shall be averaged over a 12-month period. This provision shall not apply in situations where the other party to the contract cannot or will not make payments specified in the contract, or where the flow of earnings specified in the contract is otherwise interrupted.

(3) *Income standards.* The uniform national income standard of eligibility for participation of nonassistance households in the program shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as amended.

(4) *Resource definition and standards.*

(i) *Maximum allowable resources.* The maximum allowable resources—including both liquid and nonliquid assets—of all members of the household shall not exceed $1,500 for the household, except that, for households of two or more persons with a member or members age 60 or over, such resources shall not exceed $3,000.

(ii) *Included in resources.* In determining the resources of a household, the following shall be included and identified in sufficient detail to permit verification:

(A) Liquid resources which are readily negotiable, such as cash on hand, in a checking or savings account in a bank or other savings institution, U.S. savings bonds, stocks or bonds; and

(B) Nonliquid resources, such as buildings, land, or other real or personal property not excluded under paragraph (c) (4) (iii) of this section.

(iii) *Exclusions from resources.* In determining the resources of a household, the following shall be excluded. This list is inclusive and no other exclusions from resources shall be allowed:

(A) The home and lot normal to the community, one licensed vehicle, household goods, cash value of life insurance policies and pension funds, and personal effects;

(B) Income-producing property which is producing income consistent with its fair market value, or other property such as another vehicle needed for purposes of employment, the tools of a tradesman or the machinery of a farmer, deemed essential to the employment of a household member;

(C) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs;

(D) Resources whose cash value is not accessible to the household, such as, but not limited to, irrevocable trust funds and property in probate;

(E) Payments under Title II of the Uniform Relocation Assistance and Real Properties Acquisition Act of 1970; and

(F) Payments under the WIC (Women, Infants, and Children) Program.

(iv) *Value of resources.* The value of resources shall be determined at fair market value, less encumbrances.

(d) *Work registration requirement.* At the time of application and at least once every six months thereafter, each able-bodied person between the ages of 18 and 65, who is a member of a household, including a person who is not working because of a strike or lockout at his place of employment (except mothers or other members of the household who have responsibility for the care of dependent children under 18 years of age or of incapacitated adults; students enrolled at least half-time in any school or training program recognized by any Federal, State, or local governmental agency; or persons working at least 30 hours per week), shall register for employment by executing the registration form which shall be provided by the State agency, and which the State agency shall forward to the State or Federal employment office having jurisdiction over the area where the registrant resides: *Provided*, That any narcotics addict or alcoholic who regularly participates as a resident or nonresident in a drug or alcoholic treatment and rehabilitation program shall not be considered "able-bodied" for the purpose of this section. For the purposes of paragraphs (d) (3) and (d) (5) of this section, the term "strike" shall not include a strike which has pursuant to a court decision currently in force been determined to be unlawful.

(1) Such member who is required to register shall also:

(i) Report for an interview to the State or Federal employment office where he is registered upon request;

(ii) Respond to a request from the State or Federal employment office requiring supplemental information regarding employment status or availability for work;

(iii) Report to an employer to whom he has been referred by such office;

(iv) Inquire regularly about employment with prospective employers whether or not such member is referred to such employers by the State or Federal employment office, and regularly engage in activities directly related to securing employment; and

(v) Accept any offer of employment, whether or not referred to such employment by the State or Federal employment office, and continue such employment. Such household member shall continue such employment until the household member becomes exempt from the work requirement, as provided in this paragraph, or is terminated from employment due to circumstances beyond his control.

(2) If the State agency determines that a household member has failed without good cause to comply with the requirements in paragraph (d) (1) of this section, the household of which he is a member shall be ineligible to participate in the program. Such ineligibility shall continue:

(i) For so long as such member remains a member of the household; or

(ii) Until such household member complies as follows, whichever is earlier:

(A) Refusal to register—registration by the household member.

(B) Refusal to report for an interview to the State or Federal employment office where he is registered—reporting for the required interview.

(C) Refusal to respond to a request from the State Federal employment office requiring supplemental information regarding employment status or availability for work—response to the employment office correspondence.

(D) Refusal to report to an employer to whom he has been referred by such office—reporting to such employer or another employer to whom he is referred.

(E) Refusal to inquire regularly about employment or otherwise regularly engage in activities directly related to securing employment—resumption of such activities.

(F) Refusal to accept an offer of employment to which he was referred by such office or any other offer of employment—acceptance of such employment or of other employment of at least 30 hours per week.

(G) Refusal to continue employment—returning to such employment or acceptance of other employment of at least 30 hours per week.

(iii) In determining whether good cause existed for failure to comply, the State agency shall consider all facts and circumstances, including information submitted by the State or Federal employment office, the employer, and the registrant or recipient himself.

(3) Employment shall not include work at a plant or site subject to a strike or a lockout for the duration of such strike or lockout. For the purposes of this paragraph the term "employment" means any public or private work at not less than:

(i) The applicable State minimum wage;

(ii) The applicable Federal minimum wage;

(iii) The applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations; or

(iv) $1.30 per hour if there is no applicable wage as described in (d) (3) (i), (ii), or (iii) of this section.

(4) Any employment offered a particular registrant shall be accepted unless he can demonstrate that:

(i) He is physically or mentally unfit to perform the employment as established by documentary medical evidence;

(ii) The degree of risk to his health and safety is unreasonable; or

(iii) The distance of the employment from his residence is unreasonable. Determinations in this connection shall be based upon estimates of the time required for going to and from work by means of transportation that is available or expected to be used, and whether or not it would be reasonable for the registrant to expend the time and cost involved for the expected remuneration from the work. In no event shall commuting time per day represent more than 25 percent of the registrant's total work time.

(5) No household shall be denied participation in the program solely on the grounds that a member of the household is not working because of a strike or a lockout at his place of employment.

(6) Registration for participation in the Work Incentive Program (WIN) by

members of a household who are required to register for work as stipulated above shall be regarded by FNS as having fulfilled the requirements of this section.

(7) The provisions of this paragraph shall not relieve a household of its responsibility to report acceptance of any employment or receipt of income from employment obtained through any source by any member of the household.

(8) State agencies shall report monthly the number of households and persons whose benefits were reduced or terminated because they accepted employment, and the number who were terminated because of refusal to accept suitable employment.

(e) *Tax dependency.* (1) No student shall be considered a household member for Food Stamp Program purposes if such student: (i) has reached his 18th birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is a member of another household which is not an eligible household.

(2) *Definitions.* For the purpose of this paragraph, the following definitions shall apply:

(i) "Institution of higher education" means an institution providing post-high school education including, but not limited to, colleges, universities, and vocational and technical schools at the post-high school level.

(ii) "Properly claimed" means that the dependent child is claimed by a taxpayer who provides such child with more than half of his or her support during the calendar year in which the taxable year of the taxpayer begins.

(iii) "Eligible household" means a household certified as being eligible for participation in the Food Stamp Program, the Food Distribution Program, or a federally aided public assistance or general assistance program, or the Supplemental Security Income Program; or one which can demonstrate that it would be eligible to participate in the Food Stamp Program based on the income and resource standards applicable to nonassistance households.

(3) Notwithstanding any other provisions of this subchapter, the income and resources of an individual who is not considered a household member under paragraph (e) (1) of this section and who resides with eligible household members or elderly persons, shall not be considered available to the household members or elderly persons, nor shall his presence be considered in determining the household coupon allotment.

(4) Notwithstanding any other provision of this subchapter, verification of whether or not the household of the taxpayer is an eligible household will be required for all applicant households containing a tax dependent meeting the criteria in paragraphs (e) (1) (i) and (ii) of this section. In addition, verification of the tax dependency status of a member or members of an applicant household will be required whenever such status is questionable. Because the household of the taxpayer is ordinarily the best source of this information, the failure of the taxpayer to respond to the request for verification will be grounds for considering the tax dependent as not being a household member, although the remainder of the household in which the tax dependent resides may be certified, if otherwise eligible. However, the tax dependent shall, through the fair hearing procedures under § 271.1(o), have an opportunity to demonstrate that he is not properly claimed and may, therefore, be eligible to participate as a household member.

(f) *Minors.* (1) No individual who is a minor in the State where application is made shall be considered a household member for Food Stamp Program purposes if such minor resides in a household in which no other member has a legal duty to support such minor, unless; (a) the individual who has a duty to support such minor is financially unable to perform such duty and so certifies; (b) such individual cannot be found or does not exist; or (c) an adult or public or private agency stands *in loco parentis.*

(2) Notwithstanding any other provisions of this subchapter, the income and resources of an individual who is not considered a household member under subparagraph (1) of this paragraph and who resides with eligible household members or elderly persons, shall not be considered available to the household members of elderly persons nor shall his presence be considered in determining the household's eligibility and coupon allotment.

(3) Notwithstanding any other provisions of this subchapter verification of the financial inability of an individual having a duty to support a minor, even though he has a duty to do so, will be required whenever the financial status of such individual is questionable. Because the individual having the duty of support is ordinarily the best source of the information, the failure of such an individual to respond to the request for verification will be grounds for considering the minor as not being a household member of the household in which he resides, although the remainder of such household may be certified if otherwise eligible. However, the minor shall, through the fair hearing procedures under § 271.1(o), have an opportunity to demonstrate that the individual having the duty of support is unable to do so.

4. Section 271.4 is revised to read as follows:

§ 271.4 Certification of households.

(a) *Household certification.* (1) *Certification of public assistance and general assistance households.* The State agency shall provide for the certification of households in which all members are included in a federally aided public assistance or general assistance grant, solely on the basis of information contained in an affidavit and the assistance case file.

(2) *Certification of other households.* The State agency shall provide for the certification of other households by:

(i) Completion of the Application for Participation;

(ii) An interview at initial certification, an interview once every six months for households who must submit monthly reports, and an interview at the time of subsequent certification for those households who are assigned certification periods. The interview shall be conducted with the applicant or his authorized representative in a personal contact in the office, in a home visit, or by telephone call (the interview requirement will be continued until quality control demonstrates to FNS the effectiveness of the forms and certification system); and

(iii) Mandatory verification of income at the time of initial certification. Verification of income is also required at the time of subsequent certification, the six-month interview, or upon receipt of a monthly report whenever a household's income has changed substantially or the source of income has changed. Other factors affecting eligibility or basis of issuance shall be verified whenever these factors appear unclear, incomplete, inconsistent or otherwise raise doubt. State agencies are, however, encouraged to verify any other factor that would aid in the reduction of certification errors. Particular care should be taken when verifying the income of households whose application or monthly report indicates little or no income and who would therefore not be assigned a purchase requirement. Such households may, however, be certified pending verification of income or other factors of eligibility for no more than one month in a six-month period, provided at least one collateral contact has been made and the household appears to be eligible based on the application or monthly report. With respect only to households which report receipt of social security benefits, each State agency, at its option, may obtain verification of reported social security benefits through the use of the automated data processing system jointly administered by the Social Security Administration and the Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare. State agencies electing to use this option shall use the amount of social security benefits reported by such households for certification purposes pending receipt by the local certifying agency of the automated data processing system verification, provided all other household income is verified in accordance with this section.

(3) *Application processing.* The State agency shall provide for the processing of each affidavit or Application for Participation and notify the applicant household of the action taken within reasonable State-established time standards, which shall not exceed 30 days after receipt of such documents. Any subsequent certification, or notification to recipient households of any intention to deny further participation in the program at the end of the certification period, must be completed prior to the expiration of such period.

(4) *Certification periods.* (i) Households who are not required to submit monthly reports as outlined in § 271.3(a)(1)(iii) shall be assigned limited periods of eligibility by the State agency as indicated below. At the expiration of such period, entitlement to food stamp benefits shall be established only upon a subsequent certification based upon a newly completed application, an interview, and such verification as required in paragraph (a)(2)(iii) of this section. The certification periods of such households shall be assigned as follows:

(A) Households in which all members are included in a federally aided public assistance or general assistance grant shall be assigned certification periods which coincide with the period of the assistance grant.

(B) All other households which are not required to submit monthly reports shall be certified for up to six months or a year depending on the likelihood that a change in income or household status may occur.

(ii) Certification periods shall conform to calendar months as much as possible.

(iii) Households which are required to submit monthly reports shall not be assigned certification periods but shall instead be considered eligible contingent on timely receipt of monthly reports which contain information demonstrating the household continues to meet the eligibility criteria, and the household reports for an interview at least once every six months.

(5) *Certification continuation.* (i) The State agency shall provide for continuing the certification of any household for 60 days after the date the household moves from one project area to another: *Provided,* That (a) the household membership does not change; (b) the household continues to meet the definition of a household as provided in § 270.2(jj) of this subchapter; and (c) the household was not certified under disaster eligibility standards as provided in Part 274 of this subchapter.

(ii) The project area from which the household is moving shall prepare the documents necessary to transfer certification. If the household has received its full coupon allotment for the month in which the move takes place the project area shall authorize the full coupon allotment for the two months subsequent to the move. If the household has received only a portion of its full coupon allotment, as evidenced by surrender of any unused issuance authorization documents, the project area shall authorize a coupon allotment for the balance of the allotment due the household in addition to the full coupon allotment for the two subsequent months.

(iii) The project area to which the household moves shall accept the transfer document and promptly issue coupons based on the information provided thereon. The household may request certification at any time during the 60-day period. Upon expiration of the 60-day period, the household shall be certified in accordance with the usual procedures prescribed in this part.

(iv) The State agency shall provide for the secure storage of Form FNS–286, Certification of Household Transfer, and shall maintain controls to prevent or detect unauthorized issuance, acquisition, acceptance, use, transfer or alteration of this form. State agencies shall report the number of Forms FNS–286 issued and redeemed as prescribed by FNS.

(6) *Identification card.* The State agency shall provide for issuance of an identification card to each household certified as eligible to participate in the program. Identification cards indicating special eligibility shall be issued to the following groups:

(i) Households and elderly persons and their spouses eligible for and desiring to use coupons to purchase meals from a nonprofit meal delivery service; and

(ii) Households residing in remote sections of Alaska that have been determined by FNS as areas in which food coupons may be used to purchase hunting and fishing equipment (except firearms, ammunition and other explosives).

(7) *State agency instructions.* The State agency shall issue written program instructions to personnel responsible for the certification of applicant households. No State agency instruction or interpretation of FNS Instructions shall be issue to local agencies without prior approval by FNS, unless FNS fails to respond to a request for approval within 30 days after the acknowledgment of its receipt by FNS.

5. Section 271.6 is revised to read as follows:

§ 271.6 Methods of distributing, issuing and accounting for coupons and receipts.

(a)(1) FNS shall distribute coupons, printed in such denominations as it may determine necessary, directly to the receiving points the State agency has designated in its Plan of Operation. While coupons are in shipment to receiving points, they shall be at the risk of the Department.

(2) FNS shall promptly forward to the State agency copies of the "Advice of Shipment" when coupons are shipped to receiving points.

(3) When FNS adjusts any receiving point's coupon order, it shall so inform the State agency regardless of who requested the change.

(4) FNS shall notify the State agency each time there is a change in the coupon allotment tables.

(5) FNS shall monitor coupon inventories and shipping activities by maintaining records of shipping and inventory change. FNS shall supplement this monitoring by periodic, unannounced spot checks of inventory levels at selected receiving and issuance points.

(b) The State agency shall arrange for the prompt verification of and receipting for the contents of each coupon shipment. State agencies must furnish FNS with the name of the person or persons authorized to sign receipts acknowledging delivery of coupons; armored car and other deliveries of coupons shall be made only upon the signing of a receipt for them by an authorized person.

(c) The State agency shall arrange for:

(1) The adequate safekeeping of its supplies of coupons;

(2) The maintenance of a reasonable working inventory;

(3) The ordering of coupons; and

(4) The maintenance of proper inventory and accounting controls for such coupons.

(d) The State agency or the State issuing agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households for the purchase requirement. The State agency or State issuing agency shall not contract the issuance of coupons to any firm, or agency thereof, authorized to redeem coupons from households unless the State agency, in concurrence with FNS, determines that such an arrangement would best achieve the purpose of the program. The coupon allotment to be issued to any household shall be in the amount determined in accordance with § 271.5.

(1) The State agency may issue coupons through the facilities of the U.S. mail. Unless FNS notifies the State agency to the contrary, FNS will accept the risk of loss of nondelivery of coupons to eligible households after deposit of such coupons in the mail, if the State agency issues such coupons through the mail in accordance with instructions provided by FNS.

(2) The State agency shall permit as soon as possible but no later than October 1, 1976, any household participating in the program, if it so elects, to have the cost of its full monthly coupon allotment deducted from any grant or payment such household may be entitled to receive under Title IV of the Social Security Act, and have its full monthly coupon allotment distributed to it.

(3) The State agency shall, within the limits of the frequency of issuance available to the household under paragraph (d)(4) of this section, permit any eligible household, except those participating under paragraph (d)(2) of this section, to elect at the time of issuance to receive a coupon allotment having a face value of all, three-quarters, one-half, or one-quarter of the monthly coupon allotment authorized in accordance with § 271.5 and to have such household pay an amount that shall be in the same ratio to the total purchase requirement as the coupon allotment chosen is to the total monthly coupon allotment. The State agency shall require that, as soon as possible but not later than July 1, 1975, the variable purchase ATP cards used to implement this provision provide a signature space for each variable purchase option available to the household.

(4) The State agency shall insure that eligible households are offered the frequency of coupon issuance that is best geared to the frequency of their receipt of income: *Provided,* That at a minimum, all project areas shall make provision for a monthly and semimonthly schedule of issuance and *Provided further,* That the State agency shall insure that each eligible household is offered the option

at the time of certification of choosing to receive coupons on a semimonthly basis.

(5) The State agency shall upon its determination that any certified household has failed to participate for three consecutive months, stop issuing ATP cards to such household until notified by such certified household of its intention to resume participation in the program.

(e) The State agency may authorize, under written agreement with public or private agencies, the acceptance of vouchers or warrants issued by such agencies in payment for coupon allotments issued to eligible households. Such vouchers or warrants shall be converted into cash as soon as practicable thereafter as determined by FNS.

(f) The State agency shall reconcile coupon inventories, coupon issuances, sums collected from eligible households, vouchers, warrants accepted from public and private agencies, and other receipts on a monthly basis in order to maintain a current account of such records. In any issuance system which uses ATP cards, the State agency shall further reconcile all coupon issuances to the master file of certified eligible households. The State agency shall report the results of such reconciliation to FNS on a monthly basis.

(g) FNS shall review reports submitted by the State agency for adequacy, accuracy and reasonableness on a monthly basis; reconcile cash reports from the Federal reserve banks with the Department of the Treasury and with the monthly State agency reports; assess the reasonableness and propriety of food stamp requisitions by States based on prior months' inventory change; and bill States on a monthly basis for fiscal discrepancies as provided in § 271.7 of this subchapter.

(h) All receipts from coupon sales shall be safeguarded at all times and promptly deposited, in accordance with FNS instructions, to an account maintained by the State agency solely for that purpose. Prior to such deposit, funds shall not be used in any manner for the benefit of any individual, corporation, association, organization, or any entity other than the Federal Government. Each day the State agency shall transmit, through the appropriate Federal reserve bank, all previous day's deposits to the Treasurer of the United States for credit to FNS.

(i) State agencies shall include, in issuance contracts with issuing agents, fiscal sanctions, to the maximum extent permitted by applicable law, in the event the issuing agent fails to meet any depositing requirement established under this subchapter. Such contracts shall also provide for the payment of interest at 6 per centum per annum, which interest shall be compounded daily from the date on which receipts were due to be deposited through the date deposit was actually made, in the event that the issuance agent fails to make timely deposit.

(j) The State agency shall issue written program instructions to personnel responsible for the issuance of coupons. No State agency instruction or interpretation of FNS instructions shall be issued to local agencies without prior approval by FNS, unless FNS fails to respond to a request for approval within 30 days after the acknowledgment of its receipt by FNS.

(k) Every official or employee, except officials and employees of the United States Postal Service, who is responsible for receiving and issuing coupons or accepting cash or other receipts from eligible households shall be covered by an appropriate form of surety bond in favor of the State agency or the State issuing agency. The amount of such surety bonding shall be adequate to protect the financial interests of the State agency in case of loss.

(l) The 50-cent, 2-dollar, and old series 5-dollar coupons may be used by households to purchase eligible food at authorized retail food stores and meal services until August 31, 1975. After August 31, 1975, households shall be entitled to a dollar for dollar exchange of old series coupons for new series coupons at the project level except that when only a 50-cent coupon is offered for exchange or the coupons offered included an odd 50-cent coupon, a new series 1-dollar coupon will be given for the odd 50-cent coupon. This procedure for exchange will expire June 30, 1976.

(m) Fiscal practices with respect to funds collected from the sale of food coupons by the United States Postal Service are prescribed by interagency agreement between the United States Postal Service and the Department.

6. Section 271.7 is revised to read as follows:

§ 271.7 Financial liabilities of the State agency.

(a) If FNS determines that there has been gross negligence or fraud on the part of the State agency in the initial certification of households, any subsequent certification of households, or the issuance of coupons, the State shall, on demand by FNS, pay to FNS a sum equal to the amount of any free coupons issued as a result of such negligence or fraud. Gross negligence shall include those State agency actions in connection with certification and coupon issuance which are in substantial noncompliance with the provisions of this subchapter and which result in a loss of Federal funds. It shall also include those State agency actions with respect to certification and coupon issuance which would not be considered grossly negligent in themselves, but which, after previous admonition by FNS and the lapse of a reasonable period of time to take corrective measures, continue to result in substantial losses of Federal funds.

(b) In the event that any State agency is sued by any person(s) in a State or Federal Court in any matter which involves its administration of the Food Stamp Program, the State agency shall immediately notify FNS that suit has been brought and shall furnish FNS with copies of the original pleadings and all subsequently filed pleadings. In any such case which involves an attack on or interpretation of the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon request of FNS, take such action as is necessary properly to join the United States and/or appropriate officials of the Federal Government, such as the Secretary of Agriculture or the Administrator of the Food and Nutrition Service, as parties to the suit. In the event that a State agency fails to comply with the provisions of this paragraph and is ordered by a court to take actions under the program which are determined by FNS to be inconsistent with the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon demand by FNS, pay to FNS an amount equal to the value of all bonus coupons issued pursuant to the court order.

(c) If FNS determines that there has been a loss of coupons distributed to the State agency, or of the sums required to be collected by it in payment of the purchase requirement, including the cash equivalent of any vouchers or warrants accepted by it in accordance with § 271.6(e), including, but not limited to, coupons or funds lost as a result of thefts, embezzlements or unexplained clauses, the State agency shall, on demand by FNS, pay to FNS the face amount of any such coupons, and the amount of such cash or cash equivalent. Coupons which are lost will be presumed to have been redeemed in the customary channels of redemption: *Provided*, That the State agency will be relieved of liability for such coupons which it establishes to the satisfaction of FNS were recovered or destroyed prior to presentation for redemption.

(d) The State agency shall be liable to FNS for any overissuance of coupons or undercollections of cash as a result of mathematical or changemaking errors by personnel of any issuance office. The State agency shall also be liable to FNS for the bonus value of all coupons purchased through the use of documents which are stolen or embezzzled from or lost by the State agency.

(e) FNS shall, on a monthly basis, make demand on each State agency for any losses of cash or coupons reported in accordance with § 271.6(f) of this subchapter, or otherwise determined.

(f) The State agency shall be liable for all funds collected from the sale of food coupons within the State. FNS may demand payment of interest from the State agency at 6 per centum per annum, which interest shall be compounded daily from the date on which receipts were due to be deposited through the date deposit was actually made, in the event that the State agency fails to make deposit within the frequency specified in § 271.6(h). The State agency shall further pay to FNS all interest penalties that it has collected from its issuance agents for failure to make timely deposit.

(g) Upon a determination of the State agency that a participating household has fraudulently obtained coupons, the State agency, on behalf of FNS, shall make demand upon such household for repayment of the value of the free coupons issued to such household as a result of such fraud. Such actions shall be documented in the files of the State

agency, and any funds collected as a result of such actions shall be remitted to FNS by the State agency. Demand and payment of any such amounts shall not relieve or discharge such household of any liability, either civil or criminal, for such additional amounts as may be due under any other applicable provisions of law. If the State agency finds that any eligible household has failed substantially to comply with the provisions of this part, the Plan of Operation, or any procedures or instructions issued by FNS or the State agency resulting in the fraudulent acquisition of coupons, such household may be disqualified from further participation in the program by the State agency for such period of time as the State agency shall determine.

(h) If excess free coupons are issued because of a certification error by the State agency or a misunderstanding of program provisions by a participating household, the State agency shall take appropriate corrective action to prevent any further issuance of excess free coupons to such household and, on behalf of FNS, make demand upon such household for repayment of the value of the free coupons issued to the household as a result of such certification error or misunderstanding of program provisions. The State agency may decline collection action to recover the value of the excess free coupons from the recipient household in any case in which such value is less than $400 under the following conditions:

(1) The issuance of excess free coupons did not involve gross negligence or fraud covered by paragraphs (a) and (g) of this section; and

(2) The State agency determines that either:

(i) It cannot collect or enforce collection of any significant sum from the household;

(ii) The cost of collection action likely will exceed the amount recoverable thereby; or

(iii) Evidence necessary to prove the claim cannot be produced.

In any case described in this paragraph in which the value of excess coupons issued is $400 or more, the State agency may decline collection action under the conditions specified herein only with the concurrence of FNS. In any such case, the State agency shall submit a statement of the facts and its proposed determination to FNS for review and concurrence.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date. This revision shall become effective May 7, 1976. New provisions of these regulations governing the net income eligibility limits, the standard deduction and the computation of the purchase requirement, shall be implemented for all new applications and any subsequent applications on June 1, 1976, or as soon as possible thereafter as approved by FNS, provided that such provisions shall be in effect for all certified households by no later than September 1, 1976. These three provisions must be implemented simultaneously. The State agency shall continue to use itemized deductions, basis of issuance tables and corresponding eligibility limits for any household until implementation of the new provisions for such household. New basis of issuance tables and corresponding eligibility limits must be implemented on July 1 for any households and applicants not yet subject to the new provision.

The exclusion from income shall be implemented for new applications and any subsequent applicatons at the same time as the above provisions, and for all other households by not later than December 31, 1976. All other provisions directly related to the certification of households, including retrospective income accounting and monthly reporting, shall be implemented for all new applications and any subsequent applications by September 1, 1976, and for all other households not later than 120 days thereafter. Provisions directly related to food coupon and cash accountability shall be implemented by September 1, 1976, except as approved by FNS, and then no later than December 31, 1976.

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

(78 Stat. 703, as amended; 7 U.S.C. 2011-2020)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: May 3, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

FSP No. 1976-1.1 in Appendix A to Part 271 is superseded, effective June 1, 1976, by this FSP No. 1976-1.2.

APPENDIX A-1—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in any allotment.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The coupon allotments set forth below are based on the cost of the thrifty food plan in February 1976.

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam) or in the District of Columbia, shall be the income poverty guidelines prescribed by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 279.1(d)).

The poverty guidelines by household size are as follows:

Household size:	*Maximum allowable monthly income standards, 48 States and District of Columbia*
1	$233
2	308
3	383
4	458
5	533
6	608
7	683
8	758
Each additional member	+75

"Income" as the term is used in this appendix is as defined in paragraph (c) of § 271.3 of this subchapter.

Pursuant to section 7(a) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program in the 48 States and the District of Columbia is as follows:

Coupon allotments—48 States and District of Columbia

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$50	$12	$25	$38
2	92	23	36	69
3	130	32	65	98
4	166	42	83	124
5	198	50	99	148
6	236	59	118	177
7	262	66	131	196
8	298	74	149	224
Each additional member	+38	+10	+19	+27

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up or down to the nearest whole dollar amount and shall not change the purchase requirements for such allotments.

In rounding numbers, a digit less than 5 or a fraction less than one-half is discarded. A digit greater than 5 or a fraction greater than one-half adds to the next digit to the left. When 5 or the fraction of one-half is dropped, the next digit to the left, if even, is unchanged; if odd, it is raised. For example, 3½ and 4½ are both rounded to 4.

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted gross monthly income; i.e., gross monthly income after all allowable deductions have been made: *Provided*, however, that the maximum purchase requirement for any eligible household size shall be the coupon allotment for that household minus $5.

To determine a household's purchase requirement, use the following formula:

1. Determine the gross monthly income and ignore any odd cents; i.e., amounts of less than a whole dollar;

2. Subtract the allowable deductions;

3. Multiply the resultant net income by 30 percent; and

4. Ignore any odd cents; i.e., amounts of less than a whole dollar for purchase requirements.

Households with net monthly income (Item 3 above) of less than $4.00 will receive their coupon allotment without paying anything.

FSP No. 1976-2.1 in Appendix B to Part 271 is superseded, effective June 1, 1976, by this FSP No. 1976-2.2.

APPENDIX B-1—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annally by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Alaska in February 1976.

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit, in Alaska shall be the income poverty guidelines prescribed by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 297.1(d)).

The poverty guidelines by household size are as follows:

Household size:	*Maxmum allowable monthly income standards—Alaska*
1	$293
2	387
3	480
4	573
5	667
6	760
7	853
8	947
Each additional member	+93

"Income" as the term is used in this appendix is as defined in paragraph (c) of § 271.3 of this subchapter.

Pursuant to Section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Alaska is as follows:

Coupon allotments—Alaska, effective June 1-30, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$68	$17	$34	$51
2	124	31	62	93
3	176	44	88	132
4	224	56	112	168
5	266	66	133	200
6	320	80	160	240
7	352	88	176	264
8	404	101	202	303
Each additional member	+50	+12	+25	+38

Coupon allotments—Alaska, effective July 1, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$68	$17	$34	$51
2	124	31	62	91
3	178	44	89	133
4	226	56	113	174
5	268	67	134	200
6	322	80	161	244
7	356	89	178	262
8	406	102	203	308
Each additional member	+50	+12	+25	+37

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up or down to the nearest whole dollar amount and shall not change the purchase requirements for such allotments.

In rounding numbers, a digit less than 5 or a fraction less than one-half is discarded. A digit greater than 5 or a fraction greater than one-half adds to the next digit to the left. When 5 or the fraction of one-half is dropped, the next digit to the left, if even, is unchanged; if odd, it is raised. For example, 3½ and 4½ are both rounded to 4.

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted gross monthly income; i.e., gross monthly income after all allowable deductions have been made: *Provided*, however, that the maximum purchase requirement for any eligible household size shall be the coupon allotment for that household minus $5.

To determine a household's purchase requirement, use the following formula:

1. Determine the gross monthly income and ignore any odd cents; i.e., amounts of less than a whole dollar;

2. Subtract the allowable deductions;

3. Multiply the resultant net income by 30 percent; and

4. Ignore any odd cents; i.e., amounts of less than a whole dollar for purchase requirements.

Households with net monthly income (Item 3 above) of less than $4.00 will receive their coupon allotment without paying anything.

FSP No. 1976–3.1 in Appendix C to Part 271 is superseded, effective June 1, 1976, by this FSP No. 1976–3.2.

APPENDIX C–1—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: HAWAII

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Hawaii in February 1976.

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit, in Hawaii shall be the income poverty guidelines prescribed by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 297.1(d)).

The poverty guidelines by household size are as follows:

Household size:	*Maximum allowable monthly income standards—Hawaii*
1	$270
2	356
3	442
4	528
5	613
6	699
7	785
8	871
Each additional 1 member	+86

"Income" as the term is used in this appendix is as defined in paragraph (c) of § 271.3 of this subchapter.

Pursuant to Section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Hawaii is as follows:

Coupon allotments—Hawaii, effective June 1–30, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$66	$16	$33	$50
2	120	30	60	90
3	172	43	86	129
4	218	54	109	164
5	258	64	129	194
6	310	78	155	232
7	344	86	172	258
8	392	98	196	294
Each additional member	+50	+12	+25	+38

Coupon allotments—Hawaii, effective July 1, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$66	$16	$33	$50
2	122	30	61	92
3	174	44	87	130
4	222	56	111	166
5	264	66	132	198
6	316	79	158	237
7	350	88	175	262
8	400	100	200	300
Each additional member	+50	+12	+25	+38

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up or down to the nearest whole dollar amount and shall not change the purchase requirements for such allotments.

In rounding numbers, a digit less than 5 or a fraction less than one-half is discarded. A digit greater than 5 or a fraction greater than one-half adds to the next digit to the left. When 5 or the fraction of one-half is dropped, the next digit to the left, if even, is unchanged; if odd, it is raised. For example, 3½ and 4½ are both rounded to 4.

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted gross monthly income; i.e., gross monthly income after all allowable deductions have been made: *Provided*, however, that the maximum purchase requirement for any eligible household size shall be the coupon allotment for that household minus $5.

To determine a household's purchase requirement, use the following formula:

1. Determine the gross monthly income and ignore any odd cents; i.e., amounts of less than a whole dollar;
2. Subtract the allowable deductions;
3. Multiply the resultant net income by 30 percent; and
4. Ignore any odd cents, i.e., amounts of less than a whole dollar for purchase requirements.

Households with net monthly income (Item 3 above) of less than $400 will receive their coupon allotment without paying anything.

FSP No. 1976–4.1 in Appendix D to Part 271 is superseded, effective June 1, 1976, by this FSP No. 1976–4.2.

APPENDIX D–1—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Puerto Rico in February 1976.

Households in which all members are included in the federally aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance in Puerto Rico shall be the income poverty guidelines prescribed for the 48 States and the District of Columbia by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as ameded (42 U.S.C. 297.1(d)).

The poverty guidelines by household size are as follows:

Household size:	*Maximum monthly allowable income standards—Puerto Rico*
1	$233
2	308
3	383
4	458
5	533
6	608
7	683
8	758
Each additional member	+75

"Income" as the term is used in this appendix is as defined in paragraph (c) of § 271.3 of this subchapter.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Puerto Rico is as follows:

Coupon allotments—Puerto Rico, effective June 1–30, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$50	$12	$25	$38
2	92	23	46	69
3	130	32	65	98
4	166	42	83	124
5	198	50	99	148
6	236	59	118	177
7	262	66	131	196
8	298	74	149	224
Each additional member	+38	+10	+19	+28

Coupon allotments—Puerto Rico, effective July 1, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$52	$13	$26	$39
2	94	24	47	70
3	136	34	68	102
4	172	43	86	129
5	204	51	102	153
6	246	62	123	184
7	270	68	135	202
8	310	78	155	232
Each additional member	+38	+10	+19	+28

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up or down to the nearest whole dollar amount and shall not change the purchase requirements for such allotments.

In rounding numbers, a digit less than 5 or a fraction less than one-half is discarded. A digit greater than 5 or a fraction greater than one-half adds to the next digit to the left. When 5 or the fraction of one-half is dropped, the next digit to the left, if even, is unchanged; if odd, it is raised. For example, 3½ and 4½ are both rounded to 4.

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted gross monthly income; i.e., gross monthly income after all allowable deductions have been made: *Provided, however,* That the maximum purchase requirement for any eligible household size shall be the coupon allotment for that household minus $5.

To determine a household's purchase requirement, use the following formula:

1. Determine the gross monthly income and ignore any odd cents; i.e., amounts of less than a whole dollar;
2. Subtract the allowable deductions;
3. Multiply the resultant net income by 30 percent; and
4. Ignore any odd cents; i.e., amounts of less than a whole dollar for purchase requirements.

Households with net monthly income (Item 3 above) of less than $4.00 will receive their coupon allotment without paying anything.

FSP No. 1976–5.1 in Appendix E to Part 271 is superseded, effective June 1, 1976, by this FSP No. 1976–5.2.

APPENDIX E–1—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotment for the one-person household, but resulted in increases for all other household sizes.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in the Virgin Islands in February 1976.

Households in which all members are included in the federally aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance in the Virgin Islands shall be the income poverty guidelines prescribed for the 48 States and the District of Columbia by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 297.1(d)).

The poverty guidelines by household sizes are as follows:

Householdsize:	*Maximum monthly allowable income standards—Virgin Islands*
1	$233
2	308
3	383
4	458
5	533
6	608
7	683
8	758
Each additional member	+75

"Income" as the term is used in this appendix is as defined in paragraph (c) of § 271.3 of this subchapter.

Pursuant to section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in the Virgin Islands is as follows:

Coupon allotments—Virgin Islands, effective June 1–30, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$62	$16	$31	$46
2	112	28	56	84
3	160	40	80	120
4	204	51	102	153
5	242	60	121	182
6	290	72	145	218
7	322	80	161	242
8	368	92	184	276
Each additional member	+46	+12	+23	+34

Coupon allotments—Virgin Islands, effective July 1, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$62	$16	$31	$46
2	114	28	57	86
3	164	41	82	123
4	208	52	104	156
5	246	62	123	184
6	296	74	148	222
7	328	82	164	246
8	374	94	187	280
Each additional member	+46	+12	+23	+34

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up or down to the nearest whole dollar amount and shall not change the purchase requirements for such allotments.

In rounding numbers, a digit less than 5 or a fraction less than one-half is discarded. A digit greater than 5 or a fraction greater than one-half adds to the next digit to the left. When 5 or the fraction of one-half is dropped, the next digit to the left, if even, is unchanged; if odd, it is raised. For example, 3½ and 4½ are both rounded to 4.

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted gross monthly income; i.e., gross monthly income after all allowable deductions have been made: *Provided*, however, that the maximum purchase requirement for any eligible household size shall be the coupon allotment for that household minus $5.

To determine a household's purchase requirement, use the following formula:

1. Determine the gross monthly income and ignore any odd cents; i.e., amounts of less than a whole dollar;
2. Subtract the allowable deductions;
3. Multiply the resultant net income by 30 percent; and
4. Ignore any odd cents; i.e., amounts of less than a whole dollar for purchase requirements.

Households with net monthly income (Item 3 above) of less than $4.00 will receive their coupon allotment without paying anything.

FSP No. 1976–6.1 in Appendix F to Part 271 is superseded, effective June 1, 1976, by this FSP No. 1976–6.2.

APPENDIX F–1—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. Based on prices provided for Guam, the Agricultural Research Service estimated that the allotment table adopted for the continental United States, adjusted for the cost of food in Guam would be higher than in the fifty States. Thus, the coupon allotments set forth for Guam are the same as those which will become effective in Alaska on July 1, 1976. Households in which all members are included in the federally aided public assistance grant or general assistance grant, shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, or general assistance, in Guam shall be the income poverty guidelines prescribed for Hawaii by the Office of Management and Budget pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 297.1(d)).

The poverty guidelines by household size are as follows:

Household size:	*Maximum allowable monthly income standards—Guam*
1	$270
2	356
3	442
4	528
5	613
6	699
7	785
8	871
Each additional member	+86

"Income" as the term is used in this appendix is as defined in paragraph (c) of § 271.3 of this subchapter.

Pursuant to Section 7(a) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program in Guam is as follows:

Coupon allotments—Guam, effective June 1–30, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$68	$17	$34	$51
2	124	31	62	93
3	176	44	88	132
4	224	56	112	168
5	266	66	133	200
6	320	80	160	240
7	352	88	176	264
8	404	101	202	303
Each additional member	+50	+12	+25	+38

Coupon allotments—Guam, effective July 1, 1976

Household size	Monthly	Quarter-monthly	Semimonthly	Three-quarter-monthly
1	$68	$17	$34	$51
2	124	31	62	93
3	178	44	89	134
4	226	56	113	170
5	268	67	134	201
6	322	80	161	242
7	356	89	178	267
8	406	102	203	304
Each additional member	+50	+12	+25	+38

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up or down to the nearest whole dollar amount and shall not change the purchase requirements for such allotments.

In rounding numbers, a digit less than 5 or a fraction less than one-half is discarded. A digit greater than 5 or a fraction greater than one-half adds to the next digit to the left. When 5 or the fraction of one-half is dropped, the next digit to the left, is even, is unchanged; if odd, it is raised. For example, 3½ and 4½ are both rounded to 4.

PURCHASE REQUIREMENTS

Pursuant to section 7(b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the amount that each household shall be required to pay for its total coupon allotment shall be 30 percent of adjusted gross monthly income; i.e., gross monthly income after all allowable deductions have been made: *Provided,* however, that the maximum purchase requirement for any eligible household size shall be the coupon allotment for that household minus $5.

To determine a household's purchase requirement, use the following formula:

1. Determine the gross monthly income and ignore any odd cents; i.e., amounts of less than a whole dollar;
2. Subtract the allowable deductions;
3. Multiply the resultant net income by 30 percent; and
4. Ignore any odd cents; i.e., amounts of less than a whole dollar for purchase requirements.

Households with net monthly income (Item 3 above) or less than $4.00 will receive their coupon allotment without paying anything.

FSP No. 1976–1.1 in Appendix A to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–1.2. This Appendix shall be used for those households whose eligibility and basis of issuance have not been determined in accordance with Appendix A–1 during the period July 1, 1976 through August 31, 1976.

APPENDIX A–2—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plant in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the cost of the thrifty food plan in February 1976 which was unchanged from August 1975.

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia shall be:

Household size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
1	[1] $233
2	307
3	433
4	553
5	660
6	787
7	873
8	993
Each additional member	+127

[1] 1976 OMB Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$92	$130	$166	$198	$236	$262	$298
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	38	44	46	47	48	49	50	51
$190 to $209.99	38	50	52	53	54	55	56	57
$210 to $229.99	40	56	58	59	60	61	62	63
$230 to $249.99	40	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		72	76	77	78	79	80	81
$290 to $309.99		72	82	83	84	85	86	87
$310 to $329.99			88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			102	104	105	106	107	108
$390 to $419.99			111	113	114	115	116	117
$420 to $449.99			112	122	123	124	125	126
$450 to $479.99				131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				142	150	151	152	153
$540 to $569.99				142	159	160	161	162
$570 to $599.99					168	169	170	171
$600 to $629.99					170	178	179	180
$630 to $659.99					170	187	188	189
$660 to $689.99					170	196	197	198
$690 to $719.99						204	206	207
$720 to $749.99						204	215	216
$750 to $779.99						204	224	225
$780 to $809.99						204	226	234
$810 to $839.99							226	243
$840 to $869.99							226	252
$870 to $899.99							226	258
$900 to $929.99								258
$930 to $959.99								258
$960 to $989.99								258
$990 to $1,019.99								258

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment:*

For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement:*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $869.99 or less per month.

2. For households with monthly incomes of $870 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $869.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $869.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–2.1 in Appendix B to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–2.2. This Appendix shall be used for those households whose eligibility and basis of issuance have not been determined in accordance with Appendix B–1, during the period July 1, 1976 through August 31, 1976.

APPENDIX B–2—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotments for household sizes 1 and 2.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Alaska in February 1976.

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance or supplemental security income benefit, in Alaska, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Alaska*
1	[1] $293
2	413
3	593
4	753
5	893
6	1,073
7	1,187
8	1,353
Each additional member	+167

[1] 1976 OMB Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Alaska are as follows:

Monthly coupon allotments and purchase requirements—Alaska

Monthly net income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The Monthly Coupon Allotment is— $68	$124	$178	$226	$268	$322	$356	$406
	And the Monthly Purchase Requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	54	62	64	65	66	67	68	69
$250 to $269.99	54	68	70	71	72	73	74	75
$270 to $289.99	54	74	76	77	78	79	80	81
$290 to $309.99	54	80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		98	103	104	105	106	107	108
$390 to $419.99		98	112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			156	158	159	160	161	162
$570 to $599.99			156	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				198	204	205	206	207
$720 to $749.99				198	213	214	215	216
$750 to $779.99				198	222	223	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					236	241	242	243
$840 to $869.99					236	250	251	252
$870 to $899.99					236	259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1,019.99						286	296	297
$1,020 to $1,049.99						286	305	306
$1,050 to $1,079.99						286	314	315
$1,080 to $1,109.99							316	324
$1,110 to $1,139.99							316	333
$1,140 to $1,169.99							316	342
$1,170 to $1,199.99							316	351
$1,200 to $1,229.99								360
$1,230 to $1,259.99								362
$1,260 to $1,289.99								362
$1,290 to $1,319.99								362
$1,320 to $1,349.99								362
$1,350 to $1,379.99								362

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment:*

For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement:*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly income of $1,230 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,229.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–3.1 in Appendix C to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–3.2. This Appendix shall be used for those households whose eligibility and basis of issuance have not been determined in accordance with Appendix C–1 during the period July 1, 1976 through August 31, 1976.

APPENDIX C–2—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: HAWAII

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotment for the one-person household.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Hawaii in February 1976.

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit, in Hawaii, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Hawaii*
1	[1] $270
2	407
3	580
4	740
5	880
6	1,053
7	1,167
8	1,333
Each additional member	+166

[1] 1976 OMB Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Hawaii are as follows:

Monthly coupon allotments and purchase requirements—Hawaii

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$66	$122	$174	$222	$264	$316	$350	$400
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	13	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	23
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	52	62	64	65	66	67	68	69
$250 to $269.99	52	68	70	71	72	73	74	75
$270 to $289.99	52	74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		94	103	104	105	106	107	108
$390 to $419.99		94	113	113	114	115	116	117
$420 to $449.99			131	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			152	158	159	160	161	162
$570 to $599.99			152	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				194	204	205	206	207
$720 to $749.99				194	213	214	215	216
$750 to $779.99					232	233	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					232	241	242	243
$840 to $869.99					232	250	251	252
$870 to $899.99					232	259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						280	287	288
$990 to $1,019.99						280	296	297
$1,020 to $1,049.99						280	305	306
$1,050 to $1,079.99						280	310	315
$1,080 to $1,109.99							310	324
$1,110 to $1,139.99							310	333
$1,140 to $1,169.99							310	342
$1,170 to $1,199.99								351
$1,200 to $1,229.99								356
$1,230 to $1,259.99								356
$1,260 to $1,289.99								356
$1,290 to $1,319.99								356
$1,320 to $1,349.99								356

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment:*

For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement:*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,199.99 or less per month.

2. For households with monthly income of $1,200 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,199.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,199.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–4.1 in Appendix D to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–4.2. This Appendix shall be used for those households whose eligibility and basis of issuance have not been determined in accordance with Appendix D–1 during the period July 1, 1976 through August 31, 1976.

APPENDIX D–2—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-anual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Puerto Rico in February 1976.

Households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Puerto Rico*
1	[1] $233
2	313
3	453
4	573
5	680
6	820
7	900
8	1,033
Each additional member	+127

[1] 1976 OMB Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amounts charged for the monthly coupon allotment in Puerto Rico are as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly Net Income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$52	$94	$136	$172	$204	$246	$270	$310
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	40	50	52	53	54	55	56	57
$210 to $229.99	42	56	58	59	60	61	62	63
$230 to $249.99	42	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		74	82	83	84	85	86	87
$310 to $329.99		74	88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			103	104	105	106	107	108
$390 to $419.99			112	113	114	115	116	117
$420 to $449.99			118	122	123	124	125	126
$450 to $479.99			118	131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				148	150	151	152	153
$540 to $569.99				148	159	160	161	162
$570 to $599.99				148	168	169	170	171
$600 to $629.99					176	178	179	180
$630 to $659.99					176	187	188	189
$660 to $689.99					176	196	197	198
$690 to $719.99						205	206	207
$720 to $749.99						214	215	216
$750 to $779.99						214	224	225
$780 to $809.99						214	233	234
$810 to $839.99						214	234	243
$840 to $869.99							234	252
$870 to $899.99							234	261
$900 to $929.99							234	270
$930 to $959.99								270
$960 to $989.99								270
$990 to $1,019.99								270
$1,020 to $1,049.99								270

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment:*

For each person in excess of eight, add $40 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $929.99 or less per month.

2. For households with monthly incomes of $930 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $929.99, and $9 to the monthly purchase requirement for an eight-person household with an income of $929.99.

3. To obtain maximum monthly purchase requirements for households of more that eight persons, add $36 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–5.1 in Appendix E to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–5.2. This Appendix shall be used for those households whose eligibility and basis of issuance have not been determined in accordance with Appendix E–1 during the period July 1, 1976 through August 31, 1976.

APPENDIX E–2—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotment for the one-person household.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January allotment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States adjusted for the cost of food in the Virgin Islands in February 1976.

Households in which all members are included in the federally aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in the Virgin Islands, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Virgin Islands*
1	[1] $233
2	380
3	547
4	693
5	820
6	987
7	1,093
8	1,247
Each additional member	+153

[1] 1976 OMB Poverty Guideline.

"Income" as th term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the Virgin Islands are as follows:

Monthly coupon allotments and purchase requirements—Virgin Islands

Monthly Net Income	For a household of— 1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$62	$114	$164	$208	$246	$296	$328	$374
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	48	56	58	59	60	61	62	63
$230 to $249.99	48	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		88	94	95	96	97	98	99
$360 to 389.99		88	103	104	105	106	107	108
$390 to $419.99			112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			142	149	150	151	152	153
$540 to $569.99			142	158	159	160	161	162
$570 to $599.99				167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				180	186	187	188	189
$660 to $689.99				180	195	196	197	198
$690 to $719.99				180	204	205	206	207
$720 to $749.99					213	214	215	216
$750 to $779.99					214	223	224	225
$780 to $809.99					214	232	233	234
$810 to $839.99					214	241	242	243
$840 to $869.99						250	251	252
$870 to $899.99						250	260	261
$900 to $929.99						260	269	270
$930 to $959.99						260	278	279
$960 to $989.99						260	287	288
$990 to $1,019.99							288	297
$1,020 to $1,049.99							288	306
$1,050 to $1,079.99							288	315
$1,080 to $1,109.99							288	324
$1,110 to $1,139.99								330
$1,140 to $1,169.99								330
$1,170 to $1,199.99								330
$1,200 to $1,229.99								330
$1,230 to $1,259.99								330

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment:*

For each person in excess of eight, add $46 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement:*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,109.99 or less per month.

2. For households with monthly income of $1,110 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,109.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,109.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $42 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

FSP No. 1976–6.1 in Appendix F to Part 271 is superseded, effective July 1, 1976, by this FSP No. 1976–6.2. This Appendix shall be used for those households whose eligibility and basis of issuance have not been determined in accordance with Appendix F–1 during the period July 1, 1976 through August 31, 1976.

APPENDIX F–2—MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the allotments for household sizes 1 and 2.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. Based on prices provided for Guam, the Agricultural Research Service estimated that the allotment table adopted for the continental United States, adjusted for the cost of food in Guam would be higher than in the fifty States. Thus, the income standards (except for the one-person household which is the same as Hawaii) and the coupon allotments set forth for Guam are the same as those which will become effective in Alaska on July 1, 1976.

Households in which all members are included in the federally aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Guam, shall be as follows:

Household size	*Maximum allowable monthly income standards—Guam*
1	[1] $270
2	413
3	593
4	753
5	893
6	1,073
7	1,187
8	1,353
Each additional member	+167

[1] 1976 OMB Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Guam are as follows:

Monthly coupon allotments and purchase requirements—Guam

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$68	$124	$178	$226	$268	$322	$356	$406
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	54	62	64	65	66	67	68	69
$250 to $269.99	54	68	70	71	72	73	74	75
$270 to $289.99	54	74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		98	103	104	105	106	107	108
$390 to $419.99		98	112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			156	158	159	160	161	162
$570 to $599.99			156	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				198	204	205	206	207
$720 to $749.99				198	213	214	215	216
$750 to $779.99				198	222	223	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					236	241	242	243
$840 to $869.99					236	250	251	252
$870 to $899.99					236	259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1,019.99						286	296	297
$1,020 to $1,049.99						286	305	306
$1,050 to $1,079.99						286	314	315
$1,080 to $1,109.99							316	324
$1,110 to $1,139.99							316	333
$1,140 to $1,169.99							316	342
$1,170 to $1,199.99							316	351
$1,200 to $1,229.99								360
$1,230 to $1,259.99								362
$1,260 to $1,289.99								362
$1,290 to $1,319.99								362
$1,320 to $1,349.99								362
$1,350 to $1,379.99								362

For issuance to households of more than eight persons use the following formula:

A. *Value of the Total Allotment:*

For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement:*

1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly income of $1,230 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,229.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

[FR Doc.76-13252 Filed 5-4-76;12:36 pm]

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

[Nectarine Reg. 6, Amdt. 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Amendment of Size Regulations

Effective May 10, 1976, through May 31, 1976, this amendment prescribes that not more than 118 Mayred nectarines and 108 Armking or Zee Gold nectarines may be packed in molded forms (tray pack) in a No. 22D standard lug box in accordance with the requirements of standard pack. Previously, not more than 130 Mayred nectarines and 112 Armking or Zee Gold nectarines could be packed in such manner in a standard lug box. The specification of such minimum size requirements for Mayred, Armking, and Zee Gold nectarines is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Findings. (1) Pursuant to the amended marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other information, it is hereby found that the regulation of shipments of such nectarines, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The amendment reflects the Department's appraisal of the current and prospective demand for Mayred, Armking, and Zee Gold variety nectarines by fresh market outlets during the period May 10 through May 31, 1976. It is designed to provide ample supplies of Mayred, Armking, and Zee Gold variety nectarines of the more desirable sizes in the interest of growers and consumers. During the 1975 crop season approximately 47,000 lugs of Mayred, 444,400 lugs of Armking, and 70,371 lugs of Zee Gold nectarines were shipped from the production area in California. Based on such shipment information, additional data has been developed on the size distribution of such nectarines. It is now apparent that such varieties generally attain a larger size at maturity than previously indicated. The action is designed to prevent shipment of smaller size fruit, which tends to weaken the market for such fruit, when more than ample quantities of the more desirable sizes are available to serve consumers' needs.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. Shipments

of nectarines, grown in the production area, are currently regulated pursuant to Nectarine Regulation 6 (40 F.R. 21693, 28462). The recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Nectarine Administrative Committee on April 29, 1976; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruit; compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 916.348 (Nectarine Regulation 6; 40 F.R. 21693, 28462) the provisions of paragraph (a) (2) (i) and (a) (4) (i) are amended to read as follows:

§ 916.348 Nectarine Regulation 6.

(a) * * *

(2) During the period May 10, 1976, through May 31, 1976, no handler shall handle any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 118 nectarines in the lug box;

* * * * *

(4) During the period May 10, 1976, through May 31, 1976, no handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, Armking, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

* * * * *

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

Dated May 4, 1976, to become effective May 10, 1976.

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

[FR Doc.76–13398 Filed 5–6–76;8:45 am]

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

[Lemon Reg. 38]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 9–15, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.338 Lemon Regulation 38.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons was slightly easier early this week due to cool and rainy weather in several major markets. Average f.o.b. price was $6.41 per carton the week ended May 1, 1976, compared to $6.35 per carton the previous week. Track and rolling supplies at 150 cars were up 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 9, 1976 through May 15, 1976, is hereby fixed at 280,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: May 5, 1976.

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

[FR Doc.76–13582 Filed 5–6–76;11:51 am]

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

[Milk Order No. 33]

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

Order Suspending Certain Provisions

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

It is hereby found and determined that for the month of April 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act: In § 1033.56 that part of paragraph (a) which reads:

"unless the following conditions are met:

(1) The plant is qualified as a pool plant pursuant to § 1033.12 during the current month and the preceding month; and

(2) A greater volume of fluid milk products, except filled milk, is disposed of from such plant as route disposition in the Ohio Valley marketing area and to pool plants qualified on the basis of route disposition in the Ohio Valley marketing area than is disposed of from such plant as route disposition in the marketing area regulated pursuant to the other order and to plants qualified as fully regulated plants under such other order on the basis of route disposition in its marketing area."

STATEMENT OF CONSIDERATION

This suspension action eliminates for April 1976 the provisions that would pool under this order a plant that qualified for pooling under this order and another order in the same month. The action was requested by cooperative associations representing a substantial majority of producers under the Indiana order. Cooperatives representing a substantial majority of the producers under the Ohio Valley order joined in the request. Without such action the plant of a major handler under the Indiana order, whose sales in April in the Ohio Valley marketing area were more than in the Indiana marketing area, would be pooled for the one month under the Ohio Valley order. The handler's greater sales in the Ohio Valley marketing area than in the Indiana marketing area in April was due to an unusual circumstance. It is expected that the handler's sales in the future will result in his plant being continuously pooled under the Indiana order.

Both the Ohio Valley and Indiana orders contain "Louisville plan" provisions with April being the first month for withholding producer money from the pool. Absent the suspension, the money withheld from producers regularly supplying the plant in Indiana would be included in the set aside under the Ohio Valley order. This would result in unduly enhancing the Louisville plan pay out under the Ohio Valley order and unduly depressing the pay out under the Indiana order in the fall months. Unless this suspension action is taken, the aberrations in producer prices for April, and for the pay back, months under the Louisville plans, that would result under the Ohio Valley and Indiana orders would result in gross inequities to producers and would be disruptive to the maintenance of orderly marketing conditions.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area; and

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

Therefore, good cause exists for making this order effective April 1, 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for April 1976.

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

Effective date. April 1, 1976.

Signed at Washington, D.C., on: May 4, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76-13328 Filed 5-6-76;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS

Brucellosis Indemnity Regulations; Clarification

The purpose of this amendment is to clarify the rate of Federal indemnity which may be paid for cattle destroyed because of brucellosis when herds are depopulated in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Statement of considerations. Prior to June 26, 1975, regulations governing the payment of Federal indemnity for cattle destroyed because of brucellosis, tuberculosis or paratuberculosis were contained in Part 51, Subchapter B, Title 9, Code of Federal Regulations—*Cattle Destroyed Because of Brucellosis (Bang's Disease), Tuberculosis, or Paratuberculosis.*

On June 26, 1975 (40 FR 27009–27014) Part 51 was separated into two parts—Part 50, *Cattle Destroyed Because of Tuberculosis* and Part 51, *Cattle Destroyed Because of Brucellosis*, thus establishing a separate set of indemnity regulations for each disease.

Among changes made when new Part 51 was placed in effect, were provisions intended to clarify existing authority for the payment of brucellosis indemnity for cattle destroyed when certain herds are depopulated. In separating and revising Part 51 the exception made for the payment of indemnity for affected cattle destroyed because of brucellosis in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, where no payment for any animal destroyed shall exceed $100 was inadvertently not included in the provisions of § 51..3(b) which applies to herd depopulation, and is now being included in that section.

Accordingly, Part 51, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 51.3, in paragraph (b) the first sentence is amended to read:

§ 51.3 Payment to owners for cattle destroyed.

* * * * *

(b) *Herd depopulation.* The Deputy Administrator may authorize the payment of Federal indemnity to owners whose cattle are destroyed because of brucellosis not to exceed $50 for any non-registered animal or $100 for any registered animal which has been found to be exposed, is a part of a known infected herd, and it has been determined by the Deputy Administrator that the destruction of all cattle in the herd will contribute to the brucellosis eradication program, except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any such animal so destroyed shall exceed $100. * * *

* * * * *

(Secs. 3 and 11, 23 Stat. 32, as amended: sec. 2, 32 Stat. 792, as amended; secs. 2 and 11, 76 Stat. 129, 132 (21 U.S.C. 111, 114, 114a, 134a, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective May 7, 1976.

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary, it must be made effective immediately to be of maximum benefit to affected persons.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amnedment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of May 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-13401 Filed 5-6-76;8:45 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines Cheshire, Rockingham, and Hillsborough Counties in New Hampshire because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, a new paragraph (e)(2) relating to the State of New Hampshire is added to read:

(e) * * *

* * * * *

(2) *New Hampshire.*

All of Cheshire, Rockingham, and Hillsborough Counties.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective April 29, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 29th day of April 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-13110 Filed 5-6-76;8:45 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Camden and Gloucester Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No areas in the State of New Jersey remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, paragraph (e)(1) relating to the State of New Jersey is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective May 4, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 4th day of May 1976.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-13400 Filed 5-6-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Further Extension of Interim Price Rule for Retail Sales of Gasoline in Alaska

In its rulemaking proceedings relating to the amount which may be added to the retail price of gasoline to reflect operating cost increases, FEA determined that a special interim rule permitting a maximum markup of 5 cents per gallon to reflect operating cost increases in retail sales of gasoline in Alaska was justified for a period of 90 days, effective November 19, 1975 (40 FR 54561, November 25, 1975), pending further review by FEA of data indicating that substantially higher cost levels currently prevail in Alaska. In all other states, the maximum "markup allowed to reflect operating (nonproduct) cost increases remains 3 cents per gallon.

The interim rule was continued in effect for an additional 60 days, effective February 17, 1976 (41 FR 7495, February 19, 1976) when it was found that collection of relevant cost data in Alaska had proved more time-consuming and difficult than anticipated. At that time the FEA estimated that an additional 60 days would be required to complete that aspect of its rulemaking and found it to be appropriate to continue the interim rule in effect in view of its preliminary findings relating to the high cost levels prevalent in Alaska.

Further progress toward the compilation and analysis of relevant data has been made but the FEA has been unable to complete the analysis because of manpower limitations and the unusually high level of analytical and rulemaking effort associated with the implementation of the Energy Policy and Conservation Act. Progress made to date tends to substantiate the FEA's preliminary conclusions regarding the markup required in Alaska but no final determination can be made until all data are received and examined. FEA believes that, pending the completion of its consideration, it would be appropriate to continue in effect the interim rule applicable to retail sales of gasoline in Alaska for an additional period of two months. Accordingly, the amendments adopted today increase from 150 days to 210 days the period during which the special rule for Alaska is effective.

Since rulemaking proceedings in this matter have been expressly continued with respect to Alaska, and since public hearings in this matter were held in Anchorage as well as in Washington, D.C., no further compliance with the requirements for notice and opportunity for comment under Section 7(i)(1)(B) and (C) of the Federal Energy Administration Act appears necessary.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133 and Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective April 17, 1976.

Issued in Washington, D.C., May 3, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

§ 212.83 [Amended]

1. Section 212.83 is amended in paragraph (c)(2)(iii), in the definition of the "F_i" factor, by deleting "150-day" and substituting therefor "210-day."

§ 212.93 [Amended]

2. Section 212.93 is amended in paragraph (b)(1)(ii)(B) by deleting "150-day" and substituting therefor "210-day."

[FR Doc.76-13256 Filed 5-4-76;9:26 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12352]

PART 200—ORGANIZATION, CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Program for Allocation of Responsibility To Inspect for Compliance With Financial Responsibility Rules

The Securities and Exchange Commission today announced the adoption of Rule 17d-1 [17 CFR § 240.17d-1], effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. § 551 et seq.) and pursuant to Sections 17(d)(1) and 19(g)(2) of the Securities Exchange Act of 1934 ("the Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and Section 9(c) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78 aaa et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)]. Rule 17d-1 [17 CFR § 240.17d-1] provides that, where a member of the Securities Investor Protection Corporation ("SIPC") is a member of more than one self-regulatory organization, the Commission will designate to one of these organizations the responsibility for inspection of that member for compliance with applicable financial responsibility rules.

The Commission also announced the proposal of Rule 17d-2 which permits self-regulatory organizations having members in common to file with the Commission for its consideration plans for allocating among themselves specified regulatory responsibilities for such members. See proposed Rule 17d-2 in this issue.[1]

The Commission also has determined, pursuant to Section 15(b)(2)(C) of the Act, to authorize and direct registered securities associations and national securities exchanges to conduct inspections of newly-registered member brokers and dealers within six months of registration.

Background. In recent years Congress, the Commission, and the securities industry as well as the investing public have become increasingly aware that there may be duplication or overlaps in regulation. Reacting to ths concern, the Securities Acts Amendments of 1975 ("1975 Amendments") [Pub. L. No. 94-29 (June 4, 1975)] interpreted in light of its legislative history mandated that the Commission coordinate the operation of the unique system of self-regulation existing in the securities industry within the framework of Section 17(d) of the Act, as amended, and Section 26 of the 1975 Amendments. These provisions are intended to permit the Commission to respond effectively in adapting regulatory patterns to the requirements of the evolving national market system.

Section 9(c) of the Securities Investor Protection Act of 1970 [15 U.S.C. 78aaa et seq.] was amended by Section 26 of the 1975 Amendments to transfer from SIPC to the Commission the power to assign to a single self-regulatory organization pursuant to Section 17(d) of the Act the responsibility for assuring compliance with applicable financial responsibility rules by members of more than one such organization.

Section 17(d)(1) of the Act, as amended, authorizes the Commission, by rule or order, in a manner consistent with the public interest, to relieve any self-regulatory organization of the responsibility imposed by Section 19(g)(1) of the Act with respect to any person which is a member or participant of more than one self-regulatory organization. Conferring broader authority than Section 26 of the 1975 Amendments, Section 17(d)(1)(A) permits the Commission to relieve any self-regulatory organization of the responsibility to receive regulatory reports and to examine for or enforce compliance not only with financial responsibility rules but also with the Act, its rules and regulations as well as for any other regulatory functions the Commission may specify. Section 17(d) directs the Commission, in granting such relief, to consider the regulatory capabilities of the self-regulator, including its procedures, staffing, and location and any other factors the Commission determines to be relevant.

Delegation of Authority Under Rule 17d-1 [17 CFR § 240.17d-1] to the Director of the Division of Market Regulation. Effective immediately, the Commission amends Article 30-3 of the Commission's Statement of Organization; Conduct and Ethics; and Information and Requests [17 CFR 200.30-3] pursuant to Pub. L. No. 87-592, 76 Stat. 394 [15 U.S.C. 78d-1, 78d-2] to delegate to the Director of the Division of Market Regulation the authority to review and approve requests for designation made pursuant to Rule 17d-1 [17 CFR § 240.17d-1].

Since the foregoing amendment involves matters of agency organization, procedure or practice, pursuant to Section (b)(3)(B) of the Administrative Procedure Act (5 U.S.C. § 551), notice and public procedure are not required.

Rule 17d-1 [17 CFR § 240.17d-1]. Rule 17d-1 [17 CFR § 240.17d-1] is applicable where a member of SIPC is a member of more than one self-regulatory organization and, by virtue of this membership, more than one self-regulatory organization has the obligation under Section 19(g)(1) of the Act to enforce the provisions of the Act, its rules and regulations, as well as its own rules, as to the same broker or dealer. Paragraph (a) of this section provides that, in such cases, the Commission will designate which of these self-regulatory organizations will be responsible for inspecting the member in order to assure its compliance with applicable financial responsibility rules.

As a necessary counterpart to this designation, under paragraph (b) of the section, all other self-regulatory organizations of which this broker or dealer is a member would be relieved of the regulatory responsibilities designated under paragraph (a). The section permits, but does not require, a self-regulator relieved of responsibility under paragraph (b) to notify customers of the member broker or dealer of the limited nature of its responsibility.

Inspection of Newly-Registered Brokers and Dealers. Section 15(b)(2)(C) requires the Commission to conduct, or to authorize and direct a registered securities association or national securities exchange to conduct, an examination of a broker or dealer within six months from the date of the granting of its registration to determine compliance with the Act, its rules and regulations.

Where a broker or dealer will be subject to inspection for compliance with the Act, its rules and regulations by the self-regulatory organization of which it is a member, an additional inspection by the Commission would constitute an unnecessary duplication of regulatory effort.

Therefore, pursuant to Section 15(b)(2)(C), the Commission authorizes and directs any registered securities association or national securities exchange of which a newly-registered broker or dealer is a member to conduct an inspection of such member broker or dealer within six months of the effective date of its registration. If such a broker or dealer is a member of more than one such self-regulatory organization, the Commission will authorize and direct, based on a consideration of the factors enumerated in Section 17(d), one of such organizations to conduct the examination.

Impact on Competition. Following the mandate of Section 23(a) of the Act, as amended, the Commission has considered the impact of the allocation program, including Rule 17d-1 [17 CFR § 240.17d-1] and the authorization and direction of inspection responsibility to the self-regulatory organizations. The Commission finds that the adoption of these measures will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Effective Dates. Both Rule 17d-1 [17 CFR § 240.17d-1] and the amendment to Rule 30-3 of the Commission's Rules of General Organization [17 CFR § 200.30-3] are effective immediately.

The Commission finds, pursuant to the Administrative Procedure Act (5 U.S.C. § 551 et seq.), that notice and public procedure are unnecessary and that the section may go into effect immediately

[1] See FR Doc. 76-13279 (17 CFR Part 240) appearing in the Proposed Rules section, *infra*.

by reason of following. The section interprets and clarifies the manner in which the Commission exercises the authority expressly granted by Section 17(d) of the Act and by Section 9(c) of the Securities Investor Protection Act of 1970 and further has the effect of granting a partial exemption from Section 19 (g) (1) of the Act for self-regulatory organizations not designated pursuant to paragraph (a) of the section. Further, the section primarily affects self-regulatory organizations already subject to designations made by the Securities Investor Protection Corporation prior to the amendment of Section 9(c) or made, and to be made, by the Commission thereafter. Moreover, any delay between the announcement of the section and its effective date would not serve the public interest but would merely result in some uncertainty and confusion as to the application of the statutory provisions during the period of any such delay.

Statutory Basis and Competitive Considerations. Rule 17d–1 [17 CFR § 240.17d–1] and amendments to Rule 30–3 of the Commission Rules of General Organization [17 CFR § 200.30–3] are adopted pursuant to Section 17(d), 19 (g) (2), and 23 of the Securities Exchange Act of 1934 and Sections 78d–1 and 78d–2 of Title 15 of the United States Code, and Section 9(c) of the Securities Investor Protection Act of 1970, as amended by Section 26 of the Securities Acts Amendments of 1975.

Comments. The Commission invites comment on the allocation program, specifically on Rule 17d–1 [17 CFR § 240.17d–1].

All communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File S7–624. These comments will be available for public inspection.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

1. Commission action. Pursuant to sections 17(d) (1) and 23(a) of the Securities Exchange Act of 1934, and sections 78d–1 and 78d–2 of Title 15 of the United States Code, the Securities and Exchange Commission adopts amended § 200.30–3 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.30–3 Delegation of Authority to Director of Division of Market Regulation.

* * * * *

(a) With respect to the Securities Exchange Act of 1934 (15 U.S.C. § 78a, et seq.): * * *

(19) Pursuant to Rule 17d–1 (§ 240.17d–1 of this chapter) to designate one self-regulatory organization responsible for the examination of brokers and dealers which are members of more than one such organization to insure compliance with applicable financial responsibility rules.

2. Commission action. Pursuant to sections 17(d), 19(g) (2), and 23 of the Securities Exchange Act of 1934 and section 9(c) of the Securities Investor Protection Act of 1970, as amended by section 26 of the Securities Acts Amendments of 1975, the Securities and Exchange Commision adopts Rule 17d–1 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17d–1 Examination for compliance with applicable financial responsibility rules.

(a) Where a member of SIPC is a member of more than one self-regulatory organization, the Commission shall designate by written notice to one of such organizations responsibility for examining such member for compliance with applicable financial responsibility rules. In making such designations the Commission shall take into consideration the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and such other factors as the Commission may consider germane to the protection of investors, the cooperation and coordination among self-regulatory organizations, and the development of a national market system and a national system for the clearance and settlement of securities transactions.

(b) Upon designation of responsibility pursuant to paragraph (a), all other self-regulatory organizations of which such person is a member shall be relieved of such responsibility to the extent specified.

(c) After the Commission has acted pursuant to paragraphs (a) and (b), any self-regulatory organization relieved of responsibility with respect to a member may notify customers of, and persons doing business with, such member of the limited nature of its responsibility for such member's compliance with applicable financial responsibility rules.

[FR Doc.76–13278 Filed 5–6–76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76–127]

PART 153—ANTIDUMPING

Primary Lead Metal From Australia

A finding of dumping with respect to primary lead metal from Australia was published as Treasury Decision 74–128 in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Australia and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that, having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the FEDERAL REGISTER of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Australia at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74–128, supra, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the FEDERAL REGISTER.

§ 153.43 [Amended]

Accordingly, § 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Australia", and from the column headed "T.D". reference to T.D. "74–128".

This determination is published pursuant to section 153.41(b), Customs Regulations (19 CFR 153.41(b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Dated: May 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–13165 Filed 5–6–76;8:45 am]

[T.D. 76–128]

PART 153—ANTIDUMPING

Primary Lead Metal From Canada

A finding of dumping with respect to primary lead metal from Canada was published as Treasury Decision 74–127 in the FEDERAL REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Canada and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that,

having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the FEDERAL REGISTER of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Canada at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74–127, supra, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the FEDERAL REGISTER.

§ 153.43 [Amended]

Accordingly, § 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Canada", and from the column headed "T.D.", reference to T.D. "74–127".

This determination is published pursuant to section 153.41(b), Customs Regulations (19 CFR 153.41(b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

Dated: May 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–13166 Filed 5–6–76;8:45 am]

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 201—RULES OF GENERAL APPLICATION

Safeguarding Individual Privacy

On February 13, 1976, the United States International Trade Commission proposed amendments to Part 201, Subpart D, § 201.24 of Title 19 of the Code of Federal Regulations. Notice of this proposal was published on February 18, 1976, at 41 FR 7431.

The FEDERAL REGISTER notice invited public comment on the proposal amendments. Such comments were to have been submitted to the United States International Trade Commission on or before April 8, 1976. No comments have been received. Accordingly, the Commission adopts the amendments as proposed and set forth below:

Section 201.24 is revised as follows:

§ 201.24 Procedures for requests pertaining to individual records in a records system.

(a) A request by an individual to gain access to his or her record or to any information pertaining to him or her which is contained in the systems of records maintained by the Commission shall be addressed to the Director of Personnel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and shall indicate clearly both on the envelope and in the letter that it is a Privacy Act request.

(b) In order to facilitate location of requested records, the request of the individual shall name the systems of records maintained by the Commission which he or she believes contain records pertaining to him or her or shall reasonably describe the requested record.

(c) The Director of Personnel shall acknowledge receipt of a request within ten days (excluding Saturdays, Sundays, and legal public holidays), and wherever practicable, indicate whether or not access can be granted. If access is not to be granted, the requestor shall be notified of the reason.

(d) The Director of Personnel shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual. Thereupon the Director of Personnel shall: (1) notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and (2) notify the individual of the procedures as prescribed in §§ 201.25 and 201.26 of these regulations by which the individual may gain access to those records maintained by the Commission which pertain to him or her. Access to the records will be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays).

Effective date: These amendments shall be effective June 7, 1976.

By order of the Commission.

Issued: May 4, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76–13396 Filed 5–6–76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 76F–0101]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

Antioxidants and/or Stabilizers for Polymers

The Food and Drug Administration (FDA) is amending the food additive regulations in § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) to provide for the safe use of 2-hydroxy-4-isooctoxybenzophenone as a stabilizer for use in olefin polymers complying with § 121.2501 *Olefin polymers* (21 CFR 121.2501) in contact with aqueous foods; effective May 7, 1976; objections by June 7, 1976.

Notice was given by publication in the FEDERAL REGISTER of May 5, 1975 (40 FR 19513) that a petition (FAP 4B2934), had been filed by Cincinnati Milacron Chemicals, Inc., West St., Reading, OH 45215, proposing that § 121.2566 be amended to provide for the safe use of 2-hydroxy-4-isooctoxy-benzophenone, known under Chemical Abstracts nomenclature as methanone, [2-hydroxy-4-(isooctyloxy) phenyl]phenyl, as a stabilizer for use in olefin polymers complying with § 121.2501 intended to contact foods of types identified in § 121.2526(c), Table 1, under categories I, IV–B, VII–B, and VIII.

The Commissioner, having evaluated data in the petition and other relevant material concludes that the food additive regulations should be amended as set forth below to provide for the use of the subject additive as a stabilizer for use in olefin polymer intended to contact foods of types identified in § 121.2526(c), Table 1, under categories I, VII–B, and VIII. Data submitted on the additive were not adequate to establish safe conditions for use in contact with foods in category IV–B, oil in water emulsion of dairy products.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting the following new item:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * *

(b) * * *

	Limitations
* * * * *	
2-Hydroxy-4-isooctoxy-benzophenone. Chemical Abstracts (CA) name: Methanone, [2-hydroxy-4-(isooctyloxy) phenyl]phenyl; CA Registry No.: 33059–05–1.	For use only at levels not to exceed 0.5 percent by weight of olefin copolymers complying with § 121.2501(c): Items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3 or 4; *Provided*, That the finished polymer contacts food only of the types identified in § 121.2526(c), table 1, under categories I, VII–B and VIII under conditions of use E, F, and G described in table 2 of § 121.2526(c).

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 7, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections

shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective May 7, 1976.

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

Dated: May 3, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-13323 Filed 5-6-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7418]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Farm Losses

Preamble. By a notice of proposed rule making appearing in the FEDERAL REGISTER for December 28, 1971 (36 F.R. 25015), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform the Regulations to certain amendments made by section 211 (a) and (b) (4) and (5) of the Tax Reform Act of 1969 (83 Stat. 566, 570), relating to gain from disposition of property used in farming where farm losses offset nonfarm income, to section 214(a) of the Tax Reform Act of 1969 (83 Stat. 572), relating to gain from disposition of farm land, and to section 202(c), Act of November 13, 1966 (Public Law 89-809, 80 Stat. 1576), relating to distribution of installment obligations. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Section 1.1251-1 of the regulations prescribes rules for the treatment of gain from the disposition of farm recapture property used in farming as ordinary income in situations where farm losses have been used to offset nonfarm income for taxable years beginning after December 31, 1969. This section of the regulations, in addition to setting forth general rules for the application of section 1251, relates the application of section 1251 to other sections of the Internal Revenue Code and provides rules for the nonapplication of section 1251 in case of certain exchanges and certain dispositions of land. Section 1.1251-2 sets forth rules with respect to the establishment and maintenance of an excess deductions account for certain taxpayers having farm losses. The excess deductions account provides a limitation on the amount of gain recognized as ordinary income under section 1251. Additions are made to the account as a result of incurring a farm net loss, subject to certain monetary limitations, and subtractions are made to reflect farm net income, recognition of gain under section 1251, and for amounts which did not result in a tax benefit. Section 1.1251-2 also excepts taxpayers using inventories and capitalizing capital expenditures from the requirement of maintaining an excess deductions account and provides rules with respect to taxpayers needing to change methods of accounting in order to comply with these accounting requirements. In addition, rules are prescribed for transferring excess deduction accounts in the case of certain corporate transactions and certain gifts. Section 1.1251-3 defines such terms as "farm recapture property", "farm net loss", "farm net income", "nonfarm adjusted gross income" and "trade or business of farming", which definitions are used in applying the rules of section 1251. Section 1251-4 sets forth special rules with respect to gifts, transfers at death, certain corporate transactions, like kind exchanges and involuntary conversions.

Regulations are also prescribed under section 1252 for the treatment of gain as ordinary income from the disposition of farm land, with respect to which deductions under sections 175 and 182 have been allowed. These regulations set forth rules with respect to similar transactions as those covered in the regulations under section 1251. The regulations under section 1252 are, to the extent applicable, similar to the regulations prescribed under section 1245.

Adoption of amendments to the regulations. The following amendments to the Income Tax Regulations (26 CFR Part 1) are hereby adopted: Those provisions of Temporary Treasury Regulation § 13.0, 35 Fed. Reg. 4330 (1970), pertaining to section 1251 of the Internal Revenue Code of 1954 are superseded.

PARAGRAPH 1. Section 1.341 as set forth in paragraph 1 of the notice of proposed rule making is deleted.

PAR. 2. Section 1.1251 as set forth in paragraph 4 of the notice of proposed rule making is revised by amending subsection (b)(2)(B) and the historical note.

PAR. 3. Section 1.1251-1 as set forth in paragraph 4 of the notice of proposed rulemaking is changed by revising paragraph (e)(2).

* * * * *

PAR. 4. Section 1.1251-2 as set forth in paragraph 4 of the notice of proposed rule making is changed by revising the last sentence of paragraph (a)(1), by revising paragraph (a)(3), by revising paragraph (b)(3), by revising examples (5), (6), (7), (8), and (9) of paragraph (b)(5), by revising paragraph (c)(3), by revising paragraph (d)(3)(v), by revising paragraph (d)(4)(i), by revising paragraph (d)(5)(iii), by revising paragraph (e)(2)(v), by revising paragraph (e)(2)(vi), by revising the table in example (1)(i), line (4) of the table in example (1)(ii), and example (2) of paragraph (e)(3), and by deleting example (3) of paragraph (e)(3).

PAR. 5. Section 1.1252-3 as set forth in paragraph 4 of the notice of proposed rule making is changed by revising paragraph (a)(1)(ii), by deleting example (2) of paragraph (a)(2), by revising paragraph (b)(3)(i), by revising paragraph (d), by adding a sentence to the end of paragraph (e)(1), and by adding a new paragraph (e)(3).

PAR. 6. Section 1.1251-4 as set forth in paragraph 4 of the notice of proposed rule making is changed by revising the last sentence of paragraph (a)(1), by revising paragraph (a)(3), by deleting paragraph (d)(2), by redesignating paragraph (d)(3) as (d)(2), by revising the first and the last sentence of example (1)(ii) and the penultimate sentence of example (2)(ii) of new paragraph (d)(2), by redesignating paragraph (d)(4) as (d)(3), by redesignating paragraph (d)(5) as (d)(4), by revising new paragraph (d)(4), by revising paragraph (g)(1), by revising paragraph (g)(2), by revising the last sentence of example (1) of paragraph (g)(3), by revising example (2) of paragraph (g)(3), and by deleting example (3) of paragraph (g)(3) and by deleting paragraph (g)(4).

(This Treasury decision is issued under the authority contained in sections 1251(c), 1252, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: April 27, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

PAR. 1. Section 1.341-6 is amended by revising subparagraphs (1), (2) (i) and (iii), and (3) of paragraph (b); paragraph (h)(4); paragraph (n); and subdivision (i) of example (1) in paragraph (o) to read as follows:

§ 1.341-6 Exceptions to application of section.

* * * * *

(b) *Subsection (e) asset defined*—(1) *General.* The benefits of section 341(e) are unavailable if the net unrealized appreciation (as defined in paragraph (h) of this section) in certain assets of the corporation (hereinafter called "subsection (e) assets") exceeds 15 percent of the corporation's net worth. In determining whether property is a subsection (e) asset, it is immaterial whether the property is described in section 341(b), and there shall not be taken into account sections 617(d) (relating to gain from dispositions of certain mining property), 1245 and 1250 (relating to gain from dispositions of certain depreciable property), 1251 (relating to gain from disposition of farm property where farm losses offset nonfarm income), and 1252

(relating to gain from disposition of farm land).

(2) *Categories of subsection (e) assets.* * * *

(i) The first category is property (except property described in section 1231(b), without regard to any holding period prescribed therein) which in the hands of the corporation is, or in the hands of any actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock of the corporation would be, property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 617(d), 1245, 1250, 1251, or 1252) be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). For example, included in this category is property held by a corporation which in its hands is stock in trade, inventory, or property held by it primarily for sale to customers in the ordinary course of its trade or business regardless of whether such property is appreciated or depreciated in value. Also included in this category is property held by a corporation which is a capital asset in its hands but which, in the hands of any actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock, would be stock in trade, inventory, or property held by such actual or constructive shareholder primarily for sale to customers in the ordinary course of his trade or business. For additional rules relating to whether property is a subsection (e) asset under this subdivision, see subparagraphs (3), (4), and (5) of this paragraph.

* * * * *

(iii) The third category of subsection (e) assets exists only if there is net unrealized appreciation on all property which in the hands of the corporation is property described in section 1231(b) (without regard to any holding period prescribed therein). In such case, any such section 1231(b) property (whether appreciated or depreciated) is a subsection (e) asset of the third category if, in the hands of an actual or constructive shareholder who is considered to own more than 20 percent in value of the outstanding stock of the corporation, such property would be property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 617(d), 1245, 1250, 1251, or 1252) be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). Included in this category, for example, is property which in the hands of the corporation is property described in section 1231(b) (without regard to any holding period prescribed therein), but which in the hands of an actual or constructive more-than-20-percent shareholder would be property used in his trade or business held for not more than 6 months, stock in trade, inventory, or property held by such shareholder primarily for sale to customers in the ordinary course of his trade or business. For additional rules relating to whether property is a subsection (e) asset under this subdivision, see subparagraphs (3) and (4) of this paragraph. This subdivision may be further illustrated by the following example:

* * * * *

(3) *Manner of determination.* For purposes of determining whether property is a subsection (e) asset under subparagraph (2) (i) or (iii) of this paragraph, the determination as to whether property of a corporation in the hands of the corporation is, or in the hands of an actual or constructive shareholder of the corporation would be, property gain from the sale or exchange of which would under any provision of chapter 1 of the Code (other than section 617(d), 1245, 1250, 1251, or 1252) be considered in whole or in part as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b) shall be made as if all property of the corporation had been sold or exchanged to one person in one transaction. For example, if a corporation whose sole asset is an interest in a gas well has entered into a long-term contract for the future delivery of gas from the well, the ownership of which will pass to the buyer only after extraction or severance from the well, the determination as to whether such contract is a subsection (e) asset shall be made as if the contract were sold or exchanged to one person in one transaction together with such corporation's interest in the well. An assumed sale under this subparagraph does not affect the character of property which is held for sale to customers in the ordinary course of a person's trade or business or the character of a transaction which would be an anticipatory assignment of income. Thus, for example, if a corporation holds subdivided lots for sale to customers in the ordinary course of its trade or business, this subparagraph shall not be applied to change the manner in which the lots are held.

* * * * *

(h) *Net unrealized appreciation and depreciation defined.* * * *

(4) *Special rule.* For purposes of determining whether the net unrealized appreciation in subsection (e) assets of a corporation exceeds an amount equal to 15 percent of the corporation's net worth under the tests of section 341(e)(1), (2), (3), and (4), in the case of any asset on the sale or exchange of which only a portion of the gain would under any provision of chapter 1 of the Code (other than section 617(d), 1245, 1250, 1251, or 1252) be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b), there shall be taken into account only an amount equal to the unrealized appreciation in such asset which is equal to such portion of the gain. This subparagraph shall have no effect on whether paragraph (b)(2)(ii) or (iii) of this section applies for purposes of identifying the subsection (e) assets of the corporation.

* * * * *

(n) *Determinations without regard to sections 617(d), 1245, 1250, 1251, and 1252.* For purposes of this section, the determination of whether gain from the sale or exchange of property would under any provision of chapter 1 of the Code be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b) shall be made without regard to the application of sections 617(d)(1) (relating to gain from dispositions of certain mining property), 1245(a) and 1250(a) (relating to gain from dispositions of certain depreciable property), 1251(c) (relating to gain from the disposition of farm property where farm losses offset nonfarm income), and 1252(a) (relating to gain from disposition of farm land).

(o) *Illustrations.* The operation of section 341(e) may be illustrated by the following examples:

Example (1). (i) The outstanding stock of X Corporation is actually owned, on the basis of value, 75 percent by A, 15 percent by B, and 10 percent by C. None of the stock actually owned by one is attributed to another under the constructive ownership rules of paragraph (a)(3) of this section. The corporation owns no property which, in its hands, is property gain from the sale or exchange of which would be considered (without regard to section 617(d), 1245, 1250, 1251, or 1252) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231(b). The corporation owns no property described in section 1231(b) except an apartment house on which the unrealized appreciation is $20,000 and which in the hands of A would be property held primarily for sale to customers in the ordinary course of trade or business. The corporation owns no property of the type described in clause (iv) of section 341(e)(5)(A). The net worth of the corporation is $100,000.

* * * * *

PAR. 2. Paragraph (c)(1) of § 1.453-9 is amended to read as follows:

§ 1.453-9 Gain or loss on disposition of installment obligations.

* * * * *

(c) *Disposition from which no gain or loss is recognized.* (1)(i) Under section 453(d)(4)(A), no gain or loss shall be recognized to a distributing corporation with respect to the distribution made after November 13, 1966, of installment obligations if (*a*) the distribution is made pursuant to a plan for the complete liquidation of a subsidiary under section 332, and (*b*) the basis of such obligations in the hands of the distributee is determined under section 334(b)(1).

(ii) Under section 453(d)(4)(B), no gain or loss shall be recognized to a distributing corporation with respect to the distribution of installment obligations if the distribution is made, pursuant to a plan for the complete liquidation of a corporation which meets the requirements of section 337, under conditions whereby no gain or loss would have been recognized to the corporation had such

installment obligations been sold or exchanged on the day of the distribution. The preceding sentence shall not apply to the extent that under section 453(d)(1) gain to the distributing corporation would be considered as gain to which section 341(f)(2), 617(d)(1), 1245(a)(1), 1250(a)(1), 1251(c)(1), or 1252(a)(1) applies, computed under the principles of the regulations under such provisions. See paragraph (d) of § 1.1245–6, paragraph (c)(6) of § 1.1250–1, paragraph (e)(6) of § 1.1251–1, and paragraph (d)(3) of § 1.1252–1.

* * * * *

PAR. 3. The following new sections are added immediately after § 1.1250–5:

§ 1.1251 Statutory provisions; gain from disposition of property used in farming where farm losses offset nonfarm income.

SEC. 1251. *Gain from disposition of property used in farming where farm losses offset nonfarm income*—(a) *Circumstances under which section applies.* This section shall apply with respect to any taxable year only if—

(1) There is a farm net loss for the taxable year, or

(2) There is a balance in the excess deductions account as of the close of the taxable year after applying subsection (b)(3)(A).

(b) *Excess deductions account*—

(1) *Requirement.* Each taxpayer subject to this section shall, for purposes of this section, establish and maintain an excess deductions account.

(2) *Additions to account.*

(A) *General rule.* There shall be added to the excess deductions account for each taxable year an amount equal to the farm net loss.

(B) *Exceptions.* In the case of an individual (other than a trust) and, except as provided in this subparagraph, in the case of an electing small business corporation (as defined in section 1371(b)), subparagraph (A) shall apply for a taxable year—

(i) Only if the taxpayer's nonfarm adjusted gross income for such year exceeds $50,000, and

(ii) Only to the extent the taxpayer's farm net loss for such year exceeds $25,000.

This subparagraph shall not apply to an electing small business corporation for a taxable year if on any day of such year a shareholder of such corporation is an individual who, for his taxable year with which or within which the taxable year of the corporation ends, has a farm net loss or is a shareholder of another electing small business corporation which has a farm net loss for its taxable year ending within such taxable year of the individual. For purposes of clause (i), in the case of an electing small business corporation the nonfarm adjusted gross income of the corporation shall be increased by the amount of the nonfarm adjusted gross income of that shareholder (on any day of the corporation's taxable year) who has the highest amount of all such shareholders of nonfarm adjusted gross income for his taxable year with which or within which the taxable year of the corporation ends.

(C) *Married individuals.* In the case of a husband or wife who files a separate return, the amount specified in subparagraph (B)(i) shall be $25,000 in lieu of $50,000, and in subparagraph (B)(ii) shall be $12,500 in lieu of $25,000. This subparagraph shall not apply if the spouse of the taxpayer does not have any nonfarm adjusted gross income for the taxable year.

(D) *Nonfarm adjusted gross income.* For purposes of this section, the term "nonfarm adjusted gross income" means adjusted gross income (taxable income, in the case of an electing small business corporation) computed without regard to income or deductions attributable to the business of farming.

(3) *Subtractions from account.* If there is any amount in the excess deductions account at the close of any taxable year (determined before any amount is subtracted under this paragraph for such year) there shall be subtracted from the account—

(A) An amount equal to the farm net income for such year, plus the amount (determined as provided in regulations prescribed by the Secretary or his delegate) necessary to adjust the account for deductions which did not result in a reduction of the taxpayer's tax under this subtitle for the taxable year or any preceding taxable year, and

(B) After applying paragraph (2) or subparagraph (A) of this paragraph (as the case may be), an amount equal to the sum of the amounts treated, solely by reason of the application of subsection (c), as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

(4) *Exception for taxpayers using certain accounting methods.*

(A) *General rule.* Except to the extent that the taxpayer has succeeded to an excess deductions account as provided in paragraph (5), additions to the excess deductions account shall not be required by a taxpayer who elects to compute taxable income from farming (i) by using inventories, and (ii) by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under this chapter or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account).

(B) *Time, manner, and effect of election.* An election under subparagraph (A) for any taxable year shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year, and shall be made and filed in such manner as the Secretary or his delegate shall prescribe by regulations. Such election shall be binding on the taxpayer for such taxable year and for all subsequent taxable years and may not be revoked except with the consent of the Secretary or his delegate.

(C) *Change of method of accounting, etc.* If, in order to comply with the election made under subparagraph (A), a taxpayer changes his method of accounting in computing taxable income from the business of farming, such change shall be treated as having been made with the consent of the Secretary or his delegate and for purposes of section 481(a)(2) shall be treated as a change not initiated by the taxpayer.

(5) *Transfer of account.*

(A) *Certain corporate transactions.* In the case of a transfer described in subsection (d)(3) to which section 371(a), 374(a), or 381 applies, the acquiring corporation shall succeed to and take into account as of the close of the day of distribution or transfer, the excess deductions account of the transferor.

(B) *Certain gifts.* If—

(i) Farm recapture property is disposed of by gift, and

(ii) The potential gain (as defined in subsection (e)(5)) on farm recapture property disposed of by gift during any 1-year period in which any such gift occurs is more than 25 percent of the potential gain on farm recapture property held by the donor immediately prior to the first of such gifts, each donee of the property shall succeed (at the time the first of such gifts is made, but in an amount determined as of the close of the donor's taxable year in which the first of such gifts is made) to the same proportion of the donor's excess deductions account (determined, after the application of paragraphs (2) and (3) with respect to the donor, as of the close of such taxable year), as the potential gain on the property received by such donee bears to the aggregate potential gain on farm recapture property held by the donor immediately prior to the first of such gifts.

(6) *Joint return.* In the case of an addition to an excess deductions account for a taxable year for which a joint return was filed under section 6013, for any subsequent taxable year for which a separate return was filed the Secretary or his delegate shall provide rules for allocating any remaining amount of such addition in a manner consistent with the purposes of this section.

(c) *Ordinary income.*

(1) *General rule.* Except as otherwise provided in this section, if farm recapture property (as defined in subsection (e)(1)) is disposed of during a taxable year beginning after December 31, 1969, the amount by which—

(A) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(B) In the case of any other disposition, the fair market value of such property, exceeds the adjusted basis of such property shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle.

(2) *Limitation.*

(A) *Amount in excess deductions account.* The aggregate of the amounts treated under paragraph (1) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 for any taxable year shall not exceed the amount in the excess deductions account at the close of the taxable year after applying subsection (b)(3)(A).

(B) *Dispositions taken into account.* If the aggregate of the amounts to which paragraph (1) applies is limited by the application of subparagraph (A), paragraph (1) shall apply in respect of such dispositions (and in such amounts) as provided under regulations prescribed by the Secretary or his delegate.

(C) *Special rule for dispositions of land.* In applying subparagraph (A), any gain on the sale or exchange of land shall be taken into account only to the extent of its potential gain (as defined in subsection (e)(5)).

(d) *Exceptions and special rules.*

(1) *Gifts.* Subsection (c) shall not apply to a disposition by gift.

(2) *Transfer at death.* Except as provided in section 691 (relating to income in respect of a decedent), subsection (c) shall not apply to a transfer at death.

(3) *Certain corporate transactions.* If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of sections 332, 351, 361, 371(a), or 374(a), then the amount of gain taken into account by the transferor under subsection (c)(1) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section). This paragraph shall not apply to a disposition to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by this chapter.

(4) *Like kind exchanges; involuntary conversion, etc.* If property is disposed of and

gain (determined without regard to this section) is not recognized in whole or in part under section 1031 or 1033, then the amount or gain taken into account by the tranferor under subsection (c)(1) shall not exceed the sum of—

(A) The amount of gain recognized on such disposition (determined without regard to this section), plus

(B) The fair market value of property acquired with respect to which no gain is recognized under subparagraph (A), but which is not farm recapture property.

(5) *Partnerships.*

(A) *In general.* In the case of a partnership, each partner shall take into account separately his distributive share of the partnership's farm net losses, gains from dispositions of farm recapture property, and other items in applying this section to the partner.

(B) *Transfers to partnerships.* If farm recapture property is contributed to a partnership and gain (determined without regard to this section) is not recognized under section 721, then the amount of gain taken into account by the transferor under subsection (c)(1) shall not exceed the excess of the fair market value of farm recapture property transferred over the fair market value of the partnership interest attributable to such property. If the partnership agreement provides for an allocation of gain to the contributing partner with respect to farm recapture property contributed to the partnership (as provided in section 704(c)(2)), the partnership interest of the contributing partner shall be deemed to be attributable to such property.

(6) *Property transferred to controlled corporations.* Except for transactions described in subsection (b)(5)(A), in the case of a transfer, described in paragraph (3), of farm recapture property to a corporation, stock or securities received by a transferor in the exchange shall be farm recapture property to the extent attributable to the fair market value of farm recapture property (or, in the case of land, if less, the adjusted basis plus the potential gain (as defined in subsection (e)(5)) on farm recapture property) contributed to the corporation by such transferor.

(e) *Definitions.* For purposes of this section—

(1) *Farm recapture property.* The term "farm recapture property" means—

(A) Any property (other than section 1250 property) described in paragraph (1) (relating to business property held for more than 6 months), (3) (relating to livestock), or (4) (relating to an unharvested crop) of section 1231(b) which is or has been used in the trade or business of farming by the taxpayer or by a transferor in a transaction described in subsection (b)(5), and

(B) Any property the basis of which in the hands of the taxpayer is determined with reference to the adjusted basis of property which was farm recapture property in the hands of the taxpayer within the meaning of subparagraph (A).

(2) *Farm net loss.* The term "farm net loss" means the amount by which—

(A) The deductions allowed or allowable by this chapter which are directly connected with the carrying on of the trade or business of farming, exceed

(B) The gross income derived from such trade or business.

Gains and losses on the disposition of farm recapture property referred to in section 1231(a) (determined without regard to this section or section 1245(a)) shall not be taken into account.

(3) *Farm net income.* The term "farm net income" means the amount by which the amount referred to in paragraph (2)(B) exceeds the amount referred to in paragraph (2)(A).

(4) *Trade or business of farming.*

(A) *Horse racing.* In the case of a taxpayer engaged in the raising of horses, the term "trade or business of farming" includes the racing of horses.

(B) *Several businesses of farming.* If a taxpayer is engaged in more than one trade or business of farming, all such trades and businesses shall be treated as one trade or business.

(5) *Potential gain.* The term "potential gain" means an amount equal to the excess of the fair market value of property over its adjusted basis, but limited in the case of land to the extent of the deductions allowable in respect to such land under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for the taxable year and the 4 preceding taxable years.

[Sec. 1251 as added by sec. 211(a), Tax Reform Act 1969 (83 Stat. 566); as amended by sec. 305(a), Rev. Act 1971 (85 Stat. 524)]

§ 1.1251–1 General rule for treatment of gain from disposition of property used in farming where farm losses offset nonfarm income.

(a) *Applicability.* The provisions of section 1251, this section, and §§ 1.1251–2 through 1.1251–4 shall apply with respect to any taxable year beginning after December 31, 1969, but only if (1) there is a farm net loss (as defined in section 1251(e)(2) and paragraph (b) of § 1.1251–3) for the taxable year, or (2) there is a balance in the excess deductions account (as described in § 1.1251–2) as of the close of the taxable year before subtracting any amount under paragraph (c)(1)(i) of § 1.1251–2. See section 1251(a). In general, a taxpayer who has a farm net loss and certain other taxpayers are required to establish and maintain an excess deductions account as provided in section 1251(b). Certain additions and subtractions are made to the excess deductions account, and upon the disposition of "farm recapture property" any gain to the extent of the balance in the excess deductions account is recognized as ordinary income under section 1251(c)(1). See paragraph (b)(1) of this section. "Farm recapture property" is, in general, certain farming property (other than section 1250 property) described in paragraph (1), (3), or (4) of section 1231(b). See paragraph (a) of § 1.1251–3.

(b) *Ordinary income—(1) General rule.* In general, subject to the provisions of subparagraphs (2), (3), (4), and (5) of this paragraph, upon a disposition of an item of farm recapture property during a taxable year beginning after December 31, 1969, the amount of which—

(i) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(ii) In the case of any other disposition, the fair market value of such property

exceeds the adjusted basis of such property shall be recognized under section 1251(c)(1) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (that is, shall be recognized as ordinary income). The amount of gain recognized as ordinary income under section 1251(c)(1) shall be determined separately for each item of farm recapture property in a manner consistent with the principles of subparagraphs (4) and (5) of § 1.1245–1(a) (relating to gain from dispositions of certain depreciable property). Generally, such ordinary income treatment applies even though in the absence of section 1251(c)(1) no gain would be recognized under the Code. For example, if a corporation distributes farm recapture property as a dividend, gain may be recognized as ordinary income to the corporation even though, in the absence of section 1251(c)(1), section 311(a) would preclude any recognition of gain to the corporation. For purposes of section 1251, the term "disposition" shall have the same meaning as in paragraph (a)(3) of § 1.1245–1. For the relation of section 1251 to other provisions of the Code, see paragraph (e) of this section.

(2) *Limitation as to dispositions of land—(i) In general.* In the case of a disposition of land, gain shall be recognized as ordinary income under section 1251(c)(1) only to the extent of the land's "potential gain". See section 1251(c)(2)(C).

(ii) *Potential gain.* For purposes of section 1251, the term "potential gain" means in respect of land an amount equal to the excess of its fair market value over its adjusted basis, but limited to the extent of the deductions allowable in respect to such land pursuant to an election (if any) under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for the taxable year of disposition and the four immediately preceding taxable years regardless of whether any such preceding taxable year begins before December 31, 1969. See section 1251(e)(5).

(iii) *Cross reference.* For additional recapture of certain deductions allowed under sections 175 and 182 in respect of farm land, see section 1252.

(3) *Exceptions and special rules.* The amount of gain to be recognized as ordinary income under section 1251(c)(1) after applying subparagraph (2) of this paragraph, if applicable, shall be subject to the exceptions and special rules of section 1251(d) and § 1.1251–4.

(4) *Limitation as to amount in excess deductions account—(i) In general.* The aggregate of the amount of gain recognized as ordinary income under section 1251(c)(1) (after applying subparagraphs (2) and (3) of this paragraph, if applicable) shall not exceed the amount in the excess deductions account at the close of the taxable year after subtracting from the account the amount specified in section 1251(b)(3)(A) and paragraph (c)(1)(i) of § 1.1251–2. See section 1251(c)(2)(A). For transfer of amount in an excess deductions account, see section 1251(b)(5).

(ii) *Dispositions taken into account.* If the aggregate of the amounts to which

section 1251(c)(1) applies is limited for any taxable year by the application of subdivision (i) of this subparagraph, section 1251(c)(1) shall apply in respect of dispositions of items of farm recapture property in the order made. See section 1251(c)(2)(B).

(5) *Relationship to section 1245.* If property is disposed of which qualifies as both section 1245 property (as defined in section 1245(a)(3)) as well as farm recapture property, then gain shall be recognized as ordinary income under section 1251(c)(1) only to the extent that the amount of any gain realized (in the case of a sale, exchange, or involuntary conversion), or to the extent that the excess of the fair market value of the property over its adjusted basis (in the case of any other disposition), was not recognized as ordinary income under section 1245(a)(1). The amount of gain recognized as ordinary income under section 1245(a)(1) upon a disposition of farm recapture property (i) is taken into account under paragraph (b)(2) of § 1.1251–3 for purposes of computing farm net loss (or farm net income) and (ii) is not under paragraph (c)(1)(ii) of § 1.1251–2 subtracted from the excess deductions account.

(6) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). A, an unmarried individual who uses the calendar year as his taxable year, makes one disposition of farm recapture property during 1970. On June 30, 1970, he sells for $75,000 farm recapture property (other than land) with an adjusted basis of $43,000 for a realized gain of $32,000 none of which is recognized under section 1245. The balance in A's excess deductions account is $39,000 at the close of 1970 (after making the applicable additions and subtractions under section 1251(b)(2) and (3)(A)). Hence, the entire gain of $32,000 is recognized as ordinary income under section 1251(c)(1), and the balance remaining in A's excess deductions account is $7,000. If, however, the original balance in the excess deductions account were only $15,000, then only $15,000 would be recognized as ordinary income under section 1251(c)(1) and A's excess deductions account balance would be reduced to zero. The remaining gain of $17,000 may be treated as gain from the sale or exchange of property described in section 1231.

Example (2). M, a calendar year corporation makes one disposition of farm recapture property during 1975. On January 15, 1975, M distributes as a dividend to its shareholders land which it had acquired on March 3, 1970. On that date, the excess of the fair market value ($67,500) over the adjusted basis of the land ($45,000) is $22,500 and the sum of the deductions allowable in respect of such land under sections 175 and 182 is $5,000 for 1970 and $13,000 for the taxable year of disposition and the four immediately preceding taxable years. Thus, the potential gain (as defined in subparagraph (2)(ii) of this paragraph) is limited to $13,000. At the end of M's taxable year (after making the applicable additions and subtractions under section 1251(b)(2) and (3)(A) there is a balance of $25,000 in the excess deductions account of M. Since such balance exceeds the potential gain, M recognizes $13,000 as ordinary income under section 1251(c)(1) even though, in the absence of that provision, section 311(a) would preclude recognition of gain to M. The balance in M's excess deductions account is reduced by $13,000, from $25,000 to $12,000. With respect to the treatment of the remaining gain ($9,500) from the disposition of the land, see section 1252 and example (2) of paragraph (e) of § 1.1252–1.

Example (3). Assume the same facts as in example (2), except that M makes a second disposition of farm recapture property during 1975. On June 5, 1975, M sells for $55,000 a breeding herd of cattle having an adjusted basis of $35,000 for a realized gain of $20,000. M had acquired the herd on April 1, 1971. Assume further that $6,000 of the $20,000 gain realized is treated as ordinary income under section 1245(a)(1). Thus, the amount of gain M would recognize as ordinary income under section 1251(c)(1), computed before applying the excess deductions account limitation, is $14,000. In accordance with the computation in example (1) of paragraph (c)(2) of § 1.1251–2, the excess deductions account limitations limit the maximum amount of gain which can be recognized as ordinary income under section 1251(c)(1) upon the disposition of the land and the breeding herd of $25,000. Under subparagraph (4)(ii) of this paragraph, the amount of such limitation, $25,000, is assigned to each property in the order of disposition. Thus, the amount of gain recognized as ordinary income under section 1251 is $13,000 (as in example (1) of this subparagraph) on the disposition of the land and $12,000 on the disposition of the breeding herd. The remaining gain of $2,000 (i.e., $14,000 minus $12,000) on the disposition of the breeding herd may be treated as gain from the sale or exchange of property described in section 1231.

(c) *Instances of nonapplication*—(1) *In general.* Section 1251 does not apply with respect to dispositions of farm recapture property by a taxpayer during a taxable year if at the close of such year after making the necessary additions and subtractions under section 1251(b)(2) and (3)(A), there is no balance in the taxpayer's excess deductions account.

(2) *Losses.* Section 1251(c)(1) does not apply to losses. Thus, section 1251(c)(1) does not apply if a loss is realized upon a sale, exchange or involuntary conversion of property, all of which is farm recapture property, nor does the section apply to a disposition of such property other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of such property is not greater than its adjusted basis.

(3) *Certain dispositions of interests in land.* Section 1251(c)(1) does not apply to dispositions of interests in land with respect to which no deductions were allowable pursuant to an election under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for the taxable year of disposition and the four immediately preceding taxable years. For possible application of section 1252 in such a case, see example (1) of paragraph (e) of § 1.1252–1.

(d) *Partnerships.* [Reserved]

(e) *Relation of section 1251 to other provisions*—(1) *General.* The provisions of section 1251 apply (after applying paragraph (b)(5) of this section, relating to section 1245 property) notwithstanding any other provision of subtitle A of the Code. Thus, unless an exception or special rule under section 1251(d) and § 1.1251–4 applies, gain under section 1251(c)(1) is recognized notwithstanding any contrary nonrecognition provision or income characterizing provision. For example, section 1251 overrides section 1231 (relating to property used in a trade or business). Accordingly, gain recognized under section 1251(c)(1) upon a disposition of farm recapture property will be treated as ordinary income to the extent of the balance in the taxpayer's excess deductions account, and only the remaining gain, if any, from the disposition may be considered as gain from the sale or exchange of a capital asset if section 1231 is applicable. See example (3) of paragraph (d)(6) of this section.

(2) *Nonrecognition sections overridden.* The nonrecognition of gain provisions of subtitle A of the Code which section 1251 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, and 512(b)(5). See section 1251(d) and § 1.1251–4 for the extent to which section 1251(c)(1) overrides sections 332, 351, 361, 371(a), 374(a), 721, 1031, and 1033.

(3) *Treatment of gain not recognized under section 1251(c)(1).* For treatment of gain not recognized under section 1251(c)(1), the principles of paragraph (f) of § 1.1245–6 shall be applicable. Thus, section 1251 does not prevent gain which is not recognized under section 1251 from being considered as gain under another provision of the Code, such as for example, section 1252(a)(1) (relating to treatment of gain from disposition of farm land). See example (1) of paragraph (e) of § 1.1252–1.

(4) *Exempt income.* With regard to exempt income, the principles of paragraph (e) of § 1.1245–6 shall be applicable.

(5) *Normal retirement of asset in multiple asset account.* Section 1251(c)(1) does not require recognition of gain upon normal retirements of farm recapture property in a multiple asset account as long as the taxpayer's method of accounting, as described in paragraph (e)(2) of § 1.167(a)–8 (relating to accounting treatment of asset retirements), does not require recognition of such gain.

(6) *Installment method*—(i) *In general.* Gain from a disposition to which section 1251(c)(1) applies may be reported under the installment method if such method is otherwise available under section 453 of the Code. In such case, the income (other than interest) on each installment payment shall be deemed to consist of gain to which section 1251(c)(1) applies until all such gain has been reported, and the remaining portion (if any) of such income shall be deemed to consist of gain to which section 1251(c)(1) does not apply. For treatment of amounts as interest on certain deferred payments, see section 483. For adjustments in the excess deductions account, see paragraph (c)(1)(ii) of § 1.1251–2.

(ii) *Special rule.* If a taxpayer disposes of property used in the trade or business

of farming which qualifies as both section 1245 property as well as farm recapture property and elects to report the gain from such disposition under the installment method, then the income (other than interest) on each installment payment shall (*a*) first be deemed to consist of gain to which section 1245(a)(1) applies until all such gain has been reported, (*b*) the remaining portion (if any) of such income shall be deemed to consist of gain to which section 1251(c)(1) applies until all such gain has been reported, and (*c*) finally the remaining portion (if any) of such income shall be deemed to consist of gain to which neither section 1245(a)(1) nor 1251(c)(1) applies. See paragraph (d)(3) of § 1.1252–1 with respect to the installment method in regard to the disposition of property which is both farm recapture property as well as farm land (as defined in section 1252(a)(2) and paragraph (a)(3)(i) of § 1.1252–1).

§ 1.1251–2 Excess deductions account.

(a) *Establishment and maintenance of account*—(1) *General rule.* With respect to any taxable year beginning after December 31, 1969, any taxpayer who—

(i) Has a farm net loss (as defined in section 1251(e)(2) and in paragraph (b) of § 1.1251–3) for such a taxable year, or

(ii) Has an excess deductions account balance as of the close of such a taxable year

shall establish (if not previously established) and maintain for purposes of section 1251 an excess deductions account. See section 1251(b)(1). Once an excess deductions account is established (or succeeded to under paragraph (e) of this section in the case of certain corporate transactions and gifts) all entries (including the entries prescribed by paragraph (f) of this section with respect to married taxpayers who file joint returns) with respect to the account must be part of the taxpayer's permanent records for all taxable years for which the account must be maintained. For purposes of applying section 1251 and this section, the term "taxpayer" in the case of a partnership means each partner of such partnership and in the case of an estate or trust means the estate or trust regardless of whether it is taxable under subpart A or E, subchapter J, chapter 1 of the Code.

(2) *Distributions from estate or trust.* If farm recapture property is distributed from an estate or trust in a transaction to which section 1251(d)(1) or (2) (relating to exceptions for gifts and transfers at death) applies, then the excess deductions account balance of the estate or trust shall be succeeded to by the distributee in the amount, if any, and manner prescribed in paragraph (e)(2) of this section. For purposes of the preceding sentence only, the rules of paragraph (e)(2) of this section shall be applied by treating each distribution as a gift at the time made. Thus; for example, if all of the farm recapture property of an estate or trust is distributed to a distributee on the date the estate or trust terminates, the distributee will succeed on that date to the excess deductions account balance of the estate or trust.

(3) *Exception.* A taxpayer is not required to maintain an excess deductions account under subparagraph (1) of this paragraph for a taxable year if—

(i) For such taxable year there would be no additions to the taxpayer's excess deductions account, and

(ii) For the immediately preceding taxable year the balance in the taxpayer's excess deductions account was reduced to zero by reason of section 1251(b)(3) (relating to subtractions from the account) or section 1251(b)(5) (relating to transfer of account).

(b) *Additions to account*—(1) *General rule.* For each taxable year, there shall be added to the excess deductions account an amount equal to the taxpayer's farm net loss. See section 1251(b)(2)(A).

(2) *Exceptions.* In the case of an individual and, in the case of an electing small business corporation (as defined in section 1371(b)), subparagraph (1) of this paragraph shall apply for a taxable year—

(i) Only if the taxpayer's nonfarm adjusted gross income (as defined in paragraph (d) of § 1.1251–3) for such year exceeds $50,000, and

(ii) Only to the extent the taxpayer's farm net loss for such year exceeds $25,000.

The limitations of this subparagraph apply to a person (other than a trust) to whom the tax rates set forth in section 1 are applicable and as prescribed in subparagraph (3) of this paragraph in respect of an electing small business corporation.

(3) *Election small business corporation*—(i) *Taxable years ending before December 11, 1971.* For taxable years ending before December 11, 1971, in the case of an electing small business corporation (as defined in section 1371(b))—

(*a*) For purposes of subparagraph (2) of this paragraph, the term "the taxpayer" means such corporation or any one of its shareholders, and the term "such year", in the case of a shareholder, means his taxable year with which or within which the taxable year of the corporation ends (see paragraph (d)(2) of § 1.1251–3 for special rules relating to the computation of nonfarm adjusted gross income of a shareholder of an electing small business corporation), and

(*b*) The limitations in subparagraph (2) of this paragraph shall not apply to the corporation for a taxable year if on any day of such year there is a taxpayer who is a shareholder having, for his taxable year with which or within which the taxable year of such corporation ends, a farm net loss (as defined in paragraph (b) of § 1.1251–3).

For purposes of determining whether a shareholder of such corporation has a farm net loss, there shall not be taken into account his pro rata share of farm net income or loss of such corporation but there shall be taken into account his pro rata share of farm net income or loss of any other electing small business corporation for such corporation's taxable year ending with or within his taxable year.

(*c*) The provisions of this subdivision (i) do not apply for purposes of determining whether the shareholder must make an addition to his excess deductions account and the amount of such addition.

(ii) *Taxable years ending after December 10, 1971.* [Reserved]

(4) *Married individuals*—(i) *Lower limitations for separate returns.* If married taxpayers file separate returns, then for purposes of this paragraph each spouse shall be treated as a separate individual. However, in such case, (*a*) the amount specified in subparagraph (2)(i) of this paragraph shall be $25,000 in lieu of $50,000, and (*b*) the amount specified in subparagraph (2)(ii) of this paragraph shall be $12,500 in lieu of $25,000. The lower limitations in the preceding sentence shall not apply if the spouse of the taxpayer does not have any nonfarm adjusted gross income for the taxable year. See section 1251(b)(2)(C).

(ii) *Joint return.* If married taxpayers for a taxable year file a joint return under section 6013, then for purposes of this paragraph they shall for such taxable year be treated as a single taxpayer. For rules applicable to establishing, maintaining, and allocating a joint excess deductions account, see paragraph (f) of this section.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). For 1971, the M Corporation which uses the calendar year as its taxable year and which is not an electing small business corporation has a farm net loss of $40,000 and nonfarm taxable income of $45,000. Since subparagraph (2) of this paragraph does not apply to M, it is required to make a $40,000 addition to its excess deductions account.

Example (2). For 1971, A, an unmarried individual who uses the calendar year as his taxable year, has a farm net loss of $33,000 and nonfarm adjusted gross income of $65,000. Under subparagraph (2) of this paragraph, A is required to make an addition of $8,000 to his excess deductions account (that is, the excess of the farm net loss, $33,000, over the $25,000 amount referred to in subparagraph (2)(ii) of this paragraph). If, however, A were a trust, the limitation in subparagraph (2) of this paragraph would not apply and such trust would be required to add $33,000 (the amount of the entire farm net loss) to its excess deductions account.

Example (3). H and W each use the calendar year as the taxable year. For 1971, H, a married taxpayer who files a separate return, has a farm net loss of $45,000 and nonfarm adjusted gross income of $60,000. H's spouse W does not have any nonfarm adjusted gross income for 1971. Thus, the lower limitations in subparagraph (4)(i) of this paragraph do not apply. Accordingly, H is required to make an addition of $20,000 to his excess deductions account (that is, the excess of the farm net loss, $45,000, over the $25,000 amount referred to in subparagraph (2)(ii) of this paragraph).

Example (4). Assume the same facts as in example (3), except that for 1971 W has a

farm net loss of $10,000 and nonfarm adjusted gross income of $30,000. Thus, the lower limitations in subparagraph (4)(i) of this paragraph do apply and H is required to make an addition of $32,500 to his excess deductions account (that is, the excess of his farm net loss, $45,000, over the $12,500 amount referred to in subparagraph (4)(i)(b) of this paragraph). Since, however, W did not have a farm net loss in excess of $12,500, she would not be required to make an addition to her excess deductions account. For the result if H and W were to file a joint return, see example (1) of paragraph (f)(6) of this section.

Example (5). For 1970, the M Corporation, which uses the calendar year as its taxable year and which is an electing small business corporation, has a farm net loss of $35,000 and nonfarm adjusted gross income of $60,000. A, B, and C, the sole equal shareholders of M, are cash method taxpayers and each uses a fiscal year ending on March 31. For the taxable year ending March 31, 1971, A has a farm net loss of $5,000. Thus, as M's taxable year ends within the taxable year of A during which A has a farm net loss, the limitations in subparagraph (2) of this paragraph do not apply with respect to M for 1970. See subparagraph (3)(i)(b) of this paragraph. For 1970, M is required under subparagraph (1) of this paragraph, to add $35,000 to its excess deductions account.

Example (6). Assume the same facts as in example (5), except that A's farm net loss occurred in his fiscal year ending March 31, 1970, and no shareholder of M has a farm net loss for the fiscal year ending March 31, 1971. Thus, the limitations in subparagraph (2) of this paragraph do apply with respect to M for 1970, and accordingly M is required to add $10,000 to its excess deductions account for 1970 (that is, the excess of M's farm net loss $35,000, over the $25,000 amount referred to in subparagraph (2)(ii) of this paragraph).

Example (7). Assume the same facts as in example (6), except that M has $45,000 of nonfarm adjusted gross income for 1970, and A, for his taxable year ending March 31, 1971, has $40,000 of nonfarm adjusted gross income, computed without regard to his interest in M. Assume that M paid no dividends. Since, under paragraph (d)(2) of § 1.1251–3, A's income from M under section 1373(b) is computed on the basis of M's nonfarm adjusted gross income, A's gross income from M is $15,000 (⅓ of $45,000), and A's total nonfarm adjusted gross income is $55,000. Accordingly, M would be required to add $10,000 to its excess deductions account for 1970 for the reasons stated in example (6).

Example (8). Assume the same facts as in example (7). Assume further that A is one of two equal shareholders in N, another electing small business corporation with a taxable year ending on January 31, and that N for its taxable year ending on January 31, 1971, has a $42,000 nonfarm loss and farm net income of $23,000. Assume that N paid no dividends. Thus, A for purposes of subparagraph (2)(i) of this paragraph, would only have a total of $34,000 of nonfarm adjusted gross income ($55,000 computed per example (7) minus $21,000 (A's share of N's nonfarm net operating loss (½ of $42,000) computed in accordance with paragraph (d)(2) of § 1.1251–3)). Assuming that no other shareholder of M has nonfarm adjusted gross income in excess of $50,000, by reason of the $50,000 limitation in subparagraph (2)(i) of this paragraph, M makes no addition for 1971 to its excess deductions account. (N would make no addition to its excess deductions account as it does not have a farm net loss.) If, however, N were to have a nonfarm loss of only $8,000, A for purposes of subparagraph (2)(i) of this paragraph would have a total of $51,000 of nonfarm adjusted gross income ($55,000, minus ½ of N's nonfarm loss of $8,000). Hence, with respect to M the result would be the same as in example (7) (and N would make no addition to its excess deductions account since it does not have a farm net loss).

Example (9). D and E are equal individual shareholders in corporations X, Y, and Z, the stock of each corporation having recently been purchased from a different unrelated person. X, Y, and Z are electing small business corporations. D, E, and the corporations all use the calendar year as the taxable year. For 1970, the farm net income of D and E (determined without regard to their respective pro rata shares of the farm net income or loss of X, Y, and Z) are $100,000 and zero, respectively. For 1970, the farm net income or loss of the corporations are losses of $80,000 and $20,000 for X and Z, respectively, and income of $60,000 for Y. For 1970, the determinations under subparagraph (3)(ii) of this paragraph as to whether a shareholder of corporation X or Z (no determination is necessary with respect to Y since Y does not have a farm net loss) has a farm net loss are made as follows:

Determinations as to whether D or E has a farm net loss

	As to X		As to Z	
	D	E	D	E
Farm net income (determined without regard to X, Y, and Z)	$100,000	$0	$100,000	$0
Pro rata (⅓) share of corporation's farm net income (or loss):				
Of X			(40,000)	(40,000)
Of Y	30,000	30,000	30,000	30,000
Of Z	(10,000)	(10,000)		
Farm net income (or loss) for purposes of determination	$120,000	$20,000	$90,000	($10,000)

Accordingly, since the determination as to X indicates that neither D nor E has a farm net loss, the limitations of subparagraph (2) of this paragraph apply to X. Thus, assuming that X, D, or E has nonfarm adjusted gross income in excess of $50,000, X will add $55,000 to its excess deductions account, i.e., the excess of the farm net loss, $80,000, over the $25,000 amount referred to in subparagraph (2)(ii) of this paragraph. Since, however, the determination as to Z indicates that E has a farm net loss, such limitations do not apply to Z. Thus, the addition for 1970 to Z's excess deductions account is the entire amount of its farm net loss, $20,000.

(c) *Substractions from account*—(1) *General rule.* Under section 1251(b)(3), if there is any amount in the excess deductions account at the close of a taxable year (determined after making any addition required under paragraph (b) of this section for such year but before making any reduction under this paragraph for such year), then the excess deductions account shall be reduced (but not below zero) by substracting—

(i) An amount equal to (*a*) the farm net income (as defined in section 1251(e)(3) and in paragraph (c) of § 1.1251–3) for such year, plus (*b*) the amount (as determined in subparagraph (3) of this paragraph) necessary to adjust the account for deductions for any taxable year which did not result in a reduction of the taxpayer's tax under subtitle A of the Code for such taxable year or any preceding taxable year, and

(ii) After making any addition to the excess deductions account under paragraph (b) of this section and any reduction under subdivision (i) of this subparagraph for the taxable year, an amount equal to the sum of the amounts recognized as ordinary income solely by reason of the application of section 1251(c)(1). See Section 1251(b)(3)(B). Thus, no amount shall be substracted under this subdivision for gain recognized by reason of the application of section 1245(a)(1) or 1252(a)(1). For effect on computation of farm net loss or income of gain recognized under section 1245(a)(1) upon a disposition of farm recapture property, see paragraph (b)(2) of § 1.1251–3. In the case of an installment sale of farm recapture property, the taxpayer's excess deductions account shall be reduced under this subdivision in the year of such sale by an amount equal to the gain (computed in the year of sale) to be recognized as ordinary income under section 1251(c)(1).

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples in which it is assumed that there is no substraction for lack of tax benefit under subparagraph (3) of this paragraph:

Example (1). Assume the same facts as in example (3) of paragraph (b)(6) of § 1.1251–1. M's excess deductions account balance as of the close of 1975 is computed, in accordance with the additional facts assumed, in the table below:

M's Excess Deductions Account

(1) Balance January 1, 1975		$26,000
(2) Additions for 1975		0
(3) Subtotal		26,000
(4) Subtractions for 1975 (farm net income [1])		1,000
(5) Excess deductions account limitation on gain recognized as ordinary income under section 1251(c)(1) for 1975		25,000
(6) Subtraction for disposition of farm recapture property:		
(a) Gain from disposition of land to which section 1251(c)(1) applies (computed before applying limitation)	$13,000	
(b) Gain from disposition of breeding herd to which section 1251(c)(1) applies (computed before applying limitation)	14,000	
(c) Sum of lines (a) and (b)	27,000	
(d) Excess deductions account limitation (amount in line (5))	25,000	
(e) Gain recognized as ordinary income under section 1251(c)(1) (lower of line (6)(c) or line (6)(d))		25,000
(7) Balance December 31, 1975		0

[1] Computed by treating the section 1245 gain of $6,000 under paragraph (b)(1)(ii) of § 1.1251-3 as gross income derived from the trade or business of farming.

For allocation of the $25,000 of gain recognized as ordinary income to the land and herd, and for treatment of the gain recognized in excess of $25,000, see example (3) of paragraph (b)(6) of § 1.1251-1.

Example (2). A is an unmarried individual who uses the calendar year as his taxable year. In 1971, A makes a single disposition of farm recapture property (other than land) realizing a gain of $46,000 of which $15,000 is recognized as ordinary income under section 1245(a)(1). The gain to which section 1251(c)(1) applies (computed before applying the excess deductions account limitation in section 1251(c)(2)(A) and paragraph (b)(4)(i) of § 1.1251-1) is $31,000 (i.e., $46,000 minus $15,000). The treatment of the gain realized on the disposition in excess of the $15,000 recognized as ordinary income under section 1245(a)(1) and the balance in A's excess deductions account as of the close of 1971 is computed, in accordance with the facts assumed, in the table below:

A's Excess Deductions Account

(1) Balance January 1, 1971		$50,000
(2) Additions for 1971:		
(a) Farm net loss for 1971 [1]	$5,000	
(b) Less amount in paragraph (b)(2)(ii) of this section	25,000	
(c) Total additions for 1971		0
(3) Subtotal		50,000
(4) Subtractions for 1971		0
(5) Excess deductions account limitation on gain recognized as ordinary income under section 1251(c)(1) for 1971		50,000
(6) Subtraction for dispositions of farm recapture property:		
(a) Gain to which section 1251(c)(1) applies (computed before applying limitation)	31,000	
(b) Limitation (amount in line (5))	50,000	
(c) Gain recognized as ordinary income under section 1251(c)(1) lower of line 6(a) or line 6(b)		31,000
(7) Balance December 31, 1971		19,000

[1] Computed by treating the section 1245 gain of $15,000 under paragraph (b)(1)(ii) of § 1.1251-3 as gross income derived from the trade or business of farming.

(3) *Amount necessary to adjust the excess deductions account with respect to deductions which did not result in a reduction of the taxpayer's tax*—(i) *In general.* Under section 1251(b)(3)(A), a subtraction is made from the excess deductions account to adjust the account for deductions that did not result in a reduction of the taxpayer's tax for the taxable year or any preceding taxable year. The amounts to be subtracted are determined under subdivisions (ii) and (iii) of this subparagraph in accordance with the rules in subdivision (iv) of this subparagraph. This subtraction shall be made before determining the amount of gain to which section 1251(c) applies. The amount subtracted under subdivision (ii) of this subparagraph is a temporary subtraction made solely to determine the amount in the excess deductions account for purposes of the limitation in section 1251(c)(2).

(ii) *Temporary subtraction.* The amount temporarily subtracted from the excess deductions account for a taxable year is the sum of the farm portion of (*a*) any net operating loss for such taxable year which does not reduce taxable income (computed without regard to the deduction under section 172(a)) in a prior year, and (*b*) any net operating loss from a prior taxable year which is carried to such taxable year but which does not reduce taxable income (computed without regard to the deduction under section 172(a)) in such taxable year.

(iii) *Permanent subtraction.* The amount permanently subtracted from the excess deductions account for a taxable year is the excess of the farm portion of any net operating loss which may be carried to the preceding year (reducing by the portion of such loss which reduced taxable income (computed without regard to the deduction under section 172(a)) for such preceding year) over the amount of such loss which may be carried to the taxable year, but the subtraction shall not be made earlier than the taxable year in which the excess

deductions account is increased by reason of such loss.

(iv) *Rules of application.* For purposes of this subparagraph, the following rules shall apply:

(*a*) The farm portion of a net operating loss is that portion of such loss attributable to the trade or business of farming. Such portion and the remaining portion (hereinafter referred to as the nonfarm loss) shall be absorbed pro rata. If a farm net loss is not added to the excess deductions account in the year in which such loss occurs, the net operating loss (if any) for such year shall be treated as a nonfarm loss.

(*b*) In the case of an individual (other than a trust), the farm portion of a net operating loss shall be decreased by an amount, if any, equal to the excess of $25,000 (or the amount determined under paragraph (b)(2)(ii) of this section) over the nonfarm adjusted gross income. Such amount shall be added to the nonfarm portion of such net operating loss.

(*c*) The amounts considered as reducing taxable income under subdivision (ii) of this subparagraph in the taxable year shall be determined on the basis of a tentative computation of taxable income for such year in which the gain realized from the disposition of property to which section 1251(c)(1) applies shall be computed without regard to the excess deductions account limitation.

(v) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. A is an unmarried individual who uses the calendar year as his taxable year. For the years 1970 through 1974, A's items of income and deductions are as shown in the table below. A's personal deductions are disregarded. A had no income or loss for any year prior to 1970. Based upon such amounts and the computations shown below, A must recognize as ordinary income under section 1251(c)(1), $35,325 for 1971, $10,000 for 1972, $3,925 for 1973, and $150,000 for 1974.

Amounts assumed	1970	1971	1972	1973	1974
(a) Farm net income	(250,000)	20,000	5,000	(75,000)	(10,000)
(b) Nonfarm income	55,000	(82,000)	30,000	10,000	200,000
(c) Gain which would be recognized as ordinary income under 1251(c) (computed without regard to the EDA limitation) (hereinafter referred to as "farm property disposition")		88,000	010,000	2,000	150,000
(d) Personal exemption	625	675	750	750	750
(e) Net operating loss (NOL) (computed per section 172(c))	(195,000)			(45,000)	

I. COMPUTATIONS FOR 1971

1. Excess Deductions Account (EDA) Limitation for 1971:				
a. EDA on Dec. 31, 1970:				
1970 Farm net loss			250,000	
Less			(25,000)	
			225,000	225,000
b. Less farm net income for 1971				(20,000)
c. EDA before temporary subtraction				205,000
d. Less temporary subtraction per subdivision (ii)(*b*):				
Aggregate farm NOL carryover to 1971			195,000	
Less tentative farm NOL deduction for 1971:				
Farm net income		20,000		
Nonfarm income		(82,000)		
Farm property disposition		88,000		
Exemption		(675)		
Tentative taxable income		25,325		
Tentative NOL reducing taxable income		25,325	(25,325)	
			169,675	(169,675)
e. EDA limitation for 1971				35,325
2. 1971 Taxable Income:				
a. Farm net income				20,000
b. Nonfarm income				(82,000)
c. Farm property disposition				88,000
d. Exemption				(675)
e. Section 1202 deduction:				
Farm property disposition			88,000	
Less amount treated as ordinary income under sec. 1251(e) (lesser of amount of gain or line 1(e))			35,325	
Capital gain			52,675	
Less 50 percent deduction			26,337	(26,338)
f. 1971 Taxable income				(1,013)

II. COMPUTATION FOR 1972

1. Excess Deductions Account Limitation for 1972:				
a. EDA (line 1(c) above)				205,000
b. Less recapture in 1971				(35,325)
c. Less farm net income for 1972				(5,000)
d. Less permanent subtraction per subdivision (iii):				
1970 Farm NOL carryover to 1971			195,000	
Less 1970 farm NOL carryover to 1972 (computed per sec. 172(d)(2):				
Farm NOL to 1971		195,000		
Less 1971 taxable income computed per sec. 172 (2)(2):				
Farm net income	20,000			
Nonfarm income	(82,000)			
Farm property disposition	88,000			
	26,000	(26,000)		
Farm NOL carryover to 1972		169,000	(169,000)	
			26,000	(26,000)
e. EDA before making temporary subtractions				138,675
f. Less temporary subtraction per subdivision (ii) (b):				
Farm NOL carryover to 1972			169,000	
Less tentative farm NOL deduction for 1972:				
Farm net income		5,000		
Nonfarm income		30,000		
Farm recapture disposition		10,000		
Exemption		(750)		
Tentative taxable income		44,250		
Tentative NOL reducing taxable income		44,250	(44,250)	
			124,750	(124,750)
g. EDA limitation for 1972				13,925
2. Taxable Income for 1972:				
a. Farm net income				5,000
b. Nonfarm income				30,000
c. Farm property disposition				10,000
d. Exemption				(750)
e. Sec. 1202 Deduction:				
Farm property disposition			10,000	
Less amount treated as ordinary income under sec. 1251(c) (lesser of amount of gain or line 1(g))			10,000	0
f. Taxable income before NOL deduction				44,250
g. Net operating loss deduction				(44,250)
h. Taxable income for 1972				0

III. COMPUTATIONS FOR 1973

1. Excess deductions account limitation for 1973:				
a. Line 1(e) above				138,675
b. Less recapture in 1972				(10,000)
c. Less permanent subtraction per subdivision (iii):				
1970 Farm NOL carryover to 1972		169,000		
Less 1970 Farm NOL reducing taxable income in 1972		(44,250)		
		124,750	124,750	
Less 1970 Farm NOL carryover to 1973 computed per sec. 172(b)(2):				
Farm NOL carryover to 1972		169,000		
1972 Taxable income computed per sec. 172(b)(2):				
Farm net income	5,000			
Nonfarm income	30,000			
Farm recapture disposition	10,000			
	45,000	(45,000)		
Farm NOL carryover to 1973		124,000	(124,000)	
			750	(750)
d. EDA before making temporary subtractions				127,925
e. Less temporary subtraction per subdivision (ii)(a)—zero (since 1973 farm loss treated as nonfarm addition to NOL per subdivision (iv)(a))				0
f. Less temporary subtraction per subdivision (ii)(b): Aggregate farm NOL carryover to 1973			124,000	
Less tentative farm NOL deduction for 1973:				
Farm net income		(75,000)		
Nonfarm income		10,000		
Farm property disposition		30,000		
Exemption		(750)		
Tentative taxable income		(44,250)		
Tentative NOL reducing taxable income		0	0	
			124,000	(124,000)
g. EDA limitation for 1973				3,925
2. Taxable income for 1973:				
a. Farm net income				(75,000)
b. Nonfarm income				10,000
c. Farm property disposition				20,000
d. Exemption				(750)
e. Section 1202 deduction:				
Farm property disposition			20,000	
Less amount treated as ordinary income under sec. 1251(c) (lesser of amount of gain or line 1(g))			3,925	
Capital gain			16,075	
Less 50 percent deduction			8,038	(8,037)
f. Taxable income for 1973				(53,787)

IV. COMPUTATIONS FOR 1974

1. Excess Deductions Account Limitation for 1974:			
a. Line 1(d) above			127,925
b. Less recapture in 1973			(13,925)
c. Farm loss for 1974	10,000		
Plus farm NOL deduction (see § 1.1251-3(b)(3))	45,000		
	55,000	55,000	
Less		25,000	
		30,000	30,000
d. Less permanent subtraction per subdivision (iii):			
1970 Farm NOL carryover to 1973		124,000	
Less 1970 farm NOL carryover to 1974 per sec. 172(b)(2)		124,000	
		0	0
e. EDA before making temporary subtractions			154,000
f. Less temporary subtractions on subdivision (ii) (b):			
Aggregate farm NOL carryover to 1974		124,000	
Less tentative farm NOL deduction in 1974:			
Farm net income	(10,000)		
Nonfarm income	200,000		
Farm property disposition	150,000		
Exemption	(750)		
Tentative taxable income	339,250		
Tentative NOL deduction	169,000		
Farm portion of tentative NOL deduction		124,000	
		0	0
g. EDA limitation for 1974			154,000
2. Taxable Income for 1974:			
a. Net farm income			(10,000)
b. Nonfarm income			200,000
c. Farm property disposition			150,000
d. Exemption			(750)
e. Section 1202 deduction:			
Farm property disposition		150,000	
Less amount treated as ordinary income under sec. 1251(c) (lesser of amount of gain on line 1(g))		150,000	0
f. Taxable income before NOL deduction			339,250
g. Net operating loss deduction			(169,000)
h. Taxable income			170,250

(vi) *Electing small business corporation.* (*a*) In the case of an electing small business corporation, the amounts to be subtracted under subdivisions (ii) and (iii) of this subparagraph, shall be the sum of the amounts under such subdivisions computed with respect to each shareholder of the corporation for the taxable year of the shareholder with which or within which the taxable year of the corporation ends, by applying (*b*) of this subdivision (vi), in lieu of subdivision (iv)(*a*) of this subparagraph.

(*b*) For purposes of (*a*) of this subdivision, the farm portion of a shareholder's net operating loss is that portion of the net operating loss of such shareholder attributable to the corporation's farm net loss, and such portion and the remaining portion shall be considered to be absorbed pro rata. If a corporation's farm net loss is not added to its excess deductions account in the year in which such loss occurs, no portion of a shareholder's net operating loss for the taxable year of the shareholder with which or within which such taxable year of the corporation ends shall be attributable to such corporation's farm net loss.

(d) *Exception for taxpayers using certain accounting methods*—(1) *General rule.* Under section 1251(b)(4), except to the extent that a taxpayer has succeeded to an excess deductions account as provided in paragraph (e) of this section (relating to receipt of farm recapture property in certain corporate and gift transactions), additions to the account shall not be required by a taxpayer who elects to compute taxable income from the trade or business of farming (as defined in paragraph (e)(1) of § 1.125–8)—

(i) By using inventories for all property which may be inventoried except as to property to which subdivision (ii) of this subparagraph applies, and

(ii) In accordance with subparagraph (3) of this paragraph, by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account including such expenditures which the taxpayer may, under chapter 1 of the Code or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not chargeable to capital account.

For rules as to procedure of making the election, effect of a change in method of accounting upon making the election, and conditions for revoking the election, see subparagraphs (4), (5), and (6), respectively, of this paragraph.

(2) *Inventories.* The absence of property which may be inventoried shall not preclude a taxpayer from making an election under section 1251(b)(4). Any acceptable inventory method will satisfy the requirement of subparagraph (1)(i) of this paragraph.

(3) *Property chargeable to capital account*—(i) *In general.* Property subject to the capitalization requirement prescribed in subparagraph (1)(ii) of this paragraph includes all property described in section 1231(b) (1) and (3), without regard to any holding period therein provided, which is used in the trade or business of farming. Thus, for example, property subject to the capitalization requirement includes property used in the trade or business of farming of a character subject to the allowance for depreciation and real property so used regardless of the period held, and livestock used in the trade or business of farming which is held for draft, breeding, dairy, or sporting purposes regardless of the period held.

(ii) *Expenditures which must be capitalized.* Expenditures subject to the requirement of subparagraph (1)(ii) of this paragraph are all expenditures, whether direct or indirect, paid or incurred, which are properly chargeable to capital account. For examples of the meaning of the term "properly chargeable to capital account", see §§ 1.61–4, 1.162–12, 1.263(a)–1, and 1.263(a)–2, and paragraph (a)(4) (ii) and (iii) of § 1.446–1. Other examples of expenditures referred to in subparagraph (1)(ii) of this paragraph are expenditures under sections 175 (relating to soil and water conservation), 180 (relating to fertilizer, etc.), 182 (relating to land clearing), and 266 (relating to certain carrying charges) which (without regard to section 1251) a taxpayer may treat or elect to treat as expenditures which are not chargeable to capital account. Thus, for example, with respect to developing a farm, ranch, orchard, or grove, amounts properly chargeable to capital account include amounts paid or incurred for upkeep, taxes, interest, and other carrying charges, water for irrigation, fertilizing, controlling undergrowth, and the cultivating and spraying of trees. For a further example, with respect to a produced animal, amounts properly chargeable to capital account for the animal include all expenditures paid or incurred for producing the animal, such as for stud, breeding, and veterinary services, as well as all amounts paid or incurred with respect to the brood animal during the gestation period of the produced animal including all amounts paid or incurred for feed, maintenance, utilities, indirect overhead, depreciation, insurance, and carrying charges. Direct and indirect expenditures properly chargeable to capital account with respect to raising an animal may include, in addition to expenditures for feed, maintenance, etc., expenditures for training. Direct and indirect expenditures with respect to feed may include, in the case of a grazing operation, fees for the rental of grazing land, and the portion of all labor, taxes, interest, fencing costs, and carrying charges paid or incurred by the taxpayer allocable to grazing. For purposes of this subparagraph, reasonable allocations shall be made by the taxpayer of items between animals held for different purposes and as to each animal held. However, all amounts allocated to a brood animal during the period of gestation are, for purposes of this subparagraph, entirely chargeable to the capital account of the produced animal.

(iii) *Unharvested crops.* With respect to unharvested crops to which section 1231(b)(4) applies, see section 268 and paragraph (g) of § 1.1016–5 (relating, respectively, to disallowance of certain deductions and to adjustments to basis).

(iv) *Changes in character of property.* If, in a taxable year subsequent to the first taxable year to which an election

under section 1251(b)(4) applies, property which was not subject to the requirements of subparagraph (1)(ii) of this paragraph becomes subject to such requirements, then the following rules shall apply:

(*a*) The adjusted basis of such property at the beginning of the taxable year in which it becomes subject to the requirements of subparagraph (1)(ii) of this paragraph shall be equal to the amount its adjusted basis would have been on such date had it been accounted for in accordance with such requirements (taking into account, if applicable, the depreciation which would have been allowed as determined by the taxpayer using a period, salvage value, and methods that would have been proper).

(*b*) At the beginning of the taxable year in which such property becomes subject to the requirements of subparagraph (1)(ii) of this paragraph—

(*1*) If such property was not included in the opening inventory, the amount equal to the excess of its adjusted basis as computed in (*a*) of this subdivision over its adjusted basis as of the close of the preceding taxable year, or

(*2*) If such property was included in the opening inventory, such opening inventory shall be reduced by the inventory value of such property included therein and the amount of the difference between the adjusted basis for the property computed in (*a*) of this subdivision and such inventory value,

shall be added to gross income for such taxable year and shall be treated as gross income derived from the trade or business of farming under paragraph (b)(1)(ii) of § 1.1251–3, except that if the difference in (*b*)(2) of this subdivision represents an excess of such inventory value over the adjusted basis for the property computed in (*a*) of this subdivision then such excess shall be subtracted from gross income for such taxable year and shall be treated as a deduction allowed which is directly connected with carrying on the trade or business of farming under paragraph (b)(1)(i) of § 1.1251–3.

(*c*) If any deductions for depreciation are treated as amounts which would have been allowed in a prior taxable year or years for purposes of (*a*) of this subdivision, such deductions shall be treated as having been allowed for purposes of applying sections 1245 and 1250 in the same taxable year or years and thus included in the amount of adjustments reflected in adjusted basis within the meaning of paragraph (a)(1)(ii) of § 1.1245–2 or depreciation adjustments within the meaning of paragraph (d)(1) of § 1.1250–2 (as the case may be).

(*d*) For purposes of this subparagraph (3), if during a taxable year property becomes subject to the requirements of subparagraph (1)(ii) of this paragraph, it shall be considered subject to such requirements on each day it is held during such year.

(*e*) The adjusted basis under (*a*) of this subdivision of property of a character subject to the allowance for depreciation shall be its basis for which deductions may be computed under section 167.

(v) *Example.* The provisions of subdivision (iv) of this subparagraph may be illustrated by the following example:

Example. On January 1, 1974, A, an individual taxpayer who in a previous year had elected under section 1251 (b) (4) to compute income from the trade or business of farming by using inventories and by charging to capital account all items properly chargeable to capital under the rules of subdivision (ii) of this subparagraph, purchases a herd of six-month-old feeder calves for $13,000. During 1974, in connection with such herd, A incurred raising costs of $4,000 and carrying charges of $1,600 which would have been properly chargeable to capital account within the meaning of subparagraph (1)(ii) of this paragraph if the herd had not been included in inventory. A determines under his unit-livestock method that on December 31, 1974, the inventory value of the herd is $17,000. On March 1, 1975, A decides to use one-half of the herd for breeding purposes with such part of the herd becoming subject to the capitalization requirements. On January 1, 1975, the adjusted basis for the animals held for breeding purposes, computed under the provisions of subdivision (iv) (a) of this subparagraph, is $9,300 (that is, the aggregate of one-half of the purchase price of $13,000 for the entire herd of feeder calves, $6,500, one-half of the carrying charges of $1,600 incurred during 1974 in connection with the entire herd, $800, and one-half of the $4,000 of raising costs incurred during 1974 for the entire herd, $2,000). There is no adjustment for the depreciation which would have been allowed since no animal in the herd had reached an acceptable breeding age. Therefore, A as of January 1, 1975, must under the provisions of subdivision (iv) (*b*) (*2*) of this subparagraph subtract $8,500 from his opening inventory value of $17,000. However, A has not changed his method of accounting with respect to such animals. Under the provisions of subdivision (iv) (*b*) (*2*) of this subparagraph, A for 1975 will add $800 to his gross income (that is, the difference between the adjusted basis for the calves to be used for breeding purposes, $9,300, over the inventory value of such animals, $8,500). Such amount under the provisions of subdivision (iv) (*b*) shall be treated as gross income derived from the trade or business of farming under paragraph (b) (1) of § 1.1251–3.

(4) *Time and manner of making election*—(i) *In general.* The election under section 1251(b)(4) for any taxable year beginning after December 31, 1969, shall be filed within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. Such election shall be made and filed by attaching a statement of such election signed by the taxpayer to the return for the first taxable year for which the election is made. The statement shall contain a declaration that the taxpayer is making an election under section 1251 (b) (4) of the Code and that taxable income from the trade or business of farming is computed by using inventories for all property which may be inventoried and by charging to capital account all expenditures paid or incurred which are properly chargeable to capital account (including such expenditures which the taxpayer may, under chapter 1 of the Code or regulations prescribed thereunder, otherwise treat or elect to treat as expenditures which are not properly chargeable to capital account). Additionally, the statement must contain the information prescribed by subparagraph (5) of this paragraph, if applicable.

(ii) *Joint return.* If for a taxable year taxpayers file a joint return under section 6013, the election referred to in subparagraph (1) of this paragraph must be made by both such taxpayers in accordance with the provisions of subdivision (i) of this subparagraph. If, however, in such case either of such taxpayers has for a previous taxable year made such an election, then only the taxpayer who has not made such election is required to comply with the provisions of subdivision (i) of this subparagraph. The taxpayer who previously made such an election shall attach a statement to the return specifying the taxable year for which the election was made and with whom the election was filed.

(5) *Change in method of accounting, etc.*—(i) *In general.* If, in order to comply with an election made under section 1251(b)(4), a taxpayer must change his method of accounting (in computing taxable income from the trade or business of farming) by placing in inventory a class of items not previously treated as in an inventory or by charging to capital account a class of items which had been consistently treated as an expense or as part of inventory (see paragraph (e)(2)(ii)(*b*) of § 1.446–1), the taxpayer will be deemed to have obtained the consent of the Commissioner as to such change in method of accounting solely as to such items and there shall be taken into account in accordance with section 481 of the Code and the regulations thereunder those adjustments which are determined to be necessary by reason of such change solely as to such items in order to prevent amounts from being duplicated or omitted. For purposes of section 481(a)(2), such change in method of accounting with respect to only such items shall be treated as a change not initiated by the taxpayer and, thus, under paragraph (a)(2) of § 1.481–1, no part of the adjustments required under section 481 with respect to such items shall be based on amounts which are taken into account in computing income (or which should have been taken into account had the new method of accounting been used) for taxable years beginning before January 1, 1954, or ending before August 17, 1954.

(ii) *Additional information.* If, in order to comply with an election made under subparagraph (1) of this paragraph a taxpayer (or in the case of a joint return one or both taxpayers) changes his method of accounting, then in addition to the information required to be filed under subparagraph (4) of this paragraph the taxpayer must file on Form 3115 as part of such election all the information described in paragraph (e)(3) of § 1.446–1 (relating to change in method of accounting), but the time prescribed in paragraph (e)(3) of § 1.446–1 for filing Form 3115 shall not apply.

(iii) *Election made before May 7, 1976.* If an election referred to in subparagraph (1) of this paragraph was made before May 7, 1976, the taxpayer shall file not later than August 5, 1976 such information referred to in subparagraph (4) of this paragraph not previously required by applicable regulations to be filed in order to make such election, and, in addition, if subdivision (ii) of this subparagraph applies, the taxpayer shall file not later than August 5, 1976 on Form 3115 the information referred to in subdivision (ii) of this subparagraph with the district director, or the director of the internal revenue service center, with whom the election was filed. For this purpose, Form 3115 shall be attached to a statement clearly identifying the election referred to in subparagraph (1) of this paragraph and the first taxable year to which it applied.

(6) *Revocability of election*—(i) *In general.* An election referred to in subparagraph (1) of this paragraph is binding on the taxpayer (or in the case of a joint return both taxpayers) for the taxable year of such election and for all subsequent taxable years (regardless of whether they continue to file a joint return) and may not be revoked except with the consent of the Commissioner. Since revocation would constitute a change in method of accounting, in order to secure the Commissioner's consent to the revocation of such an election and to a change of the taxpayer's method of accounting, all the provisions of paragraph (e)(3) of § 1.446–1 must be met including the requirement that Form 3115 must be filed within 180 days after the beginning of the taxable year in which it is desired to make the change. See section 481 and the regulations thereunder (relating to certain adjustments required by such changes).

(ii) *Revocation of elections made prior to May 7, 1976.* If on or before [May 7, 1976] an election under section 1251(b)(4) has been made, such election may be revoked without permission of the Commissioner by filing on or before August 5, 1976 with the district director or the director of the internal revenue service center with whom the election was filed a statement of revocation of an election under section 1251(b)(4). If such election to revoke is for a period which falls within one or more taxable years for which an income tax return has been filed, amended income tax returns shall be filed for any such taxable years for which the computation of taxable income is affected by reason of such revocation.

(e) *Transfer of excess deductions account*—(1) *Certain corporate transactions*—(i) *In general.* Under section 1251(b)(5)(A), in the case of a transfer described in section 1251(d)(3) and paragraph (c)(2) of § 1.1251–4 to which section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings), 374(a) (relating to exchanges pursuant to certain railroad reorganizations), or 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation shall succeed to and take into account as of the close of the day of distribution or transfer the excess deductions account of the transferor. Determinations under this subdivision shall be made under subdivisions (ii), (iii), and (iv) of this subparagraph regardless of whether section 381 applies. For treatment as farm recapture property of stock or securities received in certain transfers to controlled corporations to which section 1251(d)(3) (but not section 1251(b)(5)(A)) applies, see section 1251(d)(6) and paragraph (f) of § 1.1251–4.

(ii) *Acquiring corporation.* For purposes of subdivision (i) of this subparagraph, determinations as to which corporation is the acquiring corporation shall be made under paragraph (b)(2) of § 1.381(a)–1.

(iii) *Certain operating rules.* For purposes of subdivision (i) of this subparagraph, the operating rules of section 381(b) and § 1.381(b)–1 shall apply. Thus, for example, except in the case of a reorganization qualifying under section 368(a)(1)(F) (whether or not such reorganization also qualifies under any other provision of section 368(a)(1)), the amount of the excess deductions account of the transferor shall be computed, as of the close of the date of distribution or transfer (as determined under paragraph (b) of § 1.381(b)–1), as if the taxable year of the transferor closed on such date (regardless of whether the taxable year actually closed). In the case of a reorganization qualifying under section 368(a)(1)(F) (whether or not such reorganization also qualifies under any other provision of section 368(a)(1)), the acquiring corporation's excess deductions account shall be treated for purposes of section 1251 just as the transferor corporation's excess deductions account would have been treated if there had been no reorganization.

(iv) *Excess deductions account balance.* For purposes of subdivision (i) of this subparagraph, the amount in the transferor's excess deductions account as of the close of the date of distribution or transfer referred to in subdivision (iii) of this subparagraph shall be the amount in such account determined after making all the applicable additions and subtractions under section 1251(b) (other than subtractions under paragraph (5)(A) of section 1251(b) and this subparagraph) for the taxable year ending (or considered ending) on such date including a subtraction by reason of gain (if any) recognized under section 1251(c)(1) by reason of a disposition which is in part a sale or exchange and in part a gift transaction to which section 1251(d)(1) and paragraph (a)(2) of § 1.1251–4 apply.

(2) *Certain gifts*—(i) *In general.* If farm recapture property is disposed of by gift (including for purposes of this paragraph in a transaction which is in part a sale or exchange and in part a gift or a transaction treated under paragraph (a)(2) of this section as a gift), and if such gift is made during any "1-year period" (described in subdivision (ii) of this subparagraph) for which the "potential gain limitation percentage" (as computed in subdivision (iii) of this subparagraph) exceeds 25 percent, then the provisions of subdivision (iv) of this subparagraph shall apply in respect of such gift.

(ii) *One-year period.* For purposes of this subparagraph, a "1-year period" is a period of 365 days beginning on the date a gift is made by the donor.

(iii) *Potential gain limitation percentage.* Under this subdivision, the "potential gain limitation percentage" for any such 1-year period is a percentage equal to (*a*) the sum of the potential gains (determined as of the first day of such period) on each item of farm recapture property held by such taxpayer on such first day disposed of by gift by the taxpayer during such period, divided by (*b*) the sum of the potential gains (determined as of the first day of such period) on all farm recapture property held by such taxpayer on such first day.

(iv) *Allocation ratio.* With respect to each gift of property (to which the provisions of this subdivision apply) made during a taxable year, each donee shall succeed (at the time the first of such gifts is made during such taxable year) to the same proportion of (*a*) the donor's excess deductions account determined, as of the close of such taxable year of the donor, after making all the applicable additions and subtractions under section 1251(b) (other than subtractions under section 1251(b)(5) and this paragraph), as (*b*) the potential gain (determined immediately prior to the time the first of such gifts is made during such taxable year) on the property (held by the donor immediately prior to such time) received by such donee bears to (*c*) the aggregate potential gain (determined immediately prior to such time) on all farm recapture property held by the donor immediately prior to such time.

(v) *Definitions and certain special rules.* For purposes of this subparagraph—

(*a*) The term "potential gain" means an amount equal to the excess of the fair market value of property over its adjusted basis, but, in the case of land, limited under paragraph (b)(2)(ii) of § 1.1251–1 to the extent of the deductions allowable in respect of such land pursuant to an election (if any) under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for the taxable year of disposition and the four immediately preceding taxable years regardless of whether any such preceding taxable year begins before December 31, 1969. See section 1251(e)(5).

(*b*) Property held on the first day of a one-year period shall include property received by gift during such one-year period and the potential gain with respect to such property, for purposes of making the computations under this subparagraph, shall be the potential gain in

the hands of the donor reduced by the amount of gain (in the case of an exchange which is part a sale and part a gift) taken into account by the donor.

(c) Property held by a taxpayer on the first day of a one-year period which property becomes farm recapture property in the hands of such taxpayer during such one-year period shall be considered to be farm recapture property on each day of such one-year period.

(vi) *Part-sale-part-gift transaction.* If property is disposed of in a transaction which is in part a sale or exchange and in part a gift, then for purposes of subdivisions (iii) (*a*) and (iv) (*b*) of this subparagraph the potential gain with respect to the property transferred shall be reduced by the amount of gain taken into account by the transferor.

(vii) *Joint return.* For application of the provisions of this subparagraph with respect to a taxable year for which a joint return is filed, see paragraph (f) (4) of this section.

(3) *Examples.* The provisions of subparagraph (2) of this paragraph may be illustrated by the following examples in which it is assumed that all taxpayers are unmarried individuals.

Example (1). (i) The only farm recapture property A owns is a farm, consisting of farm land and certain farm equipment which is farm recapture property. During the period involved, there was no deduction allowable under section 175 or 182 to any person owning an interest in the farm. A, who uses the calendar year as his taxable year, makes a series of gifts of undivided interests in the farm. In these circumstances, computations may be made by reference to percentages of undivided interests in the farm. The potential gain limitation percentages for each applicable 1-year period are computed, in accordance with the additional facts assumed, in the table below:

Date Gift to donee	9/1/70 C	8/1/71 D	3/1/72 E	5/1/73 F
(1) Percent of undivided interest in entire farm given as gift by A on date indicated	20%	10%	10%	60%
(2) Percent of undivided interest in entire farm held by A immediately before gift	100%	80%	70%	60%
(3) Potential gain:				
(a) On all property held by A on date of gift	$100,000	$96,000	$140,000	$125,000
(b) Limitation percentage (sum of amounts in line (1) during 1-year period beginning on date of gift divided by line (2))	30%	25%	14.20%	100%

(ii) Under subparagraph (2) (iv) of this paragraph, C, D, and F each succeed to the proportion of A's excess deductions account at each applicable time as computed, in accordance with the additional facts assumed, in the table below:

	Taxable year ending—			
	Dec. 31, 1970	Dec. 31, 1971	Dec. 31, 1972	Dec. 31, 1973
Gift to donee to which subparagraph (2) (iv) of this paragraph applies during table year	C	D	E	F
(4) Potential gain (determined immediately prior to time first gift to which subparagraph (2) (iv) of this paragraph applies is made):				
(a) On property received by donee to which such subparagraph (2) (iv) applies (line (3) (a) multiplied by line (1) divided by line (2))	$20,000	$12,000	----------	$125,000
(b) Aggregate potential gain on all farm recapture property held by donor (line (3) (a))	$100,000	$96,000	----------	$125,000
(5) Allocation ratio (line (4) (a), divided by line (4) (b))	20%	12.5%	----------	100%
(6) Excess deductions account of A:				
(a) At end of previous taxable year	0	$160,000	$210,000	$200,000
(b) Net increase (decrease) for taxable year (determined before making any subtractions under section 1251 (b) (5) and this paragraph)	$200,000	$80,000	($10,000)	$36,000
(c) At 12/31 (so determined)	$200,000	$240,000	$200,000	$236,000
(d) Less: Portion to which donee succeeds (line (5), multiplied by line (6) (c))	$40,000	$30,000	$0	$236,000
(e) At 12/31 (to line (6) (a) following taxable year)	$160,000	$210,000	$200,000	$0

Example (2). (i) G uses the calendar year as his taxable year and H uses a taxable year ending June 30. As of the close of 1972, G has $100,000 in his excess deductions account, determined before any subtractions under section 1251(b) (5) and this paragraph. G owns only three items of farm recapture property, none of which is land. On May 1, 1972, G makes a gift of farm recapture property No. 1 to his son and on September 1, 1972, G sells to H for $80,000 farm recapture property No. 2 in a transaction which is in part a sale and in part a gift. G owns throughout all relevant periods farm recapture property No. 3. The potential gain limitation percentage for G's one-year period beginning May 1, 1972, is computed in accordance with the additional facts assumed in the table below:

	Farm Recapture Property			Total
	No. 1	No. 2	No. 3	
(1) Fair market value 5/1/72	$25,000	$100,000	$800,000	
(2) Adjusted basis 5/1/72	$10,000	$60,000	$795,000	
(3) Potential gain (line (1), minus line (2))	$15,000	$40,000	$5,000	$60,000
(4) Sum of potential gains on properties disposed of by gift during period less gain taken into account by transferor on part-sale-part-gift	$15,000	$20,000	----------	$35,000
(5) Potential gain limitation percentage (total line (4), divided by total line (3))				58⅓%

Since the potential gain limitation percentage for the one-year period beginning on May 1, 1972, exceeds 25 percent, the provisions of subparagraph (2)(iv) of this paragraph apply to the gift to the son and that portion of the disposition to H which is a gift.

(ii) The portion of G's excess deductions account determined, as of the close of 1972, before any subtraction under section 1251(b)(5) and this paragraph, allocated to the son and to H as of May 1, 1972, is computed in the table below:

	Property			Total
	No. 1	No. 2	No. 3	
(1) Potential gain under part (i) of this example (since the first day of the one-year period is the same as the time as of which the first gift was made during the taxable year)	$15,000	$40,000	$5,000	$60,000
(2) Potential gain less amount taken into account by transfer on part-sale-part-gift	15,000	20,000		
(3) Allocation percentage (line (2), divided by $60,000)	25%	33⅓%		
(4) Excess deductions account at close of taxable year (determined before making any subtractions under section 1251(b)(5) and this paragraph)				100,000
(5) Portion to which donee succeeds on 5/1/72	25,000	33,333		58,333
(6) G's excess deductions account 12/31/72				$41,667

Accordingly, the amount of G's excess deduction account succeeded to as of May 1, 1972, is $25,000 by the son and $33,333 by H.

Example (3). (1) Assume the same facts as in example (2). Assume further that during his taxable years ending June 30, 1972, and June 30, 1973, H makes gifts of farm recapture properties No. 4 on March 5, 1972, and No. 5 on March 5, 1973, respectively, to J and K, and that on August 8, 1972, H purchased property No. 5. Since property No. 5 was purchased after March 5, 1972, the beginning of the 1-year period beginning on that date which is also the date of the first gift during such taxable year, it is not taken into account for purposes of computing the potential gain limitation for such period or for purposes of applying subparagraph (2)(iv) of this paragraph in respect of such taxable year. The potential gain limitation percentages for each applicable 1-year period is computed, in accordance with the additional facts assumed, in the table below:

1-YEAR PERIOD BEGINNING MARCH 5, 1972

	Farm recapture property		Total
	No. 2	No. 4	
(1) Fair market value Mar. 5, 1972	$95,000	$30,000	
(2) (a) Adjusted basis Mar. 5, 1972		20,000	
(b) Selling price Sept. 1, 1972 (adjusted basis to H, donee)	80,000		
(3) Potential gain (line (1), minus line (2))	$15,000	$10,000	$25,000
(4) Sum of potential gains on properties disposed of by gift during period		$10,000	$10,000
(5) Potential gain limitation percentage (total line (4), divided by total line (3))			40%

1-YEAR PERIOD BEGINNING MARCH 5, 1973

	Farm recapture property		Total
	No. 2	No. 5	
(1) Fair market value Mar. 5, 1973	$85,000	$28,000	
(2) Adjusted basis Mar. 5, 1973	$65,000	$23,000	
(3) Potential gain	$20,000	$5,000	$24,000
(4) Sum of potential gains on properties disposed of by gift during period		$5,000	$5,000
(5) Potential gain limitation percentage (total line (4), divided by total line (3))			20%

Since the potential gain limitation percentage for the 1-year period beginning on March 5, 1972 (which period does not include March 5, 1973) exceeds 25 percent, the provisions of subparagraph (2)(iv) of this paragraph apply to the gift of property No. 4 to J. Since, however, such percentage is 25 percent or less for all 1-year periods in which the gift on March 5, 1973 of property No. 5 to K falls, such provisions do not apply to the gift to K.

(ii) Under subparagraph (2)(iv) of this paragraph, J succeeds on March 5, 1972, to the portion of H's excess deductions account as computed, in accordance with the additional facts assumed, in the table below:

	Property		Total
	No. 2	No. 4	
(1) Potential gain as of Mar. 5, 1972 under part (i) of this example (since the first day of the 1-year period is the same as the time as the first gift was made during the taxable year)	$15,000	$10,000	$25,000
(2) Allocation percentage (line (1), divided by $25,000)		40%	
(3) Excess deductions account of H:			
(a) July 1, 1971			$45,000
(b) Amount succeeded to from G on May 1, 1972			$50,000
(c) Net increase for taxable year (determined before making any subtractions under section 1251(b)(5) and this paragraph)			$5,000
(d) June 30, 1972 (so determined) (sum lines (a), (b), and (c))			$100,000
(e) Portion to which J succeeds (line (2) multiplied by line (3)(d))			$40,000
(f) June 30, 1972 (line (d), minus line (e))			$60,000

Accordingly, on March 5, 1972, J succeeds to $40,000 of H's excess deductions account.

(f) *Joint return*—(1) *Joint excess deductions account.* If for a taxable year a taxpayer and his spouse file a joint return under section 6013, then for such taxable year each taxpayer shall (if necessary) establish and maintain a joint excess deductions account. Such joint excess deductions account shall consist of the aggregate of the separately maintained excess deductions account of each spouse. A separately maintained excess deductions account shall be computed under the rules of paragraphs (b) and (c) of this section, except that for each taxable year a joint return is filed—

(i) The $50,000 amount in the nonfarm adjusted gross income limitation in paragraph (b) (2) (i) of this section shall be considered satisfied if the combined nonfarm adjusted gross income of both spouses exceeds $50,000,

(ii) The $25,000 amount in the farm net loss exclusion in paragraph (b) (2) (ii) of this section shall be allocated between the two spouses in proportion to the farm net loss of each spouse having a farm net loss, and

(iii) The separately maintained excess deductions account of each spouse shall be reduced, if necessary, below zero, by the amount of such spouse's farm net income (computed as if a separate return were filed) plus the amount of gain (computed under subparagraph (3) of this paragraph) which is recognized as ordinary income under section 1251 (c) (1) in respect of a disposition of farm recapture property owned by the taxpayer.

(2) *Surviving spouse.* For purposes of this paragraph, a joint return does not include a return of a surviving spouse (as defined in section 2 relating to a spouse who died during either of his two taxable years immediately preceding the taxable year) which is treated as a joint return of a husband and wife under section 6013.

(3) *Application of excess deductions account limitation in joint return year.* In the case of a taxable year for which a joint return is filed, the aggregate of the amount of gain recognized as ordinary income under section 1251(c) (1) (after applying paragraph (b) (2) (i) and (3) of § 1.1251–1, if applicable) shall not exceed the amount in the joint excess deductions account (that is, the aggregate of the separately maintained excess deductions account of each spouse) at the close of the taxable year after subtracting from each such separately maintained account the amount specified in section 1251(b) (3) (A) and paragraph (c) (1) (i) of this section as modified by the rules of this paragraph. For the amount of limitation for a taxable year for which a separate return is filed, see paragraph (b) (4) of this section. For determinations as to which dispositions are taken into account for any taxable year, see paragraph (b) (4) of § 1.1251–1.

(4) *Certain gifts*—(i) *In general.* If farm recapture property is transferred as a gift by a spouse to a person other than a spouse during a taxable year for which a joint return is filed, the spouses shall for purposes of applying the provisions of section 1251(b) (5) (B) and paragraph (e) (2) of this section be treated as a single taxpayer. Thus, under paragraph (e) (2) of § 1.1251–2, the potential gain limitation percentage and the proportion for allocating the amount in the joint excess deductions account to one or more donees shall be determined by treating the spouses as a single taxpayer. However, with respect to each gift by a spouse, such spouse's separately maintained excess deductions account shall be reduced (below zero, if necessary) by the amount of the joint excess deductions account balance to which the donee of such gift succeeded under paragraph (e) (2) (iv) of this section.

(ii) *Gift between spouses.* If farm recapture property is transferred by gift by one spouse to another spouse during a taxable year for which a joint return is filed, such gift shall not affect the balance in the joint excess deductions account but its affect on the separately maintained excess deductions account of each spouse shall be determined as if separate returns were filed, but only after applying subdivision (i) of this subparagraph.

(5) *Allocation of joint excess deductions account upon filing separate returns*—(i) *In general.* If for any reason a taxpayer and his spouse cease to file a joint return, then except as provided in this subparagraph the amount of the separately maintained excess deductions account of each spouse as of the close of the last taxable year for which a joint return was filed shall be the amount of such spouse's excess deductions account as of the beginning of the first taxable year for which they cease filing a joint return.

(ii) *Deficit.* If under subparagraph (4) (i) of this paragraph one of the spouses has a deficit in his separately maintained excess deductions account as of the close of the last taxable year for which a joint return was filed, then as of the beginning of the first taxable year for which they cease filing a joint return—

(*a*) The spouse who had such deficit shall have an excess deductions account of zero, and

(*b*) The other spouse shall have an excess deductions account equal to the amount prescribed in subdivision (i) of this subparagraph minus the amount of such deficit.

(6) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Assume the same facts as in example (4) of paragraph (b) (5) of this section, except that H and W file a joint return under section 6013 and that H has a farm net loss of only $40,000. Thus, since the nonfarm adjusted gross income for calendar year 1971 was $60,000 for H and $30,000 for W, their combined nonfarm adjusted gross income exceeds $50,000, thereby satisfying under subparagraph (1) (i) of this paragraph the $50,000 limitation of paragraph (b) (2) (i) of this section. Assume further that for 1971 only W makes a disposition of farm recapture property (other than land and section 1245 property). As a result of such disposition, W realizes a gain of $14,000. Accordingly, for 1971, the separately maintained excess deductions accounts of H and W, their joint excess deductions account, and the treatment of the gain realized by W on the disposition of the farm recapture property are computed, in accordance with the facts assumed in the table below:

	Excess deductions accounts		
	H's	*W's*	*Joint*
(1) Balance Jan. 1, 1971	$10,000	$5,000	$15,000
(2) Additions for 1971:			
(a) Farm net loss for 1971	$40,000	$10,000	$50,000
(b) Less amount in paragraph (b)(2)(ii) of this section as allocated under subparagraph (1)(ii) of this paragraph	20,000	5,000	25,000
(c) Total additions for 1971	20,000	5,000	25,000
(3) Subtotal	30,000	10,000	40,000
(4) Subtractions for 1971	0	0	
(5) Excess deductions account limitation on gain recognized as ordinary income under section 1251(e)(1) for 1971	30,000	10,000	40,000
(6) Subtraction for dispositions of farm recapture property:			
(a) Gain to which section 1251(c)(1) applies (computed before applying limitation)	0	14,000	14,000
(b) Limitation (amount in line (5))	30,000	10,000	40,000
(c) Gain recognized as ordinary income under section 1251(c)(1), computed for joint account (lower of line 6(a) or line 6(b) subject to provisions as to separately maintained accounts of subparagraph (1)(iii)		14,000	14,000
(7) Balance Dec. 31, 1971	30,000	(4,000)	26,000

If for 1972, H and W were to file separate returns, then the separately maintained excess deductions account balances as of January 1, 1972, would be $26,000 and zero respectively. See subparagraph (5) (ii) of this paragraph.

§ 1.1251–3 Definitions relating to section 1251.

(a) *Farm recapture property*—(1) *In general.* (i) The term "farm recapture property" means any property (other than section 1250 property as defined in section 1250(c)) which, in the hands of the taxpayer is or was property—

(*a*) Which is described in section 1231 (b) (1) (relating to business property held for more than 6 months), section 1231(b) (3) (relating to livestock), or section 1231(b) (4) (relating to an unharvested crop), and

(b) Which, at the time the property qualifies under (a) of this subdivision, is used in the trade or business of farming (as defined in paragraph (e) of this section).

(ii) The term "farm recapture property" also includes—

(a) Property acquired by gift and property acquired in a transaction to which section 1251(b)(5)(A) applies, if such property was farm recapture property within the meaning of subdivision (i) of this subparagraph in the hands of the transferor, and

(b) Property the basis of which in the hands of the taxpayer holding such property is determined by reference to the basis of other property which in the hands of such taxpayer was farm recapture property within the meaning of subdivision (i) of this paragraph.

For purposes of (b) of this subdivision (ii) property whose basis is determined in accordance with the last sentence of section 1033(c) shall be considered as having a basis determined by reference to the property whose conversion gave rise to the application of such section.

(iii) *Leasehold of farm recapture property.* If property is farm recapture property under this subparagraph, a leasehold of such property is also farm recapture property to the same extent as described in, and in accordance with the principles of paragraph (a)(2) of § 1.1245–3.

(iv) If property described in subdivision (ii) of this subparagraph is stock or securities received in certain corporate transactions described in section 1251(d)(6), see paragraph (f) of § 1.1251–4 for determination as to extent such stock or securities is farm recapture property.

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example (1). On December 15, 1971, A, an individual calendar year taxpayer engaged in the trade or business of farming (as defined in paragraph (e) of this section) exchanges in a transaction which qualifies under section 1031(a) (relating to an exchange of property held for productive use or investment) tractor No. 1 which A acquired on March 1, 1971, for tractor No. 2. Under subparagraph (1)(i) of this paragraph, tractor No. 1 is farm recapture property as the tractor was used in the trade or business of farming and was held for a period in excess of 6 months. Under subparagraph (1)(ii) of this paragraph, tractor No. 2 is farm recapture property as the basis of tractor No. 2 in the hands of A is determined with reference to the adjusted basis of tractor No. 1.

(b) *Farm net loss*—(1) *In general.* The term "farm net loss" means the amount by which—

(i) The deductions allowed or allowable for the taxable year by chapter 1 of subtitle A of the Code which are directly connected with the carrying on of the trade or business of farming, exceed

(ii) The gross income derived from such trade or business.

(2) *Disposition of farm recapture property.* For purposes of subparagraph (1) of this paragraph, no gain or loss (regardless of how treated) resulting from the disposition of farm recapture property shall be taken into account, except that under subparagraph (1)(ii) of this paragraph gain upon disposition of such property which is recognized as ordinary income by reason of section 1245(a)(1) shall be taken into account. Thus, for example, if land used in the trade or business of farming were disposed of and gain of $3,000 was realized, then none of such gain would be taken into account in computing farm net loss and farm net income even if all or a portion of such gain is recognized as ordinary income by reason of section 1251(c)(1), section 1252(a)(1), or both. If such land were disposed of at a loss, the result would be the same. See paragraph (d)(1)(ii) of this section with respect to the exclusion of gain or loss from the disposition of farm recapture property from the computation of non-farm adjusted gross income.

(3) *Amount of deduction under section 172(a) attributable to farm net loss.* (i) If all or a portion of a net operating loss (within the meaning of section 172(c)) for a taxable year is absorbed in another taxable year as a carryover or carry back, then for purposes of determining the amount of deductions referred to in subparagraph (1)(i) of this paragraph for such other taxable year the portion of the amount absorbed in such other taxable year which is attributable to amounts directly connected with the carrying on of the trade or business of farming shall be an amount equal to the amount absorbed, multiplied by a fraction the numerator of which is the amount of the farm net loss for the taxable year the net operating loss arose (but not in excess of the net operating loss for such year) and the denominator of which is the amount of the net operating loss for such year.

(ii) No portion of a farm net loss added to the excess deductions account in the year a net operating loss arose (or which would have been added to such account but for the application of the $25,000 or $12,500 farm net loss exclusion under paragraph (b)(2)(ii) or (4)(i)(b) of § 1.1251–2) shall be taken into account under subparagraph (1)(i) of this paragraph in any other taxable year. Accordingly, the same farm net loss shall not be added to the excess deductions account more than once and a farm net loss for any taxable year shall not be subject to the $25,000 or $12,500 exclusion more than once.

(iii) If a net operating loss for a current taxable year attributable in whole or part to a farm net loss is carried back and absorbed in a preceding taxable year no redetermination shall be made with respect to (a) the amount of gain recognized as ordinary income under section 1251(c)(1) and paragraph (b) of § 1.1251–1 in any taxable year preceding the current taxable year, and (b) the amount of the taxpayer's excess deductions account allocated under paragraph (e)(2) of § 1.1251–2 to a donee as of the close of any taxable year preceding the current taxable year.

(4) *Special rules as to estates and trusts.* In the case of an estate or trust, computations of amounts under this paragraph shall be made without regard to any deductions under section 651 or 661. If on the termination of an estate or trust the beneficiaries succeeding to its property are allowed a deduction under section 642(h) (relating to unused loss carryovers and excess deductions on termination available to beneficiaries), to the extent the carryover or excess deduction is attributable to a farm loss it shall have the same character in the hands of the beneficiary as in the hands of the estate or trust. The amount of a carryover or of excess deductions from a particular taxable year of an estate or trust succeeded to under section 642(h) shall be allocated between amounts attributable to a farm net loss and other amounts in the same proportion as the farm net loss for such year bears to the amount of such carryover or of excess deductions. If there is more than one beneficiary, the total farm net loss succeeded to by all the beneficiaries shall be allocated to each beneficiary in proportion to the deduction of each under section 642(h).

(c) *Farm net income.* The term "farm net income" means the amount by which the amount referred to in paragraph (b)(1)(ii) of this section exceeds the amount referred to in paragraph (b)(1)(i) of this section.

(d) *Nonfarm adjusted gross income*—(1) *In general.* The term "nonfarm adjusted gross income" means adjusted gross income (taxable income in the case of a taxpayer other than an individual) computed without regard to—

(i) Income or deductions taken into account in computing farm net loss and farm net income,

(ii) Gains and losses (regardless of how treated) resulting from the disposition of farm recapture property, and

(iii) In the case of an estate or trust, the principles of paragraph (b)(4) of this section, to the extent applicable, shall apply.

(2) *Special rules.* The following rules, in addition to the rules of subparagraph (1) of this paragraph, shall apply in computing the adjusted gross income of a shareholder of an electing small business corporation:

(i) The amount of any distribution described in section 1373(c)(2) made by the corporation shall be disregarded,

(ii) For purposes of computing the amount includible in the gross income of a shareholder under section 1373(b), the corporation's undistributable taxable income shall equal the corporation's nonfarm adjusted gross income (as defined in subparagraph (1) of this paragraph) minus the amount described in section 1373(c)(1), and

(iii) For purposes of computing a shareholder's deduction under section 1374, the corporation's net operating loss shall be computed without regard to the

items referred to in subparagraph (1) (i) and (ii) of this paragraph.

(e) *Trade or business of farming*—(1) *In general.* For purposes of section 1251, the term "trade or business of farming" includes any trade or business with respect to which the taxpayer may compute gross income under § 1.61–4, expenses under § 1.162–12, make an election under section 175, 180, or 182, or use an inventory method referred to in § 1.471–6. Such term does not include any activity not engaged in for profit within the meaning of section 183 and § 1.183–2.

(2) *Horse racing.* If a taxpayer is engaged in the raising of horses, including horses which are bred or purchased, then for purposes of section 1251 the term "trade or business of farming" also includes the racing of such horses by the taxpayer. Thus, for example, if a taxpayer purchases a yearling and develops it to the racing stage, the term "trade or business of farming" includes the racing of such horse.

(3) *Several businesses of farming.* If a taxpayer is engaged in more than one trade or business of farming, all such trades and businesses shall be treated as one trade or business.

§ 1.1251–4 Exceptions and limitations.

(a) *Exception for gifts*—(1) *General rule.* Section 1251(d)(1) provides that no gain shall be recognized under section 1251(c)(1) upon a disposition by gift. For purposes of this paragraph, the term "gift" shall have the same meaning as in paragraph (a) of § 1.1245–4 and, with respect to the application of this paragraph, principles illustrated by the examples of paragraph (a)(2) of § 1.1254–4 shall apply. For reduction in amount of charitable contribution in case of a gift of farm recapture property, see section 170(e) and § 1.170A–4.

(2) *Disposition in part a sale or exchange and in part a gift.* Where a disposition of farm recapture property is in part a sale or exchange and in part a gift, the amount of gain recognized as ordinary income under section 1251(c)(1) shall not exceed—

(i) In the case of farm recapture property other than land, the excess of the amount realized over adjusted basis, and

(ii) In the case of land, the lower of the amount in subdivision (i) of this subparagraph or the potential gain (as defined in paragraph (b)(2)(ii) of § 1.1251–1).

(3) *Treatment of land in hands of transferee.* See paragraph (g) of this section for treatment of transferee in the case of a disposition of land to which this paragraph applies.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, a calendar year taxpayer, makes one disposition of farm recapture property during 1976. On March 2, 1976, A makes a gift to B (also a calendar year taxpayer) of a parcel of land which he had acquired on January 15, 1971. On the date of such disposition, the excess of the fair market value ($65,000) over the adjusted basis of the land ($40,000) is $25,000 and the sum of the deductions allowable in respect of such land under sections 175 and 182 is $21,000 for 1971 and $3,000 (attributable to 1975) for the taxable year of disposition and the four immediately preceding taxable years. Thus, the potential gain (as defined in paragraph (b)(2)(ii) of § 1.1251–1) is limited to $3,000. At the end of 1976 (after making the applicable additions and subtractions under section 1251(b)(2) and (3)(A)), there is a balance in A's excess deductions account of $25,000. However, upon making the gift, A recognizes no gain under section 1251(c)(1) or section 1252(a)(1). See subparagraph (a)(1) of this paragraph and paragraph (a)(1) of § 1.1252–2. For treatment of the land in the hands of B, see example (1) of paragraph (g)(3) of this section. For effect of the gift on the excess deductions accounts of A and B, see paragraph (e)(2) of § 1.1251–2.

Example (2). Assume the same facts as in example (1), except that A transfers the land to B for $50,000. Thus, the gain realized is $10,000 (amount realized, $50,000, minus adjusted basis $40,000), and A has made a gift of $15,000 (fair market value, $65,000, minus amount realized, $50,000). Since under subparagraph (2)(ii) of this paragraph, the potential gain ($3,000) is lower than the gain realized ($10,000), the gain to which section 1251(c)(1) could apply is limited by subparagraph (2)(ii) of this paragraph to $3,000. Thus, as A has $25,000 in his excess deductions account, $3,000 is recognized as ordinary income under section 1251(c)(1). See example (2) of paragraph (a)(4) of § 1.1252–2 for computation of gain of $7,000 which is recognized as ordinary income by A under section 1252(a)(1). For treatment of the land in the hands of B, see example (2) of paragraph (g)(3) of this section.

(b) *Exception for transfers at death*—(1) *General rule.* Section 1251(d)(2) provides that, except as provided in section 691 (relating to income in respect of a decedent), no gain shall be recognized under section 1251(c)(1) upon a transfer at death. For purposes of this paragraph, the term "transfer at death" shall have the same meaning as in paragraph (b) of § 1.1245–4 and, with respect to the application of this paragraph, principles illustrated by the examples of paragraph (b)(2) of § 1.1245–4 shall apply.

(2) *Treatment of land in hands of transferee.* If as of the date a person acquires land which is farm recapture property from a decedent such person's basis is determined, by reason of the application of section 1014(a), solely by reference to the fair market value of the property on the date of the decedent's death or on the applicable date provided in section 2032 (relating to alternate valuation date), then on such date the potential gain in respect to such land is zero.

(c) *Certain corporate transactions*—(1) *Limitation on amount of gain.* Under section 1251(d)(3), upon a transfer of property described in subparagraph (2) of this paragraph, the amount of gain recognized as ordinary income by the transferor under section 1251(c)(1) shall not exceed an amount equal to the excess (if any) of (i) the amount of gain recognized to the transferor on the transfer (determined without regard to section 1251) over (ii) the amount (if any) of gain recognized as ordinary income under section 1245(a)(1). For purposes of this subparagraph, the principles of paragraph (c)(1) of § 1.1245–4 shall apply. Thus, in case of a transfer of both farm recapture property and property other than farm recapture property in a single transaction, the amount realized from the disposition of the farm recapture property (as determined in a manner consistent with the principles of paragraph (a)(5) of § 1.1245–1) shall be deemed to consist of that portion of the fair market value of each property acquired which bears the same ratio to the fair market value of such acquired property as the amount realized from the disposition of farm recapture property bears to the total amount realized. The preceding sentence shall be applied solely for purposes of computing the portion of the total gain (determined without regard to section 1251) which is eligible to be recognized as ordinary income under section 1251(c)(1). Section 1251(d)(3) does not apply to a disposition of property to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by chapter 1 of the Code.

(2) *Transfers covered.* The transfers referred to in subparagraphs (1) of this paragraph are transfers of farm recapture property in which the basis of such property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of any of the following provisions:

(i) Section 332 (relating to distributions in complete liquidation of an 80-percent-or-more controlled subsidiary corporation). For the application of section 1251(d)(3) to such a complete liquidation, the principles of paragraph (c)(3) of § 1.1245–4 shall apply. Thus, for example, the provisions of subparagraph (1) of this paragraph do not apply to a liquidating distribution of farm recapture property by an 80-percent-or-more controlled subsidiary to its parent if the parent's basis for the property is determined, under section 334(b)(2), by reference to its basis for the stock of the subsidiary.

(ii) Section 351 (relating to transfer to corporation controlled by transferor).

(iii) Section 361 (relating to exchanges pursuant to certain corporate reorganizations).

(iv) Section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings).

(v) Section 374(a) (relating to exchanges pursuant to certain railroad reorganizations).

(3) *Partnerships.* For the application of section 1251 to partnerships, see paragraph (e) of this section.

(4) *Treatment of land in hands of transferee.* See paragraph (g) of this section for treatment of transferee in the case of a disposition of land to which this paragraph applies.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) A, an individual calendar year taxpayer, makes one disposition of farm recapture property during 1971. On Janu-

ary 20, 1971, A transfers farm recapture property (other than land and section 1245 property), having an adjusted basis of $22,000, to corporation M in exchange for stock in M worth $35,000 plus $15,000 in cash in a transaction qualifying under section 351. Thus, the amount realized is $50,000, and the gain realized is the excess of the amount realized, $50,000, over the adjusted basis, $22,000, or $28,000. Without regard to section 1251, A would recognize gain of $15,000 under section 351(b), and M's basis for the farm recapture property would be determined under section 362(a) by reference to its basis in the hands of A. Assume further that the balance in A's excess deductions account (after making the applicable additions and substractions under section 1251(b) (2) and (3)(A)) at the close of 1971 is $20,000. Thus, since such balance in the excess deductions account ($20,000) is lower than the gain realized ($28,000), if subparagraph (1) of this paragraph did not apply, gain of $20,000 would be recognized as ordinary income under section 1251(c)(1). However, subparagraph (1) of this paragraph limits the amount of gain to be recognized as ordinary income under section 1251(c)(1) to $15,000.

(ii) If, however, A transferred the farm recapture property to M solely in exchange for stock worth $50,000, then, because of the application of subparagraph (1) of this paragraph he would not recognize any gain under section 1251(c)(1). If, instead, A transferred the farm recapture property to M in exchange for stock worth $25,000 and $25,000 cash, only $20,000 (the amount of such balance in the excess deductions account) of the gain of $25,000 recognized under section 351(b) would be recognized as ordinary income under section 1251(c)(1). The remaining $5,000 of gain recognized under section 351(b) may be treated as gain from the sale or exchange of property described in section 1231. In the hands of M, the property received from A is farm recapture property under the provisions of paragraph (a)(1)(ii) of § 1.1251-3. For treatment of the property received by A in such transaction, see section 1251(d)(6) and paragraph (f) of this section.

Example (2). Assume the same facts as in subdiivsion (i) of example (1), except that the farm recapture property is section 1245 property. Assume further that $5,000 is recognized as ordinary income under section 1245(a)(1), and that as of the close of 1971, A has a balance of $15,000 in his excess deductions account (after making the applicable additions and subtractions under section 1251(b) (2) and (3)(A) which, under paragraph (b) of § 1.1251-3, is computed by treating the $5,000 of gain to which section 1245 applies as gross income derived from the trade or business of farming). The amount of gain recognized as ordinary income under section 1251(c)(1) is $10,000, computed as follows:

(1) Amount of gain under section 1251(c)(1) (determined without regard to subparagraph (1) of this paragraph):	
(a) Portion of gain realized ($28,000) in excess of amount recognized as ordinary income under section 1245(a)(1) ($5,000)	$23,000
(b) Excess deductions account balance	15,000
(c) Lower of (a) or (b)	15,000
(2) Limitation in subparagraph (1) of this paragraph:	
(a) Gain recognized (determined without regard to section 1251)	15,000
(b) Minus: Gain recognized as ordinary income under section 1245(a)(1)	5,000
(c) Difference	10,000
(3) Lower of line (1)(c) or line (2)(c)	10,000

(d) *Limitation for like kind exchanges and involuntary conversions*—(1) *General rule.* Under section 1251(d)(4), if farm recapture property is disposed of and gain (determined without regard to section 1251) is not recognized in whole or in part under section 1031 (relating to like kind exchanges) or section 1033 (relating to involuntary conversions), then the amount of gain recognized as ordinary income by the transferor under section 1251(c)(1) shall not exceed an amount equal to the excess (if any) of (i) the amount of gain recognized on such disposition (determined without regard to section 1251) over (ii) the amount (if any) of gain recognized as ordinary income under section 1245(a)(1).

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). (i) A, an individual calendar year taxpayer, owns a herd of breeding cattle having an adjusted basis of $75,000 which he acquired on March 30, 1968. On March 15, 1970, the entire herd is destroyed by a blizzard and on March 20, 1970, A receives insurance proceeds of $90,000. Thus, the gain realized is $15,000 (that is, the excess of the amount realized, $90,000, over the adjusted basis, $75,000). A makes no other disposition of farm recapture property during 1970. Assume that had the herd been sold at its fair market value on March 15, 1970, no gain would have been recognized as ordinary income under section 1245(a)(1). As of the close of 1970, A has a balance of $12,000 in his excess deductions account (after making the applicable additions and substractions under section 1251(b) (2) and (3)(A)). Thus, since the balance in the excess deductions account, $12,000, is lower than the gain realized, $15,000, the amount of gain which would be recognized under section 1251(c)(1) (determined without regard to subparagraph (1) of this paragraph) would be $12,000.

(ii) Assume further that A spends $72,000 of the insurance proceeds to purchase another breeding herd, $10,000 to purchase stock in the acquisition of control of a corporation which owns property similar or related in service or use to the destroyed breeding herd, and retains cash of $8,000. Both of the acquisitions by A qualify under section 1033(a)(3)(A), and A properly elects under section 1033(a)(3)(A) and the regulations thereunder to limit recogniiton of gain to $8,000 (that is, the amount by which the amount realized from the conversion, $90,000 exceeds the cost of the stock and other property acquired to replace the converted property, $72,000 plus $10,000). Thus, since $8,000 is the amount of gain which would be recognized under section 1033(a)(3) (determined without regard to section 1251), and since that amount is lower than the gain of $12,000 which would be recognized under section 1251(c)(1) (determined without regard to subparagraph (1) of this paragraph), under subparagraph (1) of this paragraph the amount of gain recognized under section 1251(c)(1) is limited to $8,000. The stock purchased for $10,000 qualifies under paragraph (a)(1)(ii)(*b*) of § 1.1251-3 as farm recapture property.

Example (2). (i) A, an individual calendar year taxpayer, owns land which he had acquired on March 7, 1970, having an adjusted basis of $48,000, and a fair market value of $67,500. On January 15, 1975, A, as a result of a condemnation action, receives $67,500 (its fair market value) for the land. The aggregate of the deductions allowable in respect of such land under sections 175 and 182 is $18,000, with $5,000 of such aggregate attributable to 1970 and $13,000 of such aggregate attributable to 1975 and the four preceding taxable years. Thus, the potential gain (as defined in paragraph (b)(2)(ii) of § 1.1251-1) is limited to $13,000, since that amount is lower than $19,500 (the excess of the fair market value of the land, $67,500, over its adjusted basis, $48,000). The gain realized by A is also $19,500. At the end of A's taxable year (after making the applicable additions and subtractions under section 1251(b) (2) and (3)(A)) there is a balance of $21,000 in the excess deductions account of A. Since the potential gain, $13,000, is lower than both the excess deductions account balance, $21,000, and the gain realized, $19,500, A would recognize $13,000 as ordinary income under section 1251(c)(1) (determined without regard to subparagraph (1) of this paragraph).

(ii) Assume further that A spends the entire amount received, $67,500, to purchase stock in the acquisition of control of a corporation which owns property similar or related in service or use to A's condemned land which qualifies under section 1033(a)(3)(A), and A properly elects under section 1033(a)(3)(A) and the regulations thereunder to limit recognition of gain to zero (that is, the amount by which the amount realized from the conversion, $67,500, exceeds the cost of the stock acquired to replace the converted land, $67,500). Thus, since no gain would be recognized under section 1033(a)(3) (determined without regard to section 1251), under subparagraph (1) of this paragraph, no gain is recognized under section 1251(c)(1). The stock purchased for $67,500 qualifies under paragraph (a)(1)(ii)(*b*) of § 1.1251-3 as farm recapture property. See example (1) of paragraph (d)(2) of § 1.1252-2 for a computation of gain recognized as ordinary income under section 1252(a)(1).

Example (3). B, an individual calendar year taxpayer, owns a herd of breeding cattle having an adjusted basis of $25,000 which he acquired on March 30, 1970. On March 15, 1976, the entire herd is destroyed by a blizzard and on March 20, 1976, B receives insurance proceeds of $90,000. Thus, the gain realized is $65,000 (that is, the excess of the amount realized, $90,000, over the adjusted basis, $25,000). B makes no other disposition of farm recapture property during 1976. B spends $60,000 of the insurance proceeds to purchase another breeding herd and retains cash of $30,000. The acquisition by B qualifies under section 1033(a)(3)(A), and B properly elects under section 1033(a)(3)(A) and the regulations thereunder to limit recognition of gain to $30,000 (that is, the amount by which the amount realized from the conversion, $90,000, exceeds the cost of the property acquired to replace the converted property, $60,000). Assume that the amount of gain recognized under section 1245(a)(1) is $30,000, and that as of the close of 1976 B has a balance of $100,000 in his excess deductions account (after making the applicable additions and subtractions under section 1251(b) (2) and (3)(A) which, under paragraph (b) of § 1.1251-3, is computed by treating the $20,000 of gain to which section 1245 applies as gross income derived from the trade or business of farming). The amount of gain recognized as ordinary income under section 1251(c)(1) is $10,000, computed as follows:

(1) Amount of gain under section 1251(c)(1) (determined without regard to subparagraph (1) of this paragraph):	
(a) Portion of gain realized ($65,000) in excess of amount recognized as ordinary income under section 1245(a)(1) ($20,000)	$45,000
(b) Excess deductions account balance	100,000
(c) Lower of (a) or (b)	45,000
(2) Limitation in subparagraph (1) of this paragraph:	
(a) Gain recognized (determined without regard to section 1251)	30,000
(b) Minus: Gain recognized as ordinary income under section 1245(a)(1)	20,000
(c) Difference	10,000
(3) Lower of line (1)(c) or line (2)(c)	10,000

(3) *Application to single disposition of farm recapture property of one class and property of different class.* (i) If upon a sale of farm recapture property of one class gain would be recognized under section 1251(c)(1), and if such farm recapture property together with property of a different class or classes is disposed of in a single transaction in which gain is not recognized in whole or in part under section 1031 or 1033 (without regard to section 1251(c)(1), then rules consistent with the principles of paragraph (d)(6) of § 1.1250–3 (relating to gain from disposition of certain depreciable realty) shall apply for purposes of allocating the amount realized to each of the classes of property disposed of and for purposes of determining what property the amount realized for each class consists of.

(ii) For purposes of this subparagraph, the classes of property other than farm recapture property are (*a*) section 1245 property, (*b*) section 1250 property, and (*c*) other property.

(iii) For purposes of this subparagraph, the classes of farm recapture property are (*a*) hand, (*b*) farm recapture property other than land which is section 1245 property, and (*c*) farm recapture property other than land which is not section 1245 property.

(4) *Treatment of land received in like kind exchange or involuntary conversion.* The aggregate of the deductions allowed under sections 175 and 182 in respect of land acquired in a transaction described in subparagraph (1) of this paragraph shall include the aggregate of the deductions allowable under sections 175 and 182 in respect of the land transferred or converted (as the case may be) in such transaction minus the amount of gain taken into account under sections 1251 (c) and 1252 (a) with respect to the land transferred or converted. Upon a subsequent disposition of such land, such deductions shall be treated as having been allowable in the same taxable year as they were allowable with respect to the land transferred or converted.

(e) *Partnerships.* [Reserved]

(f) *Property transferred to controlled corporation.* [Reserved]

(g) *Treatment of land received by a transferee in a disposiiton by gift and certain tax-free transactions*—(1) *General rule.* If farm recapture property which is land is disposed of in a transaction which is either a gift to which paragraph (a)(1) of this section applies or a completely tax-free transfer to which section 1251(b)(5)(A) applies, then for purposes of section 1251—

(i) The aggregate of the deductions allowable under sections 175 and 182 in respect of the land in the hands of the transferee immediately after the disposition shall be an amount equal to the aggregate of such deductions for the taxable year and the four preceding taxable years in the hands of the transferor immediately before the disposition,

(ii) Upon a subsequent disposition by the transferee (including a computation of potential gain as defined in paragraph (b)(2)(ii) of § 1.1251–1), such deductions in the hands of the transferee shall be treated as having been allowable with respect to the transferee in the same taxable year they were allowable to the transferor, and

(iii) If the taxable years of the transferor and transferee regularly end on different dates, then the aggregate of such deductions allowable for each taxable year with respect to the transferor shall be treated in the hands of the transferee as allowable in the transferee's taxable year in which the taxable year of the transferor regularly ends.

(2) *Certain partially tax-free transfers.* If farm recapture property which is land is disposed of in a transaction which either is in part a sale or exchange and in part a gift to which paragraph (a)(2) of this section applies, or is a partially tax-free transfer to which section 1251(b)(5)(A) applies, then for purposes of section 1251—

(i) The amount determined under subparagraph (1)(i) of this paragraph shall be reduced by the amount of gain taken into account under sections 1251(c) and 1252(a) to the extent such gain is attributable to the sections 175 and 182 deductions for the taxable year and the preceding four taxable years (determined by attributing gain under section 1252 (a) to the oldest years first) by the transferor upon the disposition, and

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the amount of such gain recognized under sections 1251 (c) and 1252(a) shall reduce the aggregate of deductions allowable under sections 175 and 182 for the taxable year and each of the preceding four taxable years on a pro rata basis.

(3) *Examples.* The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). Assume the same facts as in example (1) of paragraph (a)(4) of this section. Therefore, on the date B receives the land in the gift transaction, under subparagraph (1) (i) and (ii) of this paragraph, the aggregate of the deductions allowable under sections 175 and 182 in respect of the land in the hands of B is the amount in the hands of A, $24,000, and for purposes of applying section 1251 upon a subsequent disposition by B (including the computation of potential gain) such deductions in the hands of B shall be treated as allowable in the same year as they were allowable to A. Thus, in respect to the land in the hands of B, the allowable section 175 and 182 deductions of $3,000 shall be treated as allowable in 1975.

Example (2). Assume the same facts as in example (2) of paragraph (a)(4) of this section. Under pargraph (2) of this paragraph, the aggregate of the allowable sections 175 and 182 deductions with respect to the land which pass over to B for purposes of section 1251 is zero ($3,000 deduction allowable under sections 175 and 182 for the taxable year and the four preceding taxable years minus $3,000 gain taken into account by A in accordance with example (2) of paragraph (a)(4) of this section).

§ 1.1252 Statutory provision; gain from disposition of farm land.

SEC. 1252. *Gain from disposition of farm land*—(a) *General rule*—(1) *Ordinary income.* Except as otherwise provided in this section, if farm land which the taxpayer has held for less than 10 years is disposed of during a taxable year beginning after December 31, 1969, the lower of—

(A) The applicable percentage of the aggregate of the deductions allowed under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for expenditures made by the taxpayer after December 31, 1969, with respect to the farm land or

(B) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of the farm land (in the case of any other disposition), over

(ii) The adjusted basis of such land, shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. Such gain shall be recognized notwithstanding any other provision of this subtitle, except that this section shall not apply to the extent section 1251 applies to such gain.

(2) *Farm land.* For purposes of this section, the term "farm land" means any land with respect to which deductions have been allowed under sections 175 (relating to soil and water conservation expenditures) or 182 (relating to expenditures by farmers for clearing land).

(3) *Applicable percentage.* For purposes of this section—

If the farm land is disposed of—	The applicable percentage is—
Within 5 years after the date it was acquired.	100 percent.
Within the sixth year after it was acquired.	80 percent.
Within the seventh year after it was acquired.	60 percent.
Within the eighth year after it was acquired.	40 percent.
Within the ninth year after it was acquired.	20 percent.
10 years or more after it was acquired.	0 percent.

(b) *Special rules.* Under regulations prescribed by the Secretary or his delegate, rules similar to the rules of section 1245 shall be applied for purposes of this section.

[Sec. 1252 as added by sec. 214(a), Tax Reform Act 1969 (83 Stat. 572)]

§ 1.1252–1 General rule for treatment of gain from disposition of farm land.

(a) *Ordinary income*—(1) *General rule.* (i) Except as otherwise provided in this section and § 1.1252–2, if farm land is disposed of during a taxable year beginning after December 31, 1969, then under section 1252(a)(1) there shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 (that is, shall be recognized as ordinary income) the lower of—

(*a*) The applicable percentage of the amount computed in subdivision (ii) of this subparagraph, or

(*b*) The amount computed in subdivision (iii) of this subparagraph.

(ii) The amount computed in this subdivision is an amount equal to—

(*a*) The aggregate of the deductions allowed, in any taxable year any day of which falls within the period the taxpayer held (or is considered to have held) the farm land, under sections 175 (relating to soil and water conservation expenditures) and 182 (relating to expenditures by farmers for clearing land) for expenditures paid or incurred after December 31, 1969, with respect to the farm land disposed of, minus

(*b*) The amount of gain recognized as ordinary income under section 1251(c)(1) (relating to gain from disposition of property used in farming where farm losses offset nonfarm income) upon such disposition of such land.

(iii) The amount computed in this subdivision is an amount equal to—

(*a*) The gain realized, that is, the excess of the amount realized (in the case of a sale, exchange, or involuntary conversion) or the fair market value of the farm land (in the case of any other disposition), over the adjusted basis of the farm land, minus

(*b*) The amount of gain recognized as ordinary income under section 1251(c)(1) upon such disposition of such land.

(iv) If a deduction under section 175 is allowed in respect of the farm land disposed of for a taxable year every day of which falls within the period after the taxpayer held (or is considered to have held) the farm land, and if the deduction is attributable to expenditures paid or incurred after December 31, 1969, with respect to such land during the period the taxpayer held (or is considered to have held) the land, then the amount of such deduction shall be applied to increase the amount computed (without regard to this subdivision) under subdivision (ii)(*a*) of this subparagraph.

(2) *Application of section.* Any gain treated as ordinary income under section 1252(a)(1) shall be recognized as ordinary income notwithstanding any other provision of subtitle A of the Code. For special rules with respect to the application of section 1252, see § 1.1252–2. For the relation of section 1252 to other provisions see paragraph (d) of this section.

(3) *Meaning of terms.* For purposes of section 1252—

(i) The term "farm land" means any land with respect to which deductions have been allowed under section 175 or 182. See section 1252(a)(2).

(ii) The period for which farm land shall be considered to be held shall be determined under section 1223.

(iii) The term "disposition" shall have the same meaning as in paragraph (a)(3) of § 1.1245–1.

(iv) The applicable percentage shall be determined as follows:

If the farm land is disposed of—	The applicable percentage is—
Within 5 years after the date it was acquired.	100 percent.
Within the sixth year after it was acquired.	80 percent.
Within the seventh year after it was acquired.	60 percent.
Within the eighth year after it was acquired.	40 percent.
Within the ninth year after it was acquired.	20 percent.
Within the 10th year after it was acquired and thereafter.	0 percent.

(4) *Portion of parcel.* The amount of gain to be recognized as ordinary income under section 1252(a)(1) shall be determined separately for each parcel of farm land in a manner consistent with the principles of subparagraphs (4) and (5) of § 1.1245–1(a) (relating to gain from disposition of certain depreciable property). If (i) only a portion of a parcel of farm land is disposed of in a transaction, or if two or more portions of a single parcel are disposed of in one transaction, and (ii) the aggregate of the deductions allowed under sections 175 and 182 with respect to any such portion cannot be established to the satisfaction of the Commissioner or his delegate, then the aggregate of the deductions in respect of the entire parcel shall be allocated to each portion in proportion to the fair market value of each at the time of the disposition.

(b) *Instances of non-application*—(1) *In general.* Section 1252 does not apply if a taxpayer disposes of farm land for which the holding period is in excess of 9 years or with respect to which no deductions have been allowed under sections 175 and 182.

(2) *Losses.* Section 1252(a)(1) does not apply to losses. Thus, section 1252(a)(1) does not apply if a loss is realized upon a sale, exchange, or involuntary conversion of property, all of which is farm land, nor does the section apply to a disposition of such property other than by way of sale, exchange, or involuntary conversion if at the time of the disposition the fair market value of such property is not greater than its adjusted basis.

(c) *Treatment of partnerships and partners.* [Reserved.]

(d) *Relation of section 1252 to other provisions*—(1) *General.* The provisions of section 1252 apply notwithstanding any other provisions of subtitle A of the Code. Thus, unless an exception or limitation under § 1.1252–2 applies, gain under section 1252(a)(1) is recognized notwithstanding any contrary nonrecognition provision or income characterizing provision. For example, since section 1252 overrides section 1231 (relating to property used in the trade or business), the gain recognized under section 1252(a)(1) upon a disposition of farm land will be treated as ordinary income and only the remaining gain, if any, from the disposition may be considered as gain from the sale or exchange of a capital asset if section 1231 is applicable. See example (1) of paragraph (e) of this section.

(2) *Nonrecognition sections overridden.* The nonrecognition of gain provisions of subtitle A of the Code which section 1252 overrides include, but are not limited to, sections 267(d), 311(a), 336, 337, and 512(b)(5). See § 1.1252–2 for the extent to which section 1252(a)(1) overrides sections 332, 351, 361, 371(a), 374(a), 721, 731, 1031, and 1033.

(3) *Installment method.* Gain from a disposition to which section 1252(a)(1) applies may be reported under the installment method if such method is otherwise available under section 453 of the Code. In such case, the income (other than interest) on each installment payment shall (i) first be deemed to consist of gain to which section 1251(c)(1) applies (if applicable) until all such gain has been reported, (ii) the next portion (if any) of such income shall be deemed to consist of gain to which section 1252(a)(1) applies until all such gain has been reported, and (iii) finally the remaining portion (if any) of such income shall be deemed to consist of gain to which neither section 1251(c)(1) nor 1252(a)(1) applies. For treatment of amounts as interest on certain deferred payments, see section 483.

(4) *Exempt income.* With regard to exempt income, the principles of paragraph (e) of § 1.1245–6 shall be applicable.

(5) *Treatment of gain not recognized under section 1252(a)(1).* For treatment of gain not recognized under this section, the principles of paragraph (f) of § 1.1245–6 shall be applicable.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Individual A uses the calendar year as his taxable year. On April 10, 1975, he sells for $75,000 a parcel of farm land which he had acquired on January 5, 1970, with an adjusted basis of $52,500 for a realized gain of $22,500. The aggregate of the deductions allowed under sections 175 and 182 with respect to such land is $18,000 and all of such amount was allowed for 1970. Under the stated facts, none of the $22,500 gain realized is recognized as ordinary income under section 1251(c)(1) as there is no potential gain (as defined in section 1251(e)(5)) with respect to the farm land. Since no gain is recognized as ordinary income under section 1251(c)(1), and since the applicable percentage, 80 percent, of the aggregate of the deductions allowed under sections 175 and 182, $18,000, or $14,400, is lower than the gain realized, $22,500, the

amount of gain recognized as ordinary income under section 1252(a)(1) is $14,400. The remaining $8,100 of the gain may be treated as gain from the sale or exchange of property described in section 1231.

Example (2). Assume the same facts as in example (2) of paragraph (b)(6) of § 1.1251–1. Assume further that the aggregate of the amount of sections 175 and 182 deductions allowable to the M corporation is equal to the amount allowed. Under paragraph (a)(1) of this section, $5,000 is recognized as ordinary income under section 1252(a)(1) upon the disposition of the land as a dividend, computed as follows:

(1) Aggregate of deductions allowed under sections 175 and 182	$18,000
(2) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$13,000
(3) Difference	$5,000
(4) Multiply: Applicable percentage for property disposed of within the fifth year after it was acquired	100%
(5) Amount in paragraph (a)(1)(i)(*a*) of this section	$5,000
(6) Gain realized (fair market value $67,500, less adjusted basis, $45,000)	$22,500
(7) Minus: Amount in line (2)	$13,000
(8) Amount in paragraph (a)(1)(i)(b) of this section	$9,500
(9) Lower of line (5) or line (8)	$5,000

The "gain realized", $22,500, minus the sum of the gain recognized as ordinary income under section 1251(c)(1), $13,000, and under section 1252(a)(1), $5,000, equals $4,500. Assuming section 311(d) (relating to certain distributions of appreciated property to redeem stock) does not apply, under section 311(a) the corporation does not recognize gain on account of the $4,500.

Example (3). Assume the same facts as in example (2) of this paragraph, except that M contracted to sell the land for $67,500 which would be paid in 10 equal payments of $6,750 each, plus a sufficient amount of interest so that section 483 does not apply. Assume further that the remaining gain of $4,500 is treated as gain from the sale or exchange of property described in section 1231. M properly elects under section 453 to report under the installment method gain of $13,000 to which section 1251(c)(1) applies, gain of $5,000 to which section 1252(a)(1) applies, and gain of $4,500 to which section 1231 applies. Since the total gain realized on the sale was $22,500, the gross profit realized on each installment payment is $2,250, i.e., $6,750 × ($22,500/$67,500). Accordingly, the treatment of the income to be reported on each installment payment is as follows:

Payment No.	Applicable sections		
	1251	*1252*	*1231*
1	$2,250		
2	2,250		
3	2,250		
4	2,250		
5	2,250		
6	1,750	$500	
7		2,250	
8		2,250	
9			$2,250
10			2,250
Totals	13,000	5,000	4,500

§ 1.1252–2 Special rules.

(a) *Exception for gifts*—(1) *General rule.* In general, no gain shall be recognized under section 1252(a)(1) upon a disposition of farm land by gift. For purposes of section 1252 and this paragraph, the term "gift" shall have the same meaning as in paragraph (a) of § 1.1245–4 and, with respect to the application of this paragraph, principles illustrated by the examples of paragraph (a)(2) of § 1.1245–4 shall apply. For reduction in amount of charitable contribution in case of a gift of farm land, see section 170(e) and § 1.170A–4.

(2) *Disposition in part a sale or exchange and in part a gift.* Where a disposition of farm land is in part a sale or exchange and in part a gift, the amount of gain which shall be recognized as ordinary income under section 1252(a)(1) shall be computed under paragraph (a)(1) of § 1.1252–1, applied by treating the gain realized (for purposes of paragraph (a)(1)(iii)(*a*) of § 1.1252–1) as the excess of the amount realized over the adjusted basis of the farm land.

(3) *Treatment of farm land in hands of transferee.* See paragraph (f) of this section for treatment of the transferee in the case of a disposition to which this paragraph applies.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On March 2, 1976, A, a calendar year taxpayer, makes a gift to B of a parcel of land having an adjusted basis of $40,000, a fair market value of $65,000, and a holding period of 6 years (A, having purchased the land on January 15, 1971). On the date of such gift, the aggregate of the deductions allowed to A under sections 175 and 182 with respect to the land is $24,000 with $21,000 of such amount attributable to 1971. Upon making the gift, A recognizes no gain under section 1251(c)(1) or section 1252(a)(1). See paragraph (a)(1) of § 1.1251–4 and subparagraph 1 of this paragraph. For treatment of the farm land in the hands of B, see example (1) of paragraph (f)(3) of this section. For effect of the gift on the excess deductions accounts of A and of B, see paragraph (e)(2) of § 1.1251–2.

Example (2). (i) Assume the same facts as in example (1), except that A transfers the land to B for $50,000. Thus, the gain realized is $10,000 (amount realized, $50,000, minus adjusted basis, $40,000), and A has made a gift of $15,000 (fair market value, $65,000, minus amount realized, $50,000).

(ii) Upon the transfer of the land to B, A recognizes $3,000 of gain under section 1251(c)(1). See example (2) of paragraph (a)(4) of § 1.1251–4. Thus, A recognizes $7,000 as ordinary income under section 1252(a)(1), computed under subparagraph (2) of this paragraph as follows:

(1) Aggregate of deductions allowed under sections 175 and 182	$24,000
(2) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$3,000
(3) Difference	$21,000
(4) Multiply: Applicable percentage for land disposed of within sixth year after it was acquired	80%
(5) Amount in paragraph (a)(1)(i)(*a*) of § 1.1252–1	$16,800
(6) Gain realized (see subdivision (i) of this example)	$10,000
(7) Minus: Amount in line (2)	$3,000
(8) Amount in paragraph (a)(1)(i)(b) of § 1.1252–1, applied in accordance with subparagraph (2) of this paragraph	$7,000
(9) Lower of line (5) or line (8)	$7,000

Thus, the entire gain realized on the transfer, $10,000, is recognized as ordinary income since that amount is equal to the sum of the gain recognized as ordinary income under section 1251(c)(1), $3,000, and under section 1252(a)(1), $7,000. For treatment of the farm land in the hands of B, see example (2) of paragraph (f)(3) of this section.

(b) *Exception for transfers at death*—(1) *In general.* Except as provided in section 691 (relating to income in respect of a decedent), no gain shall be recognized under section 1252(a)(1) upon a transfer at death. For purposes of section 1252 and this paragraph, the term "transfer at death" shall have the same meaning as in paragraph (b) of § 1.1245–4 and, with respect to the application of this paragraph, principles illustrated by the examples of paragraph (b)(2) of § 1.1245–4 shall apply.

(2) *Treatment of farm land in hands of transferee.* If as of the date a person acquires farm land from a decedent such person's basis is determined, by reason of the application of section 1014(a), solely by reference to the fair market value of the property on the date of the decedent's death or on the applicable date provided in section 2032 (relating to alternative valuation date), then on such date the aggregate of the sections 175 and 182 deductions allowed with respect to the farm land in the hands of such transferee is zero.

(c) *Limitation for certain tax-free transactions*—(1) *Limitation on amount of gain.* Upon a transfer of farm land described in subparagraph (2) of this paragraph, the amount of gain recognized as ordinary income under section 1252(a)(1) shall not exceed an amount equal to the excess (if any) of (i) the amount of gain recognized to the transferor on the transfer (determined without regard to section 1252) over (ii) the amount (if any) of gain recognized as ordinary income under section 1251(c)(1). For purposes of this subparagraph, the principles of paragraph (c)(1) of § 1.1245–4 shall apply. Thus, in the case of a transfer of farm land and property other than farm land in one transaction, the amount realized from the disposition of the farm land (as determined in a manner consistent with the principles of paragraph (a)(5) of § 1.1245–1) shall be deemed to consist of that portion of the fair market value of each property acquired which bears the same ratio to the fair market value of such acquired property as the amount realized from the disposition of the farm land bears to the total amount realized. The preceding sentence shall be applied solely for purposes of computing the

portion of the total gain (determined without regard to section 1252) which is eligible to be recognized as ordinary income under section 1252(a)(1). The provisions of this paragraph do not apply to a disposition of property to an organization (other than a cooperative described in section 521) which is exempt from the tax imposed by chapter 1 of the Code.

(2) *Transfers covered.* The transfers referred to in subparagraph (1) of this paragraph are transfers of farm land in which the basis of such property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of any of the following provisions:

(i) Section 332 (relating to distributions in complete liquidation of an 80-percent-or-more controlled subsidiary corporation). For application of subparagraph (1) of this paragraph to such a complete liquidation, the principles of paragraph (c)(3) of § 1.1245–4 shall apply. Thus, for example, the provisions of subparagraph (1) of this paragraph do not apply to a liquidating distribution of farm land by an 80-percent-or-more controlled subsidiary to its parent if the parent's basis for the property is determined, under section 334(b)(2), by reference to its basis for the stock of the subsidiary.

(ii) Section 351 (relating to transfer to a corporation controlled by transferor).

(iii) Section 361 (relating to exchanges pursuant to certain corporate reorganizations).

(iv) Section 371(a) (relating to exchanges pursuant to certain receivership and bankruptcy proceedings).

(v) Section 374(a) (relating to exchanges pursuant to certain railroad reorganizations).

(vi) Section 721 (relating to transfers to a partnership in exchange for a partnership interest). See paragraph (e) of this section.

(vii) Section 731 (relating to distributions by a partnership to a partner). For special carryover of basis rule, see paragraph (e) of this section.

(3) *Treatment of farm land in the hands of transferee.* See paragraph (f) of this section for treatment of the transferee in the case of a disposition to which this paragraph applies.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). On January 4, 1975, A, an individual calendar year taxpayer, owns a parcel of farm land, which he acquired on March 25, 1970, having an adjusted basis of $15,000 and a fair market value of $40,000. On that date he transfers the parcel to corporation M in exchange for stock in the corporation worth $40,000 in a transaction qualifying under section 351. On the date of such transfer, the aggregate of the deductions allowed under sections 175 and 182 with respect to the land is $16,000. Without regard to section 1252, A would recognize no gain under section 351 upon the transfer and M's basis for the land would be determined under section 362 (a) by reference to its basis in the hands of A. Thus, as a result of the disposition, no gain is recognized as ordinary income under section 1251(c)(1) or section 1252(a)(1) by A since the amount of gain recognized under such sections is limited to the amount of gain which is recognized under section 351 (determined without regard to sections 1251 and 1252). See paragraph (c)(1) of § 1.1251–4 and subparagraph (1) of this paragraph. For treatment of the farm land in the hands of B, see paragraph (f)(1) of this section. For effect of the transfer on the excess deductions account of A and of B, see paragraph (e)(1) of § 1.1251–2.

Example (2). Assume the same facts in example (1), except that A transferred the land to M for stock in the corporation worth $32,000 and $8,000 cash. The gain realized is $25,000 (amount realized, $40,000, minus adjusted basis, $15,000). Without regard to section 1252, A would recognize $8,000 of gain under section 351(b). Assume further that no gain is recognized as ordinary income under section 1251(c)(1). Therefore, since the applicable percentage, 100 percent, of the aggregate of the deductions allowed under sections 175 and 182, $16,000, is lower than the gain realized, $25,000, the amount of gain to be recognized as ordinary income under section 1252(a)(1) would be $16,000 if the provisions of subparagraph (1) of this paragraph do not apply. Since under section 351(b) gain in the amount of $8,000 would be recognized to the transferor without regard to section 1252, the limitation provided in subparagraph (1) of this paragraph limits the gain taken into account by A under section 1252(a)(1) to $8,000.

Example (3). Assume the same facts as in example (2), except that $5,000 of gain is recognized as ordinary income under section 1251(c)(1). The amount of gain recognized as ordinary income under section 1252(a)(1) is $3,000 computed as follows:

(1) Amount of gain under section 1252(a)(1) (determined without regard to subparagraph (1) of this paragraph):	
(a) Aggregate of deductions allowed under sections 175 and 182	$18,000
(b) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$5,000
(c) Difference	$13,000
(d) Multiply: Applicable percentage for property disposed of within the fifth year after it was acquired	100%
(e) Amount in paragraph (a)(1)(i)(*a*) of § 1.1252–1	$13,000
(f) Gain realized (amount realized $40,000, less adjusted basis, $15,000)	$25,000
(g) Minus: Amount in line (b)	$5,000
(h) Amount in paragraph (a)(1)(i)(*b*) of § 1.1252–1	$20,000
(i) Lower of line (e) or (h)	$13,000
(2) Limitation in subparagraph (1) of this paragraph:	
(a) Gain recognized (determined without regard to section 1252)	$8,000
(b) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$5,000
(c) Difference	$3,000
(3) Lower of line (1)(i) or line (2)(c)	$3,000

Thus, the entire gain recognized under section 351(b) (determined without regard to sections 1251 and 1252), $8,000, is recognized as ordinary income since that amount is equal to the sum of the gain recognized as ordinary income under section 1251(c)(1), $5,000, and under section 1252(a)(1), $3,000.

(d) *Limitation for like kind exchanges and involuntary conversions*—(1) *General rule.* If farm land is disposed of and gain (determined without regard to section 1252) is not recognized in whole or in part under section 1031 (relating to like kind exchanges) or section 1033 (relating to involuntary conversions), then the amount of gain recognized as ordinary income by the transferor under section 1252(a)(1) shall not exceed the sum of—

(i) The excess (if any) of (*a*) the amount of gain recognized on such disposition (determined without regard to section 1252) over (ii) the amount (if any) of gain recognized as ordinary income under section 1251(c)(1), plus

(ii) The fair market value of property acquired which is not farm land and which is not taken into account under subdivision (i) of this subparagraph (that is, the fair market value of property other than farm land acquired which is qualifying property under section 1031 or 1033, as the case may be).

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). (i) Assume the same facts as in example (2) (ii) of paragraph (d)(3) of § 1.1251–4. Assume further that the aggregate of the amount of section 175 and 182 deductions allowable is equal to the amount allowed. Under paragraph (a)(1) of § 1.1252–1, $18,000 would be recognized as ordinary income under section 1252(a)(1) (determined without regard to subparagraph (1) of this paragraph), computed as follows:

(1) Aggregate of deductions allowed under sections 175 and 182	$18,000
(2) Minus: Gain recognized as ordinary income under section 1251(c)(1)	0
(3) Difference	$18,000
(4) Multiply: Applicable percentage for property disposed of within the fifth year after it was acquired	100%
(5) Amount in paragraph (a)(1)(i)(*a*) of § 1.1252–1	$18,000
(6) Gain realized (amount realized, $67,500, less adjusted basis, $48,000)	$19,500
(7) Minus: Amount in line (2)	0
(8) Amount in paragraph (a)(1)(i)(*b*) of § 1.1252–1	$19,500
(9) Lower of line (5) or line (8)	$18,000

(ii) Although no gain was recognized under section 1251(c)(1) and the stock purchased by A for $67,500 is farm recapture property for purposes of section 1251, it is not farm land for purposes of section 1252. Nevertheless, although no gain would be recognized under sections 1033(a)(3) and 1251(c)(1) (determined without regard to section 1252), the limitation under subparagraph (1) of this paragraph is $67,500 (that is, the fair market value of property other than farm land acquired which is qualifying

property under section 1033). Since the amount of gain which would be recognized as ordinary income under section 1252(a)(1) (determined without regard to subparagraph (1) of this paragraph), $18,000 (as computed in subdivision (i) of this example), is lower than the amount of such limitation, $67,500, accordingly, only $18,000 is recognized as ordinary income under section 1252(a)(1). For determination of basis of the stock acquired, see subparagraph (5) of this paragraph.

Example (2). (i) Assume the same facts as in example (1) of this subparagraph, except that the cost of the stock was $62,500 (its fair market value). Thus, the amount of gain recognized on the disposition under section 1033(a)(3) (determined without regard to sections 1251 and 1252) is $5,000, that is, $67,500 minus $62,500. Assume further that $5,000 (the amount of gain recognized under section 1033(a)(3) (so determined)) was recognized as ordinary income under section 1251(c)(1). The amount of gain recognized as ordinary income under section 1252(a)(1) is $13,000, computed as follows:

(1) Amount of gain under section 1252(a)(1) (determined without regard to subparagraph (1) of this paragraph):	
(a) Aggregate of deductions allowed under sections 175 and 182	$18,000
(b) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$5,000
(c) Difference	$13,000
(d) Multiply: Applicable percentage for property disposed of within the fifth year after it was acquired	100%
(e) Amount in paragraph (a)(1)(i)(a) of § 1.1252-1	$13,000
(f) Gain realized (amount realized, $67,500 (less adjusted basis, $48,000))	$19,500
(g) Minus: Amount in line (b)	$5,000
(h) Amount in paragraph (a)(1)(i)(b) of § 1.1252-1	$14,500
(i) Lower of line (e) or (h)	$13,000
(2) Limitation in subparagraph (1) of this paragraph:	
(a) Gain recognized (determined without regard to section 1252)	$5,000
(b) Minus: Gain recognized as ordinary income under section 1251(c)(1)	$5,000
(c) Difference	0
(d) Plus: The fair market value of property other than farm land acquired which is qualifying property under section 1033	$62,500
(e) Sum of lines (c) and (d)	$62,500
(3) Lower of line (1)(i) or line (2)(e)	$13,000

(3) *Application to single disposition of farm land and property of different class.* (i) If upon a sale of farm land gain would be recognized under section 1252(a)(1), and if such land together with property of a different class or classes is disposed of in one transaction in which gain is not recognized in whole or in part under section 1031 or 1033 (without regard to section 1252(a)(1)), then rules consistent with the principles of paragraph (d)(6) of § 1.1250-3 (relating to gain from disposition of certain depreciable realty) shall apply for purposes of allocating the amount realized to each of the classes of property disposed of and for purposes of determining what property the amount realized for each class consists of.

(ii) For purposes of this subparagraph, the classes of property other than farm recapture property (as defined in section 1251(e) and paragraph (a)(1) of § 1.1251-3) are (*a*) section 1245 property, (*b*) section 1250 property, and (*c*) other property.

(iii) For purposes of this subparagraph, the classes of farm recapture property are (*a*) land, (*b*) section 1245 property, and (*c*) other property.

(4) *Treatment of farm land received in like kind exchange or involuntary conversion.* The aggregate of the deductions allowed under sections 175 and 182 in respect of land acquired in a transaction described in subparagraph (1) of this paragraph shall include the aggregate of the deductions allowed under sections 175 and 182 in respect of the land transferred or converted (as the case may be) in such transaction minus the amount of gain taken into account under sections 1251(c) and 1252(a) with respect to the land transferred or converted. Upon a subsequent disposition of such land, the holding period shall include the holding period with respect to the land transferred or converted.

(5) *Basis adjustment.* In order to reflect gain recognized under section 1252(a)(1) if property is acquired in a transaction to which subparagraph (1) of this paragraph applies, its basis shall be determined under the rules of section 1031(d) or 1033(c).

(e) *Partnerships* [Reserved]

(f) *Treatment of farm land received by a transferee in a disposition by gift and certain tax-free transactions*—(1) *General rule.* If farm land is disposed of in a transaction which is either a gift to which paragraph (a)(1) of this section applies, or a completely tax-free transfer to which paragraph (c)(1) of this section applies, then for purposes of section 1252—

(i) The aggregate of the deductions allowed under sections 175 and 182 in respect of the land in the hands of the transferee immediately after the disposition shall be an amount equal to the amount of such aggregate in the hands of the transferor immediately before the disposition, and

(ii) For purposes of applying section 1252 upon a subsequent disposition by the transferee (including a computation of the applicable percentage), the holding period of the transferee shall include the holding period of the transferor.

(2) *Certain partially tax-free transfers.* If farm land is disposed of in a transaction which either is in part a sale or exchange and in part a gift to which paragraph (a)(2) of this section applies, or is a partially tax-free transfer to which paragraph (c)(1) of this section applies, then for purposes of section 1252 the amount determined under subparagraph (1)(i) of this paragraph shall be reduced by the amount of gain taken into account under sections 1251(c) and 1252(a) by the transferor upon the disposition. Upon a subsequent disposition by the transferee, the holding period for purposes of computing the amount under section 1252(a)(1)(A), with respect to the 175 and 182 deductions taken by the transferor, shall include the holding period of the transferor. With respect to the 175 and 182 deductions taken by the transferee, the holding period shall not include the holding period of the transferor.

(3) *Examples.* The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). Assume the same facts as in example (1) of paragraph (a)(4) of this section. Therefore, on the date B receives the farm land in the gift transaction, under subparagraph (1) of this paragraph the aggregate of the deductions allowed under sections 175 and 182 in respect of the farm land in the hands of B is the amount in the hands of A, $24,000, and for purposes of applying section 1252 upon a subsequent disposition by B (including a computation of the applicable percentage) the holding period of B includes the holding period of A.

Example (2). Assume the same facts as in example (2) of paragraph (a)(4) of this section. Under subparagraph (2) of this paragraph, the aggregate of the sections 175 and 182 deductions which pass over to B for purposes of section 1252, is $14,000 ($24,000 deductions allowable under sections 175 and 182 minus $3,000 gain recognized under section 1251(c) in accordance with example (2) of paragraph (a)(4) of § 1.1251-4, minus $7,000 gain recognized under section 1252(a) in accordance with example (2) of paragraph (a)(4) of this section). B's holding period includes the holding period of A (i.e., the period back to January 15, 1971) with respect to A's deductions.

(g) *Disposition of farm land not specifically covered.* If farm land is disposed of in a transaction not specifically covered under § 1.1252-1 and this section, then the principles of section 1245 shall apply.

[FR Doc.76-13083 Filed 5-6-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Connecticut State Poster and Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the

Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1012) of the approval of the Connecticut plan and of the adoption of subpart X of Part 1952 containing the decision and describing the plan. On December 12, 1975, the State of Connecticut submitted a supplement to the plan involving a State-initiated change (see Subpart E of 29 CFR Part 1953). In addition, a notice was published on January 21, 1975, concerning the approval of the Connecticut standards by the Assistant Regional Director for Occupational Safety and Health (40 FR 3347) (see Subpart B of 29 CFR Part 1953).

2. *Description of the Supplement.* The supplement concerns the Connecticut State poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of the obligations and protections under the Connecticut Occupational Safety and Health Act, their right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections without loss of any privilege or payment as a result of such participation, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: the Technical Data Center, Occupational Safety and Health Administration, Department of Labor, Room N3620, 200 Constitution Ave., N.W., Washington, D.C. 20210; Regional Administrator for the Occupational Safety and Health Administration; Department of Labor, 18 Oliver Street, Boston, Massachusetts, 02110; and Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut, 06190.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Connecticut poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) (39 FR 39306, November 5, 1974) and 29 CFR 1903.2(a)(3). Accordingly, it is determined that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Connecticut plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, § 1952.304 of 29 CFR Part 1952 is amended through the addition of a new paragraphs (f) and (g) to read as follows:

§ 1952.304 Completed developmental steps.

* * * * *

(f) In accordance with the requirements of 29 CFR 1952.10, the Connecticut State poster was approved by the Assistant Secretary on May 3, 1976.

(g) Connecticut State standards, consisting of General Industry Standards, Safety and Health Regulations for Maritime Employment, and Construction Safety and Health Regulations, and identical to the Federal standards, were approved by the Assistant Regional Director on January 21, 1975.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 3rd day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-13383 Filed 5-6-76;8:45 am]

PART 1952—STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Iowa Plan—Approval of Revised Developmental Schedule

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1903 of this chapter. On July 20, 1973, a notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan and of the adoption of Subpart J of Part 1952 containing the decision and a description of the plan.

2. *Issues.* Section 1952.163 of Subpart J sets forth the revised developmental schedule (40 CFR 36565) under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of the plan's operations. This supplement to the plan concerns a developmental schedule which has been further revised because certain elements of the originally revised developmental schedule should not have been included as developmental steps.

Item (p) of the revised developmental schedule (Thursday, August 21, 1975; 40 FR 36566) consisting of the modification of the State Compliance Manual was a State-initiated step. The Compliance Manual was approved with the original plan approval notice (as Appendix C, Addendum C, of the plan) on July 20, 1973 (38 FR 19368). The State has decided to use the original Compliance Manual, without the modification set forth in item (p) of the revised developmental schedule, and has submitted a letter (Dec. 17, 1975) to Harold L. Smith, Assistant Regional Administrator, Region VII, from Jerry Addy, Iowa Commissioner of Labor, requesting the deletion of this step. It has been determined through analysis by both Region VII (in a letter of Dec. 19, 1975 from J. A. Reidinger, Regional Administrator for OSHA, to Barry J. White, Associate Assistant Secretary for Regional Programs) and National Offices that this deletion would not operate to the detriment of the plan.

In addition, items (e), (h), and (o) of the revised developmental schedule consisting of the update of State standards to remain identical to Federal Standards, the advanced training of staff, and the automated management information systems, respectively, are listed as "ongoing" and thus do not have a definite date for completion. These items therefore should not be considered "developmental steps" under the definition given in 29 CFR 1902.31 and therefore should be deleted from the revised developmental schedule. The State, in a letter of March 1, 1976, to Harold L. Smith, Assistant Regional Administrator for Region VII, from Jerry Addy, Iowa Commissioner of Labor agrees with these deletions. Evaluation of Iowa's Occupational Safety and Health program in five semi-annual reports from the Kansas City Regional Office (Region VII) has shown that progress in each of the areas covered by these developmental steps has been more than sufficient to date. Since ongoing satisfactory performance in each of these areas is essential to continued plan approval the State of Iowa's program will continue to undergo evaluation in these areas.

3. *Location of the plan and its supplements for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room N3603, 200 Constitution Avenue, NW., Washington, D.C. 20210; Technical Data Center, Room N3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Room N3112, Office of the Regional Administrator, Occupational Safety and Health Administration, 911 Walnut Street, Room 3000, Kansas City, Missouri 64106; and the Bureau of Labor, State House, East 7th and Court Avenue, Des Moines, Iowa 50319.

Decision. After careful consideration, the further revised devleopmental schedule for Iowa is aproved under Part 1953. It has been determined that there are reasonable assurances that the State will complete the steps contained in the schedule within the three year developmental period. Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause

which may be consistent with applicable law. The deletions from the State's revised developmental schedule described herein are necessary due to an initial erroneous determination that such steps were developmental. This notice corrects that early determination and correctly classifies these items as on-going. Since this re-classification of those items does not change nor affect their substance, it is unnecessary and impracticable to publish this change for comment.

Section 1952.163 is revised as set forth below:

§ 1952.163 Developmental schedule.

The Iowa State plan is developmental. The following is the developmental schedule as amended and provided by the plan:

(a) Enabling legislation becomes effective (Chp. 88 of Iowa Code)—July 1972.

(b) Corrective amendments to Chp. 88 of Iowa Code become effective—July 1975.

(c) Adoption of Federal Standards as interim State standards—July 1972.

(d) Promulgation of Federal Standards as permanent State standards—July 1973.

(e) Development of training program for employers and employees—October 1974.

(f) Complete hiring of additional staff—April 1975.

(g) Basic training of staff—May 1975.

(h) Development of approved Manual MIS—July 1972.

(i) Commencement of compliance activities—July 1972.

(j) Development of compliance programs in Agriculture, Mercantile, and Services—August 1975.

(k) Development of on-site consultation program—September 1975.

(l) Development of State poster—August 1975.

(Secs. 8(g)(2), 18 Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667)).

Signed at Washington, D.C. this 29th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-13384 Filed 5-6-76;8:45 am]

Title 32—National Defense

CHAPTER XII—DEFENSE SUPPLY AGENCY

SUBCHAPTER B—MISCELLANEOUS

[DSAR 5400.21: RCS DD(A&AR)1379]

PART 1286—PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

On August 26, 1975, there was published in the FEDERAL REGISTER (40 FR 37525) a notice of proposed regulations to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). Interested parties were given the opportunity to submit, no later than September 19, 1975, any comments regarding the proposed regulations. On September 30, 1975, there was published in the FEDERAL REGISTER (40 FR 45113) a notice of proposed rulemaking to designate certain systems of records maintained by the Defense Supply Agency for exemptions under the specified provisions of the Privacy Act. Interested parties were given the opportunity to submit, no later than October 30, 1975, any comments regarding the proposed exemptions.

No unfavorable comments were received on the proposed regulations or the proposed exemptions, and the proposed Defense Supply Agency regulations implementing the Privacy Act, by adding Appendix C for the exemptions, are hereby adopted without change as set forth below.

Effective date: September 27, 1975.

By order of the Director, Defense Supply Agency.

J. J. MCALEER, JR.,
Colonel, USA,
Staff Director, Administration.

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§ 1286.1 Purpose and scope.

(a) This Part 1286 implements the Privacy Act of 1974 (hereinafter referred to as the Act) by prescribing:

(1) The procedures whereby an individual can be notified in response to his[1] request of any system of records named by the individual contains a record pertaining to him.

(2) The requirements for verifying the identity of an individual who requests his record or information pertaining to him before the record or information will be made available to him.

(3) The procedures for granting access to an individual upon his request of his record or information pertaining to him.

(4) The procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to him, for making a determination on the request, and for an appeal of an initial adverse determination.

(5) The procedures and policies governing the collection, safeguarding, maintenance, public notice, use, and dissemination of personal information.

(6) The conditions under which disclosure of personal information may be made and procedures for exempting systems of records from certain requirements of the Act.

(b) This Part 1286 is applicable to HQ DSA and all DSA field activities.

[1] For convenience in reading, standard pronoun gender usage will be followed in this DSAR. Where such pronouns as "he" or "him", etc., are used, it should be understood to include "she" or "hers", etc.

§ 1286.2 Policy.

It is the policy of DSA:

(a) To preserve the personal privacy of individuals, permitting an individual to know what records pertaining to him are collected, maintained, used, or disseminated in DSA, and to have access to and have a comprehensible copy made of all or any portion of such records and to correct or amend such records.

(b) To collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose; that the information is timely and accurate for its intended use; and that adequate safeguards are provided to prevent misuse of such information.

§ 1286.3 Definitions.

(a) *Individual.* A citizen of the United States or an alien lawfully admitted for permanent residence. A legal guardian or the parent of a minor have the same rights as the individual and may act on behalf of the individual.

(b) *Maintain.* (Records on individuals) collect, use, or disseminate.

(c) *Record.* Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) *Routine Use.* The disclosure of a record, or the use of such record for a purpose which is compatible with the purpose for which it was collected. Routine use encompasses not only common or ordinary uses, but also all the proper and necessary uses of the record; even if such use occurs infrequently.

(e) *System Manager.* The official responsible for the policies and practices governing the system of records.

(f) *System of Records.* A group of records under the control of any system manager from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

§ 1286.4 Responsibilities.

(a) *HQ DSA*—(1) *The Chief, Administrative Management Division, Office of Administration (DSAH-XA)* will:

(i) Formulate policy to provide comprehensive guidance necessary for uniform compliance with the Act by all elements of DSA.

(ii) Serve as the focal point on privacy matters for DSA in communication with the Defense Privacy Board and is designated the DSA Privacy Act Officer.

(iii) Supervise the preparation for publication in the Federal Register of all required information or systems of records affected by the Act.

(iv) Serve as the DSA representative on the Defense Privacy Board.

(v) Review for conformity with the Act, all procedures, including DSA and DD forms, which requires an individual to furnish information, and formulate corrective or supplementary provisions, as necessary.

(vi) Maintain this DSAR in a current status and review it annually.

(2) *The Chief, Publication Division, Office of Administration (DSAH–XM)* will review DSA publications to assure that those which meet the criteria for publication in the FEDERAL REGISTER are prepared in proper form and transmitted promptly for publication in the FEDERAL REGISTER as required by DSAR 5025.19, Publication of Material in the FEDERAL REGISTER.

(3) *The Counsel (DSAH–G)* will review policies, practices, and procedures to ensure conformity with the Act.

(4) *The Assistant Director, Plans, Programs and Systems (DSAH–LS)* will provide policies and guidance to preclude unauthorized disclosure of protective information maintained in the automatic data processing facility.

(5) *The Chief, Training and Incentives Division, Office of Civilian Personnel (DSAH–KT)* will, in conjunction with the DSA Privacy Board, ensure development of appropriate training program for all personnel where duties involve responsibilities for systems of records affected by the Act.

(6) *The Heads of HQ DSA Principal Staff Elements (PSEs)* will:

(i) Ensure that the collection, maintenance, use, or dissemination of record of identifiable personal information is in a manner that assures that such action is for a necessary and lawful purpose, that the information is timely and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.

(ii) Ensure that internal operating procedures provide for effective compliance with the Act.

(iii) Establish procedures for the granting of confidentiality in regulations and procedures for investigations (e.g., law enforcement, suitability, etc.).

(iv) Prepare and submit reports in accordance with § 1286.6.

(7) *DSA Privacy Board.* Established under the chairmanship of the Chief, Administrative Management Division, Office of Administration (DSAH–XA) with membership consisting of representatives from the Comptroller, DSA, Counsel, DSA, Staff Director, Civilian Personnel, DSA, Assistant Director, Plans, Programs, and Systems, DSA, Staff Director, Military Personnel, DSA, Command Security Officer, DSA, and the Executive Director, Industrial Security, HQ DSA CAS. The Board will cause to be reviewed for conformity with the Act, each category of information in a system of records for necessity and relevance; provide assistance in the development of DSA-wide Privacy training program; and review practices and procedures established by system managers to ensure they are in conformity with the Act.

(b) *The Heads of DSA Primary Level Field Activities (PLFAs)* will:

(1) Ensure that the collection, maintenance, use, or dissemination of record of identifiable personal information is in a manner that assures that such action is for a necessary and lawful purpose, that the information is timely and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.

(2) Designate a Privacy Act officer to serve as the principal point of contact on privacy matters.

(3) Ensure that internal operating procedures provide for effective compliance with the Act.

(4) Establish a training program for those personnel whose duties involve responsibilities for systems of records affected by the Act.

§ 1286.5 Procedures.

(a) *Access to personal information.* (1) Upon request, an individual will be informed whether or not a system of records contains a record pertaining to him, and accompanied by a person of his own choosing, if he so desires, will be permitted to review his records, and to obtain a copy of such records in a form that is comprehensible to him at a reasonable cost, unless exempted in accordance with paragraph (o) (1) (v) of this section or paragraph (d) of this section. This Part 1286 does not require that a record be created or that an individual be given access to records which are not retrieved by name or other individual identifier. Only costs of reproduction, as set forth in DSAR 5400.14, Availability to the Public of Official Information, may be charged; however, if copying is the only means whereby the record can be made available to the individual, reproduction fees will not be assessed (i.e., when a copy must be made in order to delete information contained on the record pertaining to another individual).

(i) The granting of access to a record containing personal information will not be conditioned upon any requirement by the individual to state a reason or otherwise justify the need to gain access.

(ii) Prior to granting access to personal information, individuals may be required to provide reasonable verification of his identity.

(*a*) No verification of identity will be required of an individual seeking access to records which are otherwise available to any member of the public under DSAR 5400.14.

(*b*) For the individual who seeks access in person, verification of identity will normally be made by those documents which an individual is likely to have readily available, such as employee or military identification card, driver's license, or medical card.

(*c*) When access is requested by mail, verification of identity may consist of the individual providing certain minimum identifying data, such as name and date of birth or such other information deemed necessary by the system manager having custody of the record. If the sensitivity of the data warrants, a signed notarized statement of identity may be required.

(*d*) An individual will not be denied access to his record for refusing to disclose his social security number (SSN), unless disclosure of his SSN is required by Federal Statute or required for verification purposes under a system of records existing and operating before 1 January 1975, if such disclosure was required under statute or regulation adopted prior to such a date.

(*e*) Individuals may not be denied access to a record pertaining to themselves because those records are exempted from disclosure under the provisions of DSAR 5400.14.

(iii) Access to a record or a copy thereof will not be denied solely because the record's physical presence is not readily available (i.e., on magnetic tape), or because the context of the record may disclose sensitive information about another individual. To protect the personal privacy of other individuals who may be identified in a record, an extract will be prepared to delete only that information which would not be releasible to the requesting individual under DSAR 5400.14.

(iv) A medical record will be disclosed to the individual to whom it pertains unless, in the judgment of a physician, access to such record could have an adverse effect upon the individual's physical or mental health. When it has been determined that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the information may be transmitted to a physician named by the requesting individual.

(v) This Part 1286 does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

(vi) A system manager may require an individual who wishes to be accompanied by another person when receiving access to his records to furnish a written statement authorizing discussion of the records in the presence of the accompanying person.

(vii) Any requests from an individual for access to or copies of records maintained on him will be processed in accordance with this Part 1286 and not the Freedom of Information Act. Normally, requests for access to records will be acknowledged within 10 working days of receipt and access provided within 30 working days.

(viii) Copies of investigatory records compiled by any investigative organization, but in the temporary custody of an element requesting the record for purposes of adjudication or other personnel action, are the records of the originating investigative organization. Individuals seeking access to such records will be directed to the originating investigative organization and should be instructed to direct all requests submitted under the Act to that organization. Records concerning the adjudication, or other personnel actions based on the investigative records, originated by the organization using the investigation, are the records of the using organization

which shall respond to all other requests under the Act concerning them.

(2) *Amendment of personal information.* (i) An individual will be given the opportunity to request, either in person or through the mail, that his record be amended. The system manager may, however, require that such requests be made in writing. Instructions for the preparation of a request and any forms employed should be as brief and as simple as possible. Requests should contain as a minimum, identifying information to locate the record, a description of the items to be amended and the reason amendment is being requested. A request will not be rejected or required to be resubmitted unless additional information is essential to process the request. Incomplete or inaccurate requests will not be rejected categorically; the individual will be asked to clarify the request as needed. Individuals will be required to provide verification of identity as paragraph (a)(1)(ii) of this section to assure that the requester is seeking to amend records pertaining to him and not, inadvertently or intentionally, the records of another individual.

(ii) A written acknowledgement of the receipt of a request for amendment of a record must be provided to the individual within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after receipt by the system managers. The acknowledgement will clearly identify the request and advise the individual when he may expect to be advised of action taken on the request. Whenever practicable, the decision will be made within 30 working days. No separate acknowledgement of receipt is necessary if the request can be either approved or denied, and the individual advised within the 10-day period. For requests presented in person, written acknowledgement should be provided at the time the request is presented.

(iii) If the system manager agrees with any portion or all or the individual's request to amend a record, the system manager will promptly advise the individual and amend the record accordingly. If disclosure accounting has been made, the system manager will advise all previous recipients of the record that the amendment has been made and the substance of the correction.

(iv) If the system manager disagrees with all or any portion of a request to amend a record, the system manager will promptly:

(*a*) Advise the individual of his refusal and the reasons therefor.

(*b*) Inform the individual that he may request a further review by the designated reviewing official.

(*c*) Describe the procedures for requesting such a review including the name and address of the official to whom the request should be directed.

(v) A review of the initial refusal to amend a record will be made if requested by the individual.

(*a*) Heads of HQ DSA PSEs and Heads of PLFAs, as applicable, are designated reviewing officials and will make a review of the initial determination. The Deputy Director, DSA, or the Deputy Director, CAS, for HQ DSA CAS elements and Defense Contract Administration Services Regions, will be the reviewing official when one of the aforementioned officials is identified as a system manager.

(*b*) If, after conducting the review, the reviewing official also refuses to amend the record in accordance with the individual's request, the individual will be notified:

(*1*) Of the refusal and the reasons therefor.

(*2*) Of his right to file a concise statement of reasons for disagreeing with the decision of DSA.

(*3*) Of the procedures for filing a statement of disagreement and such statement will be made available to anyone to whom the record is subsequently disclosed.

(*4*) That prior recipients of the disputed record will be provided a copy of the statement of disagreement to the extent that an accounting of disclosure is maintained.

(*5*) Of his right to seek judicial review of DSA's refusal to amend a record.

(*c*) If the reviewing official determines that the record should be amended in accordance with the request, the system manager will amend the record, advise the individual, and inform previous recipients where an accounting of disclosure has been maintained.

(*d*) A final determination on the individual's request for a review of an initial refusal to amend a record must be completed within 30 days after receipt by the proper office unless the reviewing official determines that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed, in writing, of the reasons for the delay and of the approximate date on which the review is expected to be completed.

(vi) When an individual files a statement of disagreement, the system manager will clearly annotate the record so that the dispute is apparent to anyone who may subsequently grant access to use or disclose the record. The notation itself will be integral to the record. Where an accounting of disclosure has been made, the system manager will advise previous recipients that the record has been disputed and will provide a copy of the individual's statement.

(*a*) The individual's statement of disagreement need not be filed as an integral part of the record to which it pertains. It will, however, be maintained in such a manner as to permit ready retrieval whenever the disputed portion of the record is to be disclosed. When information which is the subject of a statement of disagreement, is subsequently disclosed, the system manager will note which information is disputed and provide a copy of the individual's statement.

(*b*) The system manager may include a brief summary of its reasons for not making an amendment when disclosing disputed information. Summaries normally will be limited to the reasons stated to the individual. The system manager's summary will be treated as part of the individual's record; however, it will not be subject to the amendment procedures.

(b) *Disclosure to others.* (1) Except as prescribed in paragraph (a) of this section, this Part 1286 does not require disclosure of records to anyone other than the individual to whom the records pertain.

(2) No record contained in a system of records maintained within DSA will be disclosed by any means of communication to any person, or to any agency outside DSA, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

(i) To those officials and employees of the Department of Defense who have a need for the record in the performance of their official duties and the use is compatible with the purpose for which the record is maintained. This includes, for example, transfer of information between components when civilians or military personnel assigned or affiliated with one component are processed by an activity of another component such as Armed Forces Examination and Entrance Stations (AFEES), Air Terminals, or Defense Investigative Service (DIS).

(ii) Required to be disclosed to a member of the public by DSAR 5400.14. Some examples of personal information pertaining to military personnel which normally are released without an unwarranted invasion of privacy are: name, rank, date of rank, salary, present and past duty assignments, future assignments which have been finalized, office phone number, source of commission, military and civilian educational level, and promotion sequence number. Disclosure of personal information pertaining to civilian employees shall be made in accordance with the Federal Personnel Manual.

(iii) For a routine use as defined in § 1286.3 and described in section II H of Appendix A.

(iv) To the Bureau of the Census for purpose of planning or carrying out a census or survey or related activity authorized by law.

(v) To a recipient who has provided DSA with advance adequate written assurance that:

(*a*) The record will be used solely as a statistical research or reporting record.

(*b*) The record is to be transferred in a form that is not individually identifiable, (i.e., the identity of the individual cannot be determined by combining various statistical records).

(*c*) The record will not be used to make any decisions about the rights, benefits, or entitlements of an individual.

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General

Services or his designee to determine whether the record has such value. A record transferred to a Federal records center for safekeeping or storage does not fall within this category since Federal records center personnel act on behalf of DSA in this instance and the records remain under the control of DSA. No disclosure accounting record of the transfer of records to Federal records centers need be maintained.

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the Head of the agency or instrumentality has made a written request to a DSA element which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought. Blanket requests for all records pertaining to an individual will not be accepted. A record may also be disclosed to a law enforcement agency at the initiative of a DSA element which maintains the record when criminal conduct is suspected, provided that such disclosure has been established in advance as a "routine use".

(viii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of the individual to whom the record pertains.

(ix) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, or any joint committee. This does not authorize the disclosure of any record subject to this Part 1286 to members of Congress acting in their individual capacities or on behalf of their constituents.

(x) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office.

(xi) Pursuant to the order of a court of competent jurisdiction.

(*a*) When a record is disclosed under compulsory legal process and when the issuance of that order or subpoena is made public by the court which issued it, reasonable efforts will be made to notify the individual to whom the record pertains. This may be accomplished by notifying the individual by mail at his most recent address as contained in DSA records.

(*b*) Upon being served with an order to disclose a record, the system manager will endeavor to determine whether the issuance of the order is a matter of public record and, if it is not, seek to be advised when it becomes public. An accounting of the disclosure will be made at the time the system manager complies with the order or subpoena.

(3) Each system manager, with respect to each system of records under his control will:

(i) For all disclosures under paragraph (b)(2) of this section, except those under paragraphs (b)(2) (i) and (ii) of this section, keep an accurate accounting of the following:

(*a*) The date of the disclosure.

(*b*) The nature of the disclosure; that is what was disclosed and how; for example, oral disclosure by telephone of home address. Other examples of disclosure include visual review of the record, written, transfer of data through telecommunications network, etc.

(*c*) The purpose of the disclosure. Describe the condition of the disclosure as listed in paragraphs (b)(2) (iii) thru (xi) of this section. If disclosure is for a routine use published in a records systems notice, briefly describe the specific routine use.

(*d*) The name and address of the person or agency to whom the disclosure is made. A system manager need not make a notation on a single document of every particular record, provided he can construct from the system for the required accounting information.

(ii) Retain the accounting made under paragraph (b)(3)(i) of this section for at least 5 years after the last disclosure or the life of the record, whichever is longer. No record of the disclosure of this accounting need be maintained.

(iii) Upon request of the individual to whom the record pertains, make available to that individual all information in the accounting of disclosures except that pertaining to disclosures for law enforcement purposes pursuant to paragraph (b)(2)(vii) of this section, and systems that have been determined to be exempt from these provisions under subsections (j) and (k) of the Act.

(4) Names and Addresses. An individual's name and address may not be sold or rented by DSA unless such action is specifically authorized by law. Requests for home addresses may be referred to the last known address of the individual for reply at his discretion and the requester will be notified accordingly. This provision will not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(c) *Collection of personal information from individuals.* (1) *Collection Directly from Individuals.* Personal information shall be collected to the greatest extent practicable directly from the individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The collection of information from third parties should be minimized. Exceptions to this policy may be made under certain circumstances, such as the following:

(i) There is need to ensure accuracy of information supplied by an individual by verifying with a third party, such as in the case of verifying information for a security clearance.

(ii) The nature of the information is such that it can only be obtained from a third party, such as an evaluation of employee's performance in a previous job or assignment.

(iii) Obtaining the information from the individual would present exceptional practical difficulties or would result in unreasonable costs.

(2) *Informing Individuals From Whom Information is Requested.* Each individual who is asked to supply personal information must be told of:

(i) The authority (statute or Executive Order) which authorizes its solicitation.

(ii) The principal purpose or purpose for which it is to be used.

(iii) The routine uses, to be made of it.

(iv) Whether furnishing such information is mandatory or voluntary and the effects on him, if any, of not providing it. This notice to the individual will be made on a separate form which can be retained by the individual. This advice must be given on all media used in requesting information whether it is a "form" in the usual sense (i.e., a preprinted document with a control number and an edition date) or a format, questionnaire, survey sheet, or report rendered on a blank sheet. Supplying personal information is when individuals personally complete the fill-in information about themselves on the form or when the individuals furnish the information about themselves verbally as in an interview or question and answer type of arrangement.

(3) *Collection Documents in Use Prior to 27 Sep 75.* These documents in use before 27 Sep 75 and which are to be used on and after that date, must meet the notice requirements by use of a separate statement to go along with each such document subject to the provisions of the Act. The statement will be assigned the identifying form number/RCS/OMB Appeal Number/Form Letter Number used in collecting the information and the suffix "Privacy Act Statement", as follows:

(i) For forms in regularly-issued, numbered series, the Privacy Act Statement will bear the same number and edition date as the form to which it pertains, except as provided in paragraph 2 of Appendix B. Example: For DD Form 398, Statement of Personal History, the applicable notice to each individual asked to complete the form will be identified as "DD Form 398—Privacy Act Statement" in the lower left-hand corner.

(ii) For unnumbered formats, questionnaires, surveys, and reports which are not in the regularly-issued form number series, the Privacy Act Statement will bear the report control symbol or OMB Approval Number under the authority for which the information is collected, if applicable.

Example: For the Air Force Junior ROTC Survey for AFJRDTC Cadets (Format A), the applicable notice to each individual asked to complete the questionnaire will be identified as "OMB Approval No. 21-RO268—Privacy Act Statement". Same reports are assigned Reports Control Symbol (RCS) numbers or OMB Approval Numbers. If these reports are controlled in a regular numbered form series, then the Privacy Act Statement will bear the form number reference in lieu of the RCS or OMB Number.

(4) *Preparation of Privacy Act statements.* (i) The proponent (i.e., the initiator) has the final responsibility for

determining whether a form, format, questionnaire, survey, or report requires a Privacy Act Statement. The proponent must consult his counsel, particularly for validation of the authority for asking for the information. Statements must be sufficiently complete and specific but, at the same time be concise and couched in easily understood language.

(ii) Forms and information management officers at all echelons must assure that Privacy Act Statements are available for issuance with new forms, when required.

(iii) No Department of Defense component may deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his SSN, unless such disclosure is:

(*a*) Required by Federal statute.

(*b*) To any component maintaining a system of records in existence and operating before 1 Jan 75, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual. Executive Order No. 9397, 22 Nov 43, authorizes components to use SSN as a system of numerical identification of individuals.

(iv) Any component which requests an individual to disclose his SSN must inform that individual:

(*a*) Whether that disclosure is mandatory or voluntary.

(*b*) By what statutory or other authority such number is solicited.

(*c*) What uses will be made of it.

(v) If disclosure of the SSN is not required by Federal statute or is not for a system of records in existence and operating prior to 1 Jan 75, proponents are nevertheless not precluded from requesting it from individuals concerned. However, the separate Privacy Act Statement for the SSN alone, or a merged Privacy Act Statement, covering not only the SSN but also other items of personal information, must make clear that the disclosure of the SSN is voluntary. If, in such instances, the individual refuses to disclose it, the proponent concerned must be prepared to identify him by alternate means.

(d) *Exemptions.* The Director, DSA will designate the DSA records which are to be exempted from certain provisions of the Act, and DSAH–XA will publish in the FEDERAL REGISTER, information specifying the name of each designated system, the specific provisions of the Act from which each system is to be exempted, and the reasons for each exemption of the record system.

(1) *General Exemptions.* To qualify for a general exemption, as defined in the Act, the system of records must be maintained by a system manager who performs as his principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities. Such system of records must consist of:

(i) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and containing only identifying data and notations or arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole, and probation status.

(ii) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual.

(iii) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

(2) *Specific Exemption.* To qualify for a specific exemption, as defined by the Act the systems of records must be:

(i) Specifically authorized under criteria established by an Executive Order to be kept classified in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order.

(ii) Investigatory material compiled for law enforcement purposes other than material covered under a general exemption. However, an individual will not be denied access to information which has been used to deny him a right or privilege unless disclosure would reveal a source who furnished information to the Government under a promise that the identity of the source would be held in confidence. For investigations made after 27 Sep 75, the identity of the source may be treated as confidential only if based on the expressed guarantee that the identity would not be revealed.

(iii) Maintained in connection with providing protective services to the President of the United States or other individuals protected pursuant to 18 U.S.C. S3056.

(iv) Used only to generate aggregate statistical data or for other similarly evaluative or analytic purposes, and which are not used to make decisions on the rights, benefits, or entitlements of individuals except for the disclosure of a census record permitted by 13 U.S.C. S8.

(v) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Military Service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the source would be held in confidence, or prior to 27 Sep 75, under an implied promise that the identity of the source would be held in confidence.

(vi) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing of elimination process.

(vii) Evaluation material used to determine potential for promotion in the Armed Services, but only the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or prior to 27 Sep 75, under an implied promise that the identity of the source would be held in confidence. System managers will specify those categories of individuals for whom pledges of confidentiality may be made when obtaining information on an individual's suitability for promotion.

(e) *System of Records*—(1) *Content.*

(i) System managers will maintain in its records systems only such information as is relevant and necessary to accomplish a purpose or mission required by statute or Executive Order of the President.

(ii) The proponent of each system of records will identify the specific provision of law, or Executive Order, which provides authority for the maintenance of information in each system of records.

(iii) Authority to establish and maintain a system of records does not convey unlimited authority to collect and maintain all information which may be useful or convenient to have. The proponent of each system of records will evaluate each category of information in a system for both necessity and relevance. In performing this evaluation the following points will be considered:

(*a*) Relationship of each item of information to the statutory or regulatory purpose for which the system is maintained.

(*b*) Specific adverse consequence of not collecting each category of information.

(*c*) Possibility of meeting the information requirement through use of information not individually identifiable or through sampling techniques.

(*d*) Length of time that the information is needed and, where appropriate, techniques for purging parts of the record.

(*e*) Length of time that the information is needed and, where appropriate, techniques for purging parts of the record.

(*e*) Financial cost of information maintenance compared to risk or adverse consequence of not maintaining it.

(*f*) Necessity and relevance of this information to all individuals included in the system.

(iv) Collection will be discontinued for each category or item of information which, after the above evaluation, does not appear to be fully justifiable. Moreover, such information will be withdrawn and destroyed, provided it can be economically segregated from necessary and relevant information.

(v) The evaluation prescribed above will be performed by each proponent of a system of records:

(*a*) During the design phase of a new system of records or a change in an existing system of records.

(*b*) Annually, prior to the republication of all system notices in the FEDERAL REGISTER.

(2) *Publication of record system notices*—(i) *General.* A notice of the existence of each system of records, as defined in § 1286.3(d) must be published in the FEDERAL REGISTER.

(ii) *Record System Notices.* System managers proposing new systems will prepare system notices according to Appendix A at least 60 days before the proposed system change may be legally implemented. Initial system notices will be submitted to DSAH–XA.

(iii) *Change to Existing Systems Requiring Advanced Public Notice*

(*a*) The following proposed changes to an existing system must be published in the FEDERAL REGISTER for public comment at least 30 days before the changes are implemented:

(*1*) Those which expand the categories of individuals on whom records are maintained.

(*2*) Those which add new categories of records to the system.

(*3*) Those which add new categories of sources.

(*4*) New or changed routine uses which involve disclosure to a new category of recipient.

(*5*) Changes in procedures governing access.

(*b*) Notices of proposed changes to existing systems will be submitted to DSAH–XA, in accordance with Appendix A.

(iv) *Changes to Existing Systems Not Requiring Advanced Public Notice.* Changes in records systems not stated in paragraph (e)(2)(iii) of this section do not require advance publication, but must be submitted for inclusion in the annual consolidated listing of records systems. Accordingly, each system manager will ensure that all such changes are forwarded to DSAH–XA by 15 March of each year for annual publication in the FEDERAL REGISTER.

(v) *Reports Concerning New and Changed Systems.* Concurrently with paragraph (e)(2)(ii) and (iii) of this section, DSAH–XA will provide OASD (C) advanced notice of proposals to establish new systems or to change routine uses of existing systems.

(vi) *DSA Issuances.* DSAH–XA will ensure that information contained in each system notice, as published in the FEDERAL REGISTER, is incorporated and published in DSAR 5400.22, Privacy Act System of Records Notices, to ensure uniform system use and maintenance. All DSA activities will take immediate action to discontinue, any system of records not contained in DSAR 5400.22.

(3) *Standards of accuracy.* (i) Records used by system managers in making determinations about an individual will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in any determination.

(ii) Prior to disseminating any record about an individual to any person other than a Federal agency, unless the dissemination is made pursuant to DSAR 5400.14, reasonable efforts will be made to ensure that such records are accurate, complete, timely, and relevant for DSA purposes.

(4) *Restriction on maintenance of certain records.* Maintenance of records describing how individuals exercise rights guaranteed by the First Amendment are prohibited unless expressly authorized by Federal statute or by the individual concerned, unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and the right of assembly, and to petition.

(5) *Rules of conduct.* Heads of HQ DSA PSEs and Heads of PLFAs will assure that persons including Government contractors or their employees, involved in the design, development, operation, or maintenance of any system of records, as defined in § 1286.3, are informed of all requirements to protect the privacy of the individuals who are subjects of the records. The following sanctions will be emphasized to personnel:

(i) There are criminal penalties for knowingly and willfully disclosing a record about an individual without the written consent or the written request of that individual, or unless disclosure is for one of the reasons listed in paragraph (d) of this section.

(ii) DSA may be subject to civil suit due to failure to comply with the Act.

(6) *Safeguarding personal information in records systems.* (i) System managers will establish administrative and physical safeguards to protect information from unauthorized or unintentional access, disclosure, modification, or destruction. These safeguards will apply to systems of records, in whatever medium in which personal information is processed or stored. Such safeguards will be tailored to the requirements of each system of records. Where a greater degree of protection is not prescribed by other regulations, as a minimum, all records will be afforded the same degree of protection as "FOR OFFICIAL USE ONLY" documents.

(ii) Access to personal information will be restricted to those persons whose official duties require access and the individual concerned in accordance with paragraph (b) of this section.

(iii) System managers will ensure that all persons whose official duties require access to or processing and maintenance of personal information are trained in the proper safeguarding and use of such information.

(iv) Personal records and documents will be stored so as to reasonably preclude unauthorized disclosure.

(v) Disposal of records containing personal information which are no longer required will be accomplished in such a manner that will prevent the contents from being disclosed (e.g., tearing or shredding the record into pieces or burial or in the case of magentic tapes by degaussing).

§ 1286.6 Forms and reports.

(a) An annual report will be prepared by DSAH–XA for the preceding calendar year on its implementation of the Privacy Act of 1974 as follows:

(1) *Summary.* A brief management summary of the status of actions taken to comply with the Act, the results of these efforts, any problems encountered and recommendations for any changes in legislation, policies, or procedures.

(2) *Accomplishments.* A summary of major accomplishments; i.e., improvements in agency information practices and safeguards.

(3) *Plans.* A summary of major plans for activities in the upcoming year, e.g., area of emphasis, additional securing of facilities planned.

(4) *Exemptions.* A list of systems which are exempted during this year from any of the operative provisions of this law permitted under the terms of subsections (j) and (k) of the Act, whether or not the exemption was obtained during the year, the number of records in each system exempted from each specific provision and reasons for invoking the exemption.

(5) *Number of systems.* A brief summary of changes to the total inventory of personal data systems subject to the provisions of the Act, including reasons for major changes; e.g., the extent to which review of the relevance of and necessity for records has resulted in elimination of all or portions of systems of records or any reduction in the number of individuals on whom records are maintained.

(6) *Operational experiences.* A general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system) requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records, appealing initial refusals to amend records, and seeking redress through the courts.

(7) *Any available data, or estimates, of the cost of administering the Act.*

(8) *Six copies of the annual report* will be furnished to the Assistant Secretary of Defense (Comptroller) on or before 31 March of each year for transmittal to the Office of Management and Budget.

(b) An annual feeder report on the actions of the preceding year will be prepared by Heads of PLFAs and Heads of HQ DSA PSEs for submission in duplicate to DSAH–XA on or before 10 March of each year. The report will contain:

(1) *Summary.* A brief management summary of the status of actions taken to comply with the Act, the results of these efforts, any problems encountered and recommendations for any changes in legislation, policies or procedures.

(2) *Accomplishments.* A summary of major accomplishment; i.e., improvements in agency information practices and safeguards.

(3) *Plans.* A summary of major plans for activities in the upcoming year, e.g., area of emphasis, additional securing of facilities planned.

(4) *Exemptions.* A list of systems which are exempted during the year

from any of the operative provisions of this law permitted under the terms of subsection (j) and (k) of the Act, whether or not the exemptions were obtained during the year, the number of records in each system exempted from each specific provision and reason for invoking the exemption.

(5) *Number of systems.* A brief summary of changes to the total inventory of personal data systems subject to the provisions of the Act, including reasons for major changes; e.g., the extent to which review of the relevance of and necessity for records has resulted in elimination of all or portions of systems of records or any reduction in the number of individuals on whom records are maintained.

(6) *Operational experiences.* A general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system) requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records, appealing initial refusals to amend records, and seeking redress through the courts.

(7) *Any available data, or estimates, of the cost of administering the Act.*

(c) Each PLFA will submit to HQ DSA, ATTN: DSAH–XA during the last week in January, April, July, and October each year, a consolidated listing of those locally controlled and subordinate echelon forms affected by the Act. The listing will contain the form designation and number in numeric sequence, the edition date, and the complete title. Each group of forms will be identified by activity name. To provide the input for this consolidated listing, the forms management officer at all levels must prepare and maintain current, a listing of those forms for which they control and which are within the purview of the Act.

(d) The Reports Control Symbol for these reports will be RCS DD(A) 1379.

APPENDIX A

INSTRUCTIONS FOR PREPARATION OF RECORD SYSTEM NOTICES

SECTION I. GENERAL INSTRUCTIONS

A. For each system of records submit information in the sequence as shown in section II below. Show in this sequence even though an entry may not be required for all items.

B. Use keywords shown below (i.e., SYSNAME, RECORD-CATEGORY, etc.). Explanations of keywords are shown in parentheses, but do not use.

C. Do not use paragraph or subparagraph numbers or letters.

D. Do not underline any part of the text.

E. Do not use hyphenation at the end of a line or subdivide a word at the end of a line.

G. Each system of records notice will be typed double-spaced on a separate sheet(s) of paper, with the originating office symbol entered in the upper right corner.

H. Do not use military or Government terminology which may not be understood by the public. Authorized abbreviations may be used, provided they are first spelled out in each system notice, e.g., Defense Supply Agency (DSA).

I. Refer to section III below for systems which may qualify for exemption.

J. Number the pages separately for each draft system notice.

K. New and revised system notices shall be prepared in accordance with instructions contained herein. All notices are to be submitted in full (i.e., no partial system notice shall be accepted).

L. For the purpose of identifying record systems and preparing system of records notices, there are five distinguished categories of record systems subject to the Act:

1. *Category 1.* Automated (ADP) systems of records identified by distinctive number and title and normally maintained according to ADP manuals. As a general rule, these systems are not individually or specifically identified by DSAM 5015.1, Files Maintenance and Disposition, although their output may be functionally identifiable through the manual. For preparation of systems notices, there are three recognizable types of ADP systems:

a. Class A and B systems managed by HQ DSA. Most of these systems are identified in the DoD Automated Data Systems Catalog LSPC 3–70–1.

b. Class C Systems. Individually designed, established, and maintained by DSA field activities.

c. DSA field activities systems which are not yet approved are classified as Class C systems, i.e., unauthorized systems.

2. *Category 2* Exclusive of ADP Systems, those systems of records established and maintained pursuant to and specifically prescribed by statute, executive order, or DSAR.

3. *Category 3.* Exclusive of ADP Systems, those systems of records established under a function authorized by statute, Executive Order or DSAR rather than specifically prescribed by the statute, Executive Order or DSAR, that are accumulated DSA-wide by offices with similar or identical functions. Normally, decentralized segments of such systems vary only in scope and volume and not in content, for example, name files which are established in processing requests under the Freedom of Information Act. In most instances, these systems are identified in DSAM 5015.1.

4. *Category 4.* Exclusive of ADP Systems, those systems of records established and maintained entirely in response to local needs. Although often difficult to describe, these systems have certain common characterstics which can be used in identifying them for preparation of systems notices:

a. Normally, they are unique to the accumulating office.

b. They are not accumulated DSA-wide in other elements or activities which perform like functions.

c. They are seldom specifically identified in DSAM 5015.1.

5. *Category 5.* Those in the custody of DSA temporarily, which "belong" to other Federal agencies. For example, official civilian personnel files on DSA civilian employees belong to the U.S. Civil Service Commission. Most such systems are identified by DSAM 5015.1.

M. Responsibility for preparation of system of records notices.

1. For Category 1 (ADP) Systems of Records:

a. Managers of Class A and B systems of records are responsible for preparing system of record notices applicable to their automated data systems (ADS).

b. Proponents of Categories 2, 3, 4, and 5 (manual) systems of records are responsible for including in their systems of record notices all Class C and unauthorized ADP systems of records which, in effect, are automated segments of their systems of records.

c. Managers are responsible for preparation and submission of system of record notices applicable to those Class C and unauthorized ADP system of records which are not automated segments of a manual system of records.

2. For Category 2 and 3 system or records, the office having DSA-wide staff responsibility for the function or process involved is considered to be the system of records proponent. Such proponents are responsible for including in their system of record notices coverage of all decentralized segments of the particular system of records.

3. Proponents of Category 4 (local) systems of records are responsible for preparation and submission of system notices applicable to their systems.

4. For Category 5, the proponent is the Federal agency to which a system of records belongs. It is responsible for system of records notices applicable to its records that are temporarily in DSA custody. For example, the CSC will publish system of records notices applicable to all systems of records prescribed by the Federal Personnel Manual. CSC will not, however, be responsible for any modifications or additions to a CSC system of record. The DSA proponent of such modifications or additions is therefore responsible for preparing a system of records notice for the portion added by him. DSA proponents should contact the appropriate Federal agency for other systems of records temporarily in DSA custody to determine and fix responsibility for preparing applicable system of records notices. In instances where a Federal agency to which the records belong declines to cover a system of records temporarily in DSA custody, the DSA proponent will be responsible for preparing the applicable system of records notice.

SECTION II. SEQUENCE OF SUBMISSIONS AND INSTRUCTIONS

A. *Manual or Automated.* Indicate whether the system is manual or automated. An automated system would include records processed, maintained, or both, in a machine readable processing tapes and cards, etc. A manual system would include records processed, maintained, or both, in a human readable or vertical file cards, microfiche, roll microfilm, photographs, etc. A mechanized file which requires substantial human intervention for processing or maintenance is considered to be manual, rather than automated.

B. *Sysname (System Name).* Whenever applicable, identify the system by number and title prescribed in your files or records disposition manual. Use locally originated titles for files which are not described specifically and adequately in the manual or which are otherwise unique to the reporting office. If more than one system is covered by a file description, identify each system. If several files, separately described in DSAM 5015.1, are a part of a single system, identify the system only (see paragraph F below for identification of separate files which form a system). Provide system and file title in unclassified form. Do not use abbreviations, nicknames, or acronyms unless spelled out the first time used. Place acronyms in parentheses immediately following the title.

C. *Security.* Specify the Defense or other security classification for the system of records if classified pursuant to the provisions of DoD 5200.1–R, Information Security Program Regulation, DSAM 5205.1, Safeguarding of Classified Information, and implementing directives. Do not cite as a security classification FOR OFFICIAL USE ONLY, INTERNAL WORKING PAPER, EYES ONLY, or similar marking used for internal control or other handling purposes. If unclassified, including FOUO, state unclassified.

D. *Location.* If the system is maintained in a single location, provide the exact name

of the office, organization, and correspondence or routing symbol. On the other hand, if it is geographically or organizationally decentralized, specify each type of organization or element that maintains a segment of the system. For example, if the system was comprised of clinical records, then medical centers and hospitals, and the National Personnel Records Center would be listed as locations. Where automated data systems encompass a central computer facility, with input/output terminals at several geographical locations, list by category, each location under this heading. In all instances where multiple locations are referred to by type of organization, state that official mailing addresses are in the Department of Defense directory in the appendix to the DSA system of record notices. However, in all cases, give the official mailing address if the office maintaining the system is not listed in the Federal Register. If the address is classified, so state. Be sure to list each type of organization maintaining a segment or duplicate of the system, since maintenance by a type of organization not reported herein will constitute a violation of the Act. When indicating domestic addresses, use the United States Postal Service two letter state abbreviation and the Zip Code.

E. *Individual-Category (Categories of Individuals Covered by the System)*. The purpose of this requirement is to permit an individual to determine whether or not information on him might be in the system of records. Categories of individuals, therefore, should be stated in easily understood, nontechnical terms and include all categories of individuals on whom records are maintained. Avoid using broad general descriptions, such as "all civilian personnel", unless the system applies to all civilian personnel. For example, Civilian Individual Pay Record applies to all civilian employees of DSA, while a system of records of Individual Retirement Records would apply only to civilian employees covered by the Civil Service Retirement program. All categories of individuals included in the system must be listed, regardless of the frequency of inclusion or the number of records involved. All future changes to the system, which broaden or increase the categories of individuals covered, will require preparation and publication of a revised record system notice in the FEDERAL REGISTER.

F. *Record Category (Categories of Records in the System)*. Briefly describe in nontechnical terms all types of records in the system. For example, under the Automatic Payroll Cost and Personnel System (A?CAPS), the types would include, but not be limited to individual pay record, substantiating documents, such as certificates for deductions and retained leave and earning statements, records of travel payments, personnel actions, and time and attendance cards. For automated systems, do not list source documents unless they are retained and filed by name, SSN, or other individual identifier. Instead, list the categories of information stored in the system. Be sure to include all types of records in the system, regardless of their frequency or volume of accumulation, since future additions of new types of records will require preparations and publication of revised public notices in the Federal Register.

G. *Authority (Authority for Maintenance of the System)*. Cite the specific provision of a Federal statute or Executive Order of the President, including the title thereof, which authorizes, or provides a legal basis for, maintenance of the system. Do not cite regulations. In this connection, authority for a system may be derived from a statute or Executive Order which:

1. Explicitly authorizes or directs the agency to maintain a system of records.

2. Authorizes or directs DSA to perform a function, the discharge or which requires maintenance of the system of records. (NOTE: Check with the appropriate Counsel for assistance in determining the statutory or regulatory basis for the system).

H. *Routine Uses (Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses)*

1. Essentially, this requirement calls for the following information in nontechnical terms:

a. The purpose(s) for which information in the system is collected.

b. Each category of user.

c. The specific use(s) made of the information by each user.

2. Each category of user and each use must be reported. Any proposed new use or category of user, or change in an existing use, which has the effect of expanding the availability of the information in the system, will require publication of a revised notice in the Federal Register. Any such proposed change in a routine use must also be described in an advanced notice in the Federal Register to permit 30 days for public comment before it is implemented.

3. As defined by 5 U.S.C. 522a, the term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

4. "Uses" can be distinguished from "purposes" in that "purposes" describe the objectives for collecting or maintaining information. "Uses" are the specific ways or processes in which the information is employed, including the persons or organizations to whom the record may be disclosed. For example, the purposes for collecting information may be to evaluate an application for a veteran's benefit and to issue checks. "Uses" might include verification of certain information with the appropriate Military Service and release of check data to the Department of the Treasury. List under routine uses if contractors are engaged to perform a service, such as key punch, optical scan, or telecommunications in connection with the operation of an automated data system. List also Federal agencies to which personal-type information is disclosed, including automated system interfaces, and the purposes for which the disclosures are made.

5. Each proponent of a system (i.e., that office or organization proposing, directing, or otherwise responsible for the system) must prescribe the "routine" uses of the records. Routine use does not merely encompass the common and ordinary uses to which records are put, but also includes all of the proper and necessary uses regardless of frequency. For example, individual income tax returns are routinely used by the Internal Revenue Service to audit the amount of tax due and for assistance on collection of such tax by civil proceedings. They are used less often, however, for referral to the Department of Justice for possible criminal prosecution of fraud or tax evasion. Therefore, the "routine" use of such records would include referrals to the Department of Justice. In addition, description of "routine use" shall include the fact that any individual records in a system of records might be transferred to any component of the Department of Defense. It should be expected normally that "routine use" would include disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

I. *Policy-practice (Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System)*. Describe how records in the system are managed during their life-cycle. When feasible, extract pertinent information from your files or DSAM 5015.1.

1. *Storage*. In describing records storage, specify the medium in which they are maintained, such as paper records in file folders, visible or vertical file cards, computer magnetic tapes, or disks, computer paper printouts, aperture cards, microfiche, roll microfilm, photographs, video-tape, etc.

2. *Retrievability*. Specify how information is accessed and retrieved, such as by name, SSN, Military Service number, or other identification number, classification or personal characteristics, such as fingerprint classification, voice print identifier, etc. Indicate further whether conventional or computerized indices are required to retrieve individual records from the system.

3. *Safeguards*. Describe what measures are taken to prevent unauthorized disclosure of the records and state the categories of individuals authorized access to the records. Specify system safeguards, such as safes, vaults, locked cabinets or rooms, guards, personnel screening, visitor registers, computer "fail-safe" systems software, etc. (NOTE: Do not describe security safeguards in such detail as to increase the risk of unauthorized access to the records.)

4. *Retention (Retention and Disposal)*. State rules on how long the records are to be maintained; if and when they are moved to Federal Records Centers, or to the National Archives or other designated depository; and if, when and how they are destroyed, or otherwise disposed of. Changes in this item will not normally require immediate publication of a revised public notice unless they reflect an expansion in the availability of or access to the system of records.

J. *Sysmanager (Title and Duty Address of the Agency Officials Responsible for the System)*. In all cases, enter the title of the official who is responsible for policies and procedures governing the system; i.e., Staff Director, Civilian Personnel, HQ DSA. If the title of the official is unknown or unknowable (such as for locally evolved systems), specify the Commander or the Head of the Office as the responsible official. In addition, for geographically or organizationally decentralized systems, where individuals may deal directly with agency officials at each location to exercise their rights under the Act, give the position or duty title of each category of official responsible for the system, or a segment thereof. For example, in the case of individual accident case report records, the entries should be; Staff Director, Civilian Personnel, HQ DSA, and Safety Officers of PLFAs. Do not include the duty address if already listed in organizational directories mentioned in paragraph D above.

K. *Notification (Procedure Whereby Individuals Can be Notified at Their Request if the System Contains Records Pertaining to Them)*

1. Indicate whether or not requests from individuals should be addressed to the above SYSMANAGER as in paragraph J above. If requests are to be addressed to any other officials, list them by duty or position titles.

2. Specify what information will be required from the requesting individual to determine whether or not the system contains a record about him, such as full name, military status, SSN or service number, resident or nonresident, etc.

3. List by specific name, or categories, those offices which the requester may visit to obtain information on whether the system contains records pertaining to him or her.

4. For personal visits, specify what data the requester must present as proof of identity, such as a combination of full name, date and place of birth, parent's name, driver's license, or medicare card, etc. Do not require

verification of identity for records which are disclosable under the Freedom of Information Act.

L. *Access (Procedures Whereby an Individual Can be Notified at His Request How He Can Gain Access to Any Record Pertaining to Himself contained in the system of records).* Include the title or category of officials who can provide assistance, if those officials are other than the SYSMANAGER above. If the mailing addresses are listed in the organizational directory, state that official mailing addresses are in the Department of Defense directory in the appendix to the DSA systems notice. Specific locations and telephone numbers of offices may be indicated for unique or centralized systems.

M. *Contest (Rules For Access and Contesting Contents of Records).* To comply with this requirement, merely, state: "The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER".

N. *Source (Categories of Sources of Records in the System).* List by type each source of information in the system, e.g., previous employers, financial institutions, educational institutions, trade associations, automated system interfaces, etc. Specific individuals or institutions need not be identified by name. Again, be sure to include all types, since collection of information from types of sources other than listed will require publication of a revised public notice in the FEDERAL REGISTER before any information is collected from those sources.

SECTION III. SYSTEMS QUALIFIED AND PROPOSED FOR EXEMPTION

Generally, the following records may be exempted from the provisions of K, L, and N of section II above (subsection (e)(4)(G), (H), and (I) of the Act):

1. Records maintained by the Central Intelligence Agency.

2. Records compiled to ensure protection of the President or other officials, classified records, records required by statute to be maintained and used solely as statistical records.

3. Investigatory records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Military Service, Federal contracts, or access to classified information, but only to the extent as outlined in subsection (k)(5) of the Act.

4. Certain testing and examination material.

5. Certain material used to evaluate potential for promotion in the Armed Services. (All items in section II, above will be completed for systems proposed for exemption, except for K, L, M, and N). Cite the system name and specific provisions of the Act, from which the system is to be exempted and the reasons therefor. Consult with Counsel for detailed guidance for systems which may be eligible for exemption. Proponents of systems dealing with the above types of records should contact the appropriate records management staff for additional guidelines, if necessary, for preparing exemption notices for publication in the FEDERAL REGISTER. (NOTE: No system of records is exempted from the public notice requirements of the Act). Failure to publish such a notice constitutes a criminal violation.

APPENDIX B

DETAILED INSTRUCTIONS FOR FORMS AND INFORMATION REQUIREMENTS SUBJECT TO THE PRIVACY ACT OF 1974

1. Fill-in information on the preprinted blank Privacy Act Statement format will be completed by the *functional element* responsible for the form. It will be completed by typewriter, for use as a camera copy to reproduce and distribute to users of the form to which the statement applies.

2. The forms management office will assign an edition date in the block provided, and when revised, a new edition date will be assigned. Edition dates assigned the Privacy Act Statements may differ from the date of the form described in the Statement since each may be revised without revision to the other. The same edition dates will be assigned to both form and related statement when processed simultaneously as new or revised actions. When Privacy Act Statements are revised, previous editions will always be obsoleted. A supersession notice obsoleting the previous edition will be shown in the bottom border of the statement in the same manner as shown on forms when superseding a previous edition. No form number is assigned to the blank Privacy Act Statement format since it may be confused with the applicable form number entered in the space provided in the lower left hand corner.

3. When referencing a specific approved Privacy Act Statement, it will be referred to by the related form number followed by the words "Privacy Act Statement". For example, if DSA Form 0000 is entered in the lower left corner of the Statement, the Statement will thereafter be referred to as DSA Form 0000-Privacy Act Statement. This will facilitate the requisitioning of supplies of the filled-in printed Statement and for making references in correspondence.

4. Strict attention is invited to item number 1 on the Statement, "Authority". This item, when completed, *must* be coordinated with Counsel for validation. The entry in the "Authority block must be a "Statute" or "Executive Order". When a SSN is requested, in addition to other items of personal information, the authority for requesting the SSN, if different from the authority for the other items, will also be shown in this block. When a SSN is the only personal information requested, *only* item numbers 1, 3, and 4 of the Privacy Act Statement apply.

5. A supply of *blank* "Privacy Act Statements" will be maintained by the local forms management office for issuance on request from functional staff elements. PLFAs will locally reproduce future needs of the blank statement. HQ DSA and DSASC staff elements will obtain additional supplies from DSAH-XA.

6. *Completed* and officially approved statements applicable to DD, DSA, DSAH, and DSC forms will be processed for initial distribution in accordance with information contained in block 9 of DSA Form 1424, Request for Processing Privacy Act Statement. HQ DSA and DSASC staff elements can obtain additional copies from DSASC-PD. Completed statements applicable to DD and DSA forms will be initially distributed to PLFAs, who will redistribute needs to subordinate echelons. PLFAs will locally reproduce additional needs. PLFAs will develop local procedures for printing and distributing supplies of completed and approved Privacy Act Statements applicable to locally designated and controlled forms.

7. DSA Form 1424, will be prepared by functional elements responsible for each statement. It will serve as a source document for preparing a requisition for reproduction and distribution of the approved *completed* statement to all users of the form to which it is applicable. The forms management office will be the source of supply for blank copies of DSA Form 1424.

8. HQ DSA and PLFA forms management offices will maintain a file on each approved Privacy Act Statement along with a copy of the supporting DSA Form 1424, DD Form 843, Requisition for Printing and Binding Service, and DD Form 844, Requisition for Local Duplicating Service. The method of filing is left to the discretion of local forms management officers.

APPENDIX C

EXEMPTED RECORD SYSTEMS

A. *ID:* S150.20 DSAH-T. (General Exemptions)

Sys Name: Security Violation Files.

Exemption: This system of records is exempted from the following provisions of the title 5, United States Code, section 552a: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

Authority: 5 U.S.C. 552a(j)(2).

Reasons: Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

The exemption of the individual's right of access to his records and the reasons therefor necessitate the exemption of this system of records from the requirements of the other cited provisions.

B. *ID:* S153.01 DSAH-T. (Specific Exemptions)

Sys name: Personnel Security Files.

Exemption: This system of records is exempt from the following provisions of title 5, United States Code, section 552a: subsection (d).

Authority: 5 U.S.C. 552a(k)(1), (2), and (5).

Reasons: Material contained in this record system which is properly and currently classified under the provisions of Executive Order 11652 must be strictly controlled, the disclosure of which would have an adverse effect on the National defense. Also, investigatory material is exempt to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence. This exemption will protect the identities of certain sources who would be otherwise unwilling to provide information to the Government.

C. *ID:* S160.50 DSAH-T. (General Exemptions)

Sys name: Criminal Incidents/Investigations File.

Exemption: This system of records is exempted from the following provisions of the title 5, United States Code, section 552a: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

Authority: 5 U.S.C. 552a(j)(2).

Reasons: Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of

evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

The exemption of the individual's right of access to his records and the reasons therefor necessitate the exemption of this system of records from the requirements of the other cited provisions.

[FR Doc.76-13337 Filed 5-6-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

Prospecting Permits; Issuance of Leases

On January 19, 1976, proposed regulations were published in the FEDERAL REGISTER (41 F.R. 2948), to formally define "commercial quantities" under 30 U.S.C. 201(b) and "valuable deposit" under 30 U.S.C. 211(b), 262, 272, and 282 and to state what information the permittee must submit to demonstrate the existence of coal in commercial quantities or of a valuable deposit of the other permit minerals, and to state that if a permittee makes the necessary showing, the Secretary will offer a lease to the permittee. Initially, interested persons were given until February 19, 1976 to submit comments; the comment period was later extended until March 19, 1976. 41 F.R. 7110 (1976). Full and careful consideration was given to all written comments received and in response to these comments several changes have been made in the regulations.

Many of the comments received were critical of the standard for commercial quantities and valuable deposit contained in the proposal. Nevertheless because of the law's requirements, the Department has not changed the essential aspects of the proposed rules, although several revisions have been made.

Major Change. The proposed regulations required the permittee to submit information on the cost of mining without first being informed of proposed lease terms and royalties. Several of the comments noted that this would be burdensome and unfair to lease applicants and that lease terms should be known to the permittees before they have to present financial information. The Department agrees that the procedures in the proposal would have created this problem. In response, the Department has divided the application procedure into two phases. In the initial phase, the applicant will submit reserve information, describe the physical characteristics of the area covered by his permit and describe his proposed mining operation. 43 CFR 3521.1–1(b). The Department will use the information to do a technical examination/environmental analysis of the area covered by the permit. 43 CFR 3521.1–4. The purpose of this step is to prepare appropriate lease terms and stipulations. 43 CFR 3521.1–5. The proposed lease terms and stipulations will be given to the permittee, and based on this information he will make a final showing of revenues and costs. 43 CFR 3521.1–1(c). The Department believes that this procedure is fair to the lessee and complies with the Department's duty to assure effective environmental protection.

The Department realizes that the information that the permittee submits on proposed mining methods, mine location and proposed schedule of mining will have to be somewhat general, and that, often, additional drilling and planning will be required before final mining plans can be completed. Nonetheless, the permittee must make an estimate of the methods of mining and the location of the mine. At a minimum, this requires identification of the proposed mining method (underground or surface), the likely rate of production, the location of the mine and basic mining and processing equipment and other factors. Information more detailed than that based on drilling information necessary to demonstrate the existence of measured or indicated reserves is not required. Subsection (a) of 3521.11 has been amended to allow additional time for the filing of the initial application.

Minor revisions and response to comments. The Department has made several changes of a minor nature in response to comments on particular sections. These are addressed in the following section-by-section analysis. Explanation of why changes were not made is also included in this analysis. The comment is listed followed by the section involved and Department's response.

1. Request that the regulations apply to coal only. 3520.1–1(a). This section says that the regulations will apply to all prospecting permit minerals. The Department believes that the regulations state the proper standards for all permit minerals and that delay in applying the standard to those minerals would serve no purpose

2. Request that Department apply "workability" standard/request that Department apply "overall balance" standard. 3520.1–1(c). This section adopts the prudent person rule to determine whether a permittee has discovered coal in commercial quantities or a valuable deposit of one of the other permit minerals. The Department has reviewed in great detail the legal support for each of the positions suggested by the comments and has concluded that the standard found in the regulations correctly interprets the Mineral Leasing Act and other relevant statutes. Consequently, the definition in the proposal has not been changed. One comment requested that the Department adopt the prudent person test, without its marketability aspect. This comment fails to recognize that the prudent person standard and the marketability standard are not different tests. As the Supreme Court stated, "[T]he prudent-man test and the marketability tests are not distinct standards, but are complementary in that the latter is a refinement of the former." 390 U.S. 599, 603 (1968).

3. Request that this standard not apply to permits granted before the effective date of the regulation. 3520.1–1(d). This section stated that the regulations would apply to applications for leases pending on the effective date of this regulation. The Department has full legal authority to adjudicate pending applications for leases under the standards adopted by these regulations. As a question of policy, it has determined that the public interest would not be fully protected unless these applications for leases are examined under what the Department believes is the correct interpretation of the statute. Conversely, the Department believes that it would be extremely disruptive and not in the public interest to examine leases issued prior to the promulgation of this regulation to determine if, when issued, they complied with the standards of this regulation. In addition, the Department believes that there would be extremely difficult problems of proof if this inquiry were made. Consequently, this section has not been changed.

4. Request that the Department give lease terms to permittee before a financial showing is made. 3521.1–1(b). This comment was discussed previously in the section on major changes. In response to this comment, 3520.1–1(b) was made into two subsections 3520.1–1(b) and 3521.1–1(c). In addition, two new sections were added, 3521.1–4 and 3521.1–5, to explain the steps the Department will take to prepare lease terms and stipulations.

5. Request clarification of application to in situ development or utilities. 3521.1–1(b), now 3521.1–1(c). This section refers to the cost of operating or developing a "mine." Several comments requested that additional language be added to insure that "mine" encompassed in-situ development. The Department intends and believes that the term "mine" is sufficiently broad to take into account all types of coal development, including in-situ development. The regulation states that all estimated costs must be taken into consideration, and then sets out a list of costs. The Department intends that the list should not be considered the exclusive list of costs, and if other costs are appropriate because of the type of development these costs must be identified. The Department used the word "included" to indicate that the list was not an exclusive list. Similarly, for integrated coal users, such as utilities, who both mine and use the coal, they will be required to place a value on the coal used and on the cost of mining the coal. Since the original language is broad enough to cover this comment, no change was made.

6. Request for clarification of time to determine prices and costs. 3521.1–1(b), now 3521.1–1(c). The proposed regulation did not state whether the prices and costs should be determined as of the time of application, time of decision, or some other time. While the Mineral Leasing Act clearly limits the time to collect in-

formation on the physical property of the coal deposit to the term of the prospecting permit, no such limitation appears for prices and costs. The basic purpose of the prudent person test is to give an indication of whether a particular lease can be developed. In view of the purpose of the test, the Department believes that prices and costs should not be frozen at the time that the application for lease is filed. The Department will administer the regulations to consider, where appropriate, price changes that occur before a final Departmental decision is made. Expected prices and costs over the life of the deposit may be considered.

7. Request for clarification whether a contract for the sale of the mineral is needed to prove revenues. 3521.1–1(b)(2), now 3521.1–1(c)(1). This section requires the permittee to estimate revenues. The Department recognizes that in many instances a contract to sell coal cannot be signed until after a lease is awarded. While an executed contract will usually be the best evidence of revenues, estimated revenues may be based on factors such as price received for similar coal, evidence of existing markets or the applicant's best judgment of future markets. Lack of a contract will not disqualify a permittee from receiving a lease.

8. Request for clarification whether costs includes cost of complying with state regulations. 3521.1–1(b)(3), now 3521.1–1(c)(2). The proposed section stated that all "direct costs" would be considered. Several comments noted that the meaning of "direct" was unclear, and at any rate it would eliminate costs that a prudent person would consider. The Department agrees with both of these comments and has eliminated the word "direct." This change, plus the use of "including" before the list of the costs, should make it clear that the permittee must show all costs. The costs of complying with state or local government regulations are clearly costs that must be considered.

9. Request that the permittee estimate the cost of complying with yet unenacted laws. 3521.1–1(b)(3), now 3521.1–1(c)(2). This section says that the permittee must show the cost of complying with "existing" governmental regulations. It is alleged that a prudent person would consider not only the cost of existing regulations, but also the cost of future regulations. The Department believes that such considerations are generally inappropriate in this context, since these costs are too remote to be reasonably estimated. Consequently this section was not changed.

10. Request that the willingness of the permittee to sign the lease be accepted as evidence that the prudent person test has been met. 3521.1–1(h). This section requires the authorized officer to review the information and determine that a satisfactory showing has been made. The Department has not changed this section for two reasons. First, the Department believes that the Mineral Leasing Act requires the Department to review the permittee's showing. Second, the prudent person test is an objective, not a subjective test. The question under that test is not whether a particular person would invest his labor and means, but whether an objective prudent person would do so.

11. Request that rental rate be raised. 3521.1–1(e) new 3521.1–1(f). This provision requires the initial application to be accompanied by the minimum rental permitted by the Mineral Leasing Act. The comment requests that the Department charge higher rentals. The Department's position is that, at the application stage, it is appropriate for the permittee to submit only the minimum rental. This minimum charge does not preclude the Department from charging a higher rental in the lease.

12. Request for clarification whether imposition of lease terms could result in a deposit failing to meet the statutory test. 3521.1–1(f), now 3521.1–5. This section, as revised, requires the Department to prepare appropriate lease terms before the permittee submits financial information. The costs imposed by these stipulations are considered in the same manner as all other costs. If the cost of mining exceeds the value of the deposit, the lease application will be denied; the source of the costs will not be separately examined.

13. Revise hearings procedures to clarify when permittee has a right to a hearing. 3521.1–1(i), (j), now 3521.1–1(j). The proposed hearing procedures did not clearly state when a permittee had a right to a hearing. The two sections have been combined and the regulation now says that a permittee has a right to a hearing if he has alleged in his application facts sufficient to show that he is entitled to a lease. The revised regulation still provides that the permittee has both the burden of going forward and the burden of proof.

General Comments. The Department also received several comments that were not directed to a particular section of the regulations.

1. Request that regulations include specific right to judicial appeal. Since the right to appeal is covered by the Administrative Procedure Act, the Department does not believe it is necessary for the regulations to include a judicial appeal section.

2. Request for explanation of relationship of Endangered Species Act and these regulations. Where necessary, the Department will include stipulations in mineral leases that require lessees to comply with the provisions of the Endangered Species Act, 16 U.S.C. 1531–43. Since these rules require that the cost of all stipulations be included in the commercial quantities and valuable deposits determination, it is possible that stipulations to comply with the Endangered Species Act could result in a lease application not meeting the requisite test. The lease application would then be denied under the Mineral Leasing Act. In other situations, where the lessee will be able to modify his operations to meet the requirements of the Endangered Species Act, and still meet the test under the Mineral Leasing Act, the lease will be offered.

3. Request to change "Secretary" to "authorized officer." The proposed regulations referred to "Secretary" to designate an official of the Department. Several comments noted that the term "authorized officer," as defined in 43 CFR 3000.0–5(f), should be used instead. The Department agrees and has changed "Secretary" to "authorized officer" to make these regulations consistent with other regulations of the Department.

4. Request for preparation of inflationary impact statement. The Department has prepared a negative declaration to meet its responsibility under E.O. No. 11821.

5. Allegation that regulations are inconsistent with Mining and Minerals Policy Act of 1970, 30 U.S.C. 21a. The Department believes that these regulations fully promote the purposes of that Act. For example, the Act establishes a policy of fostering and encouraging private enterprise in the development of "economically sound" and stable mining industry. 30 U.S.C. 21a(1). Reviewing whether a permittee has a prospect of success in developing a valuable mine supports this principle.

6. Requests for clarification whether new prospecting permits will be issued for coal. On January 26, 1976, Secretary Kleppe announced that, in the near future, no new prospecting permits would be issued for coal. Permit programs for other minerals will continue.

7. Request for discussion of relationship betwen these regulations and competitive leasing under the Mineral Leasing Act. These regulations do not change, in any way, the administration of the competitive leasing aspects of the Mineral Leasing Act.

8. Request that the Department exercise in these regulations its authority to ensure the sale of the production from the leased lands at reasonable prices. 30 U.S.C. 187. The Department does not feel it is proper to incorporate in these regulations, a procedure to review whether prices are reasonable.

9. Request whether information submitted by permittee will be treated as confidential information. The Department will treat information submitted under these regulations according to the Freedom of Information Act procedures in 43 CFR Part 2.

10. Request that "chiefly valuable" standard be omitted. Several comments expressed disagreement with the requirement that before a lease could be issued to a permittee who was prospecting for sodium, sulphur, or potassium, 3521.1–1(c), now 3521.1–1(d), the permittee has to show that the land is "chiefly valuable" for the mineral deposit. The Department has no discretion to dispense with this requirement for these three minerals because the Mineral Leasing Act requires the showing to be made. 30 U.S.C. 262, 272, and 282. Because of the large number of comments on the "chiefly valuable" standard, the Department will institute a separate rulemaking proceeding before publishing a defi-

nition of the term. Comments received in advance of that proposed rulemaking will be considered to the extent possible. Comments should be directed to the Director, Bureau of Land Management (210), Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. The anticipated publication date for this proposed rulemaking is September 1, 1976.

11. Request that the standard of valuable deposit not apply to hardrock prospecting permits. The proposed rulemaking applied not only to prospecting permits issued under the Mineral Leasing Act, but also to permits issued under the authority transferred to the Department of the Interior by Section 402 of the Reorganization Plan No. 3, 60 Stat. 1099. The Department's authority under the Reorganization Plan does not require the Department to use any particular leasing system or standard. In the past, the Department has used the same standard under the Reorganization Plan as it used under the Mineral Leasing Act. Consequently, prospecting permits issued under the Reorganization Plan were included in the proposed rulemaking. However, the Department is presently considering whether to adopt a different system for leasing minerals subject to the Reorganization Plan. Consequently this rulemaking does not include permits issued under the Reorganization Plan. The Department intends to undertake separate rulemaking for minerals leasable under that authority. Comments should be directed to the address listed in the previous response. No proposed date of publication has been established.

12. Request that the Department provide existing lease applicants with access to the permit area to allow them to gather information required by these regulations. Several comments noted that a permittee whose permit expired before the effective date of these regulations will have no opportunity to gather information needed to comply with the regulations. Although these regulations require no more drilling than was previously properly required, in recognition of this potential problem (and in recognition of a similar need of a potential bidder under the Department's competitive leasing procedures), the Department is preparing regulations that allow cooperative drilling and testing of federal mineral deposits. Information obtained under a cooperative testing agreement could be used to prepare a preliminary mining plan, but could not be used to show either the quantity or quality of the mineral for the purposes of showing entitlement to a lease; under the Mineral Leasing Act, that information must be obtained during the term of the permit.

Administrative matters. After the final promulgation of these regulations, the Bureau of Land Management will contact all preference lease applicants and inform them of the new regulations, and offer them an opportunity to submit additional information to meet the requirements of the regulations. The Bureau of Land Management will also inform the permittees that applications for leases which meet the Department's short-term leasing criteria will be processed first.

Therefore, under the authority granted under § 32 of the Mineral Leasing Act, 30 U.S.C. 189, 43 CFR Subparts 3520 and 3521 are amended as follows:

1. 43 CFR Subpart 3520 is amended by revising § 3520.1–1 to read as follows:

§ 3520.1–1 Preference right leases.

(a) *Coal, phosphate, sodium, sulphur, and potassium* (1) The authorized officer shall issue a lease to the holder of a prospecting permit issued for phosphate, sodium, sulphur, or potassium if the permittee shows to the authorized officer that, within the term of the permit, he discovered a valuable deposit of the mineral for which the permit was issued, or for a prospecting permit issued for coal, if the permittee shows to the Secretary that he discovered commercial quantities of coal. (2) If the permit is for sodium, sulphur, or potassium, the authorized officer may not issue a lease unless the permittee also shows that the land is chiefly valuable for the development of the mineral deposit discovered.

(b) *Lease area.* The lease shall be for all or part of the lands in a reasonably compact form.

(c) *Standards to determine "valuable deposit" and "commercial quantities."* A permittee has discovered commercial quantities of coal or a valuable deposit of one of the other permit minerals if the mineral deposit discovered under the permit is of such a character and quantity that a prudent person would be justified in the further expenditure of his labor and means with a reasonable prospect of success in developing a valuable mine. The permittee must present sufficient evidence to show that there is a reasonable expectation that his revenues from the sale of the mineral will exceed his costs of developing the mine, and extracting, removing, and marketing the mineral.

(d) *Applicability.* The standard in paragraph (c) of this section shall apply to all future applications for leases by prospecting permittees, and to applications pending on the effective date of this regulation. Leases which have been issued prior to that date may not be reexamined to determine whether they meet the standards in paragraph (c) of this section.

2. 43 CFR Subpart 3521 is amended by revising § 3521.1–1 and adding §§ 3521.1–4, and 3521.1–5 to read as follows:

§ 3521.1–1 Forms.

(a) (1) An application for a lease by a prospecting permittee shall be filed within 30 days after the permit expires.

(2) If a permittee needs additional time to submit the information required by section 3521.1–1(b) of this part and files, within 30 days after the permit expires or within 60 days from the effective date of these regulations, whichever is later, a notice of application and request for extension of time, the authorized officer shall extend the time for submitting the required information for the period requested, but for not more than one year.

(b) *Initial showing.* The initial application for a lease shall contain the following information:

(1) The quantity and quality of the minerals discovered within the area included within the permit. The term "quantity of minerals" means only measured and indicated reserves. Structural maps of the tops of all beds to be mined; isopachous maps of beds to be mined and interburden; and isopachous maps of overburden (for beds to be mined by surface methods). These maps shall show the location of test holes and outcrops. Estimates of measured and indicated reserves for each bed to be mined must also be submitted. Coal quality data submittals shall include, as a minimum, an average proximate analysis and BTU content for coal beds, or average grade of the ore for other minerals. In addition, all supporting geological and geophysical data used in development of the above required information shall be submitted.

(2) A map, or maps, as may be available from State or Federal sources, which shows the topography of the land applied for, on which the applicant shall show physical features and natural drainage patterns and existing roads, vehicular trails, and utility systems; the location of any proposed development or mining operations and facilities incidental thereto, including the appropriate locations and areal extent of the areas to be used for pits, overburden, and tailings; and the location of water sources or other resources which may be used in the proposed operations or facilities incidental thereto.

(3) A narrative statement, including:

(i) The anticipated scope, method, and schedule of development operations, including the types of equipment to be used;

(ii) The method of mining anticipated, including the best available estimate of the mining sequence and production rate to be followed;

(iii) The relationship, if any, between the mining operations anticipated on the lands applied for and existing or planned mining operations, or facilities incidental thereto, on adjacent Federal or non-Federal lands;

(iv) A brief description, including suitable maps or aerial photographs as appropriate, of the existing land use within and adjacent to the lands applied for, and of known geologic, visual, cultural, or archaeological features, and the known habitat of fish and wildlife, particularly threatened and endangered species, that may be affected by the proposed or reasonably anticipated exploration or mining operations; and

(v) A brief description of the proposed measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife or other natural resources, air and noise pollution, and hazards to public health and safety; to reclaim the surface; and to otherwise meet applicable laws and regulations which the applicant

wishes to have considered by the authorized officer.

(c) *Final Showing.* After the permittee receives the technical environmental analysis report and proposed lease form prepared in accordance with § 3521.1–5 of this subpart, he shall submit the following information:

(1) Estimated revenues;

(2) All the estimated costs that a prudent person would consider before deciding to operate a mine, including the cost of:

(i) Developing the mine;

(ii) Removing the mineral;

(iii) Processing necessary to place the mineral in a saleable condition;

(iv) Transporting the mineral product to the point of sale (f.o.b.);

(v) Applicable royalties and taxes; and

(vi) Complying with existing governmental regulations, reclamation and environmental standards, and proposed lease terms;

(3) A comparison of estimated costs and estimated revenues; and

(4) If the permittee intends to mine the deposit in the land covered by the permit as part of a logical mining unit in conjunction with related deposits, the permittee's showing may include the estimated costs and revenues of the combined mining venture.

(d) *Additional showing for permits issued for potassium, sodium, and sulphur.* In addition, if the prospecting permit was granted for sodium, sulphur, or potassium, the lease application shall also contain sufficient information to show that the land is chiefly valuable for the development of the mineral deposit discovered.

(e) *Amount of detail required.* The information submitted by the permittee shall be sufficient to enable the authorized officer to ascertain whether the permittee's showing has a reasonable factual basis and supports his assertion that:

(1) He has found commercial quantities of coal if the permit was issued for coal; or

(2) He has found a valuable deposit of the minerals covered by the permit if the permit was issued for a mineral other than coal; and

(3) The land is chiefly valuable for the mineral deposit if the permit was issued for sodium, sulphur, or potassium.

(f) *Rental to be submitted.* The initial application must be accompanied by the first year's rental at the rate of 25 cents per acre or fraction thereof except that:

(1) Sulphur. The application shall be accompanied by the first year's rental at the rate of 50 cents per acre or fraction thereof.

(2) Solid (hardrock) minerals. The application shall be accompanied by a payment of $1 for each acre or fraction thereof included in the application, but not less than $20.

(g) *Action if additional information is needed.* (1) If the permittee has not submitted the information this section requires, the authorized officer shall inform the permittee of the omissions and shall give the permittee an opportunity to submit the necessary information. The request for additional information shall specify:

(i) The information the permittee has failed to provide; and

(ii) The date by which the permittee must submit the omitted information, but the authorized officer shall allow no less than 60 days for a response.

(2) The authorized officer may grant the permittee an extension of time to respond to a request for additional information if the permittee requests an extension before the expiration of the period originally stated.

(3) The authorized officer shall reject the lease application if the permittee does not respond to a request for information on time.

(h) *Action if showing is satisfactory.* The authorized officer shall issue a lease to the permittee, if, after reviewing the lease application, he determines:

(1) That the permittee has presented information that has a reasonable factual basis, and the information supports the permittee's assertion that:

(i) He has found coal in commercial quantities if the permit was issued for coal; or

(ii) He has found a valuable deposit of the mineral covered by the permit if the permit was issued for a mineral other than coal; and

(iii) If the permit was issued for sodium, sulfur, or potassium, that the land is chiefly valuable for the mineral deposit; and

(2) That the permittee has taken into account all the factors required by this section.

(i) *Basis for denial of lease application.* The authorized officer may reject the application and inform the permittee of the grounds for the rejection, or request additional information under the procedures in paragraph (g) of this section if he determines that the evidence submitted by the permittee does not support his assertion that:

(1) He has found commercial quantities of coal if the permit was issued for coal; or

(2) A valuable deposit of the mineral covered by his permit if the permit was issued for mineral other than coal; or

(3) If the permit was issued for sodium, sulphur, or potassium, that the land is chiefly valuable for the mineral deposit.

(j) *Hearing and appeal procedures.* (1) If the permittee's application is rejected, he may file a notice of appeal and statement of reasons for appeal in accordance with the procedures of 43 CFR Part 4.

(2) The permittee shall have a right to a hearing before an Administrative Law Judge in the Office of Hearings and Appeals if he has alleged, in his application, facts sufficient to show that he is entitled to a lease.

(3) At the hearing the permittee shall have both the burden of going forward and the burden of proof, and must show by a preponderance of the evidence that he has discovered coal in commercial quantities, or a valuable deposit of one of the other minerals, and if his application is for a sodium, sulphur or potassium lease, that the land is chiefly valuable for the mineral deposit discovered.

§ 3521.1–4 Technical examination/environmental analysis.

In connection with an application for a lease, the authorized officer, with the assistance of the Mining Supervisor, shall make a technical examination and environmental analysis.

(a) The technical examination shall include: (1) an examination of the technical aspects of the proposed operations set forth in the lease application; and (2) an evaluation of the impacts of such operations on other land uses, resources, or land management programs on or adjacent to the area.

(b) The environmental analysis shall include an analysis of the impact of the proposed operations set forth in lease application.

§ 3521.1–5 Technical examination/environmental analysis report.

(a) Following completion of the technical examination and environmental analysis described in the preceding section, the authorized officer shall prepare a report which sets forth recommendations as to (1) land where reclamation is not attainable or assured; (2) measures required to comply with the reclamation and performance standards set forth in Subpart 3041 of this Chapter; (3) necessary conditions and amounts of bonds to cover estimated reclamation costs for areas that will be disturbed during the initial 5-year period of the lease, permit, or license; (4) any additional, more stringent requirements needed in the lease pursuant to § 3041.2–2(a) of this Subpart; and (5) proposed lease terms and stipulations.

(b) The authorized officer shall send a copy of this report to the lease applicant.

Effective date. May 7, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.76–13284 Filed 5–6–76;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1221—RETIRED SENIOR VOLUNTEER PROGRAM COST SHARING

Adoption of Interim Regulations

On March 10, 1976, there was published in the FEDERAL REGISTER (41 FR 10228), a notice of an interim amendment to Chapter XII, Part 1221. The interim amendment prescribed the maximum local share contribution required for grants under the Retired Senior Volunteer Program (RSVP). ACTION may not require the local cost share contribution to exceed annual percentages of approved budgets: 10 percent in the first year; 20 percent in the second year; and 30 percent in any subsequent years.

Section 201(a) of the Domestic Volunteer Service Act of 1973 (Public Law 93-113, 88 Stat. 357), provides that the Director of ACTION may make exceptions to the required annual local cost-sharing percentages in cases of demonstrated need.

Interested persons were given 30 days in which to submit comments. A number of comments were received from the public; all comments expressed support for the interim regulations. Thus, the interim regulations are hereby adopted without change as prescribed below.

(Section 201(b) of Public Law 93-113, 88 Stat. 357.)

§ 122.2 RSVP Cost-sharing schedule.

(a) The following RSVP cost-sharing schedule identifies for each budget period, normally one year, the required percentage of the local cost sharing to approved RSVP project budgets of sponsors, as well as the Federal contribution:

RSVP cost-sharing schedule

Budget period	Contributions (percent)	
	Federal	Local/non-Federal
1	90	10
2	80	20
3 and beyond	70	30

(b) Local, non-Federal commitments may voluntarily exceed the annual requirements specified in the schedule. Excess local, non-Federal contributions shall not be a consideration for receiving an initial or continuation RSVP grant. A local commitment in excess of the required local share may be reduced to a lesser amount by the project sponsor and will be accepted by ACTION. The local contribution must equal or exceed the percentage shown in the RSVP Cost-Sharing Schedule.

Effective Date. These regulations are effective May 10, 1976.

Approved: April 30, 1976.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.76-13283 Filed 5-6-76;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 294—OPERATING - DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Establishment of Abatement Levels

Part 294 of Title 46, Code of Federal Regulations, which prescribes regulations governing the payment of operating-differential subsidy (ODS) to operators of bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics, is hereby amended.

The purpose of this amendment is to establish abatement levels which will permit operators of vessels who have long term ODS contracts under 46 CFR Part 252 to participate in the Russian grain program on a basis equivalent to the current participation of operators with vessels subject to ODS contracts under 46 CFR Part 294.

This amendment provides a subsidy abatement schedule for bulk cargo vessels engaged in the carriage of grain and other commodities from the United States to the Union of Soviet Socialist Republics which are subject to long term ODS contracts entered into pursuant to the provisions of Part 252 of Title 46 of the Code of Federal Regulations. The table contained in § 294.9(c)(2)(iii) (by which the amount of any abatement is determined) remains unchanged and is made applicable by this amendment to vessels engaged in the Russian grain program that are subject to ODS contracts entered into under 46 CFR Part 252.

Since the payment of ODS under Title VI of the Merchant Marine Act, 1936, as amended, is a matter of public grant, this amendment is published in final form without notice of proposed rulemaking in accordance with the provisions of 5 USC 553.

This amendment to 46 CFR Part 294 has been reviewed pursuant to E.O. 11821 and OMB Circular A-107 and it has been determined that it will have no major inflationary impact.

Accordingly, § 294.9 of Part 294 of Title 46 of the Code of Federal Regulations is amended by revising paragraph (c)(2) thereof to read as follows:

§ 294.9 Charter rate determination and abatement of subsidy.

* * * * *

(c) *Fixtures made on or after April 1, 1975.* (1) *Charter rate determination.*

* * *

(2) *Abatement determination.* (i) *In general.* Operating-differential subsidy otherwise payable on the carriage of bulk raw and processed agricultural commodities to the U.S.S.R. shall be subject to abatement on a voyage basis as provided in this subparagraph.

(ii) *Abatement level.* (A) *ODS payable pursuant to this part.* Operating-differential subsidy otherwise payable pursuant to this part on fixtures made on or after April 1, 1975 shall not be abated when the charter rate is the same or less than the amounts shown in the following table:

Trade:	*Abatement level (per long ton)*
U.S. Gulf/Black Sea	$13.00
U.S. Gulf/Baltic	[1] $12.70
U.S. Gulf/Soviet Pacific	$15.00
U.S.N.H./Black Sea	[1] $12.50
U.S.N.H./Baltic	$12.50
U.S. Pacific/Soviet Pacific	$13.50

[1] plus $1.00 if arrival is between Nov. 1 and Apr. 30.

(B) *ODS payable pursuant to Part 252 of this subchapter.* Operating-differential subsidy otherwise payable pursuant to Part 252 of this subchapter on fixtures made on or after October 21, 1975 shall not be abated when the charter rate is the same or less than the amounts shown in the following table:

Trade:	*Abatement level (per long ton)*
U.S. Gulf/Black Sea	$19.00
U.S. Gulf/Baltic	[1] 18.45
U.S. Gulf/Soviet Pacific	22.75
U.S.N.H./Black Sea	18.05
U.S.N.H./Baltic	[1] 18.05
U.S. Pac./Soviet Pacific	19.95

[1] Plus $1.00 if arrival is between Nov. 1 & April 30.

(C) *Barley.* The abatement level for the carriage of barley shall be the amount indicated in the table contained in subdivision (ii)(A) or (ii)(B) of this subparagraph, as applicable, plus $.40 per long ton. (iii) *Abatement.* Operating-differential subsidy subject to abatement pursuant to subparagraph (2)(i) of this paragraph shall be abated to the extent that the charter rate exceeds the applicable abatement level contained in subparagraph (2)(i) or (ii) of this paragraph, as follows:

Excess of charter rate above abatement level:	*Percent of abatement per long ton*
$1 or less	50
$1 to $7	75
Over $7	90

The amount of any abatement required by this subparagraph shall be reduced by an amount equal to the commission payable under the charter party applicable to the amount subject to abatement.

* * * * *

Effective date. This amendment shall be effective as of October 21, 1975.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707), July 23, 1973)

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

By Order of the Maritime Subsidy Board.

Dated: May 4, 1976.

ROBERT J. PATTON,
Assistant Secretary,
Maritime Subsidy Board.

[FR Doc.76-13411 Filed 5-6-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1238; Amdt. No. 2]

PART 1033—CAR SERVICE

Certain Railroads Directed to Operate Portions of Lines Formerly Operated by Railroads in Bankruptcy

MAY 4, 1976.

At a Session of the Interstate Commission, Railroad Service Board, held in Washington, D.C. on the 3rd day of May, 1976.

Upon further consideration of Service Order No. 1238 (40 F.R. 14520 and 15848), and good cause appearing therefor:

It is ordered, That: § 1033.1238 service order 1238. *Certain railroads directed to operate portions of lines formerly operated by railroads in bankrupcty.* Second Revised Appendix A to Service Order No. 1238 be, and it is hereby, substituted for Appendix A thereof.

Effective date. This amendment shall become effective at 12:01 a.m., May 4, 1976.

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

(Interprets and applies Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744); Public Laws 93-236 and 94-210.)

By the Commission, Railroad Service Board, Members, Lewis R. Teeple, Thomas J. Byrne, and William J. Love. Member Thomas J. Byrne not participating.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Service order No. 1238, second revised appendix A

Line description USRA No.	From	To	Designated operator	Former Operator	Person offering rail service continuation payment
442	Mackinaw City, Mich.	St. Ignace, Mich.	Michigan Soo Line Railroad Co.	Mackinaw Transportation Co.	State of Michigan.
		Effective 12:01 a.m., Apr. 1, 1976.			
533, 534, 534a	Celina, Ohio, M.P. 127.3.	Celina, Ohio, M.P. 125.8.	Norfolk and Western Railway Co.	PC	State of Ohio.
		Effective 12:01 a.m., Apr. 15, 1976.			
924	Rupert, Pa., M.P. 147.1.	Milton, Pa., M.P. 169.0.	Consolidated Rail Corp.	RDG	State of Pennsylvania.
		Effective 12:01 a.m., May 4, 1976.			

DEFINITIONS

PC—Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees.
RDG—Reading Co., Andrew L. Lewis, Jr., and Joseph L. Castle, trustees.

NOTE.—Revised May 3, 1976.

[FR Doc.76-13402 Filed 5-6-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1101]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be June 7, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin June 7, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin June 7, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Marion	Bear Creek, city of.	H 010352 01 through H 010352 04	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Dept., Room 453, Administrative Bldg. Montgomery, Ala. 36104.	Mayor, Box 36, Bear Creek, Ala. 35543.	June 18, 1976.
Do.	Lauderdale	Killen, city of.	H 010338 01 through H 010338 02	do.	Mayor, Route 3, Killen, Ala. 35643.	Do.
Do.	Lamar	Unincorporated areas.	H 010271A 01 through H 010271A 44	do.	Judge of Probate Court, Lamar County Courthouse, Vernon, Ala. 35592.	Dec. 6, 1974. Apr. 23, 1976.
Do.	Colbert	Littleville, city of.	H 010330 01 through H 010330 07	do.	Mayor, Town Hall, Littleville, Ala. 35654.	June 18, 1976.
Do.	Pike	Unincorporated areas.	H 010286 01 through H 010286 52	do.	Chairman, County Commissioner, Pike County Courthouse, Troy, Ala. 36081.	Do.
Arizona	Gila	Miami, town of.	H 040030A 01	Arizona State Land Dept., 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Dept. of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Mayor, Town Hall, 500 Sullivan St., Miami, Ariz. 85539.	June 28, 1974. Apr. 23, 1976.
Do.	Apache	Springerville, town of.	H 040011A 01 through H 040011A 02	do.	Mayor, Town Hall, Springerville, Ariz. 85938.	May 24, 1974. Apr. 23, 1976.
Arkansas	Crawford	Van Buren, city of.	H 050053A 01 through H 050053A 05	Division of Soil and Water Resources, State Dept. of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Arkansas Insurance Dept., 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Van Buren, Ark. 72956.	Nov. 16, 1973. Apr. 23, 1976.
California	Los Angeles	Azusa, city of.	H 065015A 01 through H 065015A 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Dept., 600 South Commonwealth Ave., Los Angeles, Calif. 90005. California Insurance Dept., 1407 Market St., San Francisco, Calif. 94103.	City Engineer, 213 East Foothill Blvd., Azusa, Calif. 91702.	June 14, 1976. Apr. 23, 1976.
Do.	Marin	Belvedere, city of.	H 060429A 01 through H 060429A 08	do.	Mayor, City Hall, 450 San Rafael Ave., Belvedere, Calif. 94920.	June 7, 1974. Apr. 23, 1976
Do.	Imperial	Brawley, city of.	H 060066 01	do.	County Director of Public Works, County Courthouse, El Centro, Calif. 92243.	June 18, 1976.
Do.	Los Angeles	Compton, city of.	H 060111A 01 through H 060111A 05	do.	City Engineer, 600 North Alameda St., City Hall, Compton, Calif. 90221.	June 28, 1974. Apr. 23, 1976.
Do.	do.	Hidden Hills, city of.	H 060125A 01	do.	City Engineer, City Hall, Hidden Hills, Calif. 91302.	May 24, 1974. Apr. 23, 1976.
Do.	Sutter	Live Oaks, city of.	H 060395B 01	do.	City Engineer, City Hall, 9867 "O" St., Live Oak, Calif. 95953.	June 7, 1974.
Do.	Los Angeles	Monrovia, city of.	H 065046A 01 through H 065046A 05	do.	Supervising City Engineer, 415 South Ivy Ave., Monrovia, Calif. 91016.	June 28, 1974. Apr. 23, 1976.
Do.	San Diego	San Marcos, city of.	H 060296B 01 through H 060296B 06	do.	City Manager, City Hall, 105 West Richmar Ave., San Marcos, Calif. 92069.	May 24, 1974. Dec. 13, 1974. Apr. 23, 1976.
Do.	Santa Cruz	Santa Cruz, city of.	H 060355A 01 through H 060355A 05	do.	Mayor, 809 Center St., City Hall, Santa Cruz, Calif. 95060.	Mar. 8, 1974. Apr. 23, 1976.
Colorado	Eagle	Basalt, town of.	H 080052A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Town Administrator, Town Hall, Basalt, Colo. 81621.	June 28, 1974. Apr. 23, 1976.
Do.	Arapahoe	Columbine Valley, town of.	H 080014A 01 through H 080014A 02	do.	Mayor, Town Hall, 17 Fairway Lane, Englewood, Columbine Valley, Colo. 80123.	Feb. 1, 1974. Apr. 23, 1976.
Do.	Montezuma	Cortez, city of.	H 080121A 01 through H 080121A 03	do.	Mayor, Main and Ash Sts., P.O. Box 1540, Cortez, Colo. 81321.	May 17, 1974. Apr. 23, 1976.
Do.	Arapahoe and Douglas.	Littleton, city of.	H 080017A 01 through H 080017A 05	do.	Mayor, City Hall, 2456 West Main St., Littleton, Colo. 80120.	Feb. 1, 1974. Apr. 23, 1976.
Do.	Adams and Jefferson	Westminster, city of.	H 080008A 01 through H 080008A 12	do.	Mayor, 3031 West 76th Ave., City Hall, Westminster, Colo. 80030.	June 7, 1974. Apr. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Franklin	Unincorporated areas.	H 120088A 01 through H 120088A 56	Department of Community Affairs, 2571 Executive Center Circle, East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Dept., Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Chairman, P.O. Box 340, Apalachicola, Fla. 32320.	Jan. 3, 1975. Apr. 23, 1976.
Do	Indian River	Indian River Shores, town of.	H 120121A 01 through H 120121A 04	do	Mayor, P.O. Box 8007, Indian River Shores, Fla. 32960.	Oct. 26, 1973. Apr. 23, 1976.
Georgia	Dawson	Unincorporated areas.	H 130304 01 through H 130304 18	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Dept., State Capitol, Atlanta, Ga. 30334.	Chairman, P.O. Box 192, Dawsonville, Ga. 30534.	June 18, 1975.
Do	Wilkinson	Gordon, city of	H 130259A 01 through H 130259A 04	do	Mayor, P.O. Box 375, Baisden, Ga. 31031.	May 17, 1974. Apr. 23, 1976.
Do	Gwinnett	Lawrenceville, city of.	H 130099A 01 through H 130099A 05	do	Mayor, P.O. Box 191, Lawrenceville, Ga. 30245.	June 28, 1974. Apr. 23, 1976.
Do	Fannin	Morganton, city of.	H 130449 01 through H 130449 02	do	Mayor, P.O. Box 157, Morganton, Ga. 30560.	June 18, 1976.
Illinois	Cook	Bellwood, village of.	H 170061A 01	Illinois Dept. of Transportation, Division of Water Resources, 300 North State Room 1010, Chicago, Ill. 60610. Illinois Insurance Dept., 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 2726 St. Charles, Bellwood, Ill. 60104.	June 7, 1974. Apr. 23, 1976.
Do	Effingham	Effingham, city of.	H 170229A 01 through H 170229A 03	do	Mayor, City Hall, South Banker St. 201, Effingham, Ill. 62401.	Mar. 22, 1974. Apr. 23, 1976.
Do	Macoupin	Gillespie, city of	H 170433A 01	do	Mayor, 115 North Macoupin St., Gillespie, Ill. 62033.	June 7, 1974.
Do	Cook	Hazel Crest, village of.	H 170102C 01 through H 170102C 02	do	Mayor, 1818 West 170th St., Hazel Crest, Ill. 40429.	June 28, 1974. July 11, 1975.
Do	Massac	Joppa, village of	H 170757 01	do	Village President, Village Hall, Joppa, Ill. 62953.	Nov. 23, 1973. Apr. 23, 1976.
Do	Cook	Lansing, village of.	H 170116A 01 through H 170116A 02	do	Mayor, 3404 Lake St., Lansing, Ill. 60438.	Feb. 1, 1974. Apr. 23, 1976.
Do	Kane	South Elgin, village of.	H 170332A 01	do	Mayor, 136 West State St., South Elgin, Ill. 60177.	Apr. 5, 1974. Apr. 23, 1976.
Indiana	Jennings	North Vernon, city of.	H 180109A 01	Division of Water, Dept. of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Dept., 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 101 Madison Ave., North Vernon, Ind. 47265.	Nov. 30, 1973. Apr. 23, 1976.
Iowa	Polk	Ankeny, city of	H 190226A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Dept., Luca State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Ankeny, Iowa 50021.	Apr. 5, 1974. Apr. 23, 1976.
Do	Van Buren	Bonaparte, city of.	H 190266A 01	do	Mayor, City Hall, Bonaparte, Iowa 52620.	Jan. 9, 1974. Apr. 23, 1976.
Do	Adair	Bridgewater, city of.	H 190314 01	do	Mayor, City Hall, Bridgewater, Iowa 50837.	June 18, 1976.
Do	Woodbury	Bronson, city of	H 190287A 01	do	Mayor, City Hall, Bronson, Iowa 51007.	Aug. 30, 1974. Apr. 23, 1976.
Do	Guthrie and Adair.	Casey, city of	H 190134A 01	do	Mayor, City Hall, Casey, Iowa 50048	May 17, 1974. Apr. 23, 1976.
Do	Clayton	Clayton, city of	H 190072A 01	do	Mayor, City Hall, Clayton, Iowa 52049.	Aug. 23, 1974.
Do	Carroll	Coon Rapids, city of.	H 190042A 01	do	Mayor, City Hall, Coon Rapids, Iowa 50028.	May 3, 1974. Apr. 23, 1976.
Do	Jackson	Green Island, city of.	H 190159A 01	do	Mayor, City Hall, Green Island, Iowa 52051.	Oct. 25, 1974.
Do	Ida	Ida Grove, city of.	H 190156A 01	do	Mayor, City Hall, Ida Grove, Iowa 51445.	Jan. 23, 1974. Apr. 23, 1976.
Do	Lee	Keokuk, city of	H 190185A 01 through H 190185A 06	do	Mayor, City Hall, Keokuk, Iowa 52632.	Jan. 23, 1974. Apr. 23, 1976.
Do	Pottawattamie	Oakland, city of	H 190237A 01 through H 190237A 02	do	Mayor, City Hall, Oakland, Iowa 51560.	Jan. 9, 1974. Apr. 23, 1976.
Do	Dallas	Perry, city of	H 190105A 01 through H 190105A 03	do	Mayor, City Hall, Perry, Iowa 50220	May 3, 1974. Apr. 23, 1976.
Do	Polk	West Des Moines, city of.	H 190231A 01 through H 190231A 06	do	Mayor, City Hall, West Des Moines, Iowa 50265.	June 28, 1974. Apr. 23, 1976.
Kansas	Butler	Augusta, city of	H 200038A 01	Division of Water Resources, Kansas Dept. of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Dept., 1st Floor, Statehouse, Topeka, Kans.	Mayor, City Hall, Sixth and School Sts., Augusta, Kans. 67010.	Feb. 1, 1974. Apr. 23, 1976.
Do	Leavenworth	Basehor, city of	H 200187A 01	do	Mayor, City Hall, Basehor, Kans. 66007.	Apr. 12, 1974. Apr. 23, 1976.
Do	Dickinson	Chapman, city of	H 200075A 01	do	Mayor, City Hall, 104 East 4th St., Chapman, Kans. 67431.	Jan. 9, 1974. Apr. 23, 1976.
Do	Saline	Gypsum, city of	H 200317A 01	do	Mayor, City Hall, Gypsum, Kans. 67448.	Feb. 1, 1974. Apr. 23, 1976.
Do	Sheridan	Hoxie, city of	H 200508 01	do	Mayor, City Hall, Hoxie, Kans. 67740.	June 18, 1976.
Do	McPherson	Lindsborg, city of.	H 200215A 01 through H 200215A 02	do	Mayor, 101 South Main St., P.O. Box 70, Lindsborg, Kans. 67456.	Dec. 17, 1973. Apr. 23, 1976.
Do	Labette	Parsons, city of	H 200184A 01 through H 200184A 04	do	Mayor, City Hall, Parsons, Kans. 67357.	Feb. 1, 1974. Apr. 23, 1976.
Do	Meade	West Plains, city of.	H 200558 01 through H 200558 02	do	Mayor, City Hall, West Plains, Kans. 67869.	June 18, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kentucky	Hopkins	Unincorporated areas.	H 210112A 01 through H 210112A 45	Division of Water, Kentucky Dept. of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Dept., Old Capitol Annex, Frankfort, Ky. 40601.	County Judge, Fiscal Court, Hopkins County Court House, Madisonville, Ky. 42431.	Oct. 18, 1974. Apr. 23, 1976.
Do	Greenup	Russell, town of	H 210090A 01 through H 210090A 02	do	Mayor, Box 394, Russell, Ky. 41169	Feb. 8, 1974. Apr. 23, 1976.
Do	Gallatin	Warsaw, city of	H 210080A 01	do	Mayor, City Hall, Warsaw, Ky. 41095	Feb. 1, 1974. Apr. 23, 1976.
Louisiana	Bossier Parish	Haughton, village of.	H 220034A 01 through H 220034A 02	State Dept. of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Dept., Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Haughton, La. 71037.	June 28, 1974. Apr. 23, 1976.
Maine	Lincoln	Edgecomb, town of.	H 230217A 01 through H 230217A 10	Bureau of Civil Emergency Preparedness, State House, Augusta, Maine 04330. Maine Insurance Dept., Capitol Shopping Center, Augusta, Maine 04330.	Selectmen, Town of Edgecomb, Edgecomb, Maine 04556.	Jan. 3, 1975. Apr. 23, 1976.
Do	Aroostook	Haynesville, town of.	H 230020A 01 through H 230020A 14	do	Town Manager, Town of Haynesville, Haynesville, Maine 04446.	Jan. 10, 1975. Apr. 23, 1976.
Minnesota	Rice	Faribault, city of	H 270404A 01 through H 270404A 04	Division of Waters, Soils, and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Administrator, 208 First Ave. NW., Faribault, Minn. 55021.	May 24, 1974. Apr. 23, 1976.
Do	Goodhue	Goodhue, city of	H 270142B 01	do	Mayor, City Hall, Goodhue, Minn. 55027.	May 24, 1974. Apr. 23, 1976.
Missouri	Linn	Brookfield, city of.	H 290214A 01 through H 290214A 03	Dept. of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, 116 West Brooks, Brookfield, Mo. 64628.	Feb. 1, 1974.
Do	Jasper	Dusquesne, village of.	H 290728 01	do	Chairman, Village Hall, Dusquesne, Mo. 64801.	June 18, 1976.
Do	Texas	Houston, city of	H 290440A 01 through H 290440A 02	do	Mayor, City Hall, Houston, Mo. 65483	Jan. 23, 1974. Apr. 23, 1976.
Do	do	Licking, city of	H 290441A 01 through H 290441A 02	do	Mayor, City Hall, Licking, Mo. 65542	Mar. 1, 1974. Apr. 23, 1976.
Do	Platte	Weston, city of	H 290298A 01 through H 290298A 02	do	Mayor, City Hall, 526 Main St., Weston, Mo. 64098.	Mar. 22, 1974. Apr. 23, 1976.
Montana	Flathead	Columbia Falls, city of.	H 300024A 01	Montana Dept. of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Dept., Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Columbia Falls, Mont. 59912.	Feb. 8, 1974.
Do	Blaine	Harlem, city of	H 300004A 01	do	Mayor, City Hall, Harlem, Mont. 59526.	Dec. 28, 1973. Apr. 23, 1976.
Nebraska	Washington	Blair, city of	H 310228A 01 through H 310228A 03	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Dept., 1335 "L" St., Lincoln, Nebr. 68509.	Mayor, City Hall, Blair, Nebr. 68008	June 21, 1974. Apr. 23, 1976.
Do	Clay	Clay Center, city of.	H 310040A 01	do	Chairman, City Hall, Clay Center, Nebr. 68933.	Mar. 22, 1974.
Do	Saline	Crete, city of	H 310186A 01 through H 310186A 03	do	Mayor, City Hall, Crete, Nebr. 68333	Jan. 23, 1974. Apr. 23, 1976.
Do	Antelope	Oakdale, village of.	H 310004A 01	do	Chairman, Village Hall, Oakdale, Nebr. 68761.	Dec. 28, 1973. Apr. 23, 1976.
Do	Polk	Stromsburg, city of.	H 310180A 01	do	Mayor, City Hall, Stromsburg, Nebr. 68666.	June 7, 1974. Apr. 23, 1976.
New Jersey	Salem	Mannington, township of	H 340417A 01 through H 340417A 11	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Town Hall, Salem, N.J. 08079	Oct. 25, 1974. Apr. 23, 1976.
Do	Burlington	Medford Lakes, borough of.	H 340103A 01	do	Mayor, Administration Bldg., Medford Lakes, N.J. 08055.	May 31, 1974. Apr. 23, 1976.
Do	Bergen	River Edge, borough of.	H 340068 01	do	Mayor, 705 Kinderkamack Rd., River Edge, N.J. 07661.	June 18, 1976.
Do	Monmouth	Tinton Falls, borough of.	H 340318A 01 through H 340318A 09	do	Mayor, 556 Tinton Ave., Tinton Falls, N.J. 07724.	Apr. 12, 1974. Apr. 23, 1976.
Do	Bergen	Westwood, borough of.	H 340081B 01 through H 340081B 02	do	Mayor, 51 Jefferson Ave., Westwood, N.J. 07667.	May 11, 1973. Mar. 22, 1974. Apr. 23, 1976.
New Mexico	Grant	Hurley, town of	H 350021A 01 through H 350021A 02	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87503. New Mexico Dept. of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, Town Hall, P.O. Box 65, Hurley, N. Mex. 88043.	June 28, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Allegany	Belmont, village of.	H 360025A 01	New York State Dept. of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Dept., Two World Trade Center, New York, N.Y. 10047.	Mayor, 1 Schuyler St., Belmont, N.Y. 14813.	Feb. 1, 1974. Apr. 23, 1976.
Do	Broome	Binghamton, city of.	H 360038B 01 through H 360038B 15	do	Mayor, Government Plaza, Binghamton, N.Y. 13901.	Apr. 12, 1974. Oct. 17, 1975.
Do	do	Binghamton, town of.	H 360039B 01 through H 360039B 08	do	Town Supervisor, Carman Rd., R.F.D. No. 2, Binghamton, N.Y. 13903.	June 7, 1974. Oct. 10, 1975.
Do	Montgomery	Canajoharie, town of.	H 360442A 01 through H 360442A 04	do	Supervisors, 29 Church St., Canajoharie, N.Y. 13317.	May 3, 1974. Apr. 23, 1976.
Do	Monroe	Henrietta, town of.	H 360419A 01 through H 360419A 09	do	Supervisor, 475 Calkins Rd., Henrietta, N.Y. 14467.	Jan. 16, 1974. Apr. 23, 1976.
Do	Greene	Lexington, town of.	H 360294A 01 through H 360294A 11	do	Town Supervisor, Westkill, N.Y. 12492.	Aug. 23, 1974. Apr. 23, 1976.
Do	Madison	Lincoln, town of	H 360405A 01 through H 360405A 06	do	Supervisor, R.F.D. 1, Canastota, N.Y. 13032.	Apr. 12, 1974. Apr. 23, 1976.
Do	Erie	Marilla, town of	H 360250A 01 through H 360250A 08	do	Supervisor, S. 1740, Two Rod Rd., Marilla, N.Y. 14102.	May 17, 1974. Apr. 23, 1976.
Do	Lewis	Martinsburg, town of.	H 360372A 01 through H 360372A 07	do	Supervisor, Town Hall, Martinsburg, N.Y. 13404.	June 28, 1974. Apr. 23, 1976.
Do	Oswego	New Haven, town of.	H 360655A 01 through H 360655A 09	do	Supervisor, Town Hall, New Haven, N.Y. 13121.	July 19, 1974. Apr. 23, 1976.
Do	Niagara	Newfane, town of.	H 360504A 01 through H 360504A 04	do	Supervisor, Town Hall, McKee St., Newfane, N.Y. 14108.	May 17, 1974. Apr. 23, 1976.
Do	Livingston	North Danville, town of.	H 360388A 01 through H 360388A 04	do	Supervisor, P.O. Box 209, Danville, N.Y. 14437.	Dec. 28, 1973. Apr. 23, 1976.
Do	Livingston	Nunda, village of.	H 360389A 01	do	Mayor, 1 Mill St., Nunda, N.Y. 14517	May 24, 1974. Apr. 23, 1976.
Do	Rockland	Nyack, village of.	H 360685A 01 through H 360685A 02	do	Mayor, 12 North Broadway, Nyack, N.Y. 10960.	Mar. 15, 1974.
Do	Steuben	Painted Post, village of.	H 360779B 01	do	Mayor, Box 110, Painted Post, N.Y. 14870.	Sept. 7, 1973. Nov. 16, 1973.
Do	Jefferson	Pamelia, town of.	H 360346B 01 through H 360346B 03	do	Supervisor, R.F.D. 4, Watertown, N.Y. 13601.	Oct. 18, 1974. Apr. 23, 1976.
Do	Putnam	Patterson, town of.	H 361023A 01 through H 361023A 04	do	Supervisor, Box 43, Patterson, N.Y. 12563.	Apr. 12, 1974. Apr. 23, 1976.
Do	Cattaraugus	Perrysburg, town of.	H 360091A 01 through H 360091A 09	do	Supervisor, Box E, Perrysburg, N.Y. 14129.	May 17, 1974. Apr. 23, 1976.
Do	Nassau	Saddle Rock, village of.	H 360491 01	do	Mayor, 45 Shelly Lake, Great Neck, N.Y. 11023.	June 14, 1974. Apr. 23, 1976.
Do	do	Sands Point, village of.	H 360492 01 through H 360492 04	do	Mayor, P.O. Box 187, Port Washington, N.Y. 11050.	June 28, 1974. Apr. 23, 1976.
North Carolina	Hertford	Ahoskie, town of	H 370131A 01 through H 370131A 02	Division of Community Assistance, Dept. of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Dept., P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, P.O. Box 767, Ahoskie, N.C. 27910.	Feb. 22, 1974. Apr. 23, 1976.
Do	Stanly	Albermarle, city of.	H 370223A 01 through H 370223A 06	do	Mayor, P.O. Box 190, Albermarle, N.C. 28001.	Dec. 28, 1973.
Do	Carteret	Atlantic Beach, town of.	H 370044A 01 through H 370044A 02	do	Mayor, P.O. Box 10, Atlantic Beach, N.C. 28512.	June 28, 1974. Apr. 23, 1976.
Do	Rowan	Spencer, city of	H 370216A 01	do	Mayor, P.O. Box 245, Spencer, N.C. 28159.	Mar. 1, 1974. Apr. 23, 1976.
North Dakota	Pembina	Cavalier, city of	H 380081A 01 through H 380081A 02	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Dept., State Capital, Bismarck, N. Dak. 58501.	Mayor, City Hall, Cavalier, N. Dak. 58220.	May 24, 1974.
Ohio	Lorain	Amhurst, city of	H 390347A 01 through H 390347A 03	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Insurance Dept. of Ohio, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 206 South Main St., Amherst, Ohio 44001.	M r. 15, 1974. Apr. 23, 1976.
Do	Pickaway	Ashville, village of.	H 390446A 01 through H 390446 02	do	Mayor, 145 Maple St., Ashville, Ohio 4310.3.	May 10, 1974.
Do	Green	Bellbrook, city of.	H 390194A 01 through H 390194A 04	do	Mayor, P.O. Box 285, Bellbrook, Ohio 45305.	Nov. 2, 1973. Apr. 23, 1976.
Do	Hancock	Benton Ridge, village of.	H 390243A 01	do	Mayor, Box 4, Benton Ridge, Ohio 45816.	Aug. 9, 1974. Apr. 23, 1976.
Do	Seneca	Bettsville, village of.	H 390500A 01	do	Mayor, Village Hall, Bettsville, Ohio 44815.	Apr. 12, 1974.
Do	Franklin	Bexley, city of	H 390168A 01 through H 390168A 02	do	Mayor, 2242 East Main St., Bexley, Ohio 43209.	May 17, 1974. Apr. 23, 1976.
Do	Medina	Briarwood Beach, village of.	H 390379A 01	do	Mayor, 461 Beachside, Chippewa Lake, Ohio 44215.	Mar. 15, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Cuyahoga	Brooklyn Heights, village of.	H 390101A 01	do	Mayor, 345 Tuxedo Ave., Brooklyn Heights, Ohio 44131.	Feb. 8, 1974. Apr. 23, 1976.
Do	Mahoning	Canfield, city of	H 390369A 01 through H 390369A 02	do	Mayor, P.O. Box 125, Canfield, Ohio 44406.	May 17, 1974. Apr. 23, 1976.
Do	Cuyahoga	Cleveland Heights, city of.	H 390105A 01 through H 390105A 05	do	Mayor, 2953 Mayfield Rd., Cleveland Heights, Ohio 44118.	Mar. 29, 1974. Apr. 23, 1976.
Do	Perry	Crooksville, village of.	H 390441A 01	do	Mayor, Municipal Bldg., Crooksville, Ohio 43731.	Feb. 1, 1974. Apr. 23, 1976.
Do	Hamilton	Elmwood Place, village of.	H 390213A 01	do	Mayor, 300 Maple St., Elmwood Place, Ohio 45216.	Feb. 1, 1974.
Do	Portage	Garrettsville, village of.	H 390455A 01	do	Mayor, 8123 High St., Garrettsville, Ohio 44231.	Apr. 12, 1974. Apr. 23, 1976.
Do	Medina	Gloria Glens Park, village of.	H 390381A 01	do	Mayor, P.O. Box 457, Chippewa Lake, Ohio 44215.	Mar. 15, 1974.
Oklahoma	Tillman	Frederick, city of	H 400205A 01 through H 400205A 02	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Oklahoma Insurance Dept., Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, 124 South Maine St. P.O. Box 399, Frederick, Okla. 73542.	Dec. 17, 1973. Apr. 23, 1976.
Do	Muskogee	Haskell, town of	H 400124A 01	do	Superintendent, P.O. Box 425, Town Hall, Haskell, Okla. 74436.	Apr. 12, 1974. Apr. 23, 1976.
Do	Custer	Thomas, city of	H 400055A 01	do	President, City Hall, Thomas, Okla. 73669.	Apr. 5, 1974. Apr. 23, 1976.
Do	Carter	Wilson, city of	H 400035A 01	do	Mayor, City Hall, Wilson, Okla. 73463.	June 28, 1974. Apr. 23, 1976.
Oregon	Baker	Baker, city of	H 410002A 01 through H 410002A 04	Executive Dept., State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, 158 12th St. NE., Salem, Oreg. 97310.	Administrator Assistant, P.O. Box 650, Baker, Oreg. 97914.	Feb. 1, 1974. Apr. 23, 1976.
Do	Klamath	Bonanza, town of	H 410110A 01 through H 410110A 03	do	Attorney at law for the town of Bonanza, 930 Kalmath Ave., Klamath Falls, Oreg. 97601.	Sept. 13, 1974.
Do	Douglas	Glendale, city of	H 410063A 01	do	Mayor, City Hall, Glendale, Oreg. 97442.	Dec. 28, 1973. Apr. 23, 1976.
Do	do	Reedsport, city of	H 410065A 01 through H 410065A 03	do	City Manager, City Hall, Reedsport, Oreg. 97467.	June 21, 1974. Apr. 23, 1976.
Do	do	Roseburg, city of	H 410067A 01 through H 410067A 03	do	Mayor, City Hall, Roseburg, Oreg. 97470.	June 7, 1974. Apr. 23, 1976.
Do	Columbia	St. Helens, city of	H 410040A 01 through H 410040A 02	do	City Recorder, City Hall, St. Helens, Oreg. 97051.	Nov. 30, 1973. Apr. 23, 1976.
Do	Clatsop	Seaside, city of	H 410032A 01 through H 410032A 02	do	Mayor, City Hall, Seaside, Oreg. 97138.	Dec. 7, 1973. Apr. 23, 1976.
Do	Deschutes	Sisters, city of	H 410058A 01	do	Mayor, City Hall, Sisters, Oreg. 97759.	Dec. 7, 1973. Apr. 23, 1976.
Do	Wallowa	Wallowa, city of	H 410228A 01	do	Mayor, City Hall, Wallowa, Oreg. 97885.	Jan. 9, 1974. Apr. 23, 1976.
Pennsylvania	Allegheny	Aleppo, township of.	H 421266A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Dept., 108 Finance Bldg., Harrisburg, Pa. 17120.	Chairman, Weber Rd., R.F.D. 2, Sewickley, Pa. 15143.	May 10, 1974.
Do	Clinton	Allison, township of.	H 421534A 01 through H 421543A 02	do	Chairman, Township Supervisors, 420 Irvin St., Lock Haven, Pa. 17745.	Sept. 13, 1974. Apr. 23, 1976.
Do	Allegheny	Bell Acres, borough of.	H 420008A 01 through H 420008A 02	do	Mayor, Camp Meeting RR., Sewickley, Pa. 15143.	June 7, 1974. Apr. 23, 1976.
Do	Indiana	Homer City, borough of	H 420500B 01	do	Mayor, 15 Carson St., Homer City, Pa. 15748.	Nov. 9, 1973. May 3, 1974. Apr. 23, 1976.
Do	Schuylkill	Landingville, borough of.	H 420774A 01 through H 420774A 02	do	Mayor, Borough Bldg., Landingville, Pa. 17942.	June 28, 1974. Apr. 23, 1976.
Do	Berks	Leuhartsville, borough of.	H 420139A 01	do	Mayor, Borough Bldg., Landingville, Pa. 17942.	Aug. 16, 1974. Apr. 23, 1976.
Do	Allegheny	Lincoln, borough of.	H 420049A 01 through H 420049A 02	do	Mayor, R.F.D. No. 1, Finney Rd., Elizabeth, Pa. 15037.	Dec. 28, 1973. Apr. 23, 1976.
Do	Clearfield	Mahaffey, borough of.	H 420310A 01 through H 420310A 02	do	Mayor, Borough Bldg., Mahaffey, Pa. 15757.	Aug. 30, 1974. Apr. 23, 1976.
Do	Westmoreland	Manor, borough of.	H 420886A 01 through H 420886A 03	do	Mayor, 34 Observatory St., Manor, Pa. 15665.	Apr. 12, 1974. Apr. 23, 1976.
Do	Armstrong	Manorville, borough of.	H 420068A 01	do	Mayor, P.O. Box 225, Manorville, Pa. 16238.	Sept. 13, 1974. Apr. 23, 1976.
Do	Huntingdon	Mapleton, borough of.	H 420487A 01 through H 420487A 02	do	Mayor, Borough Bldg., Mapleton Depot, Pa. 17052.	Sept. 7, 1973. Apr. 23, 1976.
Do	Crawford	Meadville, city of	H 420351A 01 through H 420351A 02	do	Mayor, City Bldg., 984 Water St., Meadville, Pa. 16335.	Oct. 12, 1973. Apr. 23, 1976.
Do	Franklin	Mercersburg, borough of.	H 420471A 01 through H 420471A 02	do	Mayor, 25 Mercer Ave., Mercersburg, Pa. 17236.	June 21, 1974. Apr. 23, 1976.
Do	Allegheny	Millvale, borough of.	H 420053A 01	do	Mayor, 819 Long St., Millvale, Pa. 15209.	Dec. 28, 1973. Apr. 23, 1976.
Do	Perry	New Buffalo, borough of.	H 420753A 01	do	Mayor, Borough Bldg., New Buffalo, Pa. 17069.	Aug. 16, 1974. Apr. 23, 1976.
Do	Schuylkill	New Philadelphia, borough of.	H 420779A 01 through H 420779A 03	do	Mayor, 15 Macomb, New Philadelphia, Pa. 17959.	June 28, 1974. Apr. 23, 1976.
Do	Lawrence	New Wilmington, borough of.	H 420569A 01	do	Mayor, 419 Waugh Ave., New Wilmington, Pa. 16142.	July 19, 1974. Apr. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Fayette	Newell, borough of.	H 420465A 01	do	Mayor, P.O. Box 272, Newell, Pa. 15466.	June 28, 1974.
Do.	Mifflin	Newton Hamilton, borough of.	H 420689A 01	do	Mayor, Borough Bldg., Newton Hamilton, Pa. 17075.	Do.
Do.	Juanita	Port Royal, borough of.	H 420520A 01	do	Mayor, Borough Bldg., Port Royal, Pa. 17082.	Apr. 23, 1976. Oct. 5, 1973. Apr. 23, 1976.
Do.	Westmoreland	Scottdale, borough of.	H 420896A 01	do	Mayor, P.O. Box 67, Scottdale, Pa. 15683.	July 20, 1973. Apr. 23, 1976.
South Carolina	Horry	Aynor, town of	H 450105A 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Dept., 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, P.O. Box 66, Aynor, S.C. 29511.	June 28, 1974.
Do.	Anderson	Belton, town of	H 450015A 01 through H 450015A 02	do	Mayor, P.O. Box 520, Belton, S.C. 29627.	May 24, 1974.
Do.	Orangeburg	Bowman, town of	H 450161A 01	do	Mayor, P.O. Box 37, Bowman, S.C. 29018.	May 31, 1974. Apr. 23, 1976.
Do.	Allendale	Fairfax, town of	H 450010A 01 through H 450010A 02	do	Mayor, Drawer 8, Fairfax, S.C. 29827.	May 31, 1974. Apr. 23, 1976.
Do.	York	Fort Mill, town of	H 450195A 01 through H 450195A 02	do	Mayor, Box 159, Fort Mill, S.C. 29715.	May 31, 1974.
Do.	Cherokee	Gaffney, city of	H 450046A 01 through H 450046A 04	do	Mayor, P.O. Box 278, Gaffney, S.C. 29340.	June 28, 1974. Apr. 23, 1976.
Do.	Jasper	Hardeeville, town of.	H 450113A 01 through H 450113A 02	do	Mayor, P.O. Box 608, Hardeeville, S.C. 29927.	June 14, 1974. Apr. 23, 1976.
Do.	Orangeburg	Holly Hill, town of.	H 450163A 01	do	Mayor, P.O. Box 515, Holly Hill, S.C. 29059.	June 7, 1974. Apr. 23, 1976.
Do.	Charleston	Hollywood, town of.	H 450037A 01 through H 450037A 02	do	Mayor, Town Hall, Hollywood, S.C. 29449.	Sept. 6, 1974 Apr. 23, 1976.
Do.	Aiken	Jackson, town of	H 450005A 01 through H 450005A 02	do	Mayor, P.O. Box 386, Jackson, S.C. 29831.	May 17, 1974. Apr. 23, 1976.
Do.	Dillon	Lake View, town of.	H 450066A 01	do	Mayor, P.O. Box 265, Lake View, S.C. 29563.	May 24, 1974. Apr. 23, 1976.
Do.	McCormick	McCormick, city of.	H 450152A 01 through H 450152A 02	do	Mayor, P.O. Box 306, McCormick, S.C. 29835.	June 7, 1974. Apr. 23, 1976.
Do.	Berkeley	Moncks Corner, town of.	H 450031A 01	do	Mayor, P.O. Box 276, Moncks Corner, S.C. 29461.	May 24, 1974.
Do.	Florence	Olanta, town of	H 450080A 01	do	Mayor, P.O. Box 396, Olanta, S.C. 29114.	Do.
Do.	Florence	Pamplico, town of.	H 450081A 01 through H 450081A 02	do	Mayor, P.O. Box 296, Pamplico, S.C. 29583.	May 10, 1974.
Do.	Anderson	Pelzer, town of	H 450018 01	do	Mayor, P.O. Box 427, Pelzer, S.C. 29669.	June 18, 1976.
Do.	Newberry	Whitmire, town of.	H 450156A 01	do	Mayor, P.O. Box 335, Whitmire, S.C. 29178.	June 28, 1974. Apr. 23, 1976.
South Dakota	Minnehaha and Lincoln.	Sioux Falls, city of.	H 460060A 01 through H 460060A 16	State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S.C. 57501. South Dakota Dept. of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	City Planning Director, City Hall, 224 West 9th St., Sioux Falls, S. Dak. 57102.	June 28, 1974. Apr. 23, 1976.
Tennessee	Cannon	Auburntown, town of.	H 470020A 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Dept. of Insurance and Banking, Nashville, Tenn. 37219.	Mayor, Box 95, Auburntown, Tenn. 37016.	Aug. 2, 1974. Apr. 23, 1976.
Do.	Gibson	Bradford, town of.	H 470057A 01	do	Mayor, City Hall, Bradford, Tenn. 38316.	June 21, 1974. Apr. 23, 1976.
Do.	Tipton	Brighton, town of.	H 470188A 01	do	Mayor, P.O. Box 92, Brighton, Tenn. 38011.	Aug. 23, 1974. Apr. 23, 1976.
Do.	Haywood	Brownsville, city of.	H 470087A 01 through H 470087A 06	do	Mayor, 111 North Washington, Brownsville, Tenn. 38012.	May 3, 1974. Apr. 23, 1976.
Do.	Anderson	Clinton, town of	H 470001A 01 through H 470001A 07	do	Mayor, Municipal Bldg., Clinton, Tenn. 37716.	Nov. 2, 1973. Apr. 23, 1976.
Do.	Williamson	Franklin, city of	H 470206A 01 through H 470206A 05	do	Mayor, P.O. Box 305, Franklin, Tenn. 37064.	May 31, 1974. Apr. 23, 1976.
Do.	Trousdale	Hartsville, town of.	H 470003A 01 through H 470003A 02	do	Mayor, 210 Broad St., P.O. Box 66, Hartsville, Tenn. 37074.	June 7, 1974. Apr. 23, 1976.
Do.	Fayette	Somerville, town of.	H 470051A 01	do	Mayor, P.O. Box 216, Somerville, Tenn. 38068.	May 17, 1974. Apr. 23, 1976.
Do.	Blount	Townsend, city of	H 470281 01 through H 470281 04	do	Mayor, Municipal Bldg., Maryville, Tenn. 37882.	June 18, 1976.
Do.	Warren	Viola, town of	H 470196A 01	do	Mayor, Town Hall, Viola, Tenn. 37394.	Aug. 9, 1974. Apr. 23, 1976.
Do.	Bedford	Wartrace, city of	H 470009A 01	do	Mayor, P.O. Box 158, Wartrace, Tenn. 37183.	June 14, 1974. Apr. 23, 1976.
Texas	Collin	Anna, city of	H 480132A 01 through H 480132A 03	Texas Water Development Board, Capitol Station, P.O. Box 13087, Austin, Tex. 78711. Texas Insurance Dept., 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Anna, Tex. 75003.	Aug. 9, 1974. Apr. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Bandera	Unincorporated areas.	H 480020 01 through H 480020 54	do	County Judge, P.O. Box 877, Bandera, Tex. 78003.	June 18, 1976.
Do.	Tarrant	Blue Mound, city of.	H 480587A 01	do	Mayor, City Hall, 1660 Bell Ave., Blue Mound, Tex. 76136.	Dec. 17, 1973. Apr. 23, 1976.
Do.	Wise	Bridgeport, city of.	H 480677A 01 through H 480677A 02	do	Mayor, 812 Halsell St., City Hall, Bridgeport, Tex. 76026.	June 28, 1974. Apr. 23, 1976.
Do.	Henderson	Chandler, city of.	H 480326A 01 through H 480326A 02	do	Mayor, City Hall, Chandler, Tex. 75758.	June 28, 1974. Apr. 23, 1976.
Do.	Coleman	Coleman, city of.	H 480129A 01 through H 480129A 05	do	Mayor, City Hall, 119 North Concho, Coleman, Tex. 76834.	Mar. 15, 1974. Apr. 23, 1976.
Do.	Hidalgo	Elsa, city of.	H 480339A 01	do	City Secretary, City Hall, 216 East 4th St., P.O. Box 427, Elsa, Tex. 78543.	May 17, 1974. Apr. 23, 1976.
Do.	Live Oak	George West city of.	H 480448A 01 through H 480448A 02	do	Mayor, P.O. Drawer F. George West, Tex. 78022.	June 28, 1974. Apr. 23, 1976.
Do.	Haskell	Haskell, city of.	H 480320A 01 through H 480320A 02	do	Mayor, City Hall, 307 North 1st St., Haskell, Tex. 79521.	May 17, 1974. Apr. 23, 1976.
Do.	Bowie	Hooks, city of.	H 480056A 01 through H 480056A 02	do	Mayor, City Hall, Ave. A and Front St., Hooks, Tex. 75561.	Mar. 15, 1974. Apr. 23, 1976.
Do.	Kaufman	Kaufman, city of.	H 480407A 01	do	Mayor, City Hall, 112 South Jackson, Kaufman, Tex. 75172.	Mar. 22, 1974. Apr. 23, 1976.
Do.	Fayette	La Grange, city of.	H 480223A 01 through H 480223A 04	do	Mayor, City Hall, 155 East Colorado St., La Grange, Tex. 78945.	Mar. 22, 1974. Apr. 23, 1976.
Do.	Nacogdoches	Nocogdoches, city of.	H 480497A 01 through H 480497A 08	do	Mayor, City Hall, 212 East Pilar, Nacogdoches, Tex. 75961.	June 28, 1974. Apr. 23, 1976.
Do.	Eastland	Ranger, city of.	H 480205A 01 through H 480205A 04	do	Mayor, City Hall, 314 West Main, Ranger, Tex. 76470.	May 17, 1974. Apr. 23, 1976.
Do.	Baylor	Seymour, city of.	H 480025A 01 through H 480025A 02	do	City Manager, City Hall, 301 North Washington, Seymour, Tex. 76038.	May 3, 1974. Apr. 23, 1976.
Utah	Summit	Henefer, town of.	H 490136A 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Rm. 435, Salt Lake City, Utah 84114. Utah Insurance Dept., 115 State Capitol, Salt Lake City, Utah 84114.	President of Board of Trustees, Town Hall, Box 112, Henefer, Utah 84033.	Feb. 21, 1975. Apr. 23, 1976.
Do.	Davis	Woods Cross, city of.	H 490054A 01 through H 490054A 02	do	Mayor, City Hall, Woods Cross, Utah 84087.	Dec. 28, 1973.
Virginia	Campbell	Altavista, town of.	H 510029A 01 through H 510029A 04	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Dept., 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Drawer 552, Altavista, Va. 24517.	June 7, 1974. Apr. 23, 1976.
Do.	Montgomery	Blacksburg, town of.	H 510100A 01 through H 510100A 07	do	Mayor, Box 865, Blacksburg, Va. 24060.	June 7, 1974. Apr. 23, 1976.
Do.	Prince William	Dumfries, town of.	H 510120 01	do	Mayor, P.O. Box 66, Dumfries, Va. 22026.	June 18, 1976.
Do.	Tazewell	Richlands, town of.	H 510163 01 through H 510163 04	do	Mayor, 211 Altizer St., Richlands, Va. 24644.	Do.
Do.	Patrick	Stuart, town of.	H 510111A 01	do	Mayor, Box 422, Stuart, Va.	May 31, 1974. Apr. 23, 1976.
Do.	Botetourt	Troutville, town of.	H 510021A 01 through H 510021A 02	do	Mayor, Box 176, Troutville, Va. 24175.	June 14, 1974. Apr. 23, 1976.
Washington	Grant	Ephrata, city of.	H 530051A 01 through H 530051A 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Dept., Insurance Bldg., Olympia, Wash. 98501.	Mayor, City Hall, 121 Alder Southwest, Ephrata, Wash. 98823.	May 31, 1974. Apr. 23, 1976.
Do.	Yakima	Granger, town of.	H 530219A 01 through H 530219A 03	do	Mayor, Town Hall, P.O. Drawer M, Granger, Wash. 98932.	Dec. 28, 1973. Apr. 23, 1976.
Do.	do	Naches, town of.	H 530223A 01	do	Mayor, 306 Naches Ave., Town Hall, Naches, Wash. 98937.	Jan. 23, 1974. Apr. 23, 1976.
West Virginia	Marshall	Benwood, city of.	H 540108A 01 through H 540108A 02	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, Bldg. No. 3, Room 643, 1800 Washington St., Charleston, W. Va. 25305.	Mayor, 430 Main St., Benwood, W. Va. 26031.	Apr. 5, 1974. Apr. 23, 1976.
Do.	Preston	Rowlesburg, town of.	H 540163A 01 through H 540163A 04	do	Mayor, Box 458, Rowlesburg, W. Va. 26425.	Feb. 1, 1974. Apr. 23, 1976.
Do.	Tyler	Sistersville, city of.	H 540197A 01 through H 540197A 02	do	Mayor, Diamond St., Sistersville, W. Va. 26175.	June 21, 1974. Apr. 23, 1976.
Do.	Marion	Worthington, town of.	H 540103A 01	do	Mayor, Box 265, Worthington, W. Va. 26591.	Aug. 2, 1974. Apr. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wisconsin	Pierce	Elmwood, village of.	H 550326A 01	Dept. of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Dept., 201 East Washington Ave., Madison, Wis. 53703.	Village President, Box 73, Elmwood, Wis. 54740.	May 31197
Do	Door	Forestville, village of.	H 550110A 01	do	Village President, P.O. Box 66, Forestville, Wis. 54213.	Nov. 30, 1973.
Do	Manitowoc	Francis Creek, village of.	H 550238A 01	do	Village President, Village Hall, Francis Creek, Wis. 54214.	May 17, 1974.
Do	Crawford	Gays Mills, village of.	H 550071A 01 through H 550071A 02	do	Village President, P.O. Box 41, Gays Mills, Wis. 54631.	Oct. 5, 1973. Apr. 23, 1976.
Do	Clark	Greenwood, city of.	H 550051A 01	do	Mayor, City Hall, Greenwood, Wis. 54437.	Jan. 9, 1974. Apr. 23, 1976.
Do	St. Croix	Hammond, village of.	H 550382A 01	do	Mayor, 850 Davis St., Hammond, Wis. 54015.	May 10, 1974. Apr. 23, 1976.
Do	Jefferson	Johnson Creek, village of.	H 550194A 01	do	Village President, 318 Union St., Johnson Creek, Wis. 53038.	Jan. 9, 1974. Apr. 23, 1976.
Do	Washington	Kewaskum, village of.	H 550474A 01	do	Village President, 204 1st St., Kewaskum, Wis. 53040.	Dec. 28, 1973.
Do	Dunn	Knapp, village of	H 550122A 01	do	Village President, Village Hall, Knapp, Wis. 54749.	July 19, 1974. Apr. 23, 1976.
Do	Sheboygan	Kohler, village of	H 550426A 01 through H 550426A 02	do	Village President, 455 Church St., Kohler, Wis. 53044.	Feb. 1, 1974. Apr. 23, 1976.
Do	Sauk	Lime Ridge, village of.	H 550396A 01	do	Village President, Route 1, Hillpoint, Wis. 53937.	Aug. 23, 1974. Apr. 23, 1976.
Do	Buffalo	Mondovi, village of.	H 550031A 01	do	Mayor, 870 West Mill St., Mondovi, Wis. 54755.	Jan. 9, 1974. Apr. 23, 1976.
Do	Wood	Nekoosa, city of	H 550516A 01	do	Mayor, 225 First St., Nekoosa, Wis. 54457.	May 24, 1974. Apr. 23, 1976.
Do	Sauk	Plain, village of	H 550400 01	do	Village President, Village Hall, Plain, Wis. 53577.	June 18, 1976.
Do	Dane	Rockdale, village of.	H 550090A 01	do	Village President, Route 2, Box 96H, Cambridge, Wis. 53523.	Dec. 7, 1973. Apr. 23, 1976.
Do	Ozaukee	Thiensville, village of.	H 550318A 01	do	Village President, 250 Elm St., Thiensville, Wis. 53092.	May 24, 1974. Apr. 23, 1976.
Do	Dunn	Wheeler, village of.	H 550124A 01	do	Village President, Box 166, Wheeler, 54772. Wis.	Aug. 2, 1974. Apr. 23, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 22, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-13080 Filed 5-6-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DISTRIBUTIONS OF PROPERTY TO FOREIGN CORPORATE SHAREHOLDERS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR: T, Washington, D.C. 20224, by July 1, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by July 1, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Registser. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 301 of the Internal Revenue Code of 1954 in order to conform such regulations to the provisions of section 312 of the Revenue Act of 1971 (85 Stat. 526), relating to certain distributions to foreign corporations.

Section 1.301–1(d) of the Income Tax Regulations, relating to distributions of property to corporate shareholders, has been amended by providing a general technical rearrangement for the purpose of clarification. Further, a new rule is added which provides that a distribution after November 8, 1971, by a foreign or domestic corporation to a foreign corporate shareholder equals the fair market value of any property other than cash if the distribution is not effectively connected for the taxable year with the conduct of a trade or business in the United States by the shareholder.

Section 1.301–1(h) of the proposed regulations contains a new rule that the basis of such property in the hands of the foreign corporate shareholder is its fair market value.

Section 1.301–1(j) of the proposed regulations contains a new rule that if a corporation transfers property after November 8, 1971, to a foreign corporate shareholder for less than the fair market value of the property, the difference between the fair market value and the transfer price of the property is considered a distribution subject to section 301 if the amount received is not effectively connected with the conduct of a trade or business in the United States by the shareholder.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 301 of the Internal Revenue Code of 1954 to section 312 of the Revenue Act of 1971 (Pub. L. 92–178, 85 Stat. 526), relating to certain distributions to foreign corporations, such regulations are amended as follows:

Paragraph 1. Section 1.301 is amended by revising that part of section 301(b)(1)(B) which precedes clause (i) thereof, by adding a new section 301(b)(1)(D), by revising that part of section 301(d)(2) which precedes subparagraph (A) thereof, by redesignating paragraph (3) of section 301(d) as paragraph (4), by adding a new section 301(d)(3), and by revising the historical note, as follows:

§ 1.301 Statutory provisions; distributions of property.

Sec. 301. *Distributions of property.* * * *

(b) *Amount distributed*—(1) *General rule.* * * *

(B) *Corporate distributees.* If the shareholder is a corporation, unless subparagraph (D) applies, the amount of money received, plus whichever of the following is the lesser:

* * * * *

(D) *Foreign corporate distributees.* In the case of a distribution to a shareholder which is a foreign corporation, if the amount received by the foreign corporation is not effectively connected with the conduct by it of a trade or business within the United States, the amount of the money received, plus the fair market value of the other property received.

* * * * *

(d) *Basis.* * * *

(2) *Corporate distributees.* If the shareholder is a corporation, unless paragraph (3) applies, whichever of the following is the lesser:

* * * * *

(3) *Foreign corporate distributees.* In the case of a distribution of property to a shareholder which is a foreign corporation, if the amount received by the foreign corporation is not effectively connected with the conduct by it of a trade or business within the United States, the fair market value of the property received.

(4) *Certain corporate distributees of foreign corporation.* In the case of property described in subparagraph (C) of subsection (b)(1), the basis shall be determined by substituting the amount determined under such subparagraph (C) for the amount described in paragraph (2) of this subsection.

* * * * *

(Sec. 301 as amended by sec. 2, Act of Feb. 2, 1962 (Pub. L. 87–403, 76 Stat. 5); secs. 5 (a) and (b) and 13 (f)(2), Rev. Act 1962 (76 Stat. 977, 1035); sec. 231(b)(2), Rev. Act 1964 (78 Stat. 105); sec. 1(b)(1), Act of Aug. 22, 1964 (Pub. L. 88–484, 78 Stat. 597); sec. 1(b)(2), Act of Sept. 12, 1966 (Pub. L. 89–570, 80 Stat. 762); sec. 104(f), Foreign Investors Tax Act 1966 (80 Stat. 1559); secs. 211(b) (1) and (2) and 905(b)(2), Tax Reform Act 1969 (83 Stat. 570, 714); sec. 312, Rev. Act 1971 (85 Stat. 526).)

Par. 2. Section 1.301–1 is amended by revising paragraph (d), by revising that part of paragraph (h)(2) which follows subdivision (i) thereof, by revising that part of paragraph (j) which follows subparagraph (2) thereof, and by revising paragraph (n)(1), as follows:

§ 1.301–1 Rules applicable with respect to distributions of money and other property.

* * * * *

(d) *Distributions to corporate shareholders.* (1) If the shareholder is a corporation, the amount of any distribution to be taken into account under section 301(c) shall be:

(i) The amount of money distributed,

(ii) An amount equal to the fair market value of any property distributed which consists of any obligations of the distributing corporation, stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b), plus

(iii) In the case of a distribution not described in subdivision (iv) of this subparagraph, an amount equal to (*a*) the fair market value of any other property distributed or, if lesser, (*b*) the adjusted basis of such other property in the hands

of the distributing corporation (determined immediately before the distribution and increased for any gain recognized to the distributing corporation under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)), or

(iv) In the case of a distribution made after November 8, 1971, to a shareholder which is a foreign corporation, an amount equal to the fair market value of any other property distributed, but only if the distribution receiver by such shareholder is not effectively connected for the taxable year with the conduct of a trade or business in the United States by such shareholder.

(2) In the case of a distribution the amount of which is determined by reference to the adjusted basis described in subparagraph (1) (iii) (*b*) of this paragraph:

(i) That portion of the distribution which is a dividend under section 301(c) (1) may not exceed such adjusted basis, or

(ii) If the distribution is not out of earnings and profits, the amount of the reduction in basis of the shareholder's stock, and the amount of any gain resulting from such distribution, are to be determined by reference to such adjusted basis of the property which is distributed.

(3) Notwithstanding paragraph (1) (iii) of this paragraph, if a distribution of property described in such subparagraph is made after December 31, 1962, by a foreign corporation to a shareholder which is a corporation, the amount of the distribution to be taken into account under section 301(c) shall be determined under section 301(b)(1)(C) and paragraph (n) of this section.

* * * * *

(h) *Basis.* * * *

(2) * * *

(ii) In the case of the distribution of any other property, except as provided in subdivision (iii) (relating to certain distributions by a foreign corporation) or subdivision (iv) (relating to certain distributions to foreign corporate distributees) of this subparagraph, whichever of the following is the lesser—

(*a*) The fair market value of such property; or

(*b*) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property increased in the amount of gain to the distributing corporation which is recognized under section 311(b) (relating to distributions of LIFO inventory), section 311(c) (relating to distributions of property subject to liabilities in excess of basis), section 311(d) (relating to appreciated property used to redeem stock), section 341(f) (relating to certain sales of stock of consenting corporations), section 617(d) (relating to gain from dispositions of certain mining property), section 1245 (a) or 1250(a) (relating to gain from dispositions of certain depreciable property), section 1251 (c) (relating to gain from disposition of farm recapture property), or section 1252(a) (relating to gain from disposition of farm land);

(iii) In the case of the distribution by a foreign corporation of any other property after December 31, 1962, in a distribution not described in subdivision (iv) of this subparagraph, the amount determined under paragraph (n) of this section;

(iv) In the case of the distribution of any other property made after November 8, 1971, to a shareholder which is a foreign corporation, the fair market value of such property, but only if the distribution received by such shareholder is not effectively connected for the taxable year with the conduct of a trade or business in the United States by such shareholder.

* * * * *

(j) *Transfers for less than fair market value.* * * *

If property is transferred in a sale or exchange after December 31, 1962, by a foreign corporation to a shareholder which is a corporation for an amount less than the amount which would have been computed under paragraph (n) of this section if such property had been received in a distribution to which section 301 applied, such shareholder shall be treated as having received a distribution to which section 301 applies, and the amount of the distribution shall be the excess of the amount which would have been computed under paragraph (n) of this section with respect to such property over the amount paid for the property. Notwithstanding the preceding provisions of this paragraph, if property is transferred in a sale or exchange after November 8, 1971, by a corporation to a shareholder which is a foreign corporation, for an amount less than its fair market value, and if paragraph (d)(1)(iv) of this section would apply if such property were received in a distribution to which section 301 applies, such shareholder shall be treated as having received a distribution to which section 301 applies and the amount of the distribution shall be the difference between the amount paid for the property and its fair market value. In all cases, the earnings and profits of the distributing corporation shall be decreased by the excess of the basis of the property in the hands of the distributing corporation over the amount received therefor. In computing gain or loss from the subsequent sale of such property, its basis shall be the amount paid for the property increased by the amount of the distribution.

* * * * *

(n) *Distributions of certain property by foreign corporations to corporate shareholders.* (1) If a foreign corporation distributes property (other than money, the obligations of the distributing corporation, stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b)) after December 31, 1962, to a shareholder which is a corporation in a distribution not described in paragraph (d)(1)(iv) of this section, then, except as provided in subparagraph (2) of this paragraph, the fair market value of the property shall be taken into account under section 301(c).

* * * * *

[FR Doc.76-13397 Filed 5-6-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

[32 CFR Ch. XXIII]

OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES, DEPARTMENT OF THE NAVY

Establishment of Chapter

In accordance with the public rulemaking requirement prescribed in 32 C.F.R., Part 296, notice is hereby given that the Acting Secrtary of the Navy for Naval Petroleum and Oil Shale Reserves proposes to establish a Chapter XXIII of 32 C.F.R. entitled "Naval Petroleum and Oil Shale Reserves, Department of the Navy," a Part 2301 entitled "General Provisions" and a Part 2302 entitled "Disposal of United States' Share of Production from the Naval Petroleum Reserves in California." On April 5, 1976, the President signed the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258), which, under the jurisdiction of the Secretary of the Navy, authorizes the production of the U.S. Naval Petroleum Reserves Number 1, at Elk Hills, California; Number 2 at Buena Vista, California; and Number 3 at Teapot Dome, Wyoming. The Secretary of the Navy is directed within 90 days to produce Naval Petroleum Reserves 1, 2, and 3 at their maximum efficient rate consistent with sound engineering practices for a period of six years.

Section 7430(d) of Title 10 reads as follows:

(d) Each proposal for sale under this title shall provide that the terms of every sale of the United States' share of petroleum from the Naval Petroleum Reserves shall be so structured as to give full and equal opportunity for the acquisition of petroleum by all interested persons, including major and independent oil producers and refiners alike. When the Secretary, in consultation with the Secretary of the Interior, determines that the public interests will be served by the sale of petroleum to small refiners not having their own adequate sources of supply of petroleum, the Secretary is authorized and directed to set-aside a portion of the United States' share of petroleum produced for sale to such refiners under the provisions of this section for processing or use in such refineries, except that—

(1) none of the production sold to small refiners may be resold in kind;

(2) production must be sold at a cost of not less than the prevailing local market price of comparable petroleum;

(3) the set-aside portion may not exceed 25 per centum of the estimated annual United States' share of the total production from all producing Naval Petroleum Reserves; and

(4) notwithstanding the provisions of subsection (b) of this section, the Secretary may, at his discretion if he deems it to be in the public interest prorate such petroleum among such refiners for sale, without competition, at not less than the prevailing local market price of comparable petroleum.

Proposed Parts 2301 and 2302 are the first of a series of regulations proposed

by the Secretary of the Navy to implement the Naval Petroleum Reserves Production Act of 1976.

Proposed § 2301.6 addresses the subject of Exchange Agreements. Since 1946, the United States Geological Survey (U.S.G.S.), in the sale of royalty oil under the Mineral Leasing Act, as amended, has administered a provision of law (Act of July 13, 1946, 60 Stat. 533) very similar in terms to that of the Act of April 5, 1976, requiring that refiners which have been given a preferential right to purchase government oil process or use the oil so purchased and not resell the oil in kind. The U.S.G.S. regulations implementing this restriction have construed the language of Section 36, Mineral Leasing Act of 1920 (30 U.S.C. 192). Pursuant to the U.S.G.S. instruction, exchange agreements of crude oil for other crude oil on a volume or equivalent value basis does not constitute a resale in kind. In order that crude oil from the Naval Petroleum Reserves may be made available for purchase and use by small refineries, the language of § 2301.6, as proposed, is consistent with the U.S.G.S. regulations appearing at 30 C.F.R. 255.4.

Interested persons, companies, corporations, and agencies may participate in this advance rulemaking by submitting written data, views, and arguments to the Director, Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, Washington, DC 20360. Written comments on all aspects of the proposed regulations are solicited. Oral presentations are not desired. All written materials received on or before the 21st day following publication of this notice in the FEDERAL REGISTER will be considered. In view of the necessity for finalizing the initial regulations within the 90-day time limit mandated by the Act of April 5, 1976, it is determined that good cause exists in this instance for reducing the public comment period to less than the normal 30 days specified in 32 C.F.R., Part 296.

Comments received in response to this proposal will be available for inspection during normal business hours at the above address.

It is therefore proposed to establish Chapter XXIII of 32 C.F.R., and Parts 2301 and 2302 thereof, as follows:

CHAPTER XXIII—NAVAL PETROLEUM AND OIL SHALE RESERVES, DEPARTMENT OF THE NAVY

Part 2301—General Provisions

Sec.

2301.1 Statutory authority.
2301.2 Definitions.
2301.3 Policy.
2301.4 Small business refiners set-aside.
2301.5 Non-set-aside sales.
2301.6 Exchange agreements.
2301.7 Pipeline owners.
2301.8 Export limitations and licensing.

AUTHORITY: 10 U.S.C. 7420–7438.

§ 2301.1 Statutory Authority.

Chapter 641 of Title 10, United States Code provides for the administration of the Naval Petroleum and Oil Shale Reserves. This Chapter was amended by the Naval Petroleum Reserve Production Act of 1976 (Pub. L. 94–258), signed into law April 5, 1976. It authorizes production of Naval Petroleum Reserves Numbers 1, 2, and 3 for a period of six years at their maximum efficient rate in accordance with sound engineering practices. 10 U.S.C. 7422(j), added by the Act of April 5, 1976, also provides in part that:

> Any pipeline which accepts, conveys, or transports any petroleum produced from Naval Petroleum Reserves Numbered 1 or Numbered 3 shall accept, convey, and transport without discrimination and at reasonable rates any such petroleum as a common carrier insofar as petroleum from such Reserves is concerned. Every contract entered into by the Secretary for the sale of any petroleum owned by the United States which is produced from such Reserves shall contain provisions implementing the requirements of the preceding sentence if the contractor owns a controlling interest in any pipeline or any company operating any pipeline, or is the operator of any pipeline, which carries any petroleum produced from such Naval Petroleum Reserves. The Secretary may promulgate rules and regulations for the purpose of carrying out the provisions of this section and he, or the Secretary of the Interior where the authority extends to him, may declare forfeit any contract, operating agreement, right-of-way, permit, or easement held by any person violating any such rule or regulation. * * *

In addition to the foregoing, the Secretary is specifically authorized by section 7436(a) to prescribe regulations and take any proper action to accomplish the purpose of Chapter 641, Title 10, United States Code.

§ 2301.2 Definitions.

The following definitions shall be applicable to the regulations in this Chapter:

(a) "Secretary" means the Secretary of the Navy or acting in his place, the Acting Secretary of the Navy for Naval Petroleum and Oil Shale Reserves.

(b) "Director" means the Director of the Office of Naval Petroleum and Oil Shale Reserves.

(c) "Small Refiners" under 10 U.S.C. 7430(d), means the owner of an existing refinery (including refineries not in operation) who qualifies as a small business enterprise under the rules of the Small Business Administration (13 C.F.R., Part 121) and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of his existing refinery capacities.

§ 2301.3 Policy.

The petroleum offered for sale from Naval Petroleum Reserves Numbers 1, 2, and 3, shall be sold at public sale to the highest qualified bidder. The blocks of petroleum offered for sale shall be so structured as to give full and equal opportunity for the acquisition of petroleum by all interested persons, including major and independent oil producers and refiners alike.

§ 2301.4 Small business refiners set aside.

Up to 25 percent of the estimated annual United States share of the total production from the Naval Petroleum Reserves may be set-aside for small business refiners. The Naval Petroleum Reserves Production Act of 1976 requires that the crude oil offered in the set-aside for small business refiners be sold at "not less than the prevailing local market price of comparable petroleum." The prevailing local market price will be determined by averaging the bids of the successful purchasers of the non-set-aside portion of comparable petroleum. A ceiling price will be established, however, which will limit the price to be paid for petroleum by the small business refiner. This ceiling price will be established by the highest price bid on the non-set-aside portion of comparable petroleum. If more than one small business refiner reaches the ceiling price for a particular block, that particular contract will be awarded by lot. Those concerns which do not qualify as a small business will nevertheless be invited to bid on those blocks identified in the small business set-aside contingent upon that amount not being purchased by a small business refiner.

§ 2301.5 Non-set-aside sales.

The non-set-aside petroleum offered for sale from the Naval Petroleum Reserves shall be broken down into blocks. The size of the blocks will vary upon, among other things, practical considerations in field operations and field facilities, as well as differences in gravity and sulfur content. The non-set-aside portion of the crude oil will be available to any bidder. The non-set-aside portion will be offered for sale at the crude base price plus a bonus. The crude base price for oil produced from the Naval Petroleum Reserves in California will be the highest posted price for designated fields in Kern County as set forth in Section 2302.1 below. The crude base price for oil produced from Naval Petroleum Reserve No. 3 will be the highest price per barrel of all the prices which are regularly posted or published by purchasers of crude oil in Natrona County, Wyoming, for crude oil of API gravity and quality equal to that delivered.

§ 2301.6 Exchange agreements.

(a) The Naval Petroleum Reserves Production Act of 1976 requires that small business refiners which have been granted a preference to process or use petroleum produced from the Naval Petroleum Reserves process that oil in their own refineries and not resell the oil in kind. Agreements providing for the exchange of petroleum purchased under the Act for other petroleum on a volume or equivalent value basis will not be construed as constituting a resale in kind prohibited by the Act.

(b) Each bidder must describe in its bid any arrangements which it has made or anticipates making to transport the petroleum which it proposes to purchase. Insofar as small business refiners are concerned, they will be required to attach a copy of all exchange agreements which have been entered into concerning NPR crude oil. A copy of any sub-

sequent exchange agreement must also be submitted by the small business refiners.

§ 2301.7 Pipeline owners.

Each bidder must describe in its bid its ownership or control directly or indirectly of any pipeline, and must indicate whether it is operating or is the operator of any pipeline. Every purchaser which owns a controlling interest in any pipeline or any company operating any pipeline or which is the operator of any pipeline carrying any petroleum produced from NPR No. 1, shall be required in the purchase contract to accept, convey, and transport without discrimination and at reasonable rates any petroleum produced at NPR No. 1 as a common carrier.

§ 2301.8 Export limitations and licensing.

Petroleum purchased from the Naval Petroleum and Oil Shale Reserves is subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (83 Stat. 841) in accordance with 10 U.S.C. section 7420(e).

PART 2302—DISPOSAL OF UNITED STATES' SHARE OF PRODUCTION FROM THE NAVAL PETROLEUM RESERVES IN CALIFORNIA

Sec.
2302.1 Definitions.
2302.2 Ownership Control.

AUTHORITY: 10 U.S.C. 7420–7438.

§ 2302.1 Definitions.

The following definitions shall be applicable to the regulations in this part.

(a) "Crude base price" for Shallow Zone crude oil shall be the highest posted price per barrel of all the prices which are regularly posted or published by the principal purchasers of crude oil from the Elk Hills, Buena Vista Hills, Midway-Sunset and Lost Hills Fields in the San Joaquin Valley of California for crude oil of like quality and API gravity.

(b) "Crude base price" for Stevens Zone crude oil shall be the highest posted price per barrel of all the prices which are regularly posted or published by the principal purchasers of crude oil from the Asphalto, Elk Hills, Buena Vista Hills, Greeley, Rio Bravo, Paloma, and Coles Levee Fields in the San Joaquin Valley of California for crude oil of like quality and API gravity.

(c) "Crude base price" for Carneros Zone crude oil shall be the highest posted price per barrel of all the prices which are regularly posted or published by the principal purchasers of crude oil from the Asphalto, Belgian Anticline and Cymric Fields in the San Joaquin Valley of California for crude oil of like quality and API gravity.

(d) "Crude base price" for Tulare Zone crude oil shall be the highest posted price per barrel of all the prices which are regularly posted or published by the principal purchasers of crude oil from the Elk Hills, Midway-Sunset, Cymric, and Railroad Gap Fields in the San Joaquin Valley of California for crude oil of like quality and API gravity. *Provided,* That when crude oil from the Carneros and Stevens Zones are commingled, the "crude base price" for such commingled oil shall be the "crude base price" for Stevens Zone crude oil; and *Provided further,* That if segregated production shall become available for disposition by Navy from a zone or zones other than the Shallow, Stevens, Carneros, or Tulare Zones the "crude base price" for such production shall be the highest posted price per barrel of all the prices which are regularly posted or published for crude oil of like quality and API gravity by the principal purchasers of crude oil in Kern County, California, or purchaser's posted or published price for crude oil of like quality and API gravity produced and delivered at or in the vicinity of Naval Petroleum Reserves Nos. 1 and 2, whichever of said prices is greater.

§ 2302.2 Ownership Control.

(a) 10 U.S.C. 7430(c) provides that in no event shall the Secretary permit the award of any contract which would result in any person obtaining control, directly or indirectly, of more than 20 per centum of the estimated annual United States share of petroleum produced from Naval Petroleum Reserve Numbered 1.

(b) This provision will not be construed to prevent the exchange of petroleum for other petroleum on a volume or equivalent value basis. The petroleum obtained by such an exchange agreement will not be calculated against any one purchaser's 20 per centum limitations. All purchasers of petroleum produced from the Naval Petroleum Reserves will be required to forward copies of all exchange agreements entered into or which may subsequently be entered into to the Director, Office of Naval Petroleum and Oil Shale Reserves, Washington, DC 20360.

Dated: May 4, 1976.

JACK L. BOWERS,
Acting Secretary of the Navy, for Naval Petroleum and Oil Shale Reserves.

[FR Doc.76-13369 Filed 5-6-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-160-A53]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held on May 20, 1976, at the Friendship International Hotel, Baltimore-Washington International Airport, Maryland, beginning at 10:00 a.m., with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Middle Atlantic marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Capitol Milk Producers Cooperative, Inc.; Interstate Milk Producers' Cooperative; Maryland Cooperative Milk Producers; and Maryland and Virginia Milk Producers:

Proposal No. 1. Increase the rate of deduction under the advertising and promotion program from $.05 per hundredweight to $.07 per hundredweight. Implement this increase by changing the "5" to "7" in each of the following sections: §§ 1004.61(a)(3), 1004.61(b)(1)(i) and (ii), 1004.120(d), and 1004.121(b)(2) and (3).

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 710, Alexandria, Virginia 22313 or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on May 4, 1976.

WILLIAM T. MANLEY,
Deputy Administrator, Program Operations.

[FR Doc.76-13327 Filed 5-6-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 801]

[Docket No. 76N-0019]

HEARING AID DEVICES

Professional and Patient Labeling and Conditions for Sale

Correction

In FR Doc 76-11461 appearing at page 16756 in the issue of Wednesday, April 21, 1976, in the first column, third line from the bottom of the second paragraph, the word now reading, "one" should read, "none."

In the fifth line from the bottom of the fourth paragraph the word now reading, "upon" should read, "open."

In the fifth paragraph, sixth line down, the word now reading, "were" should read, "are."

[21 CFR Part 1000]

[Docket No. 76N-0145]

QUALITY ASSURANCE PROGRAM FOR DIAGNOSTIC X-RAY FACILITIES

Advance Notice of Intent To Propose Recommendations

The Food and Drug Administration (FDA) announces that proposed recommendations for quality assurance programs in diagnostic x-ray facilities are to be developed. Comments and data are to be submitted by November 3, 1976.

This advance notice of intent to propose recommendations, like the "Medical Radiation Exposure of Women of Childbearing Age" advance notice of proposed guideline published in the FEDERAL REGISTER of December 15, 1975 (40 FR 58151), is one of a series to be proposed by FDA on the hazards and control of electronic product radiation or radiation from other sources.

Under the authority of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), the Bureau of Radiological Health (BRH) of FDA conducts and supports research, training, and operational activities to minimize unnecessary exposure of the public to electronic products radiation. In carrying out this purpose, the Commissioner of Food and Drugs is authorized to make such recommendations relating to the control of electronic product radiation as he considers appropriate (sec. 356(b)(1)). In this capacity and under the authority of section 301 of the Public Health Service Act, the Commissioner is considering the development of recommendations to health practitioners and others responsible for the operation of diagnostic x-ray facilities concerning the establishment of quality assurance programs in such facilities.

As used in this advance notice of intent to propose recommendations, the term "diagnostic x-ray facility" includes any facility in which an x-ray system(s) is used in a procedure(s) that involves irradiation of any part of the human body for the purpose of diagnosis or visualization. Offices of individual physicians, dentists, podiatrists, and chiropractors, and mobile laboratories, clinics, and hospitals are examples of diagnostic x-ray facilities.

The term "quality assurance" includes the planned and systematic actions that provide adequate confidence that a diagnostic x-ray facility will produce consistently high quality radiographs at minimum cost and minimum patient exposure. The definition of what constitutes "high" quality will be made by the facility producing the radiographs. Quality assurance actions include both "quality control" techniques and "quality administration" procedures. Quality control techniques are those used in the routine physical testing of the four components of the x-ray system—the x-ray generators, the image receptors, the image processors, and the ancillary equipment. Quality administration procedures are those management actions to guarantee that monitoring techniques are properly performed and evaluated and that necessary corrective measures are taken in response to monitoring results.

For example, the quality control techniques applied to film processing for a large facility might typically involve sensitometric monitoring of processing conditions. This is usually accomplished by using a sensitometer to make a reproducible visible light exposure on a film. Since the exposure to the film is consistent, changes in the optical density of the processed film, as measured with a densitometer, would indicate changes in the processing or darkroom conditions. The use of a thermometer and a "common sense" check of the processor systems could then lead to identification and correction of the specific problem. Also, these same quality control techniques can be used to rule out the processing conditions as the source of the problem, thereby aiding in the identification of other problem areas. When properly implemented, these procedures are sensitive enough to measure changes in processing conditions before they become clinically observable, and problems can be corrected before they adversely affect the diagnostic quality of the radiograph. Application of these quality assurance techniques to film processing can lower the retake rate of radiographs, result in decreased patient exposure and operating costs, and maintain a consistent level of radiographic quality.

Application of similar concepts and techniques to other components of the x-ray system could yield similar results. Examples of quality control monitoring of the x-ray generator would include checks on reproducibility and linearity of the radiation output. More involved testing might lead to checks of tube potential, tube current, and timer calibration. Resolution tests of image intensifiers and checking the uniformity of film/screen contact would be examples of quality control techniques in the image receptor area. In the category of ancillary equipment, quality control monitoring techniques are used for such purposes as checking the focus distance of grids, the integrity of the darkroom, and the congruence of the light and x-ray fields at the patient surface. The purpose of all routine quality control monitoring actions is to identify the need for corrective or preventive maintenance so the facility can continue to produce high quality radiographs at minimum cost and with minimum patient exposure.

Examples of quality administration procedures include the determination of testing frequencies and acceptability limits, the establishment of a quality assurance committee in larger facilities to structure and monitor the effectiveness of the program, supervision of personnel, and recordkeeping. Quality administration also includes supporting activities, such as the provision of training and the use of records to establish schedules for maintenance and replacement of equipment.

The above examples of quality assurance actions from both the quality control and the quality administration groups are not a comprehensive list of such activities, but are given only to illustrate the wide variety of actions that may be of value to a facility. The type and number of quality assurance actions recommended and the frequency of the application of a particular action depend on such factors as the size of the facility, the types and number of diagnostic procedures performed, and the component of the x-ray system being considered.

Current BRH involvement in quality assurance began as a result of discussions with its Medical Radiation Advisory Committee (MRAC), dating back to January 1974. The membership of MRAC includes physicians, medical physicists, technologists, and consumers. In response to MRAC recommendations, BRH initiated quality assurance program activities, which were further endorsed in May 1975 by the committee. These activities have been designed to make the radiology community aware fo quality assurance, to collect information on current quality assurance efforts, to test additional techniques for identifying and correcting quality assurance problems, and to examine ways to promote use of quality assurance actions in diagnostic radiology facilities.

Active quality assurance programs already exist in a number of this country's facilities. The Bureau of Radiological Health has sponsored a seminar series in which several of the existing facility-based quality assurance programs have been described. The information from the quality assurance seminar series is available to interested persons or organizations; requests should be made to the Hearing Clerk, Food and Drug Administration.

Many elements of existing quality assurance programs were discussed at the Applications of Optical Instrumentation in Medicine IV Meeting, presented during September 1975 by the Society of Photo-Optical Instrumentation Engineers and at the First Image Receptor Conference on Film-Screen Combinations, presented during November 1975 by the American College of Radiology. The conference found that quality control is the most critical area of the x-ray imaging system requiring new recommendations. It recommended that careful consideration be given to film processing, motion-unsharpness problems, proper choice of technique factors, and equipment maintenance. The proceedings of these meetings will also be available from the Hearing Clerk, Food and Drug Administration.

The experience of BRH in quality assurance activities and its consultations with others indicate that voluntary facility-based programs are the most promising way to get consistent nationwide production of high-quality diagnostic radiographs at minimum cost and minimum patient exposure. To assist those facilities wishing to start their own quality assurance programs, BRH is compiling a catalog of information on: (1) Test de-

vices and procedures, (2) short-course and training materials, and (3) pertinent publications and journal articles. The catalog will not attempt to evaluate or imply endorsement of any of the material, but merely will serve to assist in implementing quality assurance programs in facilities. Companies, institutions, or private citizens wishing to contribute to the catalog in any of the three areas should write to the Hearing Clerk, Food and Drug Administration, for further information on how to contribute to the catalog. Continued research and development in this field is being actively conducted by private individuals and groups and government agencies and will ultimately lead to new or improved techniques. It is planned that the catalog will be periodically updated.

The proposed recommendations to be developed are intended to encourage further the voluntary development of facility-based quality assurance programs. To assist the Commissioner in the further study of quality assurance programs and the development of proposed recommendations, detailed scientific and technical data, as well as comments or suggestions, supported by detailed rationale and justification, are asked for on the following questions:

A. General

1. What benefits should a diagnostic radiology facility expect to derive from a quality assurance program?

2. Applying the definitions of quality control and quality administration to each of the four major components of the x-ray system—x-ray generators, image receptors, image processors, and ancillary equipment—and realizing that the quality assurance needs of radiology facilities vary with size and the type of diagnostic procedures performed.

a. Describe in outline form that level of quality control appropriate for each of the following basic facility types:

i. Those with one or two general purpose or single purpose diagnostic x-ray units and one darkroom or processing unit;

ii. Those with two or more general purpose diagnostic x-ray units, possibly one radiographic/fluoroscopic unit, and one or more darkrooms or processing units;

iii. Those with one or more suites of general diagnostic x-ray rooms, dedicated radiographic rooms, special procedures equipment, and two or more darkrooms or processors.

b. Using the definition of quality administration, describe in outline form that level of quality administration appropriate for each of the basic facility types.

3. For groups that use diagnostic radiology (physicians, dentists, technicians, physicists, hospital administrators, etc.):

a. What should be the quality assurance responsibilities of each?

b. What approaches should be used to reach them to encourage the widespread adoption of quality assurance actions in diagnostic radiology?

4. What training in quality assurance actions should be recommended for each of the groups responsible for their implementation? How can the Commissioner encourage incorporation of quality assurance training into existing educational programs?

B. Methods as Related to the Components of the X-Ray System

1. Discuss the need for quality assurance actions for each of the four components of the x-ray system—x-ray generator, image receptors (i.e., film/screen combination, image intensifier, electrostatic imaging systems, etc.), image processors, and ancillary equipment. Discuss such indicators as radiograph quality, patient exposure, retake rate, survey reports, etc.

a. Based on this evidence, what should be the order of priority for the four components in the facility-based quality assurance program?

b. Within the components listed, what types of equipment have to be closely monitored to assure that the radiation used in diagnostic procedures is efficiently used?

2. Describe the effectiveness and ease of application of the quality control monitoring techniques available for use with each of the four major components of the x-ray system. Based on the availability of effective monitoring techniques, what should be the order of priority for the four components of the x-ray system in the facility-based quality assurance program?

3. How useful and effective is a quality assurance procedure that specifies a periodic (e.g., daily) exposure of a test object with constant machine techniques and comparison of the radiographic results with previous exposures? (Consider this question in two circumstances: With and without the concurrent use of sensitometric film processor control.)

4. What methods are available for use by facility personnel to measure the effectiveness of the quality assurance actions they have implemented?

C. Personal Experience

If you have initiated, conducted, or closely observed a facility-based quality assurance program, please give an outline description of that program, including information on its location, division of responsibilities, quality control monitoring techniques used, quality administration procedures followed, and problems faced and their solutions.

D. Cost-Benefit

1. Based on the experience described under "Personal Experience" or on other knowledge (please document), what would be the expected impact of an adequate quality assurance program on the following areas:

a. Improving diagnostic results from existing radiology services;

b. Reducing exposure to patients;

c. Reducing expenses in radiology, such as those resulting from retakes or inefficient use of staff time.

2. In terms of justifying a quality assurance program in a diagnostic radiology facility, what is the relative importance of direct financial savings compared to improvement in image quality or reliability and reduction of patient exposure?

Individuals and/or organizations wishing to provide information on these questions or other relevant topics for use in developing proposed recommendations, or wishing to receive information made public on their development, should send their comments or addresses to the office of the Hearing Clerk, Food and Drug Administration (address below). Due to the wide diversity of individuals and groups that may be interested and affected by quality assurance proposals, the usual comment period is being extended to allow adequate time for input.

Written comments or data should be sent to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and should be identified by referring to the docket number appearing in the heading of this document. Comments received on or before November 3, 1976, will be considered by the Commissioner in drafting the proposed recommendations. The proposed recommendations will be published in the FEDERAL REGISTER and public comment will be invited. Comments received after November 3, 1976, will be considered in revising the proposed recommendations and developing subsequent recommendations.

When made final, the recommendations for voluntary quality assurance programs will be codified in a new Subpart C of Part 1000 of Chapter I of Title 21 of the Code of Federal Regulations. Subpart C—Guidelines and Recommendations was proposed in the FEDERAL REGISTER of September 16, 1975 (40 FR 42749) to provide wide dissemination and a permanent record of these radiation protection and diagnostic quality recommendations.

This advance notice of intent to propose recommendations is issued under the authority of the provisions of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1174–1176 (42 U.S.C. 263d)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 3, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-13324 Filed 5-6-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-WE-25-AD]

SARGENT INDUSTRIES, PICO DIVISION REGULATOR P/N 30001

Airworthiness Directives; Withdrawal of Notice of Proposed Rule Making and Issuance of New Notice of Proposed Rule Making

Amendment 39-3913 (39 FR 28229), AD 74-17-01, requires modification of

regulator valves incorporated in passenger evacuation slides and slide/rafts to prevent delay actuation on all airplanes using the affected part. After issuing amendment 39–3913, the agency received a report of two delayed actuations during an emergency evacuation, and, therefore, issued a Notice of Proposed Rule Making (40 FR 53044), to reduce the compliance time of AD 74–17–01.

The Air Transport Association submitted a comment on behalf of its members. The ATA comment objected to the proposed reduced compliance time, as it would impose a substantial burden on two of the carriers, due to scheduling problems. As the NPRM is being withdrawn, the substance of this request is being met. The ATA also stated that malfunctioning of the affected valves had been a problem only on Douglas model DC–10 airplanes, due to the fact that DC–10 bottles are serviced with a mixture of nitrogen and carbon dioxide gases. The ATA indicated that the mixture reacts adversely with the valve seal lubricant, causing occasional delayed valve actuation. The ATA advises that it is not aware of any adverse experience with the old design regulators on narrow body airplanes. Based on the foregoing, AD 74–17–01 should apply only to the airplanes on which the slide bottles are serviced with a mixture of nitrogen and carbon dioxide, namely, DC–10 airplanes. The agency does not agree.

Subsequent to issuance of the Notice (40 F.R. 53044), the agency received reports of additional delayed actuations in a simulated airplane evacuation demonstration and during maintenance checks. These incidents involved DC–10 and DC–9 model airplanes. Since there is no conclusive evidence that the composition of the gas mixture used to fill the inflation bottles is relevant, the new Notice retains the applicability to all those models of airplanes on which the regulators are installed.

In addition, it has been determined that certain valves may be lacking a drilled passage to the pressure relief port, and may have fill valve assemblies with fewer than the required number of mounting threads. Therefore, the agency is withdrawing the Notice (40 F.R. 53044) proposing to amend AD 74–17–01, and is considering superseding Amendment 39–3913 with a new airworthiness directive requiring additional inspections and modifications of the regular valve; and, to incorporate new compression springs, finger levers, and fill valve housings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before June 11, 1976 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in the notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Notice of Proposed Rule Making (40 F.R. 53044) is withdrawn, and, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SARGENT INDUSTRIES, PICO DIVISION. Applies to Sargent Industries, PICO Division Regulator P/N 30001 incorporated in passenger evacuation slides and slide/rafts installed on, but not limited to, Boeing Models 707, 727, and 737 airplanes, McDonnell Douglas Models DC–6, DC–7, DC–8, DC–9, and DC–10 airplanes; and Lockheed Model L–188 airplanes, certificated in all categories, equipped with PICO, Air Cruisers, or International Inflatables slides or slide/rafts.

Compliance required within one year after the effective date of this AD, unless already accomplished.

To prevent delayed actuation of the regulator valve which could result in delayed deployment of passenger evacuation slides or slide/rafts, accomplish the following:

(a) Install a new O-ring, back-up ring, and lubricant in the PICO P/N 30001 regulator in accordance with Sargent Industries, PICO Division, Service Bulletin 25–51, dated March 14, 1974, or later FAA-approved revisions.

(b) Inspect the PICO P/N 30001 regulator valve to ensure that a ⅛ inch diameter hole has been drilled through from the burst port into the cavity, and drill if required; and install a new compression spring and finger lever in accordance with Sargent Industries, PICO Division Service Bulletin 25–60, dated April 2, 1976, or later FAA-approved revisions.

(c) Inspect the fill valve assembly of the PICO P/N 30001 regulator to determine that it has the required number of mounting threads, and replace the fill valve assembly if required, in accordance with Sargent Industries, PICO Division Service Bulletin 25–63, dated April 5, 1976, or later FAA-approved revisions.

(d) Equivalent inspections and modifications may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submittal of adequate substantiating data.

This supersedes Amendment 39–3913 (39 F.R. 28229), AD 74–17–01.

Issued in Los Angeles, California on April 29, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76–13287 Filed 5–7–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SW–27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Terrell, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before June 9, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In Section 71.181 (41 F.R. 440), the following transition area is added:

TERRELL, TEXAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terrell, Tex., Municipal Airport (latitude 32°43'00" N., longitude 96°16'00" W.).

The proposed transition area will provide controlled airspace for aircraft executing the proposed VOR/DME RWY 36 (Original) instrument approach procedure to the Terrell, Tex., Municipal Airport.

This notice will also apprise airspace users of a proposal to change the airport category from VFR to IFR.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348) and Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX., on April 28, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION
VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE
FLIGHT STANDARDS SERVICE - FAR PART 97.23

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

	FROM	TO	VIA	ALTITUDE	MISSED APPROACH
TERMINAL ROUTES	SCY VORTAC (IAF)	SKAMP/10 DME Fix (No PT)	004/10	2200	MAP 004°/14.9 DME Climbing left turn to 2200 direct to SCY VORTAC. Additional flight data FAS Obstacle: Power Line 600' (324140/961620).

1A. PROCEDURE TURN NA SIDE OF CRS ____ OUTBND ____ INBND ____ FT. WITHIN ____ MI. OF ____
1B. Approach course (profile) starts at SCY VORTAC
2. FAF SKAMP/10 DME Fix FINAL APPROACH COURSE 004° DISTANCE FAF TO MAP 4.9 THLD 4.9
3. Min. Alt. SKAMP DME 2200
6. MSA 000-360, 2300

DAY AND NIGHT MINIMUMS

TAKE OFF ►	A			B			C			ALTERNATE D		
CAT ►	MDA	VIS	HAT/HAA	MDA	VIS	HAT/HAA	MDA	VIS		MDA	VIS	
S-36	980	1	504	980	1	504						
Circling	1040	1	564	1040	1	564						

Use Dallas, Texas, FSS altimeter setting.

FOR PLANNING PURPOSES ONLY

CITY AND STATE	AIRPORT AND ELEVATION	FACILITY IDENT.	PROC. NO. AMDT. NO. - EFFECTIVE DATE	SUP. AMDT. DATED
Terrell, Texas	Terrell Municipal Elevation 476 TDZE 476	SCY	VOR/DME RWY 36, Orig.	None

FAA Form 8260-5 (12-68) SUPERSEDES PREVIOUS EDITION

ALL AFFECTED PROCEDURES REVIEWED? ☐ YES ☐ NO	COORDINATES OF FACILITIES	REQUIRED EFFECTIVE DATE
COORDINATED WITH ☐ IATA ☐ ATA ☐ ALPA ☐ AOPA ☐ NBAA ☐ APA ☐ OTHER (Specify)		
FLIGHT CHECKED AND CONTROLLING OBSTRUCTIONS VERIFIED BY		
SIGNATURE		DATE
DEVELOPED BY		APPROVED BY
SIGNATURE FIDO		SIGNATURE FLIGHT STANDARDS DIVISION
CHANGES		
REASONS		

[FR Doc.76-13286 Filed 5-6-76;8:45 am]

Federal Railroad Administration

[49 CFR Part 231]

[Docket No. SA-5, Notice No. 2]

ROAD AND SWITCHING LOCOMOTIVES; RAILROAD SAFETY APPLIANCE STANDARDS

Proposal To Amend Safety Appliance Standards; Correction

In F.R. Doc 76-12714, appearing at page 18317 in the FEDERAL REGISTER of Monday, May 3, 1976, the word "yard" should be added immediately after the word "perform" at the end of the third line of § 231.30(b)(1).

Dated: May 5, 1976.

EDWARD F. CONWAY, Jr.,
Acting Assistant Chief Counsel, Safety Regulation Division, Federal Railroad Administration.

[FR Doc.76-13432 Filed 5-6-76;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

[20 CFR Part 725]

BLACK LUNG DISEASE

Claims for Disability or Death Benefits

Notice is hereby given that the Employment Standards Administration of the U.S. Department of Labor proposes to amend certain provisions of 20 CFR Part 725, which contains the rules of the Department of Labor governing the filing, processing and adjudication of claims for black lung benefits under Part C of Title IV, of the Federal Coal Mine Health and Safety Act of 1969, 83 Stat. 742, 30 U.S.C. 901 *et seq.*, as amended by Pub. L. 92-303, 86 Stat. 156, entitled the Black Lung Benefits Act of 1972, (hereinafter the Act).

Section 422(f)(1) of the Act, 30 U.S.C. 932(f)(1) requires that all claims for benefits under the Act filed subsequent to December 31, 1973, which are predicated upon the death of a miner who died due to or while totally disabled by pneumoconiosis, shall be filed within three years of such miner's death. Notwithstanding any other provision of the Act and except as is provided in § 414 of the Act, 30 U.S.C. 424, no benefits shall be awarded if the claim therefor was filed out of time. 20 CFR 725.451 provides that any party in interest to a claim for benefits shall have a right to a formal hearing of any contested issues of fact or law arising in connection with such claim.

With respect to those claims filed by the survivor of a miner which are barred by the operation of 30 U.S.C. 932(f)(1) it is and has been the position of the Secretary of Labor that a full evidentiary hearing in which all issues of eligibility and liability are litigated is not required. Such a hearing is inconsistent with considerations of judical and administrative economy and does a disservice to claimants who must undertake the effort and expense involved in proving all elements of their entitlement to benefits which, because of the time bar, can never be obtained.

For these reasons, and pursuant to the provisions of Rule 81(a)(6) of the Federal Rules of Civil Procedure it is and has been the intent of the Secretary of Labor that with respect to claims filed by the survivor or survivors of a miner, which are on their face filed more than three years subsequent to such miner's death, it shall be appropriate to conduct the formal adjudication of such claims in accord with summary procedures similar to those available to a United States district court pursuant to Rules 12 and 56 of the Federal Rules of Civil Procedure. In such cases an evidentiary hearing need not be conducted. Similarly, it is the view of the Secretary of Labor that the procedures set forth in the Federal Rules of Civil Procedure, including those matters addressed in Rules 12 and 56, should be available to an administrative law judge under all appropriate circumstances. The proposed amendments, which are designed to clarify and reaffirm this intent, shall be applicable to all claims pending adjudication on the date of adoption of these amendments and to all such other claims as may subsequently be adjudicated pursuant to the Act. Interested persons are invited to submit written comments concerning these proposed rules to the Office of Workers' Compensation Programs, United States Department of Labor, Washington, D.C. 20210, on or before May 20, 1976.

Pursuant to authority contained in sections 422(a) and 426(a) of Title IV of the Act, 83 Stat. 742, 30 U.S.C. 901, 932(a), 936(a), I proposed to amend Part 725 of Chapter VI of Title 20, Code of Federal Regulations, as set forth below.

PART 725—CLAIMS FOR BLACK LUNG BENEFITS PAYABLE UNDER PART C OF TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED

1. It is proposed to amend paragraph (d) of § 725.124 to read as follows:

§ 725.124 Time limitations for filing claims.

* * * * *

(d) Any claim for benefits in the case of a disabled miner filed under Part C of Title IV of the Act and this Part 725 on the basis of eligibility under § 411(c)(4) of Part B of Title IV of the Act, must be filed in accordance with the requirements of paragraph (a), (b) and (c) of this section and in addition must be filed within three years from the date of last exposed employment in a coal mine. Any claim for benefits predicated upon the death of a miner in which eligibility for benefits may be established under § 411(c)(4), must be filed in accordance with the requirements of paragraphs (a), (b) and (c) of this section and in addition must be filed within 15 years from the date of last exposed employment in a coal mine.

* * * * *

2. It is proposed to amend § 725.451 to read as follows:

§ 725.451 Right to a hearing.

(a) Except as provided in §§ 725.473A and 725.473B of this part and paragraph (b) of this section, any person affected by proceedings under this part may have a right to a formal hearing, concerning any issues of fact or law unresolved in a conference if:

(1) He is a party in interest as defined in § 725.411; and

(2) No final disposition of the case has been achieved in prior proceedings within the period specified in § 725.443.

(b) A full evidentiary hearing need not be conducted if in the opinion of the administrative law judge the case or claim may be determined as a matter of law pursuant to the provisions of this part and an order to such effect is issued by the administrative law judge assigned the case.

3. It is proposed to amend § 725.460, to read as follows:

§ 725.460 Hearing procedures—generally.

(a) All hearings shall be attended by the parties or their representatives and such other persons as the administrative law judge deems necessary and proper. The administrative law judge shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the administrative law judge believes that there is relevant and material evidence available which has not been presented at the hearing, he may adjourn the hearing or, at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which evidence and allegations shall be presented and the procedures at the hearing generally, except as these regulations otherwise expressly provide, shall be at the discretion of the administrative law judge and of such nature as to afford the parties a reasonable opportunity for a fair hearing. The unexcused failure of any party or such party's duly authorized representative to attend a formal hearing shall constitute a waiver of such party's right to present evidence in respect of the issues to be determined at the hearing.

(b) Except as is otherwise provided in the Act and this part and to the extent that such procedures are consistent with sound administrative practices, the Federal Rules of Civil Procedure shall be applicable to hearings conducted pursuant to this part.

4. It is proposed to add a new § 725.743A to read as follows:

§ 725.473A Dismissal for failure to file a timely survivor's claims and procedure.

(a) Notwithstanding any other provision of this part, every claim for benefits predicated upon the death of a miner who died due to or while totally disabled by pneumoconiosis must, except as is provided by § 725.124(b), be filed within three years from the date of such min-

er's death. The bar is mandatory. No benefits shall be paid pursuant to the Act by either the Secretary of Labor or a coal mine operator to any survivor of a miner not meeting the timely filing requirement of § 422(f)(1) of the Act, regardless of the ability of such survivor to establish any other element of entitlement to benefits.

(b) Accordingly, a claim for benefits predicated upon the death of a miner may be summarily dismissed on the motion of any party if such claim is filed more than three years after such miner's death.

(c) Any party (see § 725.411) to a claim for benefits may request a dismissal pursuant to this section by written motion or by orally stating such motion on the record at the hearing. A motion for dismissal made pursuant to this section shall be accompanied by the claimant's claim form or such other documents as may be necessary to establish the date of the miner's death and the date on which the claim was filed, if such documentation is necessary. The Secretary of Labor may, in any case, move for the dismissal of a claim pursuant to this section.

(d) Within a reasonable time after the receipt of a motion made pursuant to this section, the Chief Administrative Law Judge or administrative law judge shall either deny the motion or issue an order to show cause why the claim should not be dismissed. Such order to show cause shall specify the grounds upon which the motion to dismiss is predicated and shall instruct the recipient thereof to respond within thirty days from the receipt of such order. A motion to dismiss filed pursuant to this section shall be granted if no response is made during such thirty day period after the receipt of an order to show cause. If a timely response to an order to show cause is received the motion pursuant to which such order was issued shall be granted unless, in the opinion of the Chief Administrative Law Judge, or administrative law judge sufficient grounds are set forth in such response to warrant further proceedings. No oral hearing need be conducted on a motion made pursuant to this section. Notwithstanding the provisions of § 725.453 any unrepresented party shall be permitted to plead on his or her own behalf in respect of a motion made or order issued pursuant to this section.

(e) Notice of the Chief Administrative Law Judge's or administrative law judge's action taken on a motion made pursuant to this section shall be by order and shall be personally served or served by mail on the parties to the claim at their last known addresses within a reasonable time after the expiration of the thirty day period described in paragraph (d) of this section. Such order shall advise the parties of their right to request review by the Benefits Review Board pursuant to § 725.490.

5. It is proposed to add a new § 725.473 B to read as follows:

§ 725.473B Dismissal of claims, parties—statutory grounds.

The procedures set forth in § 725.473A shall be applicable as appropriate if it is apparent on the face of such claim that the Act for any reason other than that enumerated in § 725.473A, prohibits the award of benefits with respect to such claim, or that the Act prohibits the award of benefits to any party to such claim.

6. It is proposed to amend § 725.474 to read as follows:

§ 725.474 Notice of dismissal and right to request review thereon.

Except as is provided in §§ 725.473A and 725.473B, notice of the Chief Administrative Law Judge's or administrative law judge's dismissal action shall be given to the parties or mailed to them at their last known addresses. Such notice shall advise the parties of their right to request review by the Benefits Review Board pursuant to § 725.490.

Signed at Washington, D.C., this 28th day of April, 1976.

ROBERT C. CHASE,
Acting Assistant Secretary for Employment Standards.

[FR Doc.76-13378 Filed 5-6-76;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-054]

OCCUPATIONAL EXPOSURE TO HEXAVALENT CHROMIUM

Proposed Standards

The National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health, Education, and Welfare, has submitted to the Secretary of Labor, pursuant to section 22 of the Occupational Safety and Health Act of 1970 (84 Stat. 1612; 29 U.S.C. 671), criteria for a recommended standard on occupational exposure to hexavalent Chromium. The Office of Standards Development, Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, is studying the criteria, as well as numerous other publications on the health effects of exposure to hexavalent chromium. Findings of excess lung cancer mortality among workers exposed to concentrations of various hexavalent chromium compounds and positive findings of carcinogenicity in animal studies have implicated at least some hexavalent chromium compounds as occupational carcinogens. Additionally, such effects as skin ulceration, nasal membrane irritation and ulceration, nasal septal perforation, and dermatitis have been observed among workers exposed to hexavalent chromium.

OSHA has concluded that a comprehensive occupational health standard is urgently needed to protect employees from the harmful effects of exposure to hexavalent chromium. Consequently, OSHA hereby announces its intention to commence a rulemaking proceeding in accordance with section 6(b) of the Act. In order to complete the rulemaking proceeding in the shortest possible time, OSHA is encouraging public participation at an early stage in the proceeding. A proposed standard is currently under development and will be published as soon as possible. OSHA will announce schedules for submission of written comments and supportive data and will schedule a public hearing at the time of the proposal.

Interested persons are urged to submit written data, views, and arguments concerning a standard for occupational exposure to hexavalent chromium to assist in the development of the proposal. Comments are specifically requested for the following:

(1) *Delineation of Carcinogenic and Noncarcinogenic Hexavalent Chromium Compounds.*

The present evidence derived from both animal and epidemiological studies seems to indicate that certain hexavalent chromium compounds are carcinogens, while others may or may not be. Depending on how the data is interpreted, there can be at least two alternative approaches for the regulation of hexavalent chromium. One alternative would be to regulate all hexavalent chromium compounds as occupational carcinogens. Some scientists feel that the chromium in the hexavalent state (Cr(VI)) is the carcinogenic agent, and consequently exposure to any hexavalent chromium compound would pose a carcinogenic risk. NIOSH has recommended an alternative to the regulation of all hexavalent chromium, one which incorporates the results of the empirical studies. Using this approach, NIOSH has divided hexavalent chromium-containing compounds into two groups. NIOSH has defined the first group, "noncarcinogenic hexavalent chromium," as the "chromium (VI) in monochromates and bichromates (dichromates) of hydrogen, lithium, sodium, potassium, rubidium, cesium, and ammonium, and chromic (VI) oxide (chromic acid anhydride)." The second group, "carcinogenic hexavalent chromium," "comprises any and all chromium (VI) materials not included in the noncarcinogenic group above."

Such categorization creates a collateral issue; that is, by what criteria is any given compound to be so categorized? There is opinion that the water solubility of any given hexavalent chromium compound is the major determining factor for the carcinogenic action of the compound. This conclusion is primarily based on the fact that the more soluble hexavalent chromium compounds would be more rapidly cleared from the site of action than those compounds of lesser solubility. OSHA feels that although water solubility may be an important factor in determinig the carcinogenic potential of any particular hexavalent chromium compound, there may be other

factors as well. However, for those compounds for which there is little or no empirical evidence, this indicator may be a useful tool for categorization.

(2) *Exposure Limits.*

The following are NIOSH's recommendations for limiting worker exposure to hexavalent chromium:

(a) *Concentration of Carcinogenic Chromium (VI).* Carcinogenic chromium (VI) shall be controlled in the workplace so that the airborne workplace concentration of chromium (VI), sampled and analyzed according to the procedures in Appendices I and II, is not greater than 1 ug Cr (VI)/cu m of breathing zone air.

(b) *Concentration of Noncarcinogenic Chromium (VI).* Noncarcinogenic chromium (VI) shall be controlled in the workplace so that the airborne workplace concentration is not greater than 25 ug Cr (VI)/cu m of breathing zone air determined as a time-weighted average (TWA) exposure for up to a 10-hour workday, 40-hour workweek, and is not greater than 50 ug Cr (VI)/cu m of breathing zone air as determined by any 15-minute sample. Procedures for sampling and analysis shall be as provided in Appendices I and II, or by any method shown to be equivalent in precision, accuracy, and sensitivity to the methods specified.

(3) *Action Levels.*

The following are NIOSH's recommended action levels, which would trigger, among other things, medical surveillance, environmental monitoring, and recordkeeping for exposure to hexavalent chromium:

'Occupational exposure to carcinogenic hexavalent chromium (VI)' is defined as exposure to airborne chromium (VI) at concentrations greater than one-half of the workplace environmental limit for carcinogenic chromium (VI). 'Occupational exposure to noncarcinogenic chromium (VI)' is defined as exposure to airborne chromium (VI) at concentrations greater than one-half of the workplace environmental limit for noncarcinogenic chromium (VI). Exposure to chromium (VI) at concentrations less than one-half of the workplace environmental limit [will require adherence only to the sections on labeling, personal protective equipment and clothing, employee information, work practices, and sanitation].

(4) *Analytical Method.*

The NIOSH criteria document states that there is no practical analytical method which can distinguish between any two hexavalent chromium compounds. Accordingly, when there is concurrent exposure to "carcinogenic" and "noncarcinogenic" hexavalent chromium, without such an analytical method there will be no way of detecting the presence, much less the levels, of either. OSHA requests the submission of any method capable of accurately determining the levels of any given hexavalent chromium compound in the presence of another hexavalent compound, including precision, accuracy, and lower limit of detectability.

(5) *Worker Exposure Data.*

OSHA requests detailed information on worker exposure data. It would be most helpful if the following information were submitted:

(a) Description of processes involved, and associated measured levels of worker exposure and compounds to which the workers are exposed;

(b) Analytical and sampling methods used and evidence of their precision and accuracy; and

(c) Number of workers exposed.

(6) *Medical Surveillance.*

In section 2 of the criteria document (pages 3–5), NIOSH presented a recommended medical surveillance protocol. OSHA requests comments on the adequacy, completeness, frequency and specificity of the NIOSH recommended diagnostic protocol. OSHA would also be interested in receiving any comments, studies, or other data on the value of sputum cytology as a test for the early detection of lung cancer.

(7) *Technological Feasibility of Compliance with the NIOSH Recommendations.*

(8) *Economic Feasibility of Compliance.*

(9) *Inflationary Impact.*

Specific items that OSHA requests information on include:

(a) Cost impact on consumers, businesses, markets, or federal, state, or local government;

(b) Effect on productivity of wage-earners, businesses or government;

(c) Effect on competition;

(d) Effect on supplies of important materials, products, or services;

(e) Effect on employment; and

(f) Effect on energy supply or demand.

Interested persons are invited to submit comments concerning all issues relating to a standard for hexavalent chromium on or before June 21, 1976. Written data, views and arguments must be submitted in quadruplicate to the Docket Officer, Docket No. H–054, OSHA Technical Data Center, Room N3620, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Because of the agency's desire to shorten the rulemaking process, OSHA has made available for early public inspection and analysis the documents presently being reviewed in the development of a proposal. OSHA will make available additional references received prior to the close of this comment period. Other references received after the close of this comment period will be made available at the time of the proposal. OSHA welcomes receiving comments on these studies prior to the close of this comment period. OSHA also welcomes submission of any additional data and studies which others feel should be considered. The following are the major references that have been made available for inspection and copying at the OSHA Technical Data Center at the above address:

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(Secs. 4, 6, 8, 22, 84 Stat. 1592, 1593, 1599, 1612 (29 U.S.C. 653, 655, 657, 671) Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911.)

Signed in Washington, D.C., this 29th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–13385 Filed 5–6–76;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1006]

PRIVACY ACT REGULATIONS

Additional Specific Exemptions and Other Miscellaneous Changes

Notice is hereby given that the Community Services Administration, in accordance with 5 U.S.C. 552a(k)(2), proposes to exempt two additional systems of records concerning Civil Rights investigations of EEO complaints by CSA employees and CSA grantee employees from the disclosure provisions of the Privacy Act. The primary purpose of these additional exemptions is to protect the integrity of the EEO complaint resolution process. CSA system notices CSA–12 and CSA–13, which are the subject of these exemptions, were only published today. The necessity for these exemptions has become apparent now that it is clear they are not covered by the Department of Labor government-wide notice published in 40 FR 41739 (DOL–ESA–3).

Furthermore, CSA hereby amends its previous exemption of CSA–7, covering CSA Inspection Reports on matters other than Civil Rights complaints, so as to reduce the scope of the exemption claimed to what experience has proven to be necessary. Thus exemption from sections (e)(4)(G) and (H) and (f)(1), (2), (3), and (5) is no longer claimed. Furthermore, a final sentence is added to this exemption detailing the procedures whereby access to an exempted record may be obtained in many instances. Also, a change in the title of CSA–9 requires a corresponding change in Appendix B.

CSA also proposes three administrative changes in the Privacy Act regulations pursuant to recommendations of the Office of Management and Budget:

(1) The requirement for a notarized statement affirming the requester's identity is revoked (§ 1006.4(b)(3)) because it imposes an excessive burden on requesters.
in section 1009(a) is revoked because,

(2) The 30-day time limit for appeal in the opinion of OMB, it lacks statutory warrant.

(3) The provisions of § 1006.9 for appeal of denials or request for correction of records are amended to include appeals of denials of access and § 1006.5 (j) which previously governed denials of access is revoked.

CSA solicits public comment on the proposed new exemptions. Comments on the other changes published herein are also solicited. All written comments received before June 10, 1976 will be considered by CSA before taking final action on the proposed rules. Please address comments to Privacy Act Officer, Office of Administration, Community Services Administration, 1200 19th St., NW., Washington, D.C. 20506.

It is therefore proposed to amend 45 CFR 1006 as set forth below:

(5 U.S.C. 52a)

Dated: April 29, 1976.

SAMUEL R. MARTINEZ,
Director.

Part 1006, Appendix B, is amended by inserting the words "Contractor Employee" at the beginning of the last item, so it reads "Contractor Employee Equal Employment Opportunity under E.O. 11246, as amended."

§ 1006.4 [Amended]

In § 1006.4 the following paragraphs are revoked:

Section 1006.4(b)(3) is revoked and § 1006.4(b)(4) is renumbered § 1006.4(b)(3). Section 1006.4(j) is revoked and § 1006.4(k) is renumbered § 1006.4(j).

* * * * *

§ 1006.9 [Amended]

1. The table of contents entry and the section heading of § 1006.9 are amended as set forth below.

2. Paragraph (a) of § 1006.9 is revised as set forth below and paragraph (d) is amended by the insertion of the words "be an order for full or partial release of the documents requested or shall" in line 3 after the word. "Shall", and (e)(4) is amended by inserting "or (B)" in line 3 after "5 U.S.C. 552a (g)(1)(A)".

§ 1006.9 Appeal of initial adverse agency determination or correction or amendment or access.

(a) "When a request has been denied under §§ 1006.5 or 1006.8, the requester may appeal the denial to the Privacy Act Officer, Office of Administration, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506. An appeal should be identified both on the envelope and in the text as a Privacy Act Appeal.

4. The text of § 1006.14 is designated as paragraph (a) and amended by deleting the portion of the first sentence after "(e)(1)" and substituting "(e)(4)(I) and (f)(4)", and by adding a last sentence to paragraph (a) and a new paragraph (b) as set forth below:

§ 1006.14 Specific exemptions.

(a) * * * Any person may still seek access to these records under the Freedom of Information Act; any Privacy Act Request seeking records under this exemption will be processed under the substantive provisions of the Freedom of Information Act.

(b) Under 5 U.S.C. 552a(k)(2), the Director also exempts system CSA–12 entitled "CSA Employee Equal Opportunity System" and CSA–13 entitled "CSA Grantee Employee Equal Opportunity System" from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), e(4)(I), and (f)(4). The primary reason for asserting this exemption is to avoid disruption of EEO procedures by disclosure of EEO files to persons not entitled to them under EEO procedures. It is also necessary in the case of investigations of grantees (CSA–13) to preserve the ability to obtain information from confidential sources and to protect those sources from reprisals, especially the loss of employment. Any person may still seek access to these records under the Freedom of Information Act; any Privacy Act Request seeking records thus exempted will be processed under the substantive provisions of the Freedom of Information Act.

[FR Doc.76–13416 Filed 5–6–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 95]

[Docket Nos. 21020; RM–1508, 1592, 1733, 1751, 1841, 1905, 1991, 2052, 2084, 2132, 2300, 2317, 2318]

ACADEMY OF MODEL AERONAUTICS

Extension of Time

In the matter of Revision of operating Rules for Class D stations in the Citizens Radio Service.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a petition filed by the Academy of Model Aeronautics (AMA) for an extension of time for filing comments and reply comments in the above captioned proceeding. The prescribed time for filing comments is May 26, 1976, and the prescribed time for filing reply comments is June 10, 1976. Petitioner requests that these deadlines be extended to July 26, 1976 and August 10, 1976, respectively.

2. In support of its petition, the AMA states that most of its members, as well as other radio control (RC) modelists, depend upon trade publications for information concerning Commission action affecting RC hobbyists. Because the Notice of Inquiry and Further Notice of Proposed Rule Making in Docket 20120, FCC 76–277, were released March 29, 1976, the AMA alleges that the majority of such publications, which generally have editorial deadlines at or near the end of each month, will not be able to publish information concerning Commission action in this proceeding until early May 1976, and that such information will not be widely disseminated until late May 1976, when the period for filing comments expires. Petitioner further states that many hobbyists who might otherwise submit comments to the Commission will therefore not have an opportunity to do so, and that for this reason the comment period should be extended two months.

3. We recognize the desire of the AMA to make the comments of as many RC modelists as possible available to the Commission in this proceeding. We also recognize that, for the reason cited in the preceding paragraph, the AMA, as well as other RC organizations, may have to formulate its comments to the proposals in Docket 20120 with greater rapidity than it might wish.

4. As we indicated in our Notice of Inquiry and Further Notice of Proposed Rule Making in this proceeding, however, we are dealing with a problem of considerable urgency. The explosive growth of the Class D Citizens Radio Service (application receipts are currently approaching 600,000 per month) is such that the public interest requires that the issue of frequency expansion at 27 MHz for Class D licensees be resolved as quickly as possible. We believe, however, for the reasons cited by the AMA, we should extend the period for filing comments and reply comments two weeks, and thereby give a greater number of individuals an opportunity to participate in this proceeding, while at the same time not delaying final action significantly. We do not believe that an extension of greater than two weeks would be in the public interest, however.

5. Accordingly, in view of the foregoing, it is ordered, pursuant to authority contained in Sections 0.331 and 1.46 of the Commission's Rules, that the time for filing comments in Docket 20120 is extended from May 26, 1976 to June 9, 1976, and that the time for filing reply comments is extended from June 10, 1976 to June 24, 1976.

Adopted: April 30, 1976.

Released: May 3, 1976.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76–13352 Filed 5–6–76;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

INTEREST ON DEPOSITS

Extension of Comment Period

The Board of Directors of the Federal Deposit Insurance Corporation (the "Corporation") published for comment in the FEDERAL REGISTER of March 19, 1976 (41 FR 11563) a proposed amendment to its regulations which would permit depositors in insured nonmember banks to authorize, under limited conditions, withdrawals from their savings accounts in order to cover checks drawn on their demand accounts. That notice stated that comments would be accepted until May 14, 1976.

The proposed amendment explicitly states that the depositor must give to his bank written authorization to permit such withdrawals to be made from his savings account to cover checks drawn on his demand account. Notwithstanding this explicit provision, it has come to the Corporation's attention that certain parties have interpreted the proposed regulation to mean that such withdrawals shall be made without the depositor's

permission. The proposed amendment also states that any agreement between the depositor and the bank must provide, inter alia, that the depositor shall forfeit an amount equivalent to at least 30 days' interest, calculated at the savings account rate, on the funds transferred. The Corporation stated in the FEDERAL REGISTER notice of March 19, 1976 that it is particularly interested in public comment on this penalty provision.

The Corporation has received various comments which object to the mandatory imposition of the penalty. Also, various of the comments state that the entire proposal is tantamount to the payment of interest on demand accounts, in violation of 12 U.S.C. 1828. In answer to both of these contentions, the Corporation points out that the sole purpose of the penalty provisions is to maintain the distinction between savings accounts and demand accounts. Thus, the proposed amendment does not violate the statutory prohibition against the payment of interest on demand accounts.

Because certain members of the public misinterpreted various aspects of the proposed amendment, the Corporation believes that these members of the public did not have the opportunity to submit meaningful comments. Accordingly, the Corporation is hereby extending the comment period in connection with the proposed rule to June 14, 1976.

By order of the Board of Directors dated May 4, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-13370 Filed 5-6-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

THIRD STAGE OF IMPLEMENTATION OF THE ENERGY POLICY AND CONSERVATION ACT: ADDITIONAL INCENTIVES FOR DOMESTIC CRUDE OIL PRODUCTION

Notice of Proposed Rulemaking and Public Hearing

I. *Introduction.* A. *Purpose.* The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend the Mandatory Petroleum Price Regulations applicable to first sales of domestic crude oil in order to provide additional incentives for domestic crude oil production. Public hearings will be held on this proposal in Washington, D.C.; Dallas, Texas; Los Angeles, California; and Anchorage, Alaska. An opportunity for written comment will also be afforded to interested parties.

The Federal Energy Administration has undertaken to implement the crude oil pricing policy of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94-163) in thre stages. On February 1, 1976, new domestic crude oil price regulations were adopted to implement the first stage (41 FR 4931, February 3, 1976). The regulations established a two tier domestic crude oil pricing system, with lower tier prices estimated to average approximately $5.25 per barrel nationally and upper tier prices estimated to average approximately $11.28 per barrel nationally. With approximately 60 percent of domestic production estimated to be produced and sold at the lower tier price, this two tier pricing system was designed to result in the statutorily-mandated maximum weighted average first sale price for domestic crude oil ("composite price") of $7.66 per barrel in February, 1976, which was the first month of the 40-month crude oil pricing program provided for by the EPCA.

On April 8, 1976, FEA adopted amendments to implement the second stage of the EPCA crude oil pricing policy (41 FR 15566, April 13, 1976). The amendments provide for monthly upward adjustments in the composite price, beginning in March 1976, to take into account the effects of inflation and to provide additional production incentives.

Section 401 of the EPCA limits the effect on the composite price of such adjustments to not more than the rate of inflation (as measured by the GNP deflator) plus not more than 3 percent annually as a production incentive, with the combined rate of increase not to exceed 10 percent annually. Subject to the requirements of the EPCA, FEA intends to make such adjustments for 39 months, beginning with the month of March, 1976. Actual prices for the entire 39-month period can only be projected, because of the significant number of variables that will affect the actual composite price. However, FEA's intention in administering the 40-month crude oil price control program established by the EPCA is to provide as early as possible the maximum degree of certainty as to prices over the course of the program. A projected price schedule for each of the 39 months was therefore published with the second stage amendments. The schedule is subject to adjustment only as to prices to be charged in future months, to the extent such adjustment is necessary to maintain compliance with the composite price limitations of the EPCA. The schedule would also be adjusted prospectively to the extent that additional price incentives may be allowed pursuant to the Congressional review procedures authorized by the EPCA.

The second stage amendments provide generally for upward monthly adjustments both to the lower tier and to the upper tier domestic crude oil prices, and for semi-annual reductions in the base production control levels of certain properties to reflect the natural rate of production decline on those properties. The effect of the second stage regulations is to utilize fully the provisions for upward adjustments in domestic crude oil prices which may be implemented by FEA pursuant to the EPCA without Congressional review.

The purpose of this proceeding is to implement the third stage of the crude oil pricing policy of the EPCA, in which FEA will consider whether additional incentives, beyond the adjustments adopted in the second stage proceeding, are needed to maintain or increase production of any categories of crude oil and whether an amendment to provide such additional incentives should be adopted. Any such amendment would then be submitted to Congress pursuant to the review procedures established by section 551 of the EPCA for composite price adjustments in excess of the adjustments for inflation and as a production incentive which are permitted without such review.

B. *Statutory Provisions for Additional Incentives.* Adjustments to the composite price in excess of those provided in the second stage, to provide additional production incentives, are provided for in section 8(e) of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended by section 401 of the EPCA, as follows:

(e)(1) Not earlier than 90 days after the effective date of the amendment promulgated under subsection (a) and not earlier than 90 days after the date of any previous submission under this subsection, the President may submit to the Congress, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to the regulation promulgated under section 4(a) which provides for (A) a production incentive adjustment to the maximum weighted average first sale price in excess of the 3 per centum limitation specified in subsection (d)(1), (B) a combined adjustment limitation in excess of the 10 per centum limitation specified in such subsection, or (C) both.

(2) Any such amendment shall be accompanied by a finding that an additional adjustment as a production incentive, or a combined adjustment limitation greater than permitted by subsection (d)(1), or both, is necessary to provide a more adequate incentive with respect to the matters referred to in subparagraphs (A), (B), or (C) of subsection (d)(3).

(3) Any such amendment shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

Subparagraphs (A), (B) and (C) of subsection (d)(3), referred to in subsection (e)(1), above, provide as follows:

(A) the discovery or development of high cost and high risk properties (including new wildcat properties, and properties located on the Outer Continental Shelf, properties located north of the Arctic Circle, deep wells and deep horizons in onshore or offshore properties, and properties operated by independent producers);

(B) the application of enhanced recovery techniques to producing properties to obtain a level of production higher than would otherwise occur from those properties but for such adjustment; or

(C) sustaining production from marginal wells, including production from stripper wells.

II. *Proposed Amendments.* The comments received in the first and second stage proceedings have indicated various respects in which upper tier and lower tier price controls on certain categories of domestic crude oil are likely to reduce or inhibit domestic production. FEA has preliminarily determined that upward price adjustments to avoid such results

appear to be desirable with respect to each of the three categories specified in section 8(d)(3) of the EPAA, i.e., the discovery and development of high cost and high risk properties; the application of enhanced recovery techniques; and sustaining production from marginal wells.

Specific proposals to be considered in this proceeding are the following:

Upper tier or market level prices for all production from new reservoirs.

Market level prices for production from new wildcat properties.

Market level prices for production from new properties located on the Outer Continental Shelf.

Market level prices for production from new deep wells or deep horizons in onshore properties.

Market level prices for production from properties operated by independent producers.

Upper tier or market level prices for incremental production derived through application of certain high cost enhanced recovery techniques.

Qualification for stripper well prices based on the preceding 12 months of production rather than the preceding calendar year.

Qualification for stripper well prices according to well depth and according to onshore or offshore location.

Qualification for stripper well prices according to the ratio of non-crude oil fluids produced.

Qualification of marginal gas wells for stripper well prices.

Market level prices for stripper well production.

Adjustments to historical gravity price differentials for heavy crude oil.

A. *Discovery and development of high cost and high risk properties.* The first general category of crude oil production which is specified by the EPCA as one for which additional incentives may be appropriate is the discovery and development of high cost and high risk properties. In this regard, FEA wishes to consider first, the extent to which the existing definition of "property" should be revised in order to insure that upper tier price incentives are provided for the discovery and development of additional crude oil from reservoirs which might otherwise be regarded as being on an existing property and therefore subject to certain lower tier price restraints; and, second, the extent to which market-clearing price levels are needed as an incentive for the discovery and development of any category of crude oil property.

(1) *Newly-developed reservoirs.* Ruling 1975-15 (40 FR 40832, September 4, 1975) held that a property as it existed during the 1972 base period must be used as the basis for determining whether current crude oil production and sale volumes reflect increased production. Accordingly, a new property—and, hence new or upper tier crude oil—cannot be created simply by subdividing a property that existed during the base period.

It has been urged that this aspect of the Ruling makes it impractical, particularly for independent producers, to undertake production on portions of existing properties that are "farmed-out", since the higher costs and greater risks associated with finding and developing such new production would generally not be justified by lower tier prices. In its consideration of the issues raised in the first stage rulemaking, FEA recognized the merit in this contention. However, under FEA regulations there has been no pragmatic basis for distinguishing such legitimate subdivisions of properties from those which might be undertaken simply in order to obtain upper tier crude oil prices—without any additional production resulting therefrom.

In the first stage rulemaking, FEA proposed a possible revision of the definition of property on a reservoir basis which would have, if adopted, eliminated in most instances the disincentive seen by producers to exploratory drilling under farm-out agreements, by allowing any production from a newly-discovered reservoir to qualify as new crude oil.

The FEA determined that the proposed definition should not be adopted for reasons more specifically detailed in the February 1 notice. However, on April 13, 1976, FEA issued a notice of proposed rulemaking and public hearing to consider clarifications to the definition of property, and other issues which have arisen concerning the proper application of the Mandatory Petroleum Price Regulations applicable to domestic crude oil (41 FR 16179, April 16, 1976). FEA believes that, with respect to the definition of property, the tentative interpretation set forth in that notice will eliminate many of the problems associated with farm-outs, to the extent that any new production resulting from a farm-out agreement is recognized as a separate producing entity by the governing state authority. However, FEA is aware that such production from a new reservoir may not always be so recognized as a discrete producing entity by state authorities. Accordingly, comments are requested in this third stage proceeding on whether the regulations should be amended to provide upper tier prices for newly-developed production from previously undeveloped reservoirs, whether or not such newly developed reservoirs are designated as a separate producing entity by the state regulatory body. In this regard, comments should specifically address the administrative feasibility of determining the existence of a separate reservoir in the absence of a state determination.

(2) *Market level prices.* FEA will also consider in this third stage rulemaking proceeding the extent, if any, to which a price in excess of the upper tier ceiling price is needed to provide a sufficient incentive for the continued exploration for and development of new reservoirs, including those categories of high cost and high risk properties specifically set forth in the EPCA (except for properties located north of the Arctic Circle, which will be the subject of a separate, later rulemaking proceeding).

Comments and supporting data are therefore specifically requested to address whether or not a price in excess of the upper tier ceiling price is necessary, and, if so, whether it is necessary to establish a market level price tier for any category of new crude oil production. Such categories may include production from new reservoirs generally, production from new wildcat properties, production from new properties located on the Outer Continental Shelf, production from new deep wells or deep horizons in onshore properties, or production from properties operated by independent producers. Comments should define as specifically as possible the category of crude oil property with respect to which such additional incentives are needed; estimate the costs associated with discovery and development of properties in such categories; and estimate production levels on an annual basis which could be expected from such properties—assuming both upper tier prices and market level prices.

Comments may identify categories of new crude oil production different than those outlined above, since the listed categories are only illustrative. It should be noted that FEA does not presently have any independent studies or analyses of current levels of costs associated with exploration and development of new properties. Comments on these issues should therefore be as detailed and comprehensive as possible, since appropriate findings based on such comments are required in support of any amendment to provide additional incentives.

B. *Application of enhanced recovery techniques.* With respect to the application of enhanced recovery techniques, which is the second category of crude oil production which is listed in the EPCA as being potentially eligible for additional incentives, it is FEA's view that the two tier price system, as recently amended, affords adequate incentives for application of standard types of enhanced or secondary recovery techniques. Further incentives, however, may be appropriate to encourage the application of certain high cost enhanced recovery techniques, generally referred to as tertiary recovery techniques.

A recently completed study undertaken for FEA indicates that substantial additional domestic crude oil production can be obtained through application of high-cost enhanced recovery techniques. The study analyzed crude oil fields in Texas, California, and Louisiana, which are estimated to contain 64% of the domestic crude oil (other than Alaskan) that would remain in place after primary and secondary recovery. The techniques involved are steam drive and in-situ combustion, CO_2 miscible, surfactant/polymer flooding, polymer augmented waterflooding, and hydrocarbon miscible. (The study, entitled "The Potential and Economics of Enhanced Oil Recovery," was conducted for FEA by Lewin & Associates. Copies may be obtained by writing FEA, Office of Communications and Public Affairs, Publications Distribution Center, Washington,

D.C. 20461. Copies may also be obtained, beginning Monday, May 10, 1976, at the FEA Press Room, Room 3138, 1200 Pennsylvania Avenue, NW., Washington, D.C.)

Among the major findings of the study, which included a detailed analysis of the 245 reservoirs in 175 fields, are that in the three states studied:

43.3 billion barrels of crude oil are technically recoverable through the year 2000, by tertiary recovery, assuming market-clearing price levels;

Price strongly affects the amount of crude oil that could be recovered through tertiary recovery, with upper tier prices (maintained in real terms) reducing potential tertiary recovery reserves from 43.3 billion barrels to 30.5 billion barrels; and lower tier prices (maintained in real terms) reducing that amount to 5.2 billion barrels;

Failure to adjust lower tier and upper tier prices for inflation would result in further loss of potential tertiary reserves; and

Considerable amounts of tertiary production can be realized—as much as .4 to .7 million barrels per day by 1980, 1 to 2 million barrels per day by 1985, and up to 3 million barrels per day by 1990.

It should be noted that substantial lead times are inherent in the application of tertiary recovery techniques, and that the principal effects of price incentives for such techniques would generally not occur until the period of 1980 through 1990.

FEA in this proceeding requests comments on the validity of these findings and on the appropriate means, if necessary, of providing additional price incentives for the production of these reserves.

With respect to price incentives, FEA proposes to allow upper tier prices for amounts of crude oil produced from properties under high cost enhanced recovery (as described above) which are in excess of the amounts that would have been produced by conventional primary and secondary recovery methods. Comments are requested on the extent to which this would afford adequate incentive, and on whether market-clearing price levels or other additional incentives might be needed. Comments are also requested on the extent to which recent changes in the crude oil price regulations, particularly the addition of § 212.76, which provides for reductions in base production control levels to reflect natural rates of production decline, are adequate to permit such incremental production to be priced at upper tier levels, or whether determinations should be made on a project-by-project basis as to what production would have been in the absence of the implementation of a high cost enhanced recovery technique. If project-by-project determinations are preferable, comments are also requested on the best method for differentiating between the incremental production attributable to tertiary recovery and the production that would have resulted from primary or secondary recovery techniques.

Assuming that all incremental production derived from high cost enhanced recovery projects would otherwise have been priced at lower tier prices, the result of permitting such incremental production to be sold at upper tier prices would be to increase the composite price by the following estimated amounts:

	Percent
1976	1.2–1.9
1977	1.5–2.5
1978	1.5–3.5
1979	2 –5

The percentage cannot be exactly determined at this time, as there are both optimistic and pessimistic projections presented in the study and because of uncertainty as to the extent to which existing regulations would operate to permit such incremental production to be sold at upper tier prices.

FEA also requests comments in this regard that will aid in adopting appropriate definitions of the types of recovery that need additional incentives and on the extent to which the need for such incentives may vary, depending on the estimated costs and recovery rates of the type of recovery involved.

FEA is particularly interested in receiving comments on the technical aspects of this study, and a separate day of hearings has been specifically designated for this purpose. Among the issues requested to be addressed in this regard are:

a. The validity of the technical aspects of the report with special consideration of the following:

Rates of crude oil recovery.

Estimates of reserve additions.

Economics of enhanced crude oil recovery.

Time estimates.

Failure rates.

Areas where further analysis may be needed.

b. Whether capital is available to the industry to undertake enhanced recovery projects on a large scale.

c. Factors that may currently inhibit investments in enhanced recovery or are likely to inhibit future investments.

d. The type of incentives that would be most effective in forwarding enhanced recovery development and application, whether or not they are within the scope of FEA regulator authority (e.g., cost sharing, loans, loan guarantees, or tax relief).

e. Whether there is sufficient engineering expertise for enhanced recovery projects available, including availability to small companies and individuals.

f. Whether enhanced recovery projects pose any new or greater environmental hazards than primary or secondary recovery and, if so, how these hazards can be overcome.

g. The manner in which present tax laws apply to enhanced recovery projects, and whether any changes are needed.

h. Whether, in view of the time lag between initiation and production of an enhanced recovery project, any other laws or regulations could be adopted to improve the economics or reduce the risk.

C. *Sustaining production from marginal wells.* With respect to sustaining production from marginal wells, FEA proposes in this proceeding to consider first, whether any modifications in the stripper well lease qualification criteria should be adopted and, second, whether stripper well lease crude oil should be permitted to be sold at market-clearing price levels.

(1) *Stripper well lease qualifications on the basis of the preceding 12-month period.* Under current regulations, a property may qualify as a stripper well lease where the property's average daily production of crude oil, excluding condensate recovered in non-associated production, did not exceed 10 barrels per well day during any preceding calendar year beginning after December 31, 1972.

Comments received during the first stage rulemaking indicated that requiring the qualification of a property as a stripper well lease to be on the basis of a calendar year's production may result in less production from such marginal properties than would occur if a different measuring period were used. This is because there are likely to be some cases where a producer might postpone efforts to increase production from a property until it has qualified as a stripper well lease. In some cases, this might be as long as twenty-three months.

The statutory requirement that the qualification be based on production over a calendar year was removed when section 401(b)(1) of the EPCA repealed the stripper well lease exemption of the EPAA. FEA recognizes the merit in contentions that a calendar year qualifying period may actually lead to reduced production from some properties. Accordingly, FEA is proposing to amend the present definition of stripper well lease so that, prospectively, qualification will be measured on the basis of the immediately preceding 12 month period.

(2) *Stripper well lease qualification according to well depth and according to onshore or offshore location.* FEA has reason to believe that there may be justification for adopting other than a 10 barrel per well per day qualifying limit for certain types of marginal production, such as deep horizon onshore wells and offshore wells. Comments submitted in connection with the first stage rulemaking proceeding suggested specifically that the FEA should adopt a qualifying scale, variable according to well depth, similar to depth allowable schedules as used by some state regulatory authorities. For example, it may be that a property should be permitted to produce 20 barrels per day of upper tier crude oil for all wells that produce from below 10,000 feet.

With respect to offshore production, an analysis of the costs and production rates of offshore production in the Gulf of Mexico indicates that up to 300 million additional barrels of crude oil could be recovered by granting stripper well status to offshore properties producing less than 45 barrels per well per day. Without such a provision, these wells would become marginally economic at lower tier prices and tend to be shut down at about the 45 barrel per day level of production. Remaining production, which would be economic at upper tier prices, would therefore be lost before the offshore properties became eligible for stripper well lease upper tier prices. Such prices are currently pro-

vided for in the regulations only with respect to production levels of 10 barrels per well per day or less. This higher production level associated with marginal economics of continued production is attributable to the substantially higher operating and maintenance costs of offshore platforms and production. The added production that could be realized by revising the offshore stripper well lease qualification to a production level of 45 barrels per well per day is estimated to be approximately 80,000 barrels per day throughout the remaining period of controls. The impact of such a change on the composite price is estimated to be an increase of approximately ¾ percent in each year of the program. FEA specifically requests comments on the assumptions and methodology contained in this analysis. (The analysis, entitled "Economic Limits of OCS Production Wells," was conducted for FEA by Lewin & Associates. Copies may be obtained by writing FEA, Office of Communications and Public Affairs, Publications Distribution Center, Washington, D.C. 20461. Copies may also be obtained beginning Monday, May 10, 1976 at the FEA Press Room, Room 3138, 1200 Pennsylvania Ave. N.W., Washington, D.C.)

Comments should address the extent, if any, to which the stripper well lease definition should be amended so as to adopt different criteria. Specifically, comments should contain suggested qualifying criteria, and should discuss the extent to which these alternative criteria would provide any needed incentive to additional production from marginal properties, both onshore and offshore. Comments should also address the extent to which any proposal will affect the current relative proportions of upper and lower tier crude oil.

(3) *Stripper well lease qualification according to ratio of non-crude oil fluids produced.* Producers have indicated to FEA that some wells become marginal before production levels decline to 10 barrels a day because they must produce large quantities of non-crude oil fluids (e.g., water) in order to produce comparatively small quantities of crude oil.

In some cases, therefore, the high cost of lifting large volumes of non-commercial fluids may render a property marginal, without regard to its production of crude oil in excess of the 10 barrel per well per day limit. Accordingly, comments are solicited as to whether a special provision should be adopted, whereby a property might qualify as a stripper well lease on the basis of producing an unusually large quantity of non-crude oil fluids as compared to its production of crude oil. Parties are requested in this regard to submit data regarding any industry-wide norms concerning the lifting of water and other non-commercial substances.

(4) *Stripper well lease qualification for marginal gas wells.* On April 13, 1976, FEA gave notice of a proposed rulemaking and public hearing to consider certain clarifications to domestic crude oil. In that proceeding, in which FEA is seeking to clarify the extent to which the striper well lease rule is properly applied to condensate produced from some state-classified gas wells, FEA received numerous coments suggesting that marginal gas wells (like marginal oil wells) should qualify for upper tier treatment as part of the stripper well lease rule.

FEA believes that there is merit to extending the stripper well lease concept to marginal gas wells, but as noted in previous proceedings, the economics of a marginal gas well are likely to vary significantly from a marginal oil well, so that a 10 barrel per day standard may not be appropriate for condensate produced from gas wells.

FEA proposes to relate marginal gas wells as closely as possible to marginal oil wells for this purpose. Under the current stripper well lease rule, an oil well can produce slightly over than 10 barrels of crude oil and condensate per day for an entire calendar year before qualifying as a marginal well. At lower tier prices, therefore, a marginal oil well must produce less than approximately $52.50 in revenues per day for 12 months before it qualifies. Acordingly, FEA proposes to permit the qualification of gas wells that produce total revenues of less than $52.50 per day for a 12 month period.

Comments should also address any other appropriate qualifying criteria.

(5) *Market-level prices for stripper well lease crude oil.* Finally, comments are solicited as to whether there is a need for production from stripper well leases generally, or from any category of stripper well leases, to be sold at prices in excess of the upper tier ceiling price.

FEA estimates that stripper wells account for more than 70 percent of all domestic crude oil wells. While it would obviously ease FEA's administrative burden to exempt crude oil production from such wells from the upper tier ceiling price limitations, ease of administrative burden alone would not justify permitting market level prices for all production from stripper well leases. Accordingly, comments should indicate as specifically as possible the extent, if any, to which production from such properties would be lost in the absence of market level prices. Moreover, comments should address the effect on producers and purchasers if such production were eligible to be sold at market level prices and not subject to the supplier/purchaser freeze.

Stripper wells produce more than 1 million barrels of crude oil per day. If all stripper well production were permitted to be sold at market level prices and if such prices averaged $2.00 per barrel more than upper tier prices, the impact on the composite price would be an increase of approximately 3 percent.

D. *Adjustments in the May 15, 1973 gravity price differentials for heavy crude oil.* In this rulemaking proceeding, FEA will conclude its reconsideration of whether to permit an adjustment in the gravity price differentials for crude oil produced in California or elsewhere. Although FEA had previously determined that such an adjustment was not warranted (40 FR 54263, November 21, 1975), numerous California producers and royalty owners, including the State and certain local governments, urged that a reconsideration was warranted, based upon new data that had not previously been made available to FEA.

Accordingly, in the first stage rulemaking proceeding FEA solicited comments on the extent, if any, to which any information not previously made available might tend to affect the conclusions stated in FEA's prior decision not to permit adjustments to May 15, 1973 price differentials. Inasmuch as comments received in the prior proceeding indicated that the considerations that obtain in California also obtain in Alaska and perhaps elsewhere with respect to this issue, FEA also considered whether to amend the regulations with respect to crude oil produced in Alaska or elsewhere in the same manner as was proposed initially with respect to crude oil produced in California. In this regard, FEA solicited data in support of the contention that an adjustment is warranted, noting, however, that to the extent to which any adjustments were permitted (and prices for old crude oil were permitted to increase) FEA would be required to make the statutory findings of section 8(b)(2) of the EPCA. Accordingly, FEA indicated that comments should address the extent, if any, to which an adjustment to May 15, 1973 differentials for heavy crude oil produced in California, Alaska, or elsewhere, (A) will give positive incentives for (i) enhanced recovery techniques, or (ii) deep horizon development for such properties; or (B) is necessary to take into account declining production from such properties; and (C) is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

Only a small proportion of the total number of comments received in the first stage rulemaking proceeding addressed this issue. However, those in support of an adjustment to gravity price differentials for California crude oil, while submitting a large quantity of data, did not address (1) the extent to which the regulations proposed in the January 6 notice would affect any of the economic forecasts developed by California producers and royalty owners, which were based upon the prior regulations, or (2) the extent, if any, to which the statutory findings referred to above could be made. Accordingly, the resolution of this issue was deferred for further consideration in connection with the resolution of this third rulemaking stage. Comments were solicited in the second stage, however, to afford as much of an opportunity as possible to develop the required data.

FEA now solicits any additional comments that will address the two issues stated above, and provide specific data, to the maximum extent possible, which will demonstrate any expected loss of production that will occur under the February regulations and under the stage two adjustments. Since the first and second stage regulations are designed to provide incentives for increased

production from all properties producing old crude oil, comments should be addresed to whether these incentives are adequate for California production. Data should identify any fields from which production is expected to be lost.

E. *Qualitative Assessment of the Environmental Impacts of the Third Stage Price Rulemaking.* The probable impacts on the environment of the proposed third stage crude oil price adjustsments have been reviewed and FEA has concluded that the short-term effects within the next six months of the amendments will not significantly affect the quality of the environment due to the long lead times required to elicit the development of new fields and the application of new technologies. Within six months a comprehensive analysis of the longer term environmental impacts of the proposed price adjustments will be completed and FEA will reconsider these price regulations in light of the conclusions in the EIS and will determine if any amendments are appropriate.

The potential effects of the proposed amendments will be increased crude oil prices, the application of innovative technologies, the inducement of intensified exploration in new fields or in outpost areas of existing fields, and the development of remote and/or environmentally fragile areas. FEA concludes that this amendment is likely to stimulate crude oil production from more risky and more expensive operations, and also to increase the consumption of some chemicals, (such as carbon dioxide, surfactants, and polymers), which may be discharged into the environment. There will also likely be some restraining effects on oil consumption due to the potential slight increase in domestic product prices. However, it is believed that these short-term effects on oil field development of the price incentives are not likely to be measurable and thus will not result in any traceable damage to the quality of environment within the next six months.

Enhanced recovery of crude oil production. The most readily applicable methods of enhanced recovery are steam drive, carbon dioxide miscible, surfactant/polymer, polymer augmented water flood and in-situ combustion. Though in the long run all these operations may generate some negative impacts upon environmental quality, the short-term effects are likely to be negligible or unmeasurable. This is because the minimum lead time required prior to field development for pre-production reservoir characterization, the selection of recovery method, pilot studies for technical and economic feasibility and the evaluation of financing alternatives is 4–9 years. In fact, a reservoir characterization study alone generally takes at least one year. Therefore, in the following six months, the foremost effect on enhanced recovery operations of this proposed amendment may be that many new enhanced recovery projects will start their planning effort. The recent FEA study has indicated that steam drive, in situ combustion and carbon dioxide miscible techniques will provide the bulk of enhanced recovery production before 1980. However, all these operations will require at least one year lead time for the accumulation of capital, the purchase and installation of equipment and the production of injection materials.

The lead time required to develop increased production from the OCS and from remote and/or environmentally fragile areas will normally require more than four years subsequent to a go-ahead decision for the pre-production operations. This time period is required to provide for the design and construction of platforms, the clearing of land, lease and license applications, the installation of underwater equipment and ocean floor completions, etc. Deep horizon development is also a high risk operation and demands substantial capital investment. Though deep horizon operations may require less lead time, the order and purchase of drilling equipment, the selection of drilling sites, the delivery of supplies and arrangements for financing and licensing likely may consume one to two years. Therefore, it can be concluded that the short-term effects (i.e., within the next six months) on environmental quality are likely to be negligible from these operations.

Another factor suporting FEA's position regarding long lead times is the lack of certainty relative to future investment returns on crude oil production because of pending congressional action on intangible drilling costs. Moreover because of the risk premium associated with these difficult production operations, and because of the uncertainty regarding breakthroughs in new technology development, the overall economic outlook in the near future is unclear. Therefore, these substantial unknowns are likely to inhibit many producers from initiating enhanced recovery operations and the development of frontier areas immediately.

For all the foregoing reasons, FEA concludes that today's proposals will not substantially affect the quality of the environment in the short run; FEA will review long-term impacts on the quality of the environment in greater detail within approximately the next six months. The proposed amendments in the short term will induce a slow and gradual process to increase domestic crude oil production, which process will not make any material progress in the next six months and which will only be successful if price incentives are maintained over the long term. While there is unlikely to be much, if any change in consumption over the next six months due to the proposed amendments, any change would be expected to have a beneficial effect on the environment. Furthermore, well before any effects are likely to occur, the FEA will have completed a full environmental analysis and, as noted, will have made any modifications in its regulations that are deemed appropriate.

F. *Written Comment Procedures.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GY, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Third Stage of Implementation of the Energy Policy and Conservation Act: Additional Incentives for Domestic Crude Oil Production." Fifteen copies should be submitted. All comments received by Tuesday, June 1, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

G. *Public Hearings.* FEA has determined that in addition to holding a public hearing in this proceeding in Washington, D.C., public hearings will also be held in FEA Regions VI (Dallas, Texas), IX (Los Angeles, California), and X (Anchorage, Alaska).

1. *National Hearings.* The Washington, D.C. hearing (the "National hearing") will be held beginning at 9:30 a.m., e.s.t., on Wednesday, June 2, 1976, and will be continued, if necessary, on Thursday, June 3, 1976, and on Friday, June 4, 1976 in Room 2105, 2000 M Street NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein. Those persons wishing to comment in Washington, D.C. on the technical aspects of the study entitled "The Potential and Economics of Enhanced Oil Recovery" are requested specifically to request an opportunity to make such a presentation, and such presentations will be scheduled, insofar as possible, for Friday, June 4. Any person who has an interest in the proposals issued today, or who is a representative of a group or class of persons that has an interest in today's proposals may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Tuesday, May 25, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

2. *Regional Hearings.* The Dallas regional hearings will be held at 9:30 a.m., local time, Thursday, June 10, 1976, at the location specified below, and will be continued, if necessary, on Friday, June 11, 1976; the Los Angeles regional hearings will be held at 9:30 a.m., local time, Tuesday, June 8, 1976, at the location specified below, and will be continued if necessary, on Wednesday, June 9, 1976; and the Anchorage regional hearing will be held at 9:30 a.m., local time,

Friday, June 4, 1976, at the location specified below. Comments on the technical aspects of the study entitled "The Potential and Economics of Enhanced Oil Recovery" will also be received in these regional hearings, and persons wishing to make such presentations should specifically so indicate. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth below. Requests to speak at the Regional hearing in Anchorage must be received before 4:30 p.m., local time, on Tuesday, May 25, 1976. Requests to speak at the Regional hearings in Los Angeles and Dallas must be received before 4:30 p.m., local time, on Tuesday, June 1, 1976.

FEA region	Submit requests to testify to	Hearing location
VI. Dallas Tex..	FEA, 2626 West Mockingbird Lane, Dallas, Tex. 75235.	Sheraton Inn, 1893 West Mockingbird Lane, Dallas, Tex.
IX. San Francisco, Calif.	FEA, 111 Pine St., San Francisco, Calif. 94111.	Biltmore Hotel, 515 South Olive St., Crystal Ballroom, Los Angeles, Calif.
X. Seattle, Wash.	FEA, 605 West 4th Ave., Anchorage, Alaska 99501. FEA, 1992 Federal Bldg., 2d Ave, Seattle, Wash. 98174.	Z. J. Loussac Library, 427 F St., Anchorage, Alaska.

3. *Request Procedures.* The following request procedures are applicable to both the National and Regional Hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labeled both on the document and on the envelope "Third Stage of Implementation of the Energy Policy and Conservation Act: Additional Incentives for Domestic Crude Oil Production."

The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, May 28, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Thursday, May 27, 1976 and must, if feasible, submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 9 a.m., e.s.t., on Tuesday, June 1, 1976, for the National Hearing, and to the location of the hearing on the day the statement is scheduled to be presented, for the Regional hearings.

4. *Hearing Procedures.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to ask a question at the National or Regional hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer.

The inflationary impact of this proposal has been considered by FEA consistent with Executive Order 11821, issued November 24, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act Pub. L. 94-163; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II, Title 10 Code of Federal Regulations as proopsed above.

Issued in Washington, D.C. May 4, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-13414 Filed 5-4-76;4:39 pm]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM74-1]

REPORT OF COST AND QUALITY OF FUELS FOR NUCLEAR PLANTS; APPROVED FORMS

Termination Order

APRIL 29, 1976.

On July 19, 1973 the Commission issued a Notice of Proposed Rulemaking to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 141.-62, prescribing collection of fuel costs and quality determinants of fuel received at nuclear generating plants by electric utilities through proposed Form 423—NUCLEAR (38 FR 20107).

The Commission finds. (1) The termination of the proposed rulemaking in Docket No. RM74-1 is appropriate and necessary for carrying out the provisions of the Federal Power Act.

(2) Compliance with the effective date provisions of Section 553 of Title 5, United States Code, is unnecessary.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly Sections 301, 304, and 309 thereof, (49 Stat. 854, 855, 858-859; 16 U.S.C. 825a, 825b, 825c, 825h), *orders:*

(A) Effective upon the issuance of this order, the proposed rulemaking in Docket No. RM74-1 is terminated.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13317 Filed 5-6-76;8:45 am]

[18 CFR Part 141]

[Docket No. RM74-2]

MONTHLY REPORT OF FUEL STORAGE CAPACITY AND FUEL STORED; APPROVED FORMS

Termination Order

APRIL 29, 1976.

On August 6, 1973 the Commission issued a Notice of Proposed Rulemaking to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18, Code of Federal Regulations, by adding a new § 141.61, prescribing the collection of data on fuel storage capacity and the actual amount of fuel stored at each steam, gas turbine and internal combustion engine plant of electric utilities subject to Commission jurisdiction. The data would be collected monthly on the proposed new FPC Form No. 423-STORAGE (38 FR 19974).

The Commission finds. (1) The termination of the proposed rulemaking in Docket No. RM74-2 is appropriate and necessary for carrying out the provisions of the Federal Power Act.

(2) Compliance with the effective date provisions of Section 553 of Title 5, United States Code, is unnecessary.

The Commission, acting pursuant to authority granted by the Federal Power Act, as amended, particularly Sections 301, 304, and 309 thereof, (49 Stat. 854, 855, 858–859; 16 U.S.C. 825a, 825b, 825c, 825h), *orders;*

(A) Effective upon the issuance of this order, the proposed rulemaking in Docket No. RM74–2 is terminated.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–13318 Filed 5–6–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–12352; File S7–624]

PROGRAM FOR ALLOCATION OF REGULATORY RESPONSIBILITIES

Self-Regulatory Organizations

The Securities and Exchange Commission today announced the proposal of Rule 17d–2 which permits self-regulatory organizations having members in common to file with the Commission for its consideration plans for allocating among themselves specified regulatory responsibilities for such members.

The Commission also announced the adoption of Rule 17d–1, effective immediately, in accordance with the Administrative Procedure Act (5 U.S.C. § 551 et seq.) and pursuant to Sections 17(d)(1) and 19(g)(2) of the Securities Exchange Act of 1934 ("the Act") and Section 9(c) of the Securities Investor Protection Act of 1970. The Commission also has determined, pursuant to Section 15(b)(2)(C) of the Act, to authorize and direct registered securities associations and national securities exchanges to conduct inspections of newly-registered member brokers and dealers within six months of registration. See announcement of the adoption of Rule 17d–1 in this issue.[1]

Background. In recent years Congress, the Commission, and the securities industry as well as the investing public have become increasingly aware that there may be duplication or overlaps in regulation. Reacting to this concern, the Securities Acts Amendments of 1975 ("1975 Amendments") interpreted in light of its legislative history, mandated that the Commission coordinate the operation of the unique system of self-regulation existing in the securities industry within the framework of Section 17(d) of the Act, as amended, and Section 26 of the 1975 Amendments. These provisions are intended to permit the Commission to respond effectively in adapting regulatory patterns to the requirements of the evolving national market system.

Section 17(d)(1) of the Act, as amended, authorizes the Commission, by rule or order, in a manner consistent with the public interest, to relieve any self-regulatory organization of the responsibility imposed by Section 19(g)(1) with respect to any person which is a member or participant of more than one self-regulatory organization. Conferring broader authority than Section 26 of the 1975 Amendments, Section 17(d)(1)(A) permits the Commission to relieve self-regulatory organizations of the responsibility to receive regulatory reports and to examine for or enforce compliance not only with financial responsibility rules but also with the Act, its rules and regulations as well as for any other regulatory functions the Commission may specify. Section 17(d)(1) directs the Commission, in granting such relief, to consider the regulatory capabilities of the self-regulator, including its procedures, staffing, and location and any other factors the Commission determines to be relevant.

Proposed Rule 17d–2. Proposed Rule 17d–2 establishes the procedural foundation for a comprehensive allocation of regulatory responsibility and promotes the cooperation of the self-regulatory organizations in assessing their regulatory capabilities. This section provides that any two or more self-regulatory organizations may join in making a proposal to the Commission for allocation of specified regulatory functions as to members or participants which they have in common.

Paragraph (a) of the proposed section specifies that such proposal should be made in the form of a plan. The plan should contain all information material to Commission evaluation of the plan, including the names of self-regulatory organizations which are parties to the plan, the names of members or participants which they have in common, the name of the self-regulatory organization recommended to assume regulatory responsibility, a description of the regulatory responsibilities such designee would assume, and a brief explanation of the factual basis for the allocation of responsibility. Paragraph (e) makes clear that more than one such plan may be filed by a self-regulatory organization in conjunction with other self-regulators. Pursuant to paragraph (b), such plan may provide for an allocation of expenses.

Under paragraph (c) of the proposed section the Commission may declare such a plan effective if it is consistent with, and in furtherance of, the purposes of the Act. Once a plan is declared effective, paragraph (d) provides that any self-regulatory organization not designated by the terms of the plan to assume regulatory responsibility shall be relieved of responsibility to the extent provided by the plan.

In the event that the plans, or parts thereof, declared effective by the Commission do not provide for all members or do not allocate all regulatory functions, under paragraph (g) the Commission may, on its own motion, designate responsibility for such members to appropriate self-regulatory organizations of which such brokers or dealers are members.

Following the mandate of Section 23(a) of the Act, as amended, the Commission has considered the impact of the allocation program, including proposed Rule 17d–2, on competition. The Commission finds that the adoption of this measure will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Commission action: Pursuant to Sections 2, 6, 11A(a), 17, 19, and 23 of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt section 240.17d–2 in Chapter II of Title 17 of the Code of Federal Regulations as follows:

§ 240.17d–2 Program for allocation of regultory responsibility.

(a) Any two or more self-regulatory organizations may file with the Commission within 90 days of the effective date of this section, and thereafter as changes in designation are necessary or appropriate, a plan for allocating among the self-regulatory organizations the responsibility to receive regulatory reports from persons which are members or participants of more than one or such self-regulatory organizations to examine such persons for compliance, or to enforce compliance by such persons, with specified provisions of the Securities Exchange Act of 1934, the rules and regulations thereunder, and the rules of such self-regulatory organizations, or to carry out other specified regulatory functions with respect to such persons.

(b) Any plan filed hereunder may contain provisions for the allocation among the parties of expenses reasonably incurred by the self-regulatory organization having regulatory responsibilities under the plan.

(c) After appropriate notice and opportunity for comment, the Commission may declare such a plan, or any part of the plan, effective if it finds the plan, or any part thereof, necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of the national market system in conformity with Section 17(d) of the Securities Exchange Act of 1934.

(d) Upon the effectiveness of such a plan, or part thereof, the self-regulatory organizations which are parties to the plan shall be relieved of the responsibilities set forth in paragraph (a) of this section as to any person for which such responsibilities are allocated to another self-regulatory organization under the plan to the extent of such allocation.

(e) Nothing herein shall preclude any self-regulatory organization from entering into more than one plan filed hereunder.

(f) After the Commission has declared a plan or part thereof effective pursuant

[1] See FR Doc. 76–13278, Title 17, Chapter II, Parts 200 and 240, supra.

to paragraphs (c) and (d), the self-regulatory organizations relieved of responsibility may notify customers of, and persons doing business with, such member or participant of the limited nature of its responsibility for such member's acts, practices, and course of business.

(g) In the event that plans filed within the period specified in paragraph (a) do not provide for all members or participants or do not allocate all regulatory responsibilities, the Commission may after due consideration of the factors enumerated in Section 17(d)(1) of the Act designate one or more of the self-regulatory organizations responsible for specified regulatory responsibilities with respect to such member or participant.

Solicitation of Public Comments. The Commission invites comment on the allocation program, specifically on proposed Rule 17d–2. Commentators are encouraged to submit outlines of proposed plans which they might file in accordance with proposed Rule 17d–2. In addition, they are asked to suggest whether self-regulators which may be relieved of specified responsibilities under paragraph (d) of proposed Rule 17d–2 should be required to notify customers of the extent of their responsibility as to such member and, if so, the form and content of such notice.

Interested persons should submit their comments on the allocation program and on the proposed rule in writing by June 15, 1976. All communications should be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File S7–624. These comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 20, 1976.

[FR Doc.76–13279 Filed 5–6–76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-130]

FOREIGN CURRENCIES

Certification of Rates

APRIL 29, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-121 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:	
Apr. 12, 1976	$0.001100
Apr. 13, 1976	.001115

(LIQ-3)

WILLIAM E. ROY,
Acting Director,
Duty Assessment Division.

[FR Doc.76-13350 Filed 5-6-76;8:45 am]

[T.D. 76-132]

FOREIGN CURRENCIES

Certification of Rates

APRIL 29, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-121 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira: Apr. 23, 1976	$0.001123

(LIQ-3)

WILLIAM E. ROY,
Acting Director,
Duty Assessment Division.

[FR Doc.76-13351 Filed 5-6-76;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 19]

ROYAL INSURANCE COMPANY, LIMITED THE LONDON & LANCASHIRE INSURANCE COMPANY, LIMITED

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Royal Insurance Company, Limited (U.S. Office, New York, New York), Liverpool, England, which holds a Certificate of Authority as an acceptable reinsuring company on Federal bonds under Treasury Circular 297 (31 CFR Part 223) merged into Royal Globe Insurance Company, September 30, 1975. Confirmation of this action has been received and filed in the Treasury. Accordingly, the certificate issued to Royal Insurance Company, Limited, July 1, 1975 (40 FR 29259, July 10, 1975), is hereby terminated as of September 30, 1975, the effective date of the merger.

The surviving corporation, Royal Globe Insurance Company, an Illinois corporation, has acquired the assets and assumed the liabilities of the merged corporation and retains its Certificate of Authority issued July 1, 1975 (40 FR 29256, July 10, 1975).

The London & Lancashire Insurance Company, Limited (U.S. Office, New York, New York), London, England, which holds a Certificate of Authority as an acceptable reinsuring company on Federal bonds under Treasury Circular 297 (31 CFR Part 223) merged into Safeguard Isuance Company, September 30, 1975. Confirmation of this action has been received and filed in the Treasury. Accordingly, the certificate issued to The London & Lancashire Insurance Company, Limited, July 1, 1975 (40 FR 29259, July 10, 1975) is hereby terminated as of September 30, 1975, the ffective date of the merger.

The surviving corporation, Safeguard Insurance Company, a Connecticut corporation, has acquired the assets and assumed the liabilities of the merged corporation and retains its Certificate of Authority issued July 1, 1975 (40 FR 29256, July 10, 1975).

In view of the foregoing, no action need be taken by bond-approving officers by reason of the merger of Royal Insurance Company, Limited and the merger of The London & Lancashire Insurance Company, Limited with respect to any bond or other obligation in favor of the United States, or in which the United States has a direct or indirect interest, reinsured by either of these companies prior to September 30, 1975 pursuant to a Certificate of Authority issued by the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: April 30, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-13329 Filed 5-6-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AVAILABILITY OF DRAFT ENVIRONMENTAL STATEMENT

Public Hearing

MAY 3, 1976.

An informal Public Hearing will be held for the purpose of soliciting comments from the public regarding the proposed beddown of the AWACS Aircraft at Tinker Air Force Base, Oklahoma as described in the Draft Environmental Statement. The hearing will be held on Tuesday, May 25, 1976, at 7:00 p.m. at the Midwest City Community Center, 100 North Midwest Boulevard, Midwest City, Oklahoma 73110. The presiding officer will be Colonel John T. Murphy, Staff Judge Advocate, Oklahoma City Air Logistics Center, Tinker Air Force Base, Oklahoma 73145, Telephone (405) 734-2695.

The Air Force proposes to locate the Airborne Warning and Control System (AWACS) at Tinker Air Force Base. The current Procurement Plan provides for 34 3-3A "AWACS" aircraft which is the Air Force version of a modified Boeing 707-320B. All AWACS aircraft will be assigned to Tinker Air Force Base; however, no more than 21 will be operating in the local area, as many will be deployed throughout the world for extended periods. It is expected there will be a net daily increase of approximately eight each of take-offs and landings at Tinker Air Force Base.

The following procedures will be followed during the Public Hearing. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing

record is June 1, 1976. Submit written communication to the presiding officer.

Copies of the Draft Environmental Statement can be obtained at no cost by writing to the Office of Information, Oklahoma City Air Logistics Center, Tinker Air Force Base, Oklahoma 73145. Supply is limited. Copies are available locally for public reference at the following locations:

Oklahoma County Library, 131 N.W. 3rd, Oklahoma City, Oklahoma 73102.
Oklahoma County Commissioners, 320 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102.
Association of Central Oklahoma Governments, Suite 200, 4801 Classen Boulevard, Oklahoma City, Oklahoma 73118.
Oklahoma County Library, 4509 S.E. 15th, Del City, Oklahoma 73115.
Oklahoma County Library, 3210 Bel Aire, Midwest City, Oklahoma 73110.
Midwest City Municipal Building, 100 North Midwest Boulevard, Midwest City, Oklahoma 73110.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-13261 Filed 5-6-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL ADVISORY BOARD FOR WILD FREE-ROAMING HORSES AND BURROS

Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on June 3 and 4, 1976, in John Day, Oregon, at the Forest Supervisor's Office, Malhuer National Forest. The agenda and schedule of activities are outlined below:

June 3—A field trip to observe the management of wild horses in the Murderers Creek territory. The field trip will start from the Bear Valley work center at 8 a.m. The tour will end at 5 p.m. at John Day. Individuals from the public wanting to participate in the tour must provide their own transportation and lunch.

June 4—The meeting will be called to order at 8:30 a.m. The first order of business will be the selection of a Chairman and Vice Chairman. Other items on the agenda are: (1) Managing wild horses in Oregon; (2) problems encountered in assigning excess animals for private maintenance; (3) status of the 1971 Wild Horse and Burro Act and legislative proposals; (4) Report to Congress; (5) Agency reports; (6) status of research proposals; (7) wild horse public information program; (8) comments from the public; and (9) Advisory Board discussion and recommendations.

The meeting will be open to the public. Time has been set aside from 2 to 3 p.m., June 4, for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Director (330), Bureau of Land Management, in writing prior to the meeting of the Board. An original copy of all oral statements identifying the author is desired to provide a record for the minutes. Any interested person may file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the office of the Forest Supervisor, Malheur National Forest, John Day, Oregon, or the Office of Public Affairs, Bureau of Land Management, 729 N.E. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.

Minutes of the meeting will be available for public inspection 60 days after the meeting at the Office of the Director (330), Bureau of Land Management, Washington, D.C. 20240.

GEORGE L. TURCOTT,
Associate Director.

APRIL 30, 1976.

[FR Doc.76-13319 Filed 5-6-76;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Notice of Approval

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams approved on the date indicated, are available, for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, CA. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description	*Approval date*
NI 10-2	Mar. 26, 1976
NI 10-3 San Luis Obispo	Do.
NI 10-6 Santa Maria	Do.
NJ 10-11 Santa Cruz	Do.
NJ 10-12 Monterey Bay	Do.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 N. Los Angeles St., Rm. 7127, Los Angeles, CA. 90012. Checks or Money Orders should be made payable to the Bureau of Land Management.

WILLIAM E. GRANT,
Manager, Pacific Outer Continental Shelf Office.

[FR Doc.76-13320 Filed 5-6-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M76-282]

BLUE RIDGE COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Blue Ridge Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 3, Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

* * *

The substance of Petitioner's statement is as follows:

1. Petitioner is the operator of newly-developed bituminous coal Mine No. 3, which is subject to the mandatory safety standards for underground mines, in particular 30 CFR 75.1710-1.

2. The first underground mining done by Petitioner was in October of 1975 in the Cedar Grove seam. This seam was prospected and core drilled and the reports showed the seam of coal to be 38 to 41 inches in height. Mining operations were commenced with 2 (two) 24 Model Kersey scoops, 1 (one) Model 310 Gallis roof bolting machine and 1 (one) Model 12 RB cutting machine. The mine was operated for approximately 3 months with the above two scoops and it was then determined that they were too large for this seam of coal. The two scoops were parked and two smaller scoops, namely, 1 Kersey scoop and 1 S & S Model battery scoop, were installed as replacements. To Petitioner's knowledge, this is the lowest profile equipment available at this time and the lowest profile equipment available to the mining industy.

3. Petitioner was issued a Notice of Violation in regard to its failure to use the canopies required pursuant to 30 CFR 75.1710-1 with respect to its two scoops,

bolting machine and cutting machine. After receipt of the aforesaid Notice, Petitioner states that it placed an order for canopies for all of the above machines with a company in Phelps, Kentucky, who were manufacturers of canopy equipment. Petitioner states that the time to comply with said Notice has been extended from time to time, with the final extension expiring on February 27, 1976. One canopy was received on or about February 15, 1976, and was installed on the S & S Model battery scoop. This scoop with the canopy was attempted to be operated but, Petitioner avers, it was unable to retain employees to operate the machine due to the facts that the canopies were hitting the roof bolts, causing them to loosen, and creating a hazardous situation to the miners, and that the operators of the scoop with the canopy were forced to operate the machine in a reclining position which was unbearable.

4. Petitioner states that requirements that canopies be installed on the foregoing equipment in a coal seam of this height create a dangerous and unsafe condition.

5. The S & S Model scoop that Petitioner operates at its Mine No. 3 is 26 inches in height and with the dips and hills Petitioner has encountered in the seam of coal, it has had to lower its headlights below the top of the scoop to keep them operating. Said scoop is continuously getting caught on the roof bolts and dislodging them or breaking the headlight bracket off. The bucket of the scoop has to be lowered, Petitioner states, when tramming, to keep from dislodging the roof bolts.

6. The canopies on order have not been received or installed by Mine No. 3, but, Petitioner states, with the trouble it has encountered keeping the top of the equipment from dislodging roof bolts and creating bad roof conditions, the installation of canopies will create an unreasonable hazard to the safety of the employees.

7. Petitioner states that the main safety factor in its mine and in all underground mines is adequate roof bolting, and that if it is required to use and install canopies on its equipment it will endanger the safety of its miners because the top of the canopy will sheer or catch roof bolts, weakening the overhead arch, and increasing the likelihood of roof falls.

8. To Petitioner's knowledge there is no known machinery available which would decrease or alleviate the above-described hazards.

9. Petitioner requests that 30 CFR 75.-1710–1 be modified so as not to require it to install canopies on its equipment because the installation of said canopies will create an unreasonable and dangerous hazard to the safety of its miners.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76–13262 Filed 5–6–76;8:45 am]

[Docket No. M76–283]

BRUSHY FORK MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Brushy Fork Mining Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its War Eagle No. 1 Mine, Mingo County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner's War Eagle No. 1 Mine contains a mining height which ranges from 37 inches to 40 inches.

2. Petitioner conducts its coal mining operations in the War Eagle No. 1 Mine through the use of continuous mining machines, roof drills, battery tractors and various items of rubber-tired utility equipment. In the past, Petitioner attempted to utilize cabs and canopies on these items of electric face equipment operating in the coal seam heights abovementioned, and was advised by representatives of its coal mining personnel that the installation of these devices on said equipment greatly decreased the safety of the miners employed by it in said mine.

3. Petitioner states that this decrease in safety results, in part, from a limitation of the proper visibility necessary for the safe operation of said mining equipment during periods when the equipment operator is under the cab or canopy.

4. Petitioner states that the coal seams in which it is presently conducting its mining operations at the War Eagle No. 1 Mine are subject to rolls and undulations which cause the equipment, upon which cabs or canopies have been installed, to become jammed between the roof and the floor of the active workings of the coal mine.

5. Petitioner states that the use of such devices on Petitioner's mining equipment further reduces the safety of the operators of said equipment by unduly confining them and restraining their ability to escape rapidly from said equipment in the event of an emergency.

6. On numerous occasions, Petitioner maintains, the coal miners employed by Petitioner at its War Eagle No. 1 Mine have expressed their dissatisfaction with the use of such cab and canopy devices in the mine, and have threatened not to operate the electric face equipment should said devices be installed on the machinery.

7. Petitioner states that it has contacted its equipment suppliers to determine if any forms of cabs and canopies are available for installation on the electric face equipment operated in the War Eagle No. 1 Mine, which will not produce the safety hazards abovementioned. Petitioner avers that it has been advised on numerous occasions that such devices do not exist at the present time for use on the said equipment. Furthermore, Petitioner maintains that it has been unable to develop an adequate design for a cab and canopy for said equipment which will alleviate these problems.

8. Based on the foregoing, it is Petitioner's position that the application of the mandatory safety standards set forth in 30 CFR 75.1710 and 75.1710(a)(5) to the electric face equipment presently employed at its War Eagle No. 1 Mine, in the coal seam heights abovementioned, will result in a diminution of safety in said mine.

9. Petitioner submits, as an alternate method to provide for the safety of its miners employed at the War Eagle No. 1 Mine, the following program for use in connection with its electric face equipment presently in operation at the said mine:

(a) Petitioner will affirmatively undertake steps to ascertain and develop, through its internal staff and its outside equipment suppliers, a suitable form of cab and canopies for use in connection with its electric face equipment in the War Eagle No. 1 Mine, the application of which will not result in the safety haz-

ards enumerated above. During the course of said development program, Petitioner will consult the proper representatives of the Mining Enforcement and Safety Administration and the United Mine Workers of America, so as to benefit by their expertise in this area. In connection with this, Petitioner will affirmatively solicit ideas for cab and canopy designs from the mining personnel employed by it in the War Eagle No. 1 Mine. As such technology is developed, Petitioner will employ it in its mining operations at the War Eagle No. 1 Mine;

(b) Petitioner will regularly conduct classes for all of its supervisory, coal mining and safety personnel employed at the War Eagle No. 1 Mine, concerning the various aspects of the roof and rib control plan employed by Petitioner at the said mine, as well as the latest techniques in roof and rib control. Futhermore, Petitioner will regularly instruct said personnel in the safe use and operation of the electric face equipment utilized at the War Eagle No. 1 Mine; and

(c) Petitioner will, upon request, provide to the applicable local representatives of the Mining Enforcement and Safety Administration, reports pertaining to the progress which it is making in this area.

Requests for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments within on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13263 Filed 5-6-76;8:45 am]

[Docket No. M76-197]

C.C.C.—POMPEY COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), C.C.C.—Pompey Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 75.1710 to its Mine #1 and Mine #2, Pike County, Kentucky.

30 CFR 75.1710 provides:

> An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from room falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

> * * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:
>
> (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
>
> (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
>
> (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
>
> (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
>
> (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and
>
> (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner is operator of bituminous coal mines which are subject to the mandatory safety standards for underground mines set forth in 30 CFR 75.1710–1.

2. Petitioner's Mine #1 operates one working section in seam heights of 42 to 48 inches, using cutting machines with associated roof bolters, scoops and belt lines, with heights from 28 to 36 inches.

3. Petitioner's Mine #2 presently operates one working section in seam heights of 35½ to 50 inches, using cutting machines with associated roof bolters, scoops and belt lines, with heights from 28 to 36 inches.

4. In Petitioner's said mines, operations are proceeding in coal seams of heights which, when mined, according to Petitioner, do not permit clearances between the top of operated equipment and the roof, which are adequate to allow installation of canopies for the protection of operators without the creation of additional hazards.

5. Petitioner states that in all of its mines, the seam height varies significantly within all entries, from section to section, and within each section. Therefore, Petitioner maintains, hazards from roof contact exist in mines covered by this petition at areas where low seams, rolls, dips and other seam variations drop to the vicinity of equipment height.

6. Petitioner avers that it has consulted with the MESA Technical Support Center, and that it continues to experiment with canopy installations. In this regard, Petitioner states that its greatest problem in extending use of canopies has been operator acceptance, and that it has been able to gain no significant experience with prototype canopies at the mines covered by this petition because of the refusal of many miners to operate the subject equipment.

7. Petitioner submits that application of the foregoing provisions of the regulations, if applied to Petitioner's two subject mines, will result in a diminution of safety as follows:

(a) Petitioner is constantly encountering undulations in the height of its coal seam. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged, thereby creating a greater risk of roof fall and injury to employees than would exist otherwise;

(b) Technology in the industry is not available to design and install canopies on existing equipment which will protect the operators in the conditions described, insure visibility and safe operability, and prevent the hazards described herein;

(c) Crammed and awkward operator positions cause operators to leave cabs more frequently in situations which expose them to hazards of mining equipment;

(d) Poor visibility causes operators to put their heads outside of the equipment, which exposes them to hazards of moving equipment;

(e) Changes in conditions after installation of canopies, caused by variations in seam height and undulations, cause inadequate equipment clearance and collisions with the top, shearing roof bolts, damaging cross beams, and destroying equipment and roof support; and

(f) Existence of the cab itself becomes a hazard in seams, or in portions of seams, in which the Petitioner operates as described above, because present equipment known to the Petitioner limits the paths of escape to an operator faced with a roof or rib fall in a confined space. Due to the minimal clearances involved, the cab itself increases the time required for an operator to extricate himself from the equipment when faced with an emergency.

8. Petitioner states that it is aware of consultations with the MESA Technical Support Center, which it believes to be concerned with the types of problems described herein. Petitioner does not know the results of such consultations. In addition, Petitioner is in repeated and frequent consultation with equipment vendors on equipment problems, and Petitioner avers that it knows that vendors with whom it has consulted are unable to solve the problems described herein.

9. Much of the equipment used in Petitioner's #1 and #2 Mines was not manufactured or designed for the installation of canopies, and Petitioner has been unable to construct or purchase suitable canopies without encountering the problems identified herein.

10. In petitioning for modification of the mandatory standard herein, Petitioner requests relief from all time limits set forth in 30 CFR 75.1710–1 because of the variations described above within each mine. The standard prescribes time

limits for use of canopies based upon maximum height within a mine. Petitioner maintains that if the standard becomes immediately applicable throughout its mines, Petitioner will be forced to install canopies in the lower reaches of coal before other coal mine operators in like situations are required to do so, while if the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner will be faced with a vague and unpredictable situation as mining uncovers new conditions.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13264 Filed 5-6-76;8:45 am]

[Docket No. M76-302]

CLEAR CREEK COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Clear Creek Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 75.1710 to its Clear Creek No. 2 Mine, Putnam County, Tennessee.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The alternate method Petitioner proposes to establish in lieu of the mandatory standard will, according to Petitioner, at all times guarantee a standard of protection no less than would application of the mandatory standard, and application of the mandatory standard will result in a diminution of safety to persons in the mine.

2. Petitioner's Clear Creek No. 2 Mine opened in April 1964. Drill holes indicate that there are approximately three (3) years expected life in the mine at its current production rate. Petitioner states that there have been no accidents in which employees have been injured by roof falls or bumps since the mine was opened, and that the safety record of the mine has consistently lowered its workmen's compensation rate so that its safety record has currently entitled it to the lowest compensation rate which has been afforded any coal mining operation in the State of Tennessee for the past 4 years.

3. The roof bolter operator and his helper walk beside the roof bolting machine in the mine. Petitioner states that technology is not available to install a canopy to protect both of these workmen while tramming this machine. An approved roof bolting plan is followed in the roof bolting procedure.

4. The operator of the Joy 11RU Cutter in the mine rides this machine while tramming from place to place, fully protected under previously installed and tested roof bolts. The jack setter walks behind and protects the trailing cable from damage. At the working face, the operator sits under the third row of roof bolts outby the working face. The jack setter is under the fifth row of bolts outby the working face.

5. The coal drill operator in the mine rides the Galis 4100 Coal Drill while tramming from place to place, fully protected under previously installed and tested roof bolts. At the working face, the operator sits between the third and fourth row of roof bolts outby the working face.

6. The loader operator in the mine walks beside the loader while tramming from place to place, fully protected by previously installed and tested roof bolts. The cable holder trails behind the machine protecting its cable. This workman is also fully protected by previously installed and tested roof bolts. Technology is not available to install a canopy on the loader which will protect both workmen. At the working face, the operator and helper are under the third and fourth rows of bolts outby the working face. When the coal is fully loaded out, both workmen are protected by the first and second rows of roof bolts outby the working face.

7. The shuttle car operator in the mine rides the machine while tramming from working place to loading point, fully protected under previously installed and tested roof bolts. At the working face, the operator is usually between the eighth and ninth rows of roof bolts outby the working face. As the coal is loaded, the operator advances in between the seventh and eighth rows, and finally between the sixth and seventh rows of bolts outby the working face.

8. A detailed procedure and safety features employed in Petitioner's alternate proposal is as follows:

(a) The roof bolter and/or helper shall test the torque of fifty (50%) percent of the roof bolts installed during the normal work cycle by means of an approved and calibrated torque wrench. Such tests shall be made immediately after each bolt to be tested is installed. If the torque on any bolt tested is not within the approved torque range, the reason shall be determined and necessary corrections made immediately. If the required torque cannot be obtained, supplementary supports such as additional roof bolts, longer roof bolts with adequate anchorage, posts, or crossbars shall be installed; and

(b) On a daily basis, spot checks on torques shall be made by a qualified person on one roof bolt out of every five on haulways normally used by all equipment. The results of these tests shall be recorded in the on-shift examination book. The record shall show the number of bolts tested and the number above and below the required range as set forth by the approved roof control plan. If the results show that the majority of the bolts are not maintaining the minimum required foot-pounds of torque, or have loaded up to where they exceed the maximum foot-pounds of torque, supplementary support shall be installed immediately. No equipment, with the exception of the roof bolter, will be permitted to use this haulway until supplementary support such as additional roof bolts, longer roof bolts with adequate anchorage, posts, cribs, or crossbars shall be installed. Installation of such supplementary support shall be under the supervision of a qualified person.

9. While there have been no accidents from roof falls and no bumps occurring (due to non-pillaring) in 12 years of mining at this coal mine, states Petitioner, closer roof observation and more stringent roof testing procedures will afford even greater protection for all underground workers, including foremen, superintendents, mechanics, conveyor operators, shot-firemen, pumpers, rope-hookers, trackmen, supplymen, timbermen, masons, motormen, electricians, dispatchers, surveyors, and equipment helpers, representing approximately seventy-five (75%) percent of the underground work force.

10. Petitioner states that its alternate method will afford greater safety to one hundred (100%) percent of the under-

ground workers, as opposed to the mandatory standard affecting the safety of approximately twenty-five (25%) percent of the underground workers.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13265 Filed 5-6-76;8:45 am]

[Docket No. M76-285]

IMPERIAL COLLIERY CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Imperial Colliery Company has filed a petition to modify the application of 30 CFR 75.1710 to its Nos. 11 and 14 Mines, Kanawha County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75:1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having minings heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner avers that application of the above-stated standard in its No. 11 Mine and No. 14 Mine will result in a diminution of safety to the miners in each such mine.

2. Petitioner's No. 11 Mine employs approximately 34 union employees and 4 supervisory employees. The union employees are represented by Local Union No. 2903 of District 17 of the United Mine Workers of America. The No. 11 Mine is operating in the No. 2 Gas Coal Seam which is approximately 36 to 46 inches high, although the mining height in such seam may vary. The No. 11 Mine currently produces approximately 300 tons of coal per day on two coal producing shifts with one operating section.

3. Petitioner states that on January 15, 1976, it was issued Notice No. 1 CRW for an alleged violation of 30 CFR 75.1710-1 on the parallel mains section of its No. 11 Mine.[1] Such Notice requires that Petitioner provide cabs or canopies for the electric face equipment on such section before 8:00 a.m. on February 27, 1976.

4. Petitioner's Mine No. 14, employs approximately 61 union employees and 9 supervisory employees. The union employees are represented by Local Union No. 6013 of District 17 of the United Mine Workers of America. The No. 14 Mine is operating in the No. 2 Gas Coal Seam which is approximately 36 to 46 inches high, although the mining height in such seam may vary. The No. 14 Mine currently produces approximately 700 tons of coal per day on two coal producing shifts with two operating sections.

5. Petitioner states that on January 19, 1976, it was issued Notice No. 3 CMM for an alleged violation of 30 CFR 75.1710-1(a) 5 on the 3 left section of its No. 14 Mine. Such Notice requires that Petitioner provide cabs or canopies for the continuous miner machine, the off-standard shuttle car, the roof bolt machine, the standard shuttle car and the battery-powered scoops being operated on such section, before 7:01 a.m. on February 16, 1976. The time for abatement of such Notice, according to Petitioner, was extended to 8:00 a.m., March 23, 1976 by Notice No. 3 CMM issued February 23, 1976. On January 21, 1976, Petitioner states that it was issued Notice No. 7 CMM for an alleged violation of 30 CFR 75.1710-1(a) 5 on the No. 4 right section of its No. 14 Mine. Such Notice requires that Petitioner provide cabs or canopies for the continuous miner machine, the roof bolting machine and the standard drive shuttle car being operated on such section, before 7:30 a.m. on February 23, 1976. The time for abatement of such Notice was extended to 8:00 a.m., March 23, 1976, by Notice No. 7 CMM dated February 23, 1976. On January 22, 1976, Petitioner states that it was issued Notice No. 3 CMM for an alleged violation of 30 CFR 75.1710-1(a) 5 on the 4 right section of its No. 14 Mine. Such Notice requires that Petitioner provide cabs or canopies for the battery-powered scoops being operated on such section, before 7:01 a.m. on February 16, 1976. Such Notice was modified, Petitioner avers, by Notice No. 3 CMM issued February 13, 1976. The time for abatement of such Notice was extended to 8:00 a.m., March 23, 1976, by Notice No. 3 CMM issued February 23, 1976.

6. Petitioner states that after a thorough investigation, it has been determined that compliance with 30 CFR 75.1710-1 at Petitioner's No. 11 Mine and No. 14 Mine will result in a diminution of safety to the miners in each such mine because personnel who operate electric face equipment, such as scoops and shuttle cars, must constantly be on the lookout for other personnel in each mine. Also, because of the restricted height in the areas in which electric face equipment operates, if cabs or canopies are provided for such equipment, the visibility of the equipment operators is substantially restricted so that safety hazards to personnel in each mine are increased. In addition to reduced visibility, the persons operating electric face equipment with cabs or canopies in a mining height of less than 48 inches have difficulty reaching the controls of such equipment so that positive control of such equipment is not insured at all times. Further, cabs or canopies make it difficult for some of the equipment operators to get into and out of such equipment.

7. Petitioner states that no imminent danger is involved, and that the operation of electric face equipment with cabs or canopies in Petitioner's mines, where the mining height is less than 48 inches, is more hazardous to the personnel in such mines than operation of such equipment without cabs or canopies and results in a diminution of safety to the miners in each such mine.

8. Petitioner requests that in lieu of the mandatory safety standard contained in 30 CFR 75.1710-1 that it be permitted to continue to operate electric face equipment in such mines without cabs or canopies.

Requests for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13266 Filed 5-6-76;8:45 am]

[1] Copies of pertinent notices described herein are attached to the petition, and are available for inspection at the Hearings Division address provided herein.

[Docket No. M76-298]

MARIE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Marie Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Kermit County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that it has never had a rib or face roll or a massive roof fall in the face area of this operation since the operation started producing coal in 1971.

2. Petitioner states that its equipment was not designed to accommodate canopies or cabs due to the fact that the frames of the majority of said equipment cannot support a 9-ton load.

3. Petitioner maintains that it would be impossible to maintain canopies or cabs on its equipment because the coal seam does not have a level contour, and the uneven top and bottom would tear such canopies or cabs off, thus subjecting the equipment operators to serious bodily injury or death.

4. Petitioner states that the canopies or cabs required would obstruct operator visibility, diminish the height which an operator needs to safely perform his duties, and prevent operator escape in the event of an electrical fire caused by equipment contact with the coal rib.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13267 Filed 5-6-76;8:45 am]

[Docket No. M76-303]

MAY COAL CO.

Petition for Modification of Application of Mandatory Safety St ndard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), May Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 6 Mine, Raccoon, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1774, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after July 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the application of the foregoing mandatory safety standard to haulage and roof bolting equipment at its No. 6 Mine.

2. Petitioner maintains that by installing canopies on its equipment, it is creating a greater hazard to its equipment operators and other personnel, than would exist in the absence of such canopies.

3. Petitioner's haulage equipment consists of two (2) S&S Manufacturing Company battery tractors, and two (2) AR-4 articulating scoop tractors. Petitioner's roof bolting equipment consists of two (2) Paul's Repair Shop Manufacturing Company roof bolt machines. The foregoing equipment was manufactured in the early 1960's and was not designed for the installation of canopies, as is the type of equipment manufactured today.

4. Petitioner's No. 6 Mine is in the Elkhorn Seam, which ranges from 3½ to 4 feet in height. In this seam, Petitioner is constantly running into ascending and descending grades, resulting in dips in the coalbed.

5. By installing canopies on its tractors, Petitioner avers, it is limiting the visibility of the equipment operators greatly. On several occasions, Petitioner has had operators and other workers narrowly escape serious injury which would have resulted because of installed canopies. These dangers were not present before said canopies were installed.

6. Petitioner states that the installation of canopies on its equipment could be a contributing factor to the occurrence of accidents.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13268 Filed 5-6-76;8:45 am]

[Docket No. M76-305]

NEW RIVER CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The New River Company has filed a petition to modify the application of 30 CFR 75.1405 to its Skelton Mine, Raleigh County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and un-

couple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. Petitioner requests that the mandatory standard contained in 30 CFR 75.1405 be modified to permit the use of its existing cars altered as hereinafter described at its Skelton Mine.[1]

2. The Skelton Mine uses track haulage only for the transportation of supplies and men. The men are transported in individually-powered portal buses or mine jitneys. These portal buses and mine jitneys are not coupled together at any time; consequently, they have no coupling devices. The supply cars and locomotives will use the lever system described herein to couple and uncouple the cars. The track extends underground along the mainline conveyor belts which transport the coal.

3. All track haulage cars will be provided with a lever and chain system permanently mounted on the pin end and link ends of each mine car. The lever system will enable the worker to lower the pin to couple the cars and lift the pin from the bumper sufficiently to disengage the cars. The pin can be maintained in an "up" position until there is occasion to use the lever to lower the pin coupling. The link end of the car will also be provided with a lever and chain system to align the link. This lever will also extend toward both sides of the car and will be of such length as to obviate the worker placing himself between the mine cars to position the link or to couple or uncouple the mine cars.

4. The coupling-uncoupling levers and link aligners above-described have been designed and a prototype has been prepared and installed on a car for inspection by Mining Enforcement and Safety Administration representatives Allen and Teel, along with Skelton Safety Committeeman Arnold Oney.

5. All workers who couple and uncouple mine cars will be trained and instructed in the proper use and operation of the uncoupling levers, and their proper use will be a mandatory requirement for coupling and uncoupling of all mine cars at this mine.

6. The aforeaid alternative system for coupling and uncoupling mine cars, avers Petitioner, will at all times guarantee to the miners in this mine no less than the same measure of protection sought to be accomplished by automatic couplers; and will, in fact, under the particular mining conditions and mining layouts at this particular mine, eliminate certain hazards which would be encountered if automatic couplers were mandated.

[1] The present petition is supported by two drawings of coupling and uncoupling levers and link aligners. These drawings are available for inspection at the Hearings Division address provided herein.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13269 Filed 5-6-76;8:45 am]

SCOTIA COAL CO.

[Docket No. M76-289]

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Scotia Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Upper Taggart and B-Seam Mines, Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that the placing of canopies or cabs upon the equipment in the two subject mines herein greatly increases the danger to the health and safety of the workmen in said mines and Petitioner proposes as an alternative measure that in these particular mines, due to their condition and the height of coal therein, that it be permitted to remove the said canopies and cabs from said equipment.

2. The height of the coal in Petitioner's B-Seam Mine averages 32 to 38 inches. The height of the coal in Petitioner's Upper Taggart Mine averages 38 to 48 inches. The seam height in the two mines varies over short distances and frequently rolls.

3. Petitioner states that it has in the past installed canopies on equipment at its Upper Taggart Mine and has been directed by the Kentucky Department of Mines and Minerals to remove the same because their installation increased danger to the workmen.

4. Petitioner states that at another of its mines, due to the installation of such canopies and the poor visibility created thereby, a fatal accident occurred.

5. Petitioner states that due to the close confinement of a canopy, it is not possible for the operator to remain under the protection of the canopy while moving the roof bolter, but instead the operator is forced to remain outside or walk next to said equipment.

6. Petitioner maintains that the operator is exposed to the risk of being pinned between the canopy, which extends beyond the extremities of the roof bolter, and the rib, while tramming or moving the roof bolter.

7. Petitioner states that the operator's vision is severely impaired when operating on the roof bolter under the protection of a canopy, and that on many occasions, the operator is unable to visually observe the roof bolter helper, resulting in a danger to said helper's safety.

8. On the shuttle cars, according to Petitioner, the operator's vision is severely impaired in that he cannot see over the top of the shuttle car. Operation of the shuttle car in this manner is hazardous to the operator and his fellow workers.

9. Due to the close confinement of the canopy on the shuttle car, Petitioner states, the operator's head must extend beyond the protection of the canopy in order to observe in front of or behind the shuttle car, resulting in the danger of being crushed between the canopy and the rib of the mine.

10. Petitioner states that ingress to and egress from the cab of the shuttle car is so limited that the operator may be held captive for indefinite periods of time in case of machinery malfunction or power failure, preventing escape when necessary.

11. Modification of the canopies has been considered by the Petitioner, but at the present time it is unaware of any means of modification which could be made and utilized with the same degree

of safety as complete removal of the canopies.

12. Petitioner states that its Upper Taggart Mine was inspected by the Commonwealth of Kentucky, Department of Mines and Minerals, and that the State inspector observed canopies on the roof bolter and shuttle car and directed that such canopies be removed due to an increased danger.

13. Petitioner states that no history of injury resulting from the use of face equipment without protective canopies exists in its two subject mines. Operators are under fully supported roof at all times pursuant to an approved roof bolting plan. Such roof support is deemed satisfactory for all other personnel in the mine, including the helpers on self-propelled electric face equipment and the operator of the continuous miner. Other personnel and supervisors move around and adjacent to the equipment under the protection of the roof support.

14. Miners have observed and reported safety hazards, Petitioner states, resulting from the use of canopies, and have requested Petitioner to remove the canopies.

15. Petitioner states that with respect to low-ceiling mines, the use of currently available canopies with mobile electric face equipment severely diminishes rather than increases the overall safety of the miners and that the use of these canopies in said mines will inevitably cause injuries to the operators or other personnel. Petitioner's alternative proposal, it states, would in these particular mines, effectively make the areas safe for the miners, and eliminate the possibility of loss of life. According to Petitioner, irreparable harm could result if the requirements of 30 CFR 75.1710–1 are insisted upon prior to disposition of this petition for modification.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13270 Filed 5-6-76;8:45 am]

[Docket No. M76-286]

WOLF CREEK COLLIERIES CO. AND PETER CAVE COAL CO.

Petitions for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Wolf Creek Collieries Company and Peter Cave Coal Company have filed petitions to modify the application of 30 CFR 75.1710 to Wolf Creek's No. 3 and No. 4, and Peter Cave's No. 1 Mines, Martin County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioners' statements are as follows:

1. At the present time, the self-propelled electric face equipment in Petitioners' aforementioned three mines, is equipped with canopies; however, the companies request permission to remove the canopies from said equipment because to maintain said canopies on this equipment diminishes the overall safety to the machine operator and to other workers in the area of said equipment, as follows:

(a) To provide room for the canopies on said equipment the workers must mine a portion of the roof thereby disturbing both the roof rock and the roof control plan, creating a greater hazard of roof falls; and

(b) The canopy impairs the visibility of the worker operating equipment, thereby decreasing his ability to maneuver the equipment and increasing the likelihood of accidents causing injury to the worker-operator and others in the area of the equipment.

2. Petitioners maintain that removal of part of the roof in order to provide room for the said canopies, creates prohibitive costs on the part of the companies in mining coal less than sixty (60) inches in height.

Request for Hearing or Comments. Persons interested in these petitions may request a hearing on the petitions or furnish comments on or before June 7, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petitions are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 30, 1976.

[FR Doc.76-13271 Filed 5-6-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Final Date for Repayment of Warehouse Storage Loans Made Under 1975 CCC Loan Programs

Unless demand is made earlier by CCC, warehouse storage loans on barley, corn, sorghums, oats, rye, and wheat mature and are due and payable on the last day of the eleventh calendar month following the month in which the loan was disbursed, except that loans made on warehouse receipts which do not show that storage charges have been paid through eleven calendar months following the month in which the loan was disbursed mature and are due and payable on the last day of the month through which such charges have been paid. Warehouse storage loans on rice and tung oil mature on May 31, 1976, and October 31, 1976, respectively unless demand is made earlier by CCC. If the maturity date falls on a nonworkday for county ASCS offices, the date of maturity shall be the next workday. Unless on or before the final date of repayment (maturity date) such loans are repaid, title to the unredeemed loan collateral shall immediately vest in CCC, without a sale thereof, on the day next succeeding the final date for repayment: *Provided*, That CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment.

This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtednees; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the pro-

gram regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amount specified in the Warehouse Note and Security Agreement and in the loan program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1441 note, 1445a, 1447, 1421, 1425))

Effective date. May 7, 1976.

Signed at Washington, D.C., on April 30, 1976.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-13257 Filed 5-6-76;8:45 am]

Forest Service

WALLOWA-WHITMAN NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Wallowa-Whitman National Forest Grazing Advisory Board will meet at 9:30 a.m., May 27, 1976, at the Range and Wildlife Habitat Laboratory in La Grande, Oregon. The purpose of this meeting is to discuss direction and emphasis in the range management program on the Forest and in the area, grazing permit issuance, forage resource allocation, and other subjects that may come before the meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Wallowa-Whitman National Forest, Post Office Box 907, Baker, Oregon 97814, or telephone 503-523-6391. Written statements may be filed with the committee before or after the meeting.

Public participation will be scheduled following dispatch of regularly scheduled business.

Dated: April 23, 1976.

A. G. OARD,
Forest Supervisor.

[FR Doc.76-13258 Filed 5-6-76;8:45 am]

Packers and Stockyards Administration

AITKIN LIVESTOCK SALES BARN AITKIN, MINNESOTA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name and location of stockyard	*Date of posting*
MN-100, Aitkin Livestock Sales Barn, Aitkin, Minn.	Oct. 6, 1959.
MN-135, Olivia Livestock Sales Ring, Olivia, Minn.	June 18, 1964.
NY-105, Empire Livestock Marketing Cooperative, Inc., Bath, N.Y.	Aug. 8, 1960.
NY-114, Condon's Auction Market, Cherry Creek, N.Y.	Nov. 4, 1968.
NY-118, Mohawk Valley Commission Sales, Inc., Fort Plain, N.Y.	July 15, 1960.
PA-107, Coudersport Livestock Market, Inc., Coudersport, Pa.	Nov. 2, 1959.
SD-113, Cheyenne River Sales Pavilion, Eagle Butte, S. Dak.	Dec. 12, 1963.
VT-109, Central Vermont Commission Sales, Inc., East Montpelier, Vt.	May 11, 1972.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C. this 30th day of April, 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-13259 Filed 5-6-76;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held beginning at 8:30 a.m. on July 15, 1976 at the Plaza Inn International near the Kansas City (Missouri) International Airport. The meeting will be adjourned at mid-day on July 16.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The meeting will be principally devoted to a special follow-up to the July 1975 Working Conference on Research to Meet U.S. and World Food Needs. ARPAC has invited chairmen of Work Groups for the 1975 Conference to join in its deliberations. ARPAC may also consider some other normal items of business during the meeting. These may include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: May 4, 1976.

PAUL A. VANDER MYDE,
Deputy Assistant Secretary.

[FR Doc.76-13399 Filed 5-6-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, June 10, 1976, at 9:30 a.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. IV, 1974) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

General Session

(1) Opening remarks by the Chairman, Mr. Larry L. Hansen.

(2) Presentation of papers or comments by the public.

(3) Reports of subcommittee chairmen:

(a) Material Preparation Subcommittee, Larry L. Hansen, Acting Chairman.

(b) Pattern Generation and Image Transfer and Inspection Subcommittee, Aubrey C. Tobey, Chairman.

(c) Wafer Processing Subcommittee, George A. Stephan, Chairman.

(d) Assembly, Packaging and Test Subcommittee, William K. Russell, Chairman.

Executive Session

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (41 FR 4623, appearing in the issue of January 30, 1976).

Dated: May 3, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-13330 Filed 5-6-76;8:45 am]

Domestic and International Business Administration

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, June 9, 1976, at 9:30 a.m. in Conference Room C, Main Commerce Building, 14th and Constitution Avenue N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of previous Subcommittee meeting.

(4) Discussion of definitions and taxonomy of computer software for use by Office of Export Administration officials.

(5) Discussion of future work assignments.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Within respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matter to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 F.R. 56960 appearing in the issue of December 5, 1975).

Dated: May 4, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-13419 Filed 5-6-76;8:45 am]

CHILDREN'S HOSP. MED. CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00259. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02115. Article: Electron Microscope, Model JEM–100S. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for the study of ultrastructure of biological materials and single brain cell development. In addition, the article is to be used for graduate instruction in ultra technique.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 19, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000X without a pole-piece change. The most closely comparable domestic instrument available is the Model EMU–4C electron microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU–4C with its standard pole piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 400 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000x should be used. It is noted that changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 12, 1976 that the article's low distortion capability in the light microscope range of magnifications, as well as, magnification range are pertinent to the applicant's purposes. HEW also advises that the domestic Model EMU–4C does not provide equivalent low magnifications to that of the foreign article for the applicant's intended use. We, therefore find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–13341 Filed 5–6–76;8:45 am]

HARVARD MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00267. Applicant: Harvard Medical School, Dept. of Anatomy, 25 Shattuck Street, Boston, Massachusetts 02115. Article: Electron Microscope, Model JEM–100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for examination of biological tissues after they have been fixed, dehydrated, embedded in plastic, and sectioned; or after they have been frozen rapidly, fractured and shadowed with platinum and replicated with carbon. Tissues examined will include connective tissue cells involved in the synthesis of extracellular matrix material, gastric and intestinal mucosal cells during various secretory and absorptive stages, and various aspects of the male reproductive tract as well as the spermatozoa. Experiments conducted will be aimed at determining the structure of cells and the role of various components in the economy of the cell. Various cell types from different species will be compared and different physiological states will be induced. In addition, specific disease states will be examined. The article will also be used to teach and train graduate students and to teach microscopy to medical students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 29, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range of 100 to 200,000 X without a pole-piece change and an eucentric side entry goniometer stage with ±60 degree tilt and 7 Angstroms point to point guaranteed resolution. The most closely comparable domestic instrument available is the Model EMU–4C electron microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU–4C with its standard pole piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reached to 400 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000 X should be used. It is noted that changing the pole piece on the Model EMU–4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 13, 1976 that the low distortion capability in the light magnification range of magnifications and the eucentric goniometer stage are pertinent to the applicant's purposes. HEW also advises that the Model EMU–4C does not provide equivalent low magnifications or an eucentric goniometer stage. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–13342 Filed 5–6–76;8:45 am]

INDIANA UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regu-

lations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00263. Applicant: Indiana University, Purchasing Dept., 1101 East 17th St., Bloomington, IN 47401. Article: Helber Bacteria Counting Chamber, Model A70. Manufacturer: Hawksley & Sons, Ltd., United Kingdom. Intended use of article: The article is nothing more than a standard microscope slide which has been etched with a grating 1/400 mm² within a circular cell which is 0.02 mm deep. This unit will be used by faculty, graduate students and most undergraduate classes in the microbiology department in examinations of bacterial suspensions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article provides optimum thickness and design characteristics that permit use with highly corrected objectives of high magnification, as well as, simplicity and suitability for student use. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 13, 1976 that (1) the characteristic described above are pertinent to the applicant's intended purposes and (2) the domestic Petroff-Hausser Chamber does not provide the pertinent features.

We, therefore, find that the Petroff-Hausser Chambers are not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-13343 Filed 5-6-76;8:45 am]

THE JOHNS HOPKINS UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq.), 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00255. Applicant: The Johns Hopkins University, Dept. of Anatomy, 725 N. Wolfe St., Baltimore, Maryland 21205. Article: High vacuum freeze etch unit. Manufacturer: Balzers AG, Switzerland. Intended use of article: The article is intended to be used to study the structure and function of the blood and blood producing tissues, and immune system tissues. Diseased tissues from humans and animals will be studied, and experiments will be conducted on animals in which the tissues will be selectively treated with drugs, chemicals, and radiation. The objectives of these studies are to gain an understanding of the structure and function of these tissues and to obtain information necessary for the treatment of leukemia, anemia, and multiple myleloma. Additionally, the precise effects of various clinical treatments can be monitored.

The article will also be used for teaching purposes in microscopic anatomy courses for medical and veterinary students, and in graduate courses on the blood, bone marrow, and immune system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides temperature control of the specimen table to ±0.1 degree centigrade and an incorporated microtome. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 12, 1976 that the characteristics of the article described above are pertinent to the applicant's intended uses. HEW also advises that the domestic Model DFE-3 freeze etch unit manufactured by Denton Vacuum Incorporated does not provide the pertinent features.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-13344 Filed 5-6-76;8:45 am]

UNIVERSITY OF MISSOURI

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00260. Applicant: University of Missouri, 8001 Natural Bridge Road, St. Louis, Missouri 63121. Article: Pulsed Nuclear Magnetic Resonance Spectrometer, SE180. Manufacturer: Polaron Ltd., United Kingdom. Intended use of article: The article is intended to be used in studies of solutions of organic bases (e.g., pyridine) in water and in studies of solids (polymers and various pure organic and inorganic compounds). In the case of liquids, studies of the nature of the rotational diffusion in the molecules and also the nature of the interactions between different molecules in solution will be conducted. In the case of solids, studies will be performed of the molecular motions exhibited by these substances. The objectives to be pursued in the course of the investigation are the accurate measurement of relaxation times and the relating of the relaxation times to parameters characterizing motions in liquids and solids.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a variable pulse width from 1 microsecond to 10 seconds for normal pulsed nuclear magnetic systems, as well as, high power for performing $T_{1\rho}$ sequences and a fast recovery. The National Bureau of Standards (NBS) advises in its memorandum dated April 12, 1976 that the characteristics of the article described above are pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-13347 Filed 5-6-76;8:45 am]

TRUSTEES OF THE UNIVERSITY OF PA.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00282. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street/I6, Philadelphia, Pa. 19174. Article: UVG3 Ultra Violet Photoelectron Spectrometer. Manufacturer: V. G. Scientific Ltd., United Kingdom. Intended use of article: The article is intended to be used to measure with high resolution the binding energies of the electronic valence orbitals of gas phase molecules, of molecules adsorbed on surfaces, and of molecular crystals. The high resolution capabilities will be used to measure the vibrational side bands on each electronic excitation so that the type of orbital may be identified. In addition, the dependence of the relative crosssections upon photon energy will be used as an additional check on the orbital assignment. The article will be ued by several graduate students as their primary research (and educational) tool.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides compatibility with gas phase work including vacuum capabilities of 10^{-10} torr; a high resolution energy analyzer (0.015eV) and an intense ultra-violet source with several energies available. The National Bureau of Standards (NBS) advises in its memorandum dated April 16, 1976 that the characteristics of the article described above are pertinent to the applicant's research. NBS further advises that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-13346 Filed 5-6-76;8:45 am]

STEPHEN F. AUSTIN STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00271. Applicant: Stephen F. Austin State University, Nacogdoches, TX 75961. Article: Electron Microscope, Model HS-9-1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in the course Biology 555—Biological Ultrastructure to educate graduate students in both the theory and practical applications of electron microscopy, an extremely important aspect of modern biology.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 5, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 6Å point-to-point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnification from 500 × through 100,000 × plus 200 × for scanning which permits an overlap of light and electron microscopy.

The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C is a relatively complex instrument designed for use of an experienced operator which provides magnifications of 1400 X to 240,000 X with its standard pole-piece and low distortion magnification of 500 X to 70,000 X through the use of a low magnification pole-piece. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 13, 1976 that good performance at low magnifications as well as relative simplicity and ease of operation are pertinent to the applicant's intended purposes. HEW also advises that the Model EMU-4C does not have an equivalent magnification range without a pole-piece change and is more complex than the work requires. In addition, HEW advises that the Model PA-1 supplied by the Adam David Company was in development at the time the article was ordered. In this regard, we note that a prototype of the PA-1 was first shown by Adam David in November, 1974. The record shows that neither the Department nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus the Department does not have a sufficient basis for ruling that the Adam David Company was able to supply the PA-1 at the time the foreign article was ordered, or that it is the scientific equivalent of the foreign article. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials).

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-13345 Filed 5-6-76;8:45 am]

WASHINGTON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-02288. Applicant: Washington University, Department of Anatomy & Neurobiology, Lindell and Skinker Boulevards, St. Louis, Missouri 63130. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research activities in the Department of Anatomy and Neurobiology which will include studies of the synaptic organization of the hippocampus in vivo and in vitro, synaptogenesis in the optic tectum, synaptic organization in the primate visual somatosensory cortex, and the subcellular localization of axonally transported proteins.

The article will also be used to teach graduate and upper level undergraduates the rudiments of electron microscopy which is an integral part of the following courses:

Bio 455: Neurocytology—A general introduction to the cellular basis of neurobiology and includes a general survey of all current and histological methods for studying neural tissue.

Bio 590: Techniques in Neuroscience—Covering the entire range of neurobiological methods (including neurophysiological and neurochemical).

Bio 513: Cell Biology—Teaching student to use the electron microscope and to prepare his own material as part of a study project.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, was being manufactured in the United States at the time the foreign article was ordered (July 9, 1975). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000 × (Magnifications of 140 to 1000 × are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU–4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500 × and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 13, 1976 that the low distortion, low magnification capabilities available specifically in the optical range at 140 ×, as well as, simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU–4C did not have equivalent low magnification even with the projector and intermediate lens offered and is too complex. Furthermore, HEW advises that AD's Model PA–1 was in a development stage at the time the article was ordered. In this regard, it is noted that a prototype of the PA–1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA–1 within a normal delivery time at the time the foreign article was ordered. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–13348 Filed 5–6–76;8:45 am]

GEORGIA SOUTHWESTERN COLLEGE ET AL.

Consolidated Decision on Applications for Duty Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975.)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

"The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11."

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

"* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 75–00090–33–46070. Applicant: Georgia Southwestern College, Wheatley Street, Americus, Georgia 31709. Article: Mini SEM Scanning Electron Microscope, Model MSM–3T. Date of denial without prejudice to resubmission: January 12, 1976.

Docket number: 75–00269–33–46500. Applicant: University of Illinois, Corner of Goodwin and Pennsylvania, Urbana, Illinois 61801. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: January 16, 1976.

Docket number: 75–00277–33–46500. Applicant: The Salk Institute for Biological Studies, Post Office Box 1809, San Diego, California 92112. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: January 16, 1976.

Docket number: 75–00279–33–46500. Applicant: Albert Einstein College of Medicine of Yeshiva University, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: January 16, 1976.

Docket number: 75–00286–33–46500. Applicant: Meharry Medical College, 1005 18th Avenue North, Nashville, Tennessee 37208. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 16, 1976.

Docket number: 75–00289–33–46500. Applicant: Veterans Administration Hospital, Middleville Road, Northport, N.Y. 11768. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 22, 1976.

Docket number: 75–00291–33–46500. Applicant: Meharry Medical College, 1005 18th Avenue North, Nashville, Tennessee 37208. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 22, 1976.

Docket number: 75–00300–33–46500. Applicant: University of California at San Diego, Department of Biology, PO Box 109, La Jolla, California 92037. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: January 22, 1976.

Docket number: 75–00316–33–46500. Applicant: University of Cincinnati, Department of Pathology, College of Medicine, #1206 Medical Science Building, 231 Bethesda Ave., Cincinnati, Ohio 45267. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope. Date of denial without prejudice to resubmission: January 22, 1976.

Docket number: 76–00079–33–71200. Applicant: Cornell University Medical College, 1300 York Avenue, New York, N.Y. 10021. Article: Freeze drying plant type FT–1 Mk2. Date of denial without prejudice to resubmission: December 29, 1975.

Docket number: 76–00117–33–46500. Applicant: University of Arkansas for Medical Sciences, Department of Pathology, 4301 West Markham Street, Little Rock, Arkansas 72201. Article: Ul-

tramicrotome, Model LKB 8800A, with Ultrotome Table and Prymitome. Date of denial without prejudice to resubmission: January 16, 1976.

Docket number: 76-00153-33-90000. Applicant: St. Jude Hospital, 101 E. Valencia Mesa Drive, Fullerton, CA 92635. Article: EMI Scanner System with Magnetic Tape System. Date of denial without prejudice to resubmission: January 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-13349 Filed 5-6-76;8:45 am]

Economic Development Administration

DIXIE SHOE CORP.

Petition for a Determination

A petition by Dixie Shoe Corporation, P.O. Box 267, Wall Street, Eufaula, Alabama 36027, a producer of footwear for women and misses, was accepted for filing on April 30, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certificaton Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-13280 Filed 5-6-76;8:45 am]

Maritime Administration

[Docket No. S-505]

COVE TANKERS CORP.

Notice of Application

Notice is hereby given that Cove Tankers Corporation, 88 Pine Street, New York, New York, 10005, has filed an application dated April 26, 1976, to amend its Operation-Differential Subsidy Agreement (the Agreement), Contract No. MA/MSB-357, by adding the tanker SS *Cove Communicator*. The Operator engages in the carriage of export bulk raw and processed agricultural commodities from the United States (U.S.) to the Union of Soviet Socialist Republics (U.S.S.R.). Liquid and dry bulk cargoes may be carried from the U.S.S.R. and other foreign ports, inbound, to U.S. ports during voyages subsidized for the carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

The Agreement was approved by the Maritime Subsidy Board (the Board), on October 6, 1975, and presently includes the SS's *Mount Explorer* and *Mount Navigator*. The Agreement will expire on December 31, 1976. Each voyage under the Agreement must be approved for subsidy before commencement of the voyage, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before May 20, 1976, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended (the Act); and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessel to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for lease to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies(ODS))

Dated: May 4, 1976.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc.76-13412 Filed 5-6-76;8:45 am]

SLOW SPEED DIESEL ENGINES FOR SHIP PROPULSION

Domestic Manufacture

The Maritime Administration (MarAd) has determined that an exclusively domestic capablity for the manufacture of slow speed diesel engines for ship propulsion would be a valuable asset towards the national goal of having a modern and efficient U.S. Merchant Marine. MarAd has recognized, however, that such a capability does not presently exist, and that a substantial time period as well as a significant capital expenditure will be required for its development. The Agency has further recognized that domestic manufacturers could produce slow speed diesel engines in a much shorter time period if certain foreign components may temporarily be incorporated therein.

In view of the foregoing considerations, MarAd has determined that, as a matter of policy and under the authority provided by the "so far as practicable" exception of Section 505 of the Merchant Marine Act, 1936, as amended (46 U.S.C. § 1155), it, for a period of time reasonably required for the development of domestic sources for such components, will not withhold approval, for purposes of Title V Construction-Differential Subsidy, of vessel designs incorporating slow speed diesels solely on the basis of the presence of foreign components therein. U.S. shipbuilders, ship purchasers, and manufacturers of propulsion equipment are hereby put on notice of the above determination.

The Agency wishes to emphasize that no contract for construction-differential subsidy will be executed pursuant to the above determination except upon the full expectation that the manufacturer will develop a slow speed diesel containing entirely domestic components within a reasonable length of time. Prior to approval of a vessel design, the manufacturer must submit its development plan to the MarAd Office of Ship Construction for review and agreement concerning the length of a reasonable development period. That Office thereupon will monitor the progress of development, and subsequent approvals will be conditioned thereon. Further conditions are that the aggregate cost of foreign components in initial units may not exceed 60 per cent of the cost of each unit, and foreign items may not be used where domestically manufactured equivalents are available. Subsequent units produced during the development period should contain foreign components to a decreasing degree.

For further information contact William G. Bullock, Chief, Division of Engineering, Office of Ship Construction, Maritime Administration, Room 4525, Department of Commerce, Washington, D.C. 20230.

By Order of the Maritime Subsidy Board.

Dated: May 4, 1976.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc.76-13417 Filed 5-6-76;8:45 am]

[Docket No. S-507]

WATERMAN STEAMSHIP CORP.

Show Cause Notice

Notice was given in the FEDERAL REGISTER on March 11, 1976 (41 FR 10462), Docket No. S-496, that Waterman Steamship Corporation (Waterman) has filed an application dated February 11, 1976, with the Maritime Subsidy Board (Board), pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for either (1) an extension of its present Operating-Differential Subsidy Agreement, Contract No. MA/MSB-253 (the Agreement), to aid in the operation of four C4 type vessels on its existing service on Trade Route No. 21 (U.S. Gulf/Western Europe), with the privilege of calling at ports in the Scandinavian and Baltic countries (including ports in the U.S.S.R.) and U.S.S.R. ports east of Finland in the Barents Sea, or, alternatively, (2) an interim operating-differential subsidy agreement to be effective upon the termination of the present Agreement on April 22, 1976, and to continue in effect until resolution of issues concerning Waterman's application for a new twenty-year operating-differential subsidy agreement covering operations on Trade Route No. 21. Waterman's application for a long-term contract is currently the subject of a hearing under Docket No. S-421.

Said Notice invited any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act (46 U.S.C. 1175) to file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Board.

By letter date March 23, 1976, Sea-Land Services, Inc. (Sea-Land) filed petition for leave to intervene and requested a hearing under section 605(c) of the Act, but stated in its petition that it does not object to a six weeks' extension of the Agreement. The Board has extended the current expiration date of the Agreement from April 22, 1976, until June 3, 1976.

The U.S.-flag operators on Trade Route No. 21 are Sea-Land, Lykes Bros. Steamship Co., Inc. (Lykes), and Waterman. Sea-Land operates its service on TR 21 with four SL-18 class vessels, providing weekly sailings in each direction. These vessels have a capacity of 739 20 and 35 or 40 foot containers, or approximately 1400 TEU's, and a speed of 23 knots. Direct vessel calls are made on the following itinerary: New Orleans, Houston, Jacksonville, Rotterdam, Bremerhaven, New Orleans. On alternate weeks a direct vessel call is also made at Port Everglades on the westbound trip, after leaving Bremerhaven and before calling at New Orleans.

Lykes operates three Sea Barge carriers on its Trade Route No. 21 service, providing about two sailings a month. Direct vessel calls are made at one or more U.S. Gulf ports and ports in the United Kingdom and Continent, including Bremerhaven, Hamburg, Rotterdam, Antwerp, Le Havre, and London. Each Sea Barge carrier has a deadweight of 38,390 tons, a loaded service speed of approximately 19 knots, and can accommodate 38 barges with a bale cubic capacity of 1,485,386 cubic feet.

Waterman operates up to four C4 Mariner type breakbulk cargo vessels on Trade Route No. 21, currently providing approximately one sailing a month. These vessels were constructed in the early 1950's and have an average deadweight of 14,000 tons, a bale cubic capacity of about 750,000 cubic feet, and a loaded service speed of about 20 knots. The vessels call at principal U.S. Gulf ports and ports in the United Kingdom, Continent, Baltic-Scandinavian areas, including Tilbury, Antwerp, Rotterdam, Bremerhaven, Murmansk, and Leningrad.

During the years 1973, 1974, and 1975, U.S.-flag vessels carried 26%, 31%, and 30%, respectively, of the outbound liner cargo moving on Trade Route No. 21, and 22%, 34%, and 43%, respectively, of the inbound liner cargo moving on Trade Route No. 21.

Notice is hereby given that the Board, after consideration of the above-stated facts and upon a review of the Board action of April 23, 1973, which authorized the present Agreement, is prepared to find that the effect of awarding a contract on an existing service of 12 sailings annually provided by C4 Mariner type breakbulk cargo vessels, for a period not to exceed the lesser of six months from the expiration date of June 3, 1976, or the time required to complete the hearing now in process in Docket No. S-421, would not be unduly prejudicial or give undue advantage as between citizens of the United States operating on Trade Route No. 21. Such finding to be without prejudice to any material issue in Docket No. S-421.

Any person, firm or corporation having an interest in the application and who would contest the above proposed finding of the Board is invited to file a written statement, by May 20, 1976, showing cause why this finding should not be made. Any party requesting oral argument before the Board shall specifically include such a request in its statement.

Any party desiring an evidentiary hearing on the application should set forth his interest in the application and should, with particularity, articulate any or all of the facts upon which he desires to adduce evidence. Any allegation of undue prejudice or unfair advantage shall be accompanied by a statement describing in detail the undue prejudice or unfair advantage.

Allegations of other factual issues which the party wishes the Board to consider in a hearing on the application shall include: (1) a clear and concise statement of the issues upon which a hearing is desired; and (2) the grounds upon which such allegations rest, in such detail as to permit the Board to determine their exact nature.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.

Dated: May 4, 1976.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc.76-13418 Filed 5-6-76;8:45 am]

FEDERAL ADVISORY COUNCIL ON REGIONAL ECONOMIC DEVELOPMENT

Office of the Secretary

AGENDA AND NOTICE OF OPEN MEETING

Notice is given that a meeting of the Federal Advisory Council on Regional Economic Development will be held on Tuesday, June 8, 1976, at 9:30 a.m. to 12:00 noon, in Room 4833, Department of Commerce, Washington, D.C. 20230.

The Federal Advisory Council was established pursuant to Executive Order 11386. The Council is a cabinet-level committee composed of those Federal agencies most concerned with economic development. Among its responsibilities, the Council advises the Secretary of Commerce, who is Chairman of the Council, in his review of the long-range economic development plans prepared by the Title V Regional Action Planning Commissions.

The purpose of this meeting is to discuss the long-range economic development plan submitted to the Secretary of Commerce by the Upper Great Lakes Regional Commission. In accordance with the review procedures adopted by the Council, the Upper Great Lakes development plan has been circulated to the members for their review.

Persons wishing to attend this meeting should contact the Acting Executive Secretary of the Council, Office of Regional Economic Coordination, Room 2092, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5174.

Dated at Washington, D.C., May 3, 1976.

JOHN W. EDEN,
Acting Special Assistant to the Secretary for Regional Economic Coordination.

[FR Doc.76-13281 Filed 5-6-76; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0050]

RADIOACTIVE CONTAMINATION OF HUMAN FOOD AND ANIMAL FEEDS

Invitation To Submit Data, Information and Views

The Food and Drug Administration (FDA) is inviting the submission of data, information, and views with respect to guidelines for responding to emergencies involving radioactive contamination of human food and animal feeds. Submissions should be filed with the Hearing Clerk, Food and Drug Administration (address below) by July 6, 1976.

The environmental consequences of manmade radioactivity are controlled at the Federal level by a number of regulatory agencies. In the FEDERAL REGISTER of January 24, 1973 (39 FR 2356), the Office of Emergency Preparedness issued a "Notice of Interagency Responsibilities," which detailed the responsibilities of various Federal agencies in providing emergency planning in the event of an incident at a fixed nuclear facility.

That notice was superseded by a notice issued in the FEDERAL REGISTER of December 24, 1975 (40 FR 59494) by the Federal Preparedness Agency, General Services Administration, for the purpose of reassigning agency responsibilities to reflect recent government reorganizations and to include, for the first time, transportation incidents involving radioactive materials.

Among the responsibilities assigned to the Department of Health, Education, and Welfare (HEW) is the "Issuance of guidance on appropriate planning actions necessary for evaluating and preventing radioactive contamintaion of foods and animal feeds and the control and use of such products should they become contaminated." Within HEW this function has been delegated to the Commissioner of Food and Drugs, who has a continuing responsibility for regulating food and animal feeds subject to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.). In the event of a radiological incident involving contamination of the environment, FDA will cooperate with appropriate local, State, and Federal agencies in identifying any human food or animal feeds that may have been contaminated, and will isolate such products from channels of commerce until their suitability for consumption is assured.

FDA has initiated the development of guidelines for use in emergency-response planning in the event of a radiological incident that may result in the radioactive contamination of human food and animal feeds. Because a determination of the appropriate emergency response to a radiological incident must take into consideration such diverse factors as the health significance of any potential contamination, the agricultural practices of the geographical area involved, and the possible distribution and use patterns of potentially contaminated human food and animal feeds, these guidelines will be of a general nature, adaptable to a wide range of conditions.

A principal factor in the development of guidelines for use in emergency-response planning is a determination of the levels of radioactive contamination that would require protective action. In this regard, FDA is evaluating the applicability of the "Protective Action Guides," published by the Federal Radiation Council in their Reports Nos. 5 and 7, issued in July 1964 and May 1965, respectively (copies of these reports are one file with the Hearing Clerk, Food and Drug Administration, address below).

Interested persons are invited to participate with FDA in the development of guidelines for emergency-response planning for radiological incidents involving human food and animal feeds by submitting data, information, and views. FDA is especially concerned with the following issues:

1. The relative feasibility of alternative protective actions involving human food and animal feeds, and factors that modify and influence the feasibility;

2. The rationale for establishing protectvie action guides, e.g., balancing the risks of radioactive contamination against the monetary costs or other potential adverse effects of implementing protective actions;

3. The suitability of contaminated human food or animal feeds for use in food-producing animals as it affects their edible by-products (meat, milk, and eggs);

4. The level of contamination at which resumption of normal use of human food and animal feeds should be allowed, either on a limited (geographical area or population group) or general basis;

5. The effectiveness of various possible protective actions;

6. Potential adverse effects and protective actions; and

7. The monetary costs of protective actions.

All such submissions should be identified with the docket number in the heading of this notice and be filed (preferably in quintuplicate) by July 6, 1976, with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852 where they wil be available for public inspection.

Individuals or organizations who wish to receive copies of draft guidelines and any related documents distributed for review during the development of the guidelines should write to the Food and Drug Administration, Bureau of Radiological Health, Division of Compliance, HFX–440, 5600 Fishers Lane, Rockville, MD 20852.

Dated: May 3, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–13326 Filed 5–6–76;8:45 am]

[Docket No. 76G–0117]

TRAVENOL LABORATORIES, INC.

Notice of Filing of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0067) has been filed by Travenol Laboratories, Inc., Deerfield, IL 60015, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that Esterase-Lipase from Mucor miehei when used to catalyze the hydrolysis of triglycerides is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before July 6, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: April 29, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76–13325 Filed 5–6–76;8:45 am]

Health Resources Administration

HEALTH SYSTEMS AGENCY

Application Information

Notice is hereby given that application materials are available in DHEW regional offices for entities interested in applying for designation as a health systems agency (HSA) under the National Health Planning and Resources Development Act of 1974 (Public Law 93–641).

The National Health Planning and Resources Development Act of 1974 added a new Title XV, "National Health Planning and Development," to the Public Health Service Act. Among other things, the new Title XV authorizes the Secretary to enter into agreements with eligible entities for the designation of such entities as health systems agencies for health service areas established pursuant to section 1511 of the Public Health Service Act as geographic regions appropriate for the effective planning and development of physical and mental health services and to provide grant assistance to such agencies. Each such health systems agency shall have as its primary responsibility the provision of effective health planning for its health service area and the promotion of the development within the area of health services, manpower and facilities which meet identified needs, reduce documented inefficiencies and implement the health plans of the agency.

On November 17, 1975, and subsequently on February 3, 1976, the Department published notices in the FEDERAL REGISTER dealing with HSA Application Information. The notices specified dates for receiving letters of intent and applications for designation and funding of health systems agencies. The notices called for two review cycles with first cycle applications due by January 19, 1976, and second cycle applications by April 16, 1976.

The purpose of this notice is to announce a third designation cycle for those health service areas in which (1) no application was received during the first or second cycle or (2) all applications received during the first or second cycle were either unacceptable, or after June 14, 1976, are still pending. For all other areas in which applications have been approved and agencies designated and funded during the first or second designation cycle, no further applications will be considered.

Those entities interested in designation during the third cycle must file a letter of intent to apply for such designation with the appropriate DHEW Regional Office by May 14, 1976, and an application received not later than June 14, 1976. First and second cycle applications which are still pending after June 14, 1976, will compete with third cycle applicants. In such situations all applications will be reviewed competitively and no decision will be made on the pending first or second cycle applications until the third cycle. Applicants whose applications have been rejected who filed during the first or second cycle may resubmit applications during the third cycle without resubmitting a letter of intent. The deadline for submission of Governors' comments will be July 14, 1976.

Third cycle applicants will be notified whether or not there is a first and/or second cycle application pending for that area at the time they file a letter of intent. The Regional Health Administrator will notify all applicant entities in the health service area by telegram whenever the status of an applicant changes.

Application materials and further information may be obtained from the Regional Health Administrator in each of the Department's ten regional offices. (See Attachment A.)

Dated: May 4, 1976.

HAROLD MARGULIES, M.D.,
Deputy Administrator,
Health Resources Administration.

APPENDIX A

Specific instructions and guidelines for application submission are available through the DHEW Regional Offices whose addresses are listed below.

DHEW Regional Office I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
DHEW Regional Office II, 26 Federal Plaza, New York, New York 10007.
DHEW Regional Office III, Post Office Box 13716, Philadelphia, Pennsylvania 19108.
DHEW Regional Office IV, 50 Seventh Street, N.E., Atlanta, Georgia 30323.
DHEW Regional Office V, 300 South Wacker Drive, Chicago, Illinois 60606.
DHEW Regional Office VI, 1200 Main Tower, Dallas, Texas 75202.
DHEW Regional Office VII, 601 East 12th Street, Kansas City, Missouri 64106.
DHEW Regional Office VIII, 9017 Federal Office Building, Denver, Colorado 80202.
DHEW Regional Office IX, 50 Fulton Street, San Francisco, California 94102.
DHEW Regional Office X, 1321 Second Avenue, Arcade Plaza, Seattle, Washington 98101.

[FR Doc.76-13413 Filed 5-6-76;8:45 am]

Health Services Administration

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

New Jersey; PSRO Area IV; Intention To Enter Into Agreement Designating Professional Standards Review Organization; Correction

The following Notice is a corrected version of the Notice to Physicians of the Proposed Designation of Professional Standards Review Organization for Area IV of the State of New Jersey which appeared in Federal Docket 76-8467 on page 12327 in the issue for Thursday, March 25, 1976. The number of doctors of medicine and/or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey was listed erroneously in that Notice, as 1831. The correct number is 2709. In view of this error, it is considered appropriate to re-publish the Notice. The period for filing objections to the representativeness of the proposed PSRO will be extended for a lesser period of time rather than the usual 30 day period, since the filing of objections has been permitted for a previous period of 30 days following the publication of the Notice of March 25, 1976. Objections which have been received in a timely fashion after the Notice of March 25, 1976 and objections which are received after the publication of this Notice will be tabulated together by the Secretary in order to make the determination required under 101.105 of Title 42 of the Code of Federal Regulations.

NOTICE TO PHYSICIANS

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act (42 U.S.C. 1320c-1(f)) and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Essex Physicians' Review Organization, Inc. for PSRO Area IV, which area is designated a Professional Standards Review Organization in 42 CFR 101.34.

The Secretary has determined that the Essex Physicians' Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of New Jersey, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey.

As stipulated in its Articles of Incorporation, the principal officers of the Essex Physicians' Review Organization, Inc. are:

Name and Office Held:

1. Arthur Bernstein, M.D., President.
2. George L. Benz, M.D., Vice President.
3. A. E. Bythewood, M.D., Secretary.
4. John A. Ferrera, D.O., Treasurer.

The official address of the corporation is 144 South Harrison Street, East Orange, New Jersey 07018.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New Jersey who objects to the Secretary entering into an agreement with the Essex Physicians' Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before May 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 2,709 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area IV of the State of New Jersey. In the event that more than 10 percentum of the doctors express objections as described in the preceeding chapter the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in each area to determine whether the Essex Physicians' Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) (42 USC 1320c-(f)), relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

Dated: May 3, 1976.

LOUIS M. HELLMAN, M.D.,
Administrator,
Health Services Administration.

[FR Doc.76-13339 Filed 5-6-76;8:45 am]

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Availability of Annual Report

Notice of availability of the annual report of closed and partially closed meetings held by the Advisory Council on Women's Educational Programs in calendar year 1975.

Notice is hereby given that an annual report of closed and partially closed meetings of the Advisory Council on Women's Educational Programs is now available for public inspection at the Council office at Suite 821, 1832 M Street, NW., Washington, D.C.

The report, as required by the Federal Advisory Committee Act (P.L. 92–463, Section 10(d)), sets forth a summary of the Council's activities during closed or partially closed meetings and such related matters as would be informative to the public consistent with the policy of Section 552(b) of Title 5, United States Code.

Signed at Washington, D.C. on April 30, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76–13340 Filed 5–6–76;8:45 am]

Social Security Administration

ESTABLISHMENT OF A POSITION AS ATTORNEY ADVISOR TO THE COMMISSIONER OF SOCIAL SECURITY

Section 1878 of the Social Security Act, as amended (the Act), codified at 42 U.S.C. 1395oo, provides for the establishment of a Provider Reimbursement Review Board (the Board), to hear appeals by providers of services under the Medicare program who are dissatisfied with final cost reimbursement determinations by their fiscal intermediaries, or are not provided with such determinations on a timely basis. Subsection (f)(1) of section 1878 of the Act provides that a decision of the Board shall be final unless the Secretary of Health, Education, and Welfare (the Secretary)—on his own motion and within 60 days after the provider of services is notified of the Board's decision—reverses, affirms or modifies the Board's decision. The Secretary has delegated to the Commissioner of Social Security (the Commissioner) authority to administer the Medicare program established by title XVIII of the Act. This includes authority to perform, on behalf of the Secretary, the "own motion review" of Board decisions.

Notice is hereby given that a position of Attorney Advisor to the Commissioner has been established in the Social Security Administration (SSA). The incumbent of this position has responsibility for recommending initiation of the "own motion review" process; evaluating cases under "own motion review;" and making recommendations as to the disposition of such cases by the Commissioner. Decisionmaking authority in "own motion review" cases is reserved to the Commissioner. In exercising this authority, the Commissioner may consult with the Attorney Advisor, who is organizationally located within SSA's Office of Management and Administration (OMA) for purposes of general administrative support. The functional responsibilities of the Attorney Advisor position are conducted independently of any guidance or control from SSA officials other than the Commissioner.

To reflect establishment of the Attorney Advisor position, its basic functions and its organizational location, the OMA material in the SSA Statement of Organization, Functions and Delegations of Authority published in the FEDERAL REGISTER on January 30, 1975 (40 FR 4474–75), and subsequently amended on March 31, 1975 (40 FR 14350), is hereby further amended by adding the following new section:

Sec. 4–02–40 Attorney Advisor to the Commissioner. 1. Recommends initiation of "own motion review" of Provider Reimbursement Review Board (the Board) decisions under section 1878(f)(1) of the Social Security Act, as amended; evaluates cases under "own motion review;" and recommends as to the disposition of such cases by the Commissioner.

2. Is attached to OMA for general administrative support, but functions independently of any guidance or control from SSA officials other than the Commissioner.

3. May not receive any evidence, explanation, analysis or advice regarding any case decided by the Board during the "own motion review" period for such cases—from the Board; the Bureau of Health Insurance or its representatives; fiscal intermediaries; carriers; providers; or any other source, with the exception of the Commissioner, except in the form of written communications which must also be served on the parties to the hearing. Any such communications are to be kept to an absolute minimum. Similarly, ex parte communications regarding such cases between these organizations and the Office of the Commissioner are prohibited.

Dated: April 27, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–13204 Filed 5–5–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–76–522; 76–25–IS; OILSR No. O–4106–15.51]

CATARACT LAKE ESTATES

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Cataract Lakes Estates, Colonial Discount Corporation, James Morgan, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Cataract Lake Estates, Colonial Discount Corporation, James Morgan, President and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), It is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street SW., Washington, D.C., on May 13, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before April 30, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

By the Secretary.

JAMES MAST,
Administrative Law Judge, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7150, Washington, D.C. 20410.

[FR Doc.76–13333 Filed 5–6–76;8:45 am]

[Docket No. N–76–523; 76–10–IL; OILSR No. 0–4129–15–52]

APPLE BLOSSOM LAKE

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Apple Blossom Lake, Colonial Discount Corporation, James Morgan, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate

Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Colonial Discount Corporation, Apple Blossom Lake, Colonial Discount Corporation, James Morgan, President and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Streeet, S.W., Washintgon, D.C., on May 13, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before April 30, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

By the Secretary.

JAMES MAST,
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc.76-13334 Filed 5-6-76;8:45 am]

Office of the Secretary

[Docket No. N-76-506]

PRIVACY ACT OF 1974

Proposed Amendments of Notice of Systems Records; Correction

On April 22, 1976, the Department of Housing and Urban Development published at 41 FR 16850 certain Proposed Amendments of its Systems of Records Notices pursuant to the Privacy Act of 1974, Pub. L. 93-579. The Proposed Amendments include: (1) the addition of a general routine use covering disclosure of information to Members of Congress contained in any records system of the Department subject to the Privacy Act, and (2) the addition of a routine use applicable to system HUD/DEPT.-34 (Pay and Leave Records of Employees) covering disclosure of information therein to the Civil Service Commission. Since the Privacy Act requires a thirty day period for public comment on proposed routine uses and the April 22 publication through inadvertence permitted only an eight day comment period, the Department is extending public comment on both proposed routine uses until May 30, 1976. Accordingly, interested persons may submit written data, views, or arguments in regard to these proposed routine uses, published in full at 41 FR 16850, to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 on or before May 30, 1976.

(5 U.S.C. 552a, 88 Stat. 1896, P.L. 93-579; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d), P.L. 89-174).)

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76-13336 Filed 5-6-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

APPLICATIONS

Exemptions or Renewals

In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations has received applications for exemptions and renewals of exemptions, that are described below. The modes of transportation requested are identified by a number in the "Nature of Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft.

Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6213, Trans-Point Building, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in duplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on the specified comment closing date will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for exemptions and renewals of exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) and the Materials Transportation Bureau's regulations on this subject (49 CFR 107.109(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of application
76-367	RMI Titanium Co., Ashtabula, Ohio.	49 CFR 173.208	To allow the use of DOT specification 17H drums of 30-gal. capacity, for shipments of dry titanium metal powder. (Mode 1.)
76-368	Firmenich Inc., Princeton, N.J.	49 CFR 173.119(a)	To allow shipments of small quantity flammable liquids in spun aluminum cans, overpacked in double-walled corrugated paper box with cushioning material. (Modes 1, 2, 3, 4, 5.)
76-369	Virginia Chemical Co., Portsmouth, Va.	49 CFR 173.249	To allow the use of DOT MC-303 tank motor vehicles for shipment of certain amines (alkaline liquids, n.o.s.). (Mode 1.)
76-370	Emerson Electric Co., St. Louis, Mo.	14 CFR 103.9	To allow the one-time import shipment of 80 cases of class B ammunition in wooden boxes. (Mode 4.)
76-371	Shipley Co., Inc., Newton, Mass.	49 CFR 173.249	To allow the use of DOT specification 57 portable tanks for shipments of caustic soda, liquid. (Mode 1.)
76-372	Bayvet Corp., Shawnee Mission, Kans.	49 CFR 173.377(b)(5)	To allow a 52-percent concentration of organic phosphate compound dry in DOT specification 21C fiber drums. (Modes 1, 2, 3.)
76-373	Fabricated Metals, Inc., Modena, Pa.	49 CFR 173.119	To allow the shipment of methyl ethyl ketone and toluol in DOT-57 portable tanks. (Mode 1.)
76-374	ACF Industries, Inc., St. Charles, Mo.	49 CFR 179.201-7	To allow modification of the safety vent dampener device on DOT-111A100 class tank cars in certain corrosive liquid service. (Mode 2.)
76-375	Bennett Industries, Peotone, Ill.	49 CFR Part 173	To allow use of a non-DOT specification 5-gal, removable head, polyethylene pail, for shipments of certain corrosive liquids and flammable liquids. (Modes 1, 2, 3.)
76-376	Witco Chemical Corp., Richmond, Calif.	49 CFR 173.221	To allow the use of 6-gal DOT specification 2U polyethylene container overpacked in a DOT-12P fiberboard box for shipments of organic peroxides liquid or solution. (Modes 1, 3.)
76-377	Amtrol, Inc. West Warwick, R.I.	49 CFR 173.357	To allow shipments of chloropicrin and mixtures thereof in nonreusable DOT specification 39 cylinder, overpacked in a fiberboard box. (Modes 1, 2.)
76-378	Kaiser Aluminum and Chemical Corp., Erie, Pa.	49 CFR 173.306	To allow the use of seamless aluminum cylinders, similar to DOT specification 3B, for shipments of dry powder charged with compressed gas. (Modes 1, 2, 3.)

Application No.	Applicant	Regulation(s) affected	Nature of application
76-379	M-R Plastics and Coatings, Inc., Maryland Heights, Mo.	49 CFR 173.300	To allow the use of ASME code tanks not exceeding 1,000-gal capacity for shipments of certain urethane foam-base compressed gases. (Mode 1.)
76-380	General Electric Co., San Jose, Calif.	49 CFR 173.397	To allow a limited series of exclusive use shipments of radioactive materials varying from the contamination limits. (Mode 2.)
76-381	Monsanto Co., St. Louis, Mo.	49 CFR 173.402(a)(8), 177.841(e).	To exempt limited quantity packages of methyl parathion and ethyl parathion from labeling requirements and con-mingling restrictions. (Mode 1.)
76-382	Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.34(e)(15)	To allow the shipment of certain compressed gases in DOT-3A and 3AA cylinders over 35 years old that are retested every 10 years. (Modes 1, 2, 3, 4, 5.)
76-383	Intsel Corp., New York, N.Y.	49 CFR 173.271(a)	To allow the use of foreign manufactured drums, similar to the DOT specification 6D for shipments of phosphorus oxychloride and thiophosphoryl chloride. (Modes 1, 2, 3.)
76-384	Ekohwerks Co., Eastlake, Ohio.	49 CFR 173.263, 173.304, 178.42.	To allow the use of type DOT 3E cylinders structed of monel 400 in lieu of carbon steel, for shipment of hydrochloric acid and chlorine. (Modes 1, 2, 3.)
76-385	Hill Brothers Chemical Co., Industry, Calif.	49 CFR 173.263	To allow the use of DOT specification 12B fiberboard boxes as the overpack for 3-gal polyethylene containers for shipments of inhibited hydrechloric acid. (Modes 1, 2.)
76-386	Garrett Manufacturing Ltd., Ontario, Canada.	49 CFR 173.206	To allow shipment of lithium batteries not presently provided for in the regulations. (Mode 1.)
76-387	Beech Aircraft Corp., Wichita, Kans.	14 CFR 103.19	To allow carriage of aircraft batteries exceeding the weight limitation, in an inaccessible cargo pit or bin. (Modes 4, 5.)
	RENEWALS [2]		
76-388	Chemetron Industrial Gases, Chicago, Ill.	49 CFR 173.315	To renew special permit 4108 which allows compressed gases (cryogenic liquids) in insulated cargo tanks. (Mode 1.)
76-389	Structural Composities Industries, Inc., Azusa, Calif.	49 CFR 173.302	To renew and modify special permit 6747 to allow the use of fiberglass reinforced plastic (FRP) seamless aluminum cylinders in compressed gas service. (Modes 1, 2, 3, 4, 5.)
76-390	American Bicentennial Everest Expedition, Washington, D.C.	49 CFR 173.302(a); 46 CFR 146.24-100; 14 CFR 103.9.	To reinstate and modify special permit 6965 to allow a one-time shipment of oxygen in a limited number of fiberglass reinforced plastic (FRP) aluminum cylinders. (Modes 1, 3, 4.)
76-391	Casden Oil and Chemical Co., Calumet City, Ill.	49 CFR 173.315	To renew special permit 6039 which authorizes shipments of cryogenic ethylene in specially designe d cargo tanks. (Mode 1.)
76-392	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304	To renew special permit 2582 which allows shipments of nitrosyl chloride in monel metal cylinders. (Modes 1, 2.)
76-393	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 173.302(c)	To renew special permit 6530 which allows certain DOT-specification cylinders to be charged with flammable gases 10 percent in excess of marked service pressure. (Modes 1, 2.)
76-394	Allied Chemical Co., Morristown, N.J. and J. T. Baker Chemical Co., Phillipsburg, N.J.	49 CFR 173,119(a)(23).	To renew special permit 6258 which authorizes the use of DOT-2E polyethylene bottles overpacked in 12A fiberboard boxes for shipment of acetone. (Modes, 1, 2, 3.)
76-395	Eurotainer, Paris, France.	46 CFR 146.21-100, 146.23-100, 146.26-100.	To renew U.S. Coast Guard special permit 43-71 which allows transportation of certain flammable, corrosive, and combustible liquids in specially designed portable tanks. (Mode 3.)
76-396	Mobil Chemical Co., Richmond, Va.	46 CFR 146.21-100, 146.23-100.	To amend U.S. Coast Guard special permit 43-71 to allow carriage of phosphorus oxychloride in specially designed portable tanks. (Mode 3.)
75-62	Advanced Chemical Technology, City of Industry, Calif.	49 CFR pt. 146.23-100.	To allow the shipment of corrosive liquids in DOT-34 containers via water transportation under Exemption 6637. (Mode 3.)
75-199	Degussa Alabama Inc., Theodore, Ala.	46 CFR 146.21-100 and 146.23-100; 49 CFR pt. 173.	To amend DOT-E 6793 to include B-methylmercaptopropionaldehyde and potassium carbonate. (Modes 1, 3.)
75-201	Virginia Chemicals, Inc., Portsmouth, Va.	49 CFR pt. 173; 46 CFR 146.21-100.	To amend DOT-E 7005 to include certain amines classified as flammable liquids. (Modes 1, 3.)
75-202	Trans Chemie Inc., New York, N.Y. on behalf Lutherwerke, Frankfurt, Germany.	46 CFR 146.21-100, 146.23-100 and 49 CFR pt. 173.	To amend DOT-E 6253 to modify tank supports and include certain corrosive liquids. (Modes 1, 2, 3.)
76-94	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.247a	To renew special permit 6211 which allows shipments of vanadium oxytrichloride in DOT MC-310, MC-311, or MC-312 cargo tanks. (Mode 1.)
	PARTIES TO AN EXEMPTION		
75-45	Daniel International Corp., Greenville, S.C.	49 CFR 173.306; 46 CFR 146.24-100.	To become a party to exemption 5013 which allows larger quantities of group 1 refrigerant gases to be transported in refrigerating machines. (Modes 1, 2, 3.)
75-121	Lawrence Livermore Lab., Livermore, Calif.	49 CFR 173.65	To become a party to exemption 6943 which allows shipments of a certain class A explosives as a reagent. (Modes 1, 2.)
75-125	Airco Welding Products, Union, N.J.	49 CFR 173.304 and 178.65.	To become a party to exemption 6686 which allows shipments of a certain flammable compressed gas in cylinders patterned after DOT specification 39. (Modes 1, 2.)
75-201	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.141; 46 CFR 146.21-100.	To become a party to an application filed by Bigner-Schmid Laurent to amend special permit 7005 allowing use of non-DOT specification portable tanks for shipment of ethyl mercaptan and to include n-propyl mercaptan. (Modes 1, 3.)

PARTIES TO AN EXEMPTION—continued

76-397	Atlas Powder Co., Dallas, Tex.	49 CFR 177.835	To become a party to an exemption issued to E. I. du Pont de Nemours & Co., Inc. which allows comingling of certain explosives. (Mode 1.)
76-179	Dow Chemical Co., Midland, Mich.	49 CFR 173.252; 46 CFR 146.23-100.	To become a party to an exemption issued to Great Lakes Chemical Corp. which allows the transportation of bromine in lead lined portable tanks. (Modes 1, 3.)

[1] The closing date for filing comments on the above applications is June 7, 1976.
[2] The closing date for filing comments on the above applications for renewals and for parties to an exemption is May 24, 1976.

DR. C. H. THOMPSON, P.E.,
Chief Regulations Division, Office of Hazardous Materials Operations.

[FR Doc.76-13178 Filed 5-6-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 28925; 27813; Agreement C.A.B. 25734, R-1 through R-32; Docket 27592; Agreement C.A.B. 25769; R-1 through R-11; Order 76-4-175]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North Atlantic Passenger Fares

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to North Atlantic passenger fares to/from Europe and the Middle East.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of April, 1976.

By Order 76-3-94, dated March 15, 1976, the Board ordered the United States air carrier members of the International Air Transport Association (IATA) to submit justification in support of the above agreements, which would establish air fares over the North Atlantic to Europe and the Middle East from May 1, 1976 through October 31, 1976.

Insofar as the agreements would apply to and from the United States, all fares across the North Atlantic would, with a few exceptions, be increased in amounts varying up to 10 percent. See Attachment I.[1] The fares for supersonic service would reflect a 20 percent surcharge on the effective New York-Paris first-class fare, with the same dollar amount added to the first-class New York-London fare.[2] The agreement would also increase the number of seats which may be sold at the APEX fares from 20 to 25 percent of total available economy-class capacity.

In the referenced order, the Board specifically requested the U.S. carriers to address the question of the open-jaw proviso permitted in connection with the Advance Purchase Excursion Fares (APEX) which, in some cases, has the effect of charging the APEX passenger a fare greater for the same transportation than the less restrictive 22/45-day excursion fare.[3]

[1] Attachments filed as part of the original Document.
[2] Compagnie Nationale Air France (Air France) and British Airways were requested to submit and have provided economic data in support of the proposed fares for supersonic service.
[3] This specific question is the subject of a complaint filed by Donald L. Pevsner, Esquire, in Docket 28925.

All three U.S. member carriers, National Airlines, Inc. (National), Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA) have filed justifications in support of the agreement. Air France and British Airways have filed, on a voluntary basis, data in support of the proposed fares for supersonic aircraft. Comments in opposition to the agreement have been filed on behalf of the member carriers of the National Air Carrier Association (NACA), the Citizens League Against the Sonic Boom and Charles Gessner (the League), the Puget Sound Traffic Association, and by Donald L. Pevsner, Esquire.

CARRIER JUSTIFICATION

All three U.S. member carriers of IATA urge approval of the agreement, allegedly reached only after protracted negotiations and proposed for a six-month period ending October 31, 1976. The proposed general increases in fares are alleged as necessary to improve revenues and to make it possible for Pan American and TWA to realize a modest profit. These two carriers project operating losses in the forecast period (year ending April 30, 1977) in the event the increases are not granted. A comparison of historical and forecast results, as provided by the carriers with and without the proposed fares, is set forth in Attachment II, and summarized as follows:

	Operating profit (Dollars in thousands)	Return on investment (in percent)	Passenger load factor (in percent)
ACTUAL 1975			
National	5,722	7.38	60.13
Pan Am	5,198	3.42	51.38
TWA	2,613	2.44	53.56
12 MOS ENDING APRIL 1977			
At present fares:			
National	7,653	9.68	59.06
Pan Am	(65)	2.24	52.37
TWA	(7,316)	(0.01)	58.64
At proposed fares:			
National	8,146	10.21	59.06
Pan Am	9,826	4.35	50.85
TWA	15,616	8.72	57.88

The carriers contend that the proposed fare structure comports with the Board's enunciated policy in that promotional fares should increase by a greater percentage than normal fares, thus reducing the differential between the two. The primary deviation from this approach is the APEX fare which is proposed to take a lesser increase, the justification being that carriers serving the United States must remain competitive with their Canadian counterparts where so-called reduced "super-APEX" fares out of Canada have been agreed to. It is argued that a proportional increase in APEX fares from the United States would result in significant diversion of traffic through Canadian gateways. Added to this is the change in the APEX capacity limitation from 20 to 25 percent of the total available economy-class capacity, likewise attributed to the competitive situation vis-a-vis Canada where no capacity provision would apply.

The affinity-group fares to Spain and Portugal are proposed to be increased in only modest amounts in comparison with comparable group fares to other European destinations.[4] TWA has addressed this facet of the agreement, alleging that the agreed levels of the fare structure form a compromise with Iberia Airlines and TAP, which originally desired non-affinity-group fares which TWA resisted. This compromise was allegedly necessary to secure an overall agreement, which was necessary to achieve additional revenue.

With reference to the open-jaw provision available on the APEX fare, TWA alleges that the logic for charging the fare to the highest-rated point is to eliminate undercuts of the one-way economy fare. Pan American alleges that the restriction inhibits the displacement of higher yield passengers by APEX passengers, reduces opportunities for the passenger to initiate costly reticketing, and permits carriers to control APEX traffic to planned capacity. Pan American contends that the open-jaw construction is equivalent to assessing the passenger a charge for the ferry portion of an open-jaw itineary on charter service. Both carriers assert that in isolated instances where an open-jaw APEX fare exceeds the applicable 22/45-day excursion fare, the passenger would (Pan American contends) normally be alerted to the availability of the lower available fare. TWA indicates that in these circumstances it is its policy to charge the lower of the two fares.

Both Compagnie Nationale Air France and British Airways contend that the 20 percent surcharge on supersonic travel realistically reflects the value of the service and that the proposed price is reasonable and adequately compensates for its introduction. Based on a 100-seat configuration, a useful aircraft life of 35,000 hours at $74 million per aircraft, including spare parts, Air France estimates a depreciation cost of 1.38 cents per seat kilometer. Total operating costs, direct and indirect, are estimated at 5.93 cents per seat kilometer for a total cost of 7.31 cents per seat kilometer. Revenues on a New York-Paris flight at the proposed fares amount to 12.32 cents per seat kilometer (assuming a 10 percent dilution factor and an additional 2 percent from freight and excess baggage). The yield would be 8.01 cents per seat kilometer at a 65 percent load factor, produc-

ing a profit of 0.70 cents or nine percent of revenue. Air France anticipates a break-even load factor of 59–60 percent, well below the 68 percent load factor so far experienced on its Paris-Rio de Janeiro operation.

British Airways estimates its operating cost at 7.5 cents per seat kilometer. Allowing for a 10 percent reduction in yield due to pro-rates and commissions, the proposed New York-London fares would be 12.5 cents per passenger kilometer, producing an operating break-even passenger load factor of 60 percent. By using a more liberal 15-year amortization period as accepted in the United States, as opposed to its traditional 10 year period, the break-even load factor would be reduced to 50 percent.

COMMENTS

The member carriers of the National Air Carrier Association (NACA) allege that the proposed agreement contains all of the basic defects concerning which the Board has repeatedly admonished the IATA carriers over the past five years. NACA contends that the agreement, in fact, moves even further from the Board's objective of a cost-based and simplified system of North Atlantic fares. The proposed package, in NACA's view, cannot be reconciled with the public interest and should be disapproved, particularly the below-cost discount fares such as the APEX fares and affinity-group fares to the Iberian peninsula.

NACA cites the Board's admonition to the IATA carriers in its policy statement issued prior to the Nice Conference in October 1975. In that statement, the Board indicated that the spread between normal economy fares and promotional fares should be narrowed; that the present APEX fares appeared marginal in relation to existing carrier costs; and that the normal economy fares were substantially in excess of fully allocated costs. NACA points out that the instant agreement not only does not narrow the spread between normal economy and discount fares, it widens it. Both the proposed APEX fares and affinity group fares to the Iberian peninsula would be increased in lesser amounts than would the normal economy fares. NACA alleges that, based upon data compiled by the IATA Cost Committee, the proposed peak season normal economy fares exceed the carriers' fully allocated cost by 50 percent. In contrast, every promotional fare, other than the 14/21-day excursion fare, is well below that cost level. Both the shoulder season APEX fares and the affinity-group fares to the Iberian peninsula cover less than 60 percent of full cost.

The Puget Sound Traffic Association (PSTA) requests that the Board withhold its approval of the agreement to the extent that it results in fares between Seattle and Europe which are higher on a cents-per-mile basis than are fares between other west coast cities and Europe. PSTA's comparison of the proposed Seattle-London fares with those proposed to/from Los Angeles reveals that, in the case of at least four fare categories (first-class, economy, 14/21-day excursion, and group inclusive-tour fares), the Seattle fare exceeds that to/from Los Angeles. PSTA alleges that there is no justification for the continuation of such instances of undue preference and prejudice and unjust discrimination, and urges the Board to condition approval of the agreement to insure that Seattle will receive the mileage-related fares to which it is entitled.

Donald L. Pevsner, Esquire, requests that the Board condition the proposed APEX fares in order to preclude charging APEX-fare passengers who elect to use the open-jaw facility a greater amount than would be charged had the passenger elected to take a less restrictive fare. Mr. Pevsner suggests that the condition read "provided that the total fare shall not be less than the lesser of the published round-trip APEX fare to the farthest point on the routing or the normal applicable one-way economy fare to the farthest point on the routing." In addition, Mr. Pevsner requests that, if the Board does take some action with respect to the open-jaw APEX provision, specific safeguards should be imposed to insure that passengers already holding tickets should not remain overcharged.

Mr. Pevsner also objects to the proposed increase in the 22/45-day shoulder season excursion fare, which he alleges appears unwarranted and excessive when compared to the percentage increase in other fares. Mr. Pevsner contends that a substantial increase in this fare, despite prior statements of the Board urging action in this direction, can only prove detrimental to the carriers' load factors, and harmful to the industry and the public in the long run.

Comments filed on behalf of the Citizens League Against the Sonic Boom, Charles Gessner and other interested persons (League) oppose the 20 percent surcharge proposed for supersonic service as far too low. The League contends that the resulting fare would not approach the true economic cost of supersonic operations, and that the Board should not and cannot approve that portion of the agreement under its legislative mandate. The complainants state that the Board should reject the resolution dealing with supersonic fares, hold hearings on the matter, and prepare an environmental impact statement assessing in detail the effect of approval of the fares as proposed by IATA.[5]

In support of its contention that the fares for supersonic service are unreasonable, the League contends that the cost per person per flight on the Concorde is $298.00, at a 100 percent load factor.[6] At a 55 percent load factor, the cost would be $541.70 per person. The cost of operating B–747 aircraft, at the latter load factor in full economy configuration, is alleged to be $188.20, the Concorde therefore being 2.9 times as costly to operate. Based on this analysis, the complainants contend that Concorde fares should be 2.9 times the B–747 economy fares, or $983.10 one-day.

REPLIES

Responses to the justifications and comments have been filed by the Department of Transportation (DOT), the League, and Pan American.[7] DOT notes that the features of past structures which run counter to sound economic principles, i.e., fares unrelated to costs and cross-subsidization, are again carried forward in the 1976 fare package, with little or no modification; and also that the total agreement is forecast to produce an inadequate composite return for U.S. carriers. Despite these shortcomings, however, DOT does not characterize the agreement as sufficiently adverse to the public interest to warrant disapproval. The proposed fares will produce greater revenue than the structure currently in effect, and will at least partially offset the cost increases that have occurred. In addition, DOT contends that the proposed fares appear to be more compensatory than those likely to result in an open-rate situation. Accordingly, DOT reluctantly suports their approval.

In specific comments directed to supersonic service, DOT contends that the break-even load factor will be in the neighborhood of 52 percent. With inclusion of a profit element, this break-even load factor would be increased to 57 percent. DOT contends that these load factors appear attainable during the limited period of the agreement and that the 20 percent surcharge warrants Board approval.

Pan American's reply is directed solely to the comments submitted by NACA. Pan American contends that fares on scheduled service must be charter-competitive, due to the Board's policy which has resulted in massive charter competition in international markets; that the supplemental carriers will be able to compete effectively against schedued air service because of significant rate differentials; and that the promotional fares generate additional traffic essential to the maintenance of a viable level of scheduled service. The promotional fares under attack, Pan American contends, are economic. They allegedly cover all capacity costs and the incremental load-related expenses in connection with car-

[4] The affinity group fares to Spain would be retained at status quo, while fares to Portugal would receive only token increases.

[5] In a letter dated April 8, 1976, the Environmental Defense Fund likewise addresses the issue of an environmental impact statement. This letter was not submitted as a formal document in the Docket nor was it served on the parties. However, as is customary, the letter was placed in the correspondence file in Docket 27813.

[6] The League's analysis is based on a study conducted by British Airways for the United Kingdom Department of Trade, transmitted to the Secretary of State for Trade on April 9, 1974.

[7] Both Pan American's and the League's responses were accompanied by a motion for leave to file an unauthorized document which will be granted.

rying promotional fare passengers, and their economic reasonableness should appropriately be assessed on the basis of incremental rather than fully allocated costs.

The League indicates that the justifications do not contest the conclusions as to cost ratios between the Concorde and the B–747; the data submitted by the two carriers are very sparse and the British Airways analysis does not approach the depth of its own study proposed two years ago; DOT does not make any serious independent evaluation on its own; the data presented by Air France and British Airways as well as DOT are often conflicting and the achievement of a 60 percent load factor is questionable. The League concludes that both Air France and British Airways have underestimated Concorde costs and exaggerated load factors to reach unfounded conclusions as to the compensatory nature of the proposed Concorde fares.

FINDINGS

It is apparent from data on file with the Board, and that supplied by the carriers in their respective justifications that on the basis of experienced operations all three carriers are in need of revenue improvement. During 1975, each experienced earnings well below an acceptable level and, with no fare increase, each (with the exception of National which experienced labor difficulties in 1975) anticipates a further decline in return on investment (ROI) this year.[8] The carriers estimate that the agreement will improve earnings to a composite return of 6.4 percent.

All the U.S. carriers base their estimates on a resurgence of traffic growth in the forecast period and only a nominal increase in capacity, thus projecting improved passenger load factors. We have adjusted the carriers' projections to eliminate a factor for demand elasticity and the anticipatory fuel increases postulated by TWA, which brings the forecast composite ROI to 9.1 percent—still considerably below the Board's guideline.[9] See Attachment II for detail.

The carriers have chosen to pursue their acknowledged need for revenue improvement by increasing the various fares in the structure by differing amounts ranging up to a 10 percent increase. With the exception of the APEX fares and affinity-group fares to Spain and Portugal, promotional fares would be increased in percentage amounts greater than the increase proposed in first-class and normal economy fares. The carriers unanimously contend that, except for the two exceptions noted above, the relationship among the various fare categories comports with the Board's general fare policy.

The Board has, on many occasions, stated its conviction that normal economy fares are now, and have been, set at a level significantly above the full cost of providing that service, and that this fact and its continuation have permitted the introduction and extension of deeply discounted promotional fares which are below cost and which are cross-subsidized by normal fares. In our policy statement issued prior to the Nice Conference in October 1975, the Board once again expressed the opinion that the spread between normal economy fares and promotional fares should be narrowed, and that the normal economy-fare level should more closely approximate the fully allocated cost of providing that basic service. With the exception of the APEX and Iberian affinity-group fares, the agreement does appear to move somewhat toward the objective of narrowing the spread between normal and promotional fares. However, closer scrutiny of the promotional fares reveals that the differences in the new discounts are minimal in terms of the dollar amount of the fare paid. In actual dollar amounts, the New York-London round-trip economy peak-season fare would be increased $42 .On the other hand, the 14/21-day excursion, 22/45-day excursion, and group inclusive-tour fares would be increased by $37, $34, and $28 each, respectively. It is patent that, in dollar terms, there is no real narrowing of the gap and that the proposed structure cannot be considered a significant move toward accomplishing the Board's stated fare policy objective.

Moreover, analysis of the carriers' forecast data, with and without the proposed fare increases, provides additional insight into the agreement. For example, of the $29,600,000.00 revenue increase projected to accrue from the agreement, 41 percent (or over $12 million dollars) is expected to result from increases in the economy fare. Yet economy-class passengers constitute only 24 percent of forecast total North Atlantic traffic. Conversely, 22 percent of the anticipated increase in revenue would be obtained from promotional-fare passengers (other than APEX passengers), which account for 56 percent of the total.

Economy-class passengers traveling on normal fares receive an air transportation service which is superior to that afforded promotional-fare passengers in terms of flexibility of travel. With reference to the carrier costs of accommodating the normal fare economy-class passenger, however, we can discern no significant differences which would justify charging that passenger up to twice the amount charged other passengers for essentially the same service. A continual burden placed on normal economy-fare passengers, out of proportion to the balance of travelers, must be curtailed. Despite our attempts to place an equitable burden of the cost of carrying passengers on promotional fares, who constitute more than two-thirds of the traffic, the normal fare economy-class passenger apparently continues to have an excessive burden placed on him. For example, on a three-carrier composite basis, overall average passenger yield increased by 38.98 percent from 1969 to 1975, compared with an increase in economy-fare yield of 49.01 percent. In actual amounts, total passenger yield increased 2.07 cents per revenue passenger-mile, as compared with an increase in normal economy-fare yield of 2.98 cents.

We estimate, based on the 1975 North Atlantic economy-class operations of Pan American and TWA, at a 60 percent load factor, the economic cost (including return) to the carrier would approximate 6.7 cents per revenue passenger-mile on a New York-London flight. In contrast, the present New York-London shoulder season normal economy fare, less a 10 percent dilution factor, would produce a yield of 8.2 cents per revenue passenger-mile, or 22 percent above-average compensatory cost. Under the proposed fares, this yield would be increased to 8.7 cents per revenue passenger-mile, or 30 percent above-average cost including return. Without attempting to fix the proper relationship between normal economy fares and promotional fares, it is apparent that approval of the proposed normal economy fares would be inconsistent with the development of an equitable fare structure. The time has come to correct this long-standing problem.[10]

Other than the APEX fares, affinity-group fares to Spain and Portugal, and fares between Florida and London, all of which are discussed below, we do not find the proposed increases in first-class and the various promotional fares to be unreasonable, in view of the carriers' need for increased revenues. Nonetheless, we continue to hold the view that the structure is entirely too complex and that the spread between normal economy fares and the lowest promotional fares should be compressed.

As noted above, the APEX fares and Iberian peninsula affinity-group fares would be increased in only minimal amounts, 3 percent and from 0 to 1 percent respectively during peak season.[11]

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[8] In 1974 National, Pan American and TWA experienced ROI's of 7.38 percent, 3.42 percent, and 2.44 percent, respectively. With no fare increase, the carriers estimate for the year ending April 30, 1977, ROI's of 9.68 percent, 2.24 percent, and (0.01 percent).

[9] National: 11.52 percent, Pan American: 6.94 percent, and TWA: 12.28 percent. We do not dispute the fact that, in some degree, elasticity does exist and that there is some response by passengers to changes in price. However, in the absence of specific studies on the nature of international traffic demand and its response to price changes, we are unable to rely upon the carriers' estimates. Fare increases are but one of the many factors affecting traffic growth. We would expect that a fare increase would actually depress the volume of traffic only when it exceeds the general inflation in all consumer prices, considering also the impact of changes in disposable income. In addition, since airline fares constitute only a small proportion of total travel costs, particularly in international markets, we would not expect this demand to be materially reduced as a consequence of a fare increase per se.

[10] We note that even the proposed 14/21 day excursion fares, used by approximately 10 percent of the passengers, appear to be in excess of carrier costs. We have determined not to disturb the fares at this time. However, we would caution the carriers that we intend to take a further look at these fares in connection with the fare package proposed for effect beyond October 31, 1976.

[11] Based on New York levels. The APEX fares proposed to some interior U.S. points would be reduced from the present level.

The carriers argue that increases in the APEX fares must, perforce, be limited to avoid traffic diversion through Canada as a result of the introduction of the very low super-APEX fare between Canada and the United Kingdom. The U.S. and other carriers contend that they acceded to the super-APEX fare because of the adamant insistence of one carrier (Air Canada), and from a perceived need to reach agreement on an overall fare package. The super-APEX fare from Canada is proposed at the level of ABC charter prices, a level which is patently below cost and uneconomic for scheduled service. We would hope that the two governments between which the super-APEX would apply would concur in that judgment. The APEX fare levels proposed to and from the United States will make no contribution toward improvement in the industry's profit position on the North Atlantic. Indeed, it will most likely retard that improvement. In the event the super-APEX does not receive approval from the two governments involved, we intend to reassess our approval of the APEX fares to and from this country.

In addition, our approval is subject to the removal of the condition which would require an open-jaw APEX fare passenger to pay the fare to the farthest point on his itinerary. While in principle we have no objection to the imposition of restrictions curtailing the use of low promotional fares, we are concerned that travelers will be misled by this provision and, in some instances, will be induced to pay more for a highly restrictive fare than for a much less restrictive one. The APEX fare, with its advance-purchase requirement and forfeiture provision, has been widely advertised as the lowest fare in the North Atlantic structure. A traveler desiring an open-jaw trip will be told that this is possible under the APEX fare; what is not at all certain is that he will be told that, under certain circumstances, the APEX fare calculated under the new provision to the farthest point on his itinerary may approach or even exceed other much less restrictive fares (such as the 22/45-day excursion fare) for the same open-jaw itinerary calculated in the usual way. We are not prepared to accept merely verbal assurances that this will not happen. The problems arising out of application of the deeply discounted APEX fare to open-jaw travel can, in our opinion, be solved in ways that do not thus lay a trap for the unsophisticated traveler. We would be prepared to consider alternative solutions proposed by the carriers, including the complete elimination of the open-jaw facility on the APEX fare, provided the solution proposed is not needlessly complex and does not have the potential for misleading the traveler. Pending an acceptable alternative solution, we will condition the APEX fare to require open-jaw fares to be calculated in the usual way.

The affinity group fares to the Iberian peninsula would be increased by up to two percent to Portugal ($5.00 round-trip), and would remain at status quo to Spain. By contrast, more restrictive fares to other points in Europe are to be increased from seven to 10 percent. The fares to the Iberian peninsula are the lowest fares for scheduled service to any point in Europe, provide discounts ranging from 51 to 56 percent from the proposed normal economy fares, and cannot be justified by carrier costs even at significantly higher load factors than those projected.[12]

Again this Board is faced with the annual dilemma placed upon it by the IATA carriers. Although we have repeatedly requested no increase in the spread between normal economy fares and the lowest promotional fares, the agreement would increase the spread. Low promotional fares established for the purpose of competing with charters, which are inherently more economical, can only be subsidized by increasing normal fares. In order to correct this situation our options are to disapprove the APEX fares or place a lid on the normal fares. In our judgment, the preferable course of action is to place a lid on the normal economy fare in order to minimize the degree of cross-subsidization.

In addition, it appears that National would be placed in a significantly excess earnings position as a consequence of an increase in any of the fares in the structure. Although National projects a return of 10.21 percent with continuation of present fares, this calculation is based on an anticipated load factor of 59.06 percent. See Attachment II. On the other hand, the Board recently approved an agreement between National and British Airways establishing a limit on the amount of capacity which each carrier will operate over the Miami-London route through April 30, 1977. (Order 76–2–60). In approving that agreement, the Board accepted the carriers' contention that, during the period in question, a 68.6 percent load factor would be achieved. In its justification for the fare agreement, National's capacity is held to the same level as agreed in the capacity agreement between the carriers. However, it projects a significantly lesser load factor of 59.06 percent. We have adjusted National's forecast to reflect the higher load factor, which indicates that at present fares National would experience a return somewhat in excess of 12.8 percent. Accordingly, we are unable to conclude that National is in need of revenue improvement on this route and, consequently, we will disapprove the increases in Florida/London fares.[13] However, we will provide National an opportunity to explain these differences in forecast load factor on reconsideration filed within fourteen days of service of this order.

The Board is primarily concerned with the proposed surcharges for supersonic service from the point of view of their place in the overall North Atlantic fare structure and whether, as alleged, the proposed surcharges are so low as to impose an unreasonable burden on U.S. carrier operations. At the outset we note that the 20 percent surcharge represents a compromise; the British and French carriers sought a lower surcharge presumably representing their judgment as to the optimum fare. The U.S. carriers, on the other hand, sought a higher surcharge in their own interest of minimizing diversion. Bearing in mind the necessity for permitting the parties some reasonable ability to reach a compromise of these different view-points, the question presented is whether the agreement so reached is reasonable.

While admittedly the data presented by the two carriers are sparse, they tend to corroborate each other's range of costs. Also, the carriers' cost contentions are consistent with the study made for different purposes by British Airways and presented to the United Kingdom Department of Trade in early 1974. The costs presented reflect the experience over different routes and are somewhat speculative insofar as North Atlantic services are concerned. However, we are unable to conclude, based on the data presented by both the carriers and the complainants, that they are unreasonable in view of the anticipated load factors. The projected load factors of 60 percent appear to be attainable in light of subsonic aircraft load factors experienced over the Atlantic and the carriers' experience to date in other SST markets. Indeed, it is entirely possible that load factors of 60 percent are understated. Seven North Atlantic air carriers experienced subsonic load factors in excess of 60 percent in 1975, and Air France indicates that the Concorde, in its supersonic regularly scheduled Paris-Rio de Janeiro service, is operating at a 68 percent load factor. Thus, we see no reason why significantly higher supersonic load factors cannot be achieved on the North Atlantic operation.

The analysis presented by the complainants, which compares unit costs of B–747 economy service with those of the Concorde and suggests that a similar ratio should obtain with reference to Concorde fares and normal economy fares, is subject to a number of deficiencies. To begin with, the subsonic costs which they have used are those of the aircraft with the lowest seat-mile costs, which understates the overall level of unit costs for economy service. In addition, in calculating the subsonic costs, they have assumed a high density configuration which depresses subsonic costs per seat.[14] Their analysis further assumes identical load factors for subsonic and supersonic services when, as noted above, there is reason to expect the Concorde to achieve higher load factors. All of these flaws in their analysis have the effect of artificially inflating the costs of the Concorde as

[12] We do not accept Pan American's contention that promotional fares, which account for a substantial portion of the total traffic, should be evaluated on the basis of incremental rather than fully allocated costs.

[13] Since the Florida/London APEX fares are, in fact, to be decreased slightly they will not be included in our disapproval.

compared with the costs of economy service. Apart from these infirmities in their cost comparisons, we cannot accept complainants' contention that the supersonic/economy fare ratio should be based on the supersonic/economy cost ratio in light of our findings, elsewhere in this order, that normal economy fares are well above costs. Finally, we note that complainants' own computed costs (which purpose to be a forecast of 1977–78 cost levels) for a transatlantic one-way supersonic flight are $541.70 at a 55 percent load factor—well below the proposed supersonic fares.

In view of all of the foregoing, we conclude that, based on the data before us, the proposed fares do not appear unreasonable at attainable load factors. Finally, we note that the agreement is proposed for only six months, and that a new IATA package based on actual Concorde operating results will shortly come before us for action.

The League also argues that, apart from the relationship between the supersonic fare and the cost of that service, the Concorde will impose other "costs" by diverting traffic and revenues from other services, requiring cross-subsidization of first-class service by increases in economy fares, and possibly causing financial failure of the airlines. These contentions do not warrant disapproval of the Concorde fares which, as explained above, we find to be reasonably related to the costs of service. The League has not offered any basis for concluding that diversion caused by the Concorde could ever be of sufficient magnitude to cause financial failure in the long run, much less in the short period in which the agreement before us applies. Moreover, while only time will tell how much traffic the Concorde will divert from other services, we expect the carriers to gear their various services to changes in demand for those services rather than to subsidize excess capacity through increases in fares. Clearly, in light of our findings as to the reasonableness of the Concorde fares and our disapproval of the proposed increases in economy fares, it cannot be contended that our approval of the supersonic fare is resulting in higher fares for the normal economy passengers.

We are not persuaded by the argument advanced by the Puget Sound Traffic Association (PSTA) that the relationship between fares proposed to Seattle vis-a-vis those proposed to Los Angeles creates undue preference and prejudice, and unjust discrimination which would require disapproval. The four fares at issue are, on a per-mile basis, proposed at significantly lower levels to/from both Seattle and Los Angeles than to/from New York. Considering the mileages involved, and the well-established principle that costs and fares in a typical fare structure taper inversely with distance flown, it is not illogical that fares to/from Los Angeles be somewhat lower on a per-mile basis than fares to/from Seattle, just as per-mile fares to/from both these cities are significantly lower than those to/from New York. Compared with the basic New York fares, the Seattle fares are in almost all cases quite favorable to Seattle in terms of taper; the fact that the Los Angeles fares are even more favorably related to New York's, for reasons which cannot be ascertained on this record, does not ipso facto entitle Seattle to the same treatment. Moreover, as a result of the action we took a year ago in Order 75–3–101 in response to an earlier complaint by Puget Sound, the level of the Seattle fares is closely related to the level of fares from nearby Vancouver, which in turn affects all of the fares across Canada to Montreal, which in turn affect the Montreal-New York fare relationship. Puget Sound has not presented us with sufficient justification to warrant potential disruption of this inter-related structure. Finally, there is no showing that the fare relationships cause injury to Seattle and, in the absence of such a showing, there is no basis for a finding of undue perference or prejudice.

Upon consideration of all the foregoing, and for the reasons given, we will disapprove the proposed normal economy fares, the affinity group fares to Spain and Portugal and the Florida-London increases. Moreover, we intend to reassess our approval herein of the U.S. APEX fares, in the event the super-APEX fare between Canada and the U.K. fails to receive the requisite government approvals.

We are fully aware that these actions will have a significant impact on the improved economics which the carriers seek this year. However, we note that the resurgence of traffic growth and improved load factors which all three carriers anticipate will, in and of themselves, have a gratifyingly beneficial result. Finally, it must be stated that by far the most productive source of needed additional revenue stems, not from agreeing upon fare increases, but from eliminating wide-spread illegal discounting—a situation which we are hopeful is or is being resolved. In the last analysis, carrier economics can be significantly improved only if excess capacity can be curtailed and available capacity tailored to meet the demand for scheduled service.

ENVIRONMENTAL MATTERS

Citizens League Against the Sonic Boom (League) has requested the Board to prepare "a detailed environmental assessment of the ramifications" of any decision by the Board approving the proposed Concorde fares. The need for such an assessment, the League argues, stems from the National Environmental Policy Act of 1968 (NEPA) which requires environmental impact statements on "major Federal actions significantly affecting the quality of the human environment." The League argues that Board approval of the agreement embodying the 20-percent surcharge on first-class fares for Concorde service is such an action because (1) "if Concorde fares are set arbitrarily low, more passengers will be encouraged to fly the Concorde and more Concordes will be built," with consequent environmental impacts in terms of air and noise pollution, fuel consumption, and ozone deterioration; (2) below-cost Concorde fares may lead to increased economy fares, resulting in so-called "cross-subsidization" of Concorde passengers by economy-class passengers, which would reduce the ability of many people to travel to Europe; and (3) possible financial losses, bankruptcies, unemployment and economic dislocation may follow in the wake of uneconomic Concorde service.

The Environment Defense Fund (EDF) has submitted a letter, also requesting that the Board prepare and circulate for comment an environmental impact statement pursuant to NEPA, in order to address the issue of "the extent to which the fares proposed would encourage or promote use of the Concorde, and thereby degrade the environment."[15] Much of the League's argument for an environmental assessment is, in the final analysis, predicated upon economic challenges to the proposed fare—i.e. that the fare is below cost or arbitrarily low. These arguments, bearing upon the reasonableness of the proposed Concorde fare under the criteria of the Federal Aviation Act, have been considered and discussed in detail in the context supra, at pp. 11–13. Based on available information, we have found that the Concorde fare bears a reasonable relationship to the costs of service. In these circumstances we see no need for another analysis of the reasonableness of the fare merely because some economic arguments have been labelled as "environmental".

Alternatively, even if viewed as "environmental", we conclude that the League and EDF contentions are not sufficient to convert this decision into the requisite "major federal action." As an economic matter we do not regard the fare as arbitrarily low or below cost. But in any event the claim that the instant fare will stimulate further construction and use of the aircraft, with consequent environmental degradation, misses the mark.

The issue cannot be considered in isolation from the decision of the Secretary of Transportation, issued on February 4, 1976, following extensive environmental procedures. That decision authorizes Air France and British Airways each to con-

[14] The complaints assume that the B–747 is operated in a mixed configuration of 406 seats, which they convert to an all-economy configuration of 429 seats. By contrast, Pan American operates with 375 seats in its North Atlantic Service.

[15] EDF's letter was not properly addressed to this docket, was not in the form or number of copies prescribed by the Board's regulations, and does not appear to have been served upon the parties submitting economic justification, economy data, or comments and objections pursuant to ordering paragraphs 1, 2 and 3 of Order 76–3–94, dated March 15, 1976. Accordingly, it has been placed in the correspondence section of Docket 27813. Nevertheless, the Board will take cognizance of the letter. Such action will facilitate the Board's duties and will not prejudice any party.

duct no more than two Concorde flights per day into John F. Kennedy International Airport and one flight per day into Dulles International Airport for a demonstration period of 16 months, with several restrictions, including time limitations for takeoff or landing and a prohibition against supersonic flight over the United States.[10] In that decision the Secretary stated that further environmental assessment would be necessary before approval for these six flights might be made permanent, and, most significantly, that authorization of any Concorde flights in addition to the six "shall constitute major federal action within the terms of NEPA and therefore require a new Environmental Impact Statement" (Secretary's Decision, p. 4).

Thus, no matter what the fare may be during the demonstration period, nothing which this Board may presently do can add to the short-term environmental effect of the Secretary's decision. Under any view of the present fare, there can be no increased flight frequency without a new environmental impact statement. For present purposes the environmental impact of approval of the fare is no more or less than the environmental impact already analyzed—six flights daily for sixteen months. With respect to this period of initial Concorde service, we therefore conclude that the "major federal action" is that of the Secretary, not this Board; and that "the responsible official", charged with preparation of the impact statement, is the Secretary, not this Board.

In the long run, of course, we do not rule out the possibility that Board fare determinations may affect demand, the commitment of resources to the consruction of additional aircraft, and the number of frequencies provided in the future. With the limitations of the present case, however, we do not regard that possibility as now requiring a second impact statement. There is nothing before us to suggest that the argument regarding investment stimulaion is anything more than pure speculation. Indeed, one may reasonably infer from the present facts that approval of the interim fare will not significantly affect the production of Concorde aircraft. The Secretary's decision makes clear that he would not hesitate to bar an expansion of the number of Concorde flights, or an extension beyond 16 months of the six daily flights, if the information from the demonstration period shows that noise or emissions have a significant adverse impact on the environment (Secretary's Decision, p. 24). And any expansion will require at least a second round of NEPA procedures. Thus, the carriers and manufacturers are on notice that any further investment will be at their own risk. On these facts, it is far from clear that the carriers would commit substantial resources to new aircraft which may or may not ever be allowed to enter the United States. In any event, it is our view that any such additional expenditures, made during this demonstration period, cannot be "bootstrapped" into arguments for more flights.

The effect of the demonstration period fares upon future demand can be fully explored if it is later proposed to extend the period or expand the frequency. At such time, a new round of environmental procedures will be conducted by the FAA and DOT, in light of actual experience gained under operations in the demonstration period.[11] We assure all parties that approval of these interim fares will not prejudge later Board action concerning the Concorde.

In light of all of these considerations, the Board does not preceive any public need or legal requirement that it prepare an environmental impact statement in the limited circumstances now before us. We find, in short, that Board action approving the IATA agreement on Concorde fares during the demonstration period is not a major Federal action significantly affecting the quality of the human environment.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25734:			
R-7	054a	North Atlantic First-Class Fares	1/2 (North Atlantic-Europe/Middle East).
R-11	070d	North Atlantic 14/21- and 14/45-Day Excursion Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-12	070t	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Revalidating and Amending).	1/2.
R-13	070x	North Atlantic 14/21-Day ExcursionF ares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Tehran (Revalidating and Amending).	1/2.

2. It is not found that the following resolutions, set forth in Agreement C.A.B. 25734 as indicated, are adverse to the public interest or in violation of the Act except insofar as New York-London fares would be used to construct through fares to and from points in Florida, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25747:			
R-1	001b	North Atlantic Special Effectiveness Resolution (Tie-in)	1/2 (North Atlantic-Europe/Middle East).
R-2	001dd	North Atlantic Escape for Normal and Special Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-3	002	Special Revalidation Resolution	1/2; 1/2/3 (North Atlantic-Europe-Middle East).
R-4	015	North Atlantic Proportional Fares—North American (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-5	022i	JT12 and JT123 (North Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3 (North Atlantic-Europe/Middle East).
R-6	022z	JT12 (North Atlantic) Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-31	003j	General Increases in Passenger Fares (NEW)	1/2/3 (North Atlantic.
R-32	022r	JT123 (via North Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating).	1/2/3.
25769:			
R-1	022n	JT12 and JT123 (Middle Atlantic) Special Rules for Sales of Passenger Air Transportation (Amending) (Expedited).	1/2;1/2/3.
R-2	022b	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	2/3;1/2/3.
R-4	022f	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	2/3;1/2/3.
R-5	022h	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	1/2;1/2/3 (South Atlantic).
R-6	022i	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	1/2;1/2/3 (North Atlantic).
R-7	022j	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	1/2 (North Atlantic).
R-8	022k	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	1/2 (Middle Atlantic).
R-9	022L	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	1/2 (South Atlantic).
R-11	022n	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending) (Expedited).	1/2;1/2/3.

[10] See Order 76-4-21 (April 6, 1976). As there noted, the merits of the FAA's environmental impact statement and of the Secretary's decision are now before the United States Court of Appeals for the District of Columbia Circuit.

[11] We expect, in this regard, that the Board will be able to assist the FAA in the preparation of any further environmental analysis with respect to our area of jurisdiction and expertise. See CEQ Guidelines, Preparation of Environmental Impact Statements, 40 C.F.R. Part 1500, Section 1500.7(b).

Agreement CAB	IATA NO.	Title	Application
R-17	071q	North Atlantic 22/45-Day Excursion Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-18	075hh	North Atlantic 30-Day Winter Group Fares—Middle East (Revalidating and Amending).	1/2.
R-19	075i	North Atlantic Group Fares—Isreal (Revalidating and Amending).	1/2.
R-20	075r	North Atlantic 8/21-Day Group Fares—Israel (Revalidating and Amending).	1/2.
R-21	075rr	North Atlantic 21-Day Group Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Nocosia (Revalidating and Amending).	1/2.
R-22	076e	North Atlantic Affinity-Group Fares (Revalidating and Amending) (Other than to/from Spain and Portugal).	1/2 (North Atlantic-Europe/Middle East).
R-23	076h	North Atlantic 4/9-Day Incentive Fares to Israel (Revalidating and Amending).	1/2.
R-24	076p	North Atlantic 14-Day Incentive Group Fares (Revalidating and Amending) (Other than to Spain and Portugal).	1/2 (North Atlantic-Europe/Middle East).
R-25	084a	North Atlantic 21- and 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-26	084c	North Atlantic Winter Group Inclusive Tour Fares to Israel (Revalidating and Amending).	1/2.
R-27	084cc	North Atlantic Winter Group Inclusive Tour Fares to Middle East (Revalidating and Amending).	1/2.
R-28	084p	North Atlantic 7/8, 7/10- and 7/13-Day Group Inclusive Tour Fares—Europe (Revalidating and Amending).	1/2.
R-30	092ff	North Atlantic Individual Youth Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).

3. It is not found that the following resolution, set forth in the agreement indicated, is adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board, and in addition, to the condition stated below:

Agreement CAB	IATA No.	Title	Application
R-15	071p	North Atlantic Advance Purchase Excursion Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe).

NOTE.—Subject to the condition that the fare charged for open-jaw travel shall be the sum of one-half of the applicable round-trip fares for each leg in the open jaw.

4. It is not found that the following resolutions, set forth in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25734:			
R-8	054x	Iceland-Greenland First-Class Fares (Revalidating and Amending)	1/2
R-10	064x	Iceland-Greenland Economy-Class Fares (Revalidating and Amending).	1/2
25769:			
R-3	022d	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending).	2
R-10	022m	Special Rules for Sales of Air Transportation (Passenger and Cargo) (Amending).	2

5. It is found that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25734:			
R-9	064a	North Atlantic Economy-Class Fares	1/2 (North Atlantic-Europe/Middle East).
R-22	076e	North Atlantic Affinity-Group Fares (Revalidating and Amending) (To/from Spain and Portugal).	1/2 (North Atlantic-Europe/Middle East).
R-24	076p	North Atlantic 14-Day Incentive Group Fares (Revalidating and Amending) (To/from Spain and Portugal).	1/2 (North Atlantic-Europe/Middle East).

6. It is found that the following resolutions, incorporated in Agreement C.A.B. 25734 as indicated, are adverse to the public interest and in violation of the Act insofar as New York-London fares would be used to construct through fares to and from points in Florida:

Agreement CAB	IATA No.	Title	Application
25734:			
R-7	054a.	North Atlantic First-Class Fares	1/2 (North Atlantic-Europe/Middle East).
R-11	070d	North Atlantic 14/21- and 14/45- Day Excursion Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-12	070t	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Teheran (Revalidating and Amending).	1/2.
R-13	070x	North Atlantic 14/21- Day Excursion Fares—Amman, Baghdad, Beirut, Cario, Damascus, Jerusalem, Kuwait, Nicosia, Teheran (Revalidating and Amending).	1/2.
R-17	071q	North Atlantic 22/45 -Day Excursion Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-18	075hh	North Atlantic 30-Day Winter Group Fares—Middle East (Revalidating and Amending).	1/2.
R-19	075i	North Atlantic Group Fares—Israel (Revalidating and Amending).	1/2.
R-20	074r	North Atlantic 8/21-Day Group Fares—Israel (Revalidating and Amending).	1/2.
R-21	075rr	North Atlantic 21-Day Group Fares—Amman, Baghdad, Beirut, Cairo. Damascus, Jerusalem, Nicosia (Revalidating and Amending).	1/2.
R-22	076e	North Atlantic Affinity-Group Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-23	076h	North Atlantic 4/9-Day Incentive Fares to Israel (Revalidating and Amending).	1/2.
R-24	076p	North Atlantic 14-Day Incentive Group Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-25	084a	North Atlantic 21- and 28-Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East).
R-26	084c	North Atlantic Winter Group Inclusive Tour Fares to Israel (Revalidating and Amending).	1/2.
R-27	084cc	North Atlantic Winter Group Inclusive Tour Fares to Middle East (Revalidating and Amending).	1/2.
R-28	084p	North Atlantic 7/8-, 7/10-, and 7/13-Day Group Inclusive Tour Fares—Europe (Revalidating and Amending).	1/2.
R-30	092ff	North Atlantic Individual Youth Fares (Revalidating and Amending).	1/2 (North Atlantic-Europe/Middle East.

7. It is not found that the following resolutions, set forth in the agreement indicated, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
25734:			
R-14	070z	North Atlantic Excursion Fares Iceland to Greenland (Revalidating and Amending).	1/2
R-16	071pp	Special Advance Purchase Excursion Fares Local Currency Selling Fares from Canada to the UK).	
R-29	002f	North Atlantic Individual Youth Fares (Revalidating and Amending)	1/2

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 25734 and C.A.B. 25769, set forth in finding paragraphs 1, 2, and 4 above, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. That portion of Agreement C.A.B. 25734, set forth in finding paragraph 3 above, be and hereby is approved subject to conditions previously imposed by the Board and in addition to the condition stated therein;

3. Those portions of Agreement C.A.B. 25734, set forth in finding paragraphs 5 and 6 above, be and hereby are disapproved;

4. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreement C.A.B. 25734, set forth in finding paragraph 7 above;

5. The carriers are hereby authorized to file tariffs implementing the approved IATA resolutions on not less than one day's notice for effectiveness not earlier than May 1, 1976. The authority granted in this paragraph expires May 31, 1976;

6. Tariffs implementing the approvals contained in the above finding paragraphs shall be marked to expire as follows: Agreement C.A.B. 25734, October 31, 1976; Agreement C.A.B. 25769 as it relates to passenger fares, March 31, 1977; and Agreement C.A.B. 25769 as it relates to cargo rates, September 30, 1977; and

7. Copies of this order shall be served on all parties to this proceeding and the Environmental Defense Fund.

This order will published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-13217 Filed 5-6-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Title Change in Noncareer Executive Assignment

By notice of May 15, 1974, F.R. Doc. 74-11156 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Associate Administrator for Program Planning, Office of Program Planning, Urban Mass Transportation Administration. This is notice that the title of this position is now being changed to Associate Administrator for Policy and Program Development, Office of the Associate Administrator, Office of Policy and Program Development, Urban Mass Transportation Administration.

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

[FR Doc.76-13002 Filed 5-6-76;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Consultant to the Secretary for Public Affairs, Immediate Office of the Secretary, Office of the Secretary.

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

[FR Doc.76-13001 Filed 5-6-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Title Change in Noncareer Executive Assignment

By notice of March 27, 1975, F.R. Doc. 75-7963 the Civil Service Commission authorized the Department of Agriculture to fill by noncareer executive assignment the position of Assistant Administrator, Public Law 480 Program, Foreign Agricultural Service. This is notice that the title of this position is now being changed to Assistant Sales Manager, Public Law 480, Office of the General Sales Manager, Assistant Secretary, International Affairs and Commodity Programs.

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

[FR Doc.76-13374 Filed 5-6-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Title Change in Noncareer Executive Assignment

By notice of August 19, 1975, F.R. 75-21803 the Civil Service Commission authorized the Department of Agriculture to fill by noncareer executive assignment the position of Sales Manager (Foreign Agricultural Affairs Administrator). Office of the Sales Manager, Office of the Secretary. This is notice that the title of this position is now being changed to General Sales Manager, Office of the

[18] Concurring and dissenting statements filed as part of the original document.

General Sales Manager, Assistant Secretary, International Affairs and Commodity Programs.

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

[FR Doc.76-13375 Filed 5-6-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of U.S. Resident Commissioner of Northern Mariana Islands, Office of Territorial Affairs, Office of the Secretary.

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

[FR Doc.76-13376 Filed 5-6-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of International Policies, Office of the Secretary.

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

[FR Doc.76-13377 Filed 5-6-76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

AMENDED NOTICE OF HEARING

Public notice of hearings of the Commission on the Review of the National Policy Toward Gambling, published in the FEDERAL REGISTER April 13, 1976, pages 15440-15441, is hereby amended. The Commission on the Review of the National Policy Toward Gambling hearing May 11 will be held in Room 301, Russell Senate Office Building, Washington, D.C., instead of Room 457, Russell Senate Office Building, Washington, D.C. as previously published. All other provisions of the notice published April 13, 1976 remain the same.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.76-13478 Filed 5-6-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

CLASS 6645

Clock, Wall, Battery Operated, 6645-00-935-4243, 6645-00-935-4244

CLASS 7330

Tongs, Food Serving, 7330-00-616-0997, 7330-00-616-0998, 7330-00-616-1000

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-13357 Filed 5-6-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

ADVISORY COMMITTEE ON DEFINITION AND REGULATION OF MARKET INSTRUMENTS

Additional Meeting Date

Notice is hereby given of a possible additional meeting date for the Commodity Futures Trading Commission Advisory Committee on Definition and Regulation of Market Instruments. The Advisory Committee is scheduled to meet on May 10 and 11, 1976 at the Watergate Hotel, 2650 Virginia Avenue, N.W., Washington, D.C. in the Continental Room, beginning at 9:30 p.m. each day, as stated in the FEDERAL REGISTER of April 23, 1976 (41 F.R. 17008). If the Advisory Committee does not complete its business on May 11, it may also meet on May 12, 1976 at the same place and time.

Dated: May 4, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-13371 Filed 5-6-76;8:45 am]

ADVISORY COMMITTEE ON THE ECONOMIC ROLE OF CONTRACT MARKETS

Notice of Advisory Committee Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on the Economic Role of Contract Markets ("Advisory Committee on Economic Role of Contract Markets") will conduct a public meeting on May 26, 1976 at the Madison Hotel, 15th and M Streets, N.W., Washington, D.C., in the Arlington Room, beginning at 9:30 a.m. The objectives and scope of activities of the Advisory Committee on Economic Role of Contract Markets will be to consider and submit reports and recommendations to the Commission on the following subjects:

(1) Economic functioins of futures trading. This will include consideration of such matters as:

(i) Benefits of commodity futures trading;

(ii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of bona fide hedging transactions or positions;

(iii) Appropriate standards to be utilized by the Commission under the Commodity Exchange Act, as amended, in developing a definition of international arbitrage; and

(iv) Appropriate policy criteria to be utilized by the Commission in establishing trading and position limits under the Commodity Exchange Act, as amended.

(2) Criteria for economic evaluation of existing contracts and new contract applications, including such matters as:

(i) Proliferation of contracts;

(ii) Commercial viability of contracts (including delivery points); and

(iii) Trading potential (new and inactive contracts).

At the meeting, the Committee will consider the final report to be submitted to the Commission.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of that statement to Margaret Harrison, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, at least five days before the meeting.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings of the Committee to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Dated: May 4, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-13372 Filed 5-6-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

Availability

Environmental impact statements received by the Council on Environmental Quality from April 26 through April 30, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (June 21, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Final

Nantahala Unit No. 22, Nantahala National Forest, several counties in North Carolina, April 29: The statement concerns the proposed 10-year management of the 71,164 acre Nantahala Unit located in Macon, Clay, Swain, and Graham Counties. Management decisions will affect major forest resources: wildlife, water quality, soils, vegetative cover, aesthetics, roads, trails, and recreation. Adverse environmental impacts can result from movement of soil into streams from logging operations, construction and reconstruction of roads, trails, and recreation areas, and operation of motor vehicles. Scenic values may be adversely affected by construction activities, timber harvesting, and littering. Comments made by: COE, DOI, TVA, EPA, State agencies, and others. (ELR Order No. 6063.)

Monticello Land Use Plan, Manti-LaSal National Forest, San Juan County, Utah, April 28: The statement concerns a land use plan for the 368,000 acre Monticello Unit of Manti-LaSal National Forest. The plan allocates sections of the unit to activities such as timber harvest, revegetation treatments, mining, road construction, livestock grazing, and recreation use. The plan also provides for the protection and preservation of natural, scenic, archeologic, and wildlife values within the planning unit. Comments made by: AHP, USDA, EPA, HEW, HUD, DOI, DOT, ERDA, interesting groups, and individuals. (ELR Order No. 60630.)

Chelan Planning Unit, Snoqualmie and Wenatchee National Forests, King, Snohomish, and Chelan Counties, Wash., April 30: The statement concerns a proposed allocation to remove the moratorium on commodity production placed on portions of Chelan Planning Unit by the Roadless Area Review and Evaluation in 1972–72. New Study Areas will remain under the management activity moratorium until intensive wilderness studies can be conducted. Comments made by: AHP, FPC, USDA, COE, DOI, EPA, State and local agencies, organizations, and individuals. (ELR Order No. 60640.)

SOIL CONSERVATION SERVICE

Final

Newman Watershed Project, Stanislaus County, Calif., April 26: The project entails the application of corrective treatment and structural measures to solve the high groundwater problem. Adverse environmental effects are the contribution of about 8,000 tons of dissolved salts per year to the San Joaquin River; increased traffic, waste products, and demands on energy reserves due to more intensive agriculture; decreased quality of wildlife habitat; temporary removal of 127 acres from production, and temporary construction disruption. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, and State agencies. (ELR Order No. 60618.)

Neshaminy Creek Watershed, Bucks and Montgomery Counties, Pa., April 30: The proposed project is designed for watershed protection, flood prevention, water supply and recreation in Bucks and Montgomery Counties, Pennsylvania. Several project actions have been installed; those remaining include 5 floodwater retarding structures and a continuing program of land treatment. Adverse effects include the commitment of 425 acres and the periodic inundation of 813 acres. Three farms, 3 businesses, and 13 homes will be relocated. Comments made by: EPA, DOI, DOT, DRBC, State and local agencies, concerned groups, and individuals. (ELR Order No. 60648.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–6795.

Draft

S. C. Robertson Dam and Limestone Lake, Leon, Limestone, and Robertson Counties, Tex., April 27: Proposed is the construction of the Sterling C. Robertson Dam on the Narasota River at river mile 124.5. This site is about 22 miles northeast of Franklin, Texas, and about six miles northwest of Marquex, Texas. The purpose of the project is to supply water for municipal, industrial, and irrigation use by entities or persons who have contracted, or will contract, with the Brazos River Authority. Adverse effects include the conversion of some 14,200 acres of terrestrial habitat to aquatic habitat. (Fort Worth District.) (ELR Order No. 60623.)

Upper White Oak Bayou Flood Prevention, Harris County, Tex., April 28: The proposed action consists of constructing flood control improvements in upper White Oak Bayou and its tributaries, Cole and Vogel Creeks, in Harris County, Texas, to protect urban areas now subject to stream flooding. Channel improvements considered for upper White Oak Bayou would extend from the terminus of the existing Federal flood control project at mile 10.7 to mile 19.9. Adverse effects include further degradation of existing water quality. Channel excavation and enlargement would effect the remains of two archeological sites along White Oak Bayou. (Galveston District.) (ELR Order No. 60629.)

Draft

Lower Snake River Fish and Wildlife Compensation (2), Idaho, Washington, and Oregon, April 30: In order to compensate for adverse impacts to fish and wildlife resources which resulted from the construction of four multiple-purpose water resources development projects on the Lower Snake River, the Corps of Engineers has proposed the construction of hatcheries for fall chinook salmon, spring and summer chinook salmon, steelhead trout, and possibly a trout hatchery. It has also recommended the acquisition of streambank access on the Snake River or its tributaries for fishing, acquisition of easements for hunters, and the acquisition in fee of lands to be used for wildlife habitat improvement. Adverse impacts on agricultural production may result. (Walla Walla District). (ELR Order No. 60643.)

Final

ITT, Palm Coast, Permit, Flagler County, Fla., April 30: The project consists of the removal of 9 earthen plugs which separate canals from access to the Florida Intracoastal Waterway, and the installation of bulkheading at these 9 sites. The statement also includes an evaluation of the two other canal systems which are already connected to the Waterway. Adverse impacts include temporary turbidity in the canal system, and increased noise levels during construction (Jacksonville District). Comments made by: USDA, DOC, USCG, EPA, DOI, Florida State Clearinghouse, Florida Audubon Society. (ELR Order No. 60641.)

Missouri River Levee System, Mills and Pottawattamie Counties, Iowa, April 27: The proposed project wil provide for the construction of levee unit L–611–614, the total length of which is 25 miles with 18 miles along the Missouri River and the remainder on tieback levees. Flood prevention has been designed to provide 1.3 times a 100-year period. Adverse impacts are the commitment of 302 acres of land, increased potential for damage within the minimum 3,000 ft. floodway, emissions, noise, and soil erosion during construction, and disturbance of fish and wildlife habitat (Omaha District). Comments made by: EPA, DOI, DOC, HUD, HEW, USDA, DOT, MRBC, State and local agencies, interested groups. (ELR Order No. 60622.)

Paintsville Lake (Supplement), Kentucky, April 28: The statement is a supplement to a final EIS filed with CEQ 19 August 1971. The Paintsville Lake Project is one of three reservoir projects authorized by the Flood Control Act of 1965 for water resources development in the Big Sandy River Basin. The project is multiple-purpose formulated to include flood control, water quality control, redevelopment and general and fish and wildlife recreation (Huntington District). Comments made by: DOI, EPA, FEA, HEW, State agencies, concerned individuals. (ELR Order No. 60631.)

Flood Control, Wyoming Valley, Susquehanna River, Luzerne County, Pa., April 26: This statement refers to proposed modifications to existing flood control features in Wyoming Valley. Basic to the modifications would be the raising of levees and steel sheet pile wall to heights which would protect against a June 1972 Hurricane Agnes force flood. Impact will include the commitment of resources, and construction disruption (Baltimore District). Comments made by: DOI, USDA, USCG, HEW, EPA, AEC, FPC, (ELR Order No. 60613.)

Oil Refinery and Marine Platform, St. Croix, Virgin Islands, April 26: The statement concerns consideration of a permit application to construct and operate an oil refinery, submarine pipeline, and marine terminal on the south coast of St. Croix. Approximately 700 acres of scrap woodland will be cleared in an

existing industrial zone for the refinery, a fixed platform will be constructed 1.05 miles offshore, a submerged pipeline trench will be dredged to connect the refinery and terminal, the existing shoreline will be modified below mean high water, and a marine intake and diffusing outfall will be constructed. Any major oil spill will have an adverse impact on the marine and intertidal environments (Jacksonville District). Comments made by: USDA, DOC, DOI, USCG, local agencies and individuals. (ELR Order No. 60609.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0777 (stop 460).

Draft

Bay to Bay Sanitary District-Wastewater Systems, Lincoln County, Oreg., April 26: Proposed is the provision of a wastewater treatment and disposal program for the Bay to Bay Sanitary District, located between Yaquina Bay and Alsea Bay, Oregon. This statement identifies alternatives for providing the district with wastewater facilities designed to meet the needs of the residents of the district and maintenance of environmental quality. Short and long-term impacts will vary subject to the alternative chosen (Region X). (ELR Order No. 60616.)

Final

Oklahoma City Wastewater Facilities, Oklahoma County, Okla., April 26: This project involves the application by Oklahoma City for Federal funds to aid in upgrading and expanding the city's wastewater treatment capabilities. Proposed is the phased construction of a new wastewater treatment plant on the north bank of the North Canadian River, north of N.E. 122nd Street and Anderson Road on a 290 acre tract owned by the city. Adverse effects include increased noise levels, possible occasional odors emanating from the facility, and the removal of some land from agricultural uses. Comments made by: AHP, USDA, DOT, COE, HUD, State agencies, and concerned individuals. (ELR Order No. 60617.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Stony Creek, A Planed Development, Jefferson County, Colo., April 29: The statement concerns the developing of Stony Creek Subdivision which consists of 1,875 single and multi-family units on 439 acres in an unincorporated section of Jefferson County. The development of Stony Creek will disrupt the existing plant and animal communities and result in an increase of auto generated pollutants. It will strain the existing educational, social, and health services while increasing the available housing stock of Jefferson County. (ELR Order No. 60635.)

Princeton Park Subdivision, Dallas County, Tex., April 26: This statement concerns an application by Billy B. Williams and Associates for federal mortgage insurance on a predominantly residential development of 1560 homes located in the community of Rowlett, approximately 23 miles northeast of Dallas. Acreage has also been allocated for apartments, small commercial enterprises, parks, schools, and office buildings. The proposed development would create greater demand for fossil fuels through heavy dependence on the automobile for transportation to jobs and various urban facilities. (ELR Order No. 60611.)

Final

Centrex Home Development, Neighborhod One, Contra Costa County, Calif., April 29: Proposed is the residential development of Neighborhood One by Centrex of California, Inc. in Hercules, California. Project plans involve development of a vacant parcel containing 500.5 acres into a residential neighborhood of some 1683 single-family detached homes and townhouses plus a school, park, and open space. Major potential impacts are infrastructure development and conversion of vacant grazing land to residential developments. Comemnts made by: AHP, GSA, USDA, HEW, EPA, DOT, conservation groups. (ELR Order No. 60632.)

Cannongate Development, Palm Beach, Palm Beach County, Fla., April 26: The statement concerns the provision of mortgage insurance under Title X for the Cannongate Planned Unit Development. The 112.18 acre development is located 4 miles Southwest of downtown West Palm Beach, and will include 673 residential units of quadraplex and town house types, common green areas, and recreational facilities. Adverse impacts include the additional demand created on utilities, municipal and community services and facilities, increased surface water run-off, traffic congestion, and noise and air pollution. Comments made by: USDA, DOC, EPA, GSA, HEW, DOI. (ELR Order No. 60612.)

Brisas de Loiza Development, Puerto Rico, April 27: The statement concerns the Brisas de Loiza Development, located in Torricilla Alta Ward of Canovanas, Puerto Rico. Proposed is the construction of 748 dwelling units for moderate-income families in a 13-acre area adjacent to property inhabited by squatters which has repeatedly been floodod by the Grande de Loiza River. Construction disruption will result. Comments made by: HEW, DOC, USDA, DOT, DOI, EPA, COE, local agencies. (ELR Order No. 60624.)

Residencial Interamericana, Trujillo Alto, Puerto Rico, April 29: The project consists of the development of 1,286 dwelling units on a 128 acre site in Las Cuevas Ward, Trujillo Alto, Puerto Rico. Construction of the units will augment the supply of moderate-income housing in the San Juan area. Temporary construction disruption will result. Comments made by: DOT, DOI, USDA, EPA, HEW, NRC, AHP, State agencies. (ELR Order No. 60633.)

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 chief executive. (Copies are not available from HUD).

Draft

Dublin Park, Augusta, Richmond County, Ga., April 26: Proposed is the construction of a 7-8 acre neighborhood park to serve the residential areas of east and southeast Augusta. The park will include a recreational center, swimming pool and bathhouse, tennis courts, multi-use courts, tot lot, combination baseball-football field, play areas, and parking. There will probably be some short term adverse impacts due to the process of conversion from industrial use to park use. (ELR Order No. 60619.)

617-Acre Sewer Construction, Cuyahoga Co., Cuyahoga County, Ohio, April 26: Proposed is the construction of sewer facilities on the property surrounding the Cuyaghoga County Airport, Ohio, in order to promote industrial and economic development of the property. Six small sewage treatment plants that presently serve the airport will be abandoned; the new airport sewer system and the industrial area system will both be pumped into a centralized treatment plant. A pump station and force main will be constructed to transmit the airport and industrial wastewater into the City of Euclid sanitary sewer system. The construction process will result in some short-term adverse environmental effects. (ELR Order No. 60610.)

Final

Ray Community Public Water System Extension, Cocsa County, Ala., April 28: Proposed is the use of HUD grant money for alteration and extension of a rural water system which is in the process of being installed in Ray, a community in central Alabama. The alteration would involve increasing the sizes of some pipes to be installed along a small part of the water system. Adverse effects include increase in dust and other air pollutants, increased noise, and traffic interruptions. Comments made by: DOI, EPA, State agencies. (ELR Order No. 60627.)

Springdale Water and Sewerage Improvements, Washington and Benton Counties, Ark., April 30: The project proposed is the construction of a new 36 inch diameter water transmission main from the storage tanks in the northeast part of Springdale, Arkansas to the central part of the city. The project also includes the construction of sanitary sewage collection lines to serve an area in the northeastern part of the city. Construction disruption will result. Comments made by: HEW, EPA, regional agencies. (ELR Order No. 60639.)

Charles Wilson Regional Park, Torrence, Calif., Los Angeles County, Calif., April 3[illegible]: The statement concerns a Community Development Block Grant to the City of Torrance for the development of Charles H. Wilson Community Park. The 44 acre site is part of a Heavy Manufacturing-zoned 46.6 acre parcel. Adverse impacts expected from the project include increased traffic, notise and congestion in the area. Comments made by: EPA, HEW, DOI, state agencies. (ELR Order No. 60647.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Nathaniel B. Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 400 Maryland Avenue SW., Washington, D.C. 20546, 202-755-8433.

Final

Overland Transport of the NASA Space Shuttle Orbiter between U.S. Air Force Plant 42, Palmdale, California, and the Dryden Flight Research Center, Edwards Air Force Base, California, May 4: Proposed is the overland transport of NASA Space Shuttle Orbiters from their final assembly point at Palmdale to the site of initial flight tests. The transport will follow existing right-of-way, including 1.4 miles on Federal property (Palmdale), 8.5 miles in Los Angeles County, and 22 miles on Federal property (Edwards Air Force Base). This route requires 10 miles of new roadway (8 of them within Edwards AFB), 6.3 miles of widened roadway, and 15.6 miles of existing roadway with other minor modifications. Adverse effects include infrequent and short traffic disruptions, slight increase in noise and air pollutants during construction and transport operations, and relocation or removal of a few trees. Less than one acre of a 480 acre marsh will be occupied by the new roadway within Edwards AFB.

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Final

William B. McGuire Station, Units 1 and 2, Operation, Mecklenburg County, N.C., April 26: The proposed action is the issuance of operating licenses to the Duke Power Company for the startup and operation of the William B. McGuire Nuclear Station, Units 1 and 2. Both units will employ pressurized water reactors to produce up to 6822 thermal megawatts and 2360 MW net of electrical power capacity. Cooling condenser water could be heated to as high as 97 degrees F., and loss of fish due to impingement on the water intake screens will occur. Effluent will be discharged into the Catawba River. Comments made by: USDA, COE, DOC, HEW, HUD, EPA, FPC, DOI, State agencies, and private groups. (ELR Order No. 60615.)

Humeca Uranium Mill, San Juan County, Utah, April 26: The statement refers to the proposed issuance of a license to the Rio Algom Corp. for the operation of the Humeca Uranium Mill. The mill is a conventional carbonate-leach uranium ore refining plant with a capacity of 500 tons of ore per day. Although the action does not extend to mining, the statement considers the impact from the entire mining and milling operation to be conducted by Rio Algom. Operations over the next 10 years will involve the removal of 8.4 million pounds of uranium concentrates, the removal and diversion of 100 gpm of ground water, the creation of a stabilized tailings pile covering 45 acres, and the discharge of small quantities of chemical and radioactive materials. Comments made by: EPA, COE, HEW, USDA, HUD, USCG, DOI, FPC. (ELR Order No. 60620.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Officer of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.H. 13 Through Rifle, Garfield County, Colo., April 30: The project involves the reconstruction and/or relocation of about two miles of S.H. 13 through Rifle, Colorado. Beginning at a junction with U.S. 6 the project extends for approximately 1.6 to 2.9 miles to the north edge of Rifle, depending on the alignment selected. Adverse impacts include possible relocation of families and businesses, encroachment upon a flood plain, some rechannelization of Rifle Creek and loss of established vegetation. Alternate 4 would involve acquisition of public land from Garfield County Fairgrounds and Porter Memorial Park, necessitating a 4(f) statement (Region 8). (ELR Order No. 60644.)

Iowa 415, Polk County, April 23: Proposed is the construction of a part of Iowa 415 in Polk County from near Polk City to U.S. 69. The project begins approximately 1600 feet southeast of the Corps of Engineers barrier dam near Polk City. It then extends in a southeasterly direction, crosses Rock Creek and proceeds easterly to the junction with U.S. 69. The project also includes construction of two short highway extensions. The total project length is 7.36 miles. Adverse effects include the acquisition of 243 acres and the displacement of five houses, one business, and two permanent mobile homes (Region 7). (ELR Order No. 60621.)

Relocated Md. Route 24, U.S. 1 to I-95, Harford County, Md., April 30: Proposed is the relocation of Maryland Route 24 from U.S. 1 (Bel Air Bypass), southwest of Bel Air to I-95, a distance of approximately 6.7 miles. Adverse impacts that would be caused by the project include the relocation of residences for right-of-way and the increased ambient noise and air pollution during construction and use of the new high-speed highway. The first three alternatives require right-of-way through an area adjacent to the 200 acre Heavenly Waters Park Project. A 4(f) statement is included (Region 3). (ELR Order No. 60645.)

Relocated S.R. 32 (Patuxent Freeway) (Supplement) Anne Arundel and Howard Counties, Md., April 30: This EIS contains a supplementary 4(f) statement to the draft EIS filed with CEQ May 24, 1972. This project is concerned with a 10.4 mile segment of Relocated Maryland Route 108 near Clarksville in Howard County and the Baltimore-Washington Parkway near Fort George G. Meade in Anne Arundel County. This statement discusses the impact of the proposed highway improvement on the Grasslands (Bowie) property in Anne Arundel County which has been deemed by the State Historic Preservation Officer to hold historical significance. (ELR Order No. 60646.)

S.R. 43, Winona County, Minn., April 28: Proposed is a 6.5 mile relocation of Minnesota Highway 43 from Interstate 90 at Wilson to U.S. 61-14 in Winona. This two-lane highway is being proposed for reconstruction as a four-lane expressway with controlled access and having access points at selected sites along the route. Adverse effects include the acquisition of 75 acres of agricultural cropland, 55 acres of woodland, nine residences, and three businesses. Also considered to be detrimental is 6800 feet of channel change relocation (Region 5). (ELR Order No. 60625.)

U.S. Spur, Gallatin and Madison Counties, Mont., April 28: The proposed project is a Federal-Aid Primary Spur to Federal-Aid Primary Route 50, U.S. 191. The project begins on U.S. 191 near the mouth of the West Fork of the Gallatin River and extends up the West Fork drainage approximately 9.1 miles to a point near the base of Lone Mountain near the divide between the Gallatin and Madison Rivers. Adverse effects include the acquisition of approximately 60 and 108 acres of grazeable and timbered acres, respectively (Region 8.) (ELR Order No. 60626.)

S.R. 160 Relocation, Mecklenburg County, N.C., April 28: Proposed is the relocation of NC 160 between Dixie Road and West Boulevard in the Vicinity of Douglas Airport in Charlotte, North Carolina. This project is being undertaken in conjunction with the expansion of Douglas Airport, and will extend approximately 2.5 miles in length. Adverse effects include the loss of some vacant land and woodland and the occurrence of minor siltation in Coffey Creek (Region 4). (ELR Order No. 60628.)

U.S. 2, Leeds to Churches Ferry, Benson County, N. Dak., April 29: Proposed is the construction of a road parallelling the existing road to provide a 11.5 mile, 4-lane divided segment of U.S. 2 from Leeds to Churches Ferry. The project will displace some agricultural land and land under USFWS Wetlands Easements. Some wetland basins will be encroached upon. Businesses and residences may be displaced, depending upon the alternative chosen (Region 8). (ELR Order No. 60636.)

Final

S.R. 120, San Joaquin County, Calif., April 26: This project proposes the ultimate construction of a full four-lane freeway on new alignment on the southerly bypass of the City of Manteca from Route 5 at Mossdale on the west to Highway 99 on the east. Initial construction will be a two-lane expressway 6.5 miles in length. Adverse effects include the relocation of 118 families and 6 businesses, the use of 435 acres of agricultural land for highway use, and the growth-inducing effects to the adjoining land (Region 9). Comments made by: EPA, DOI, State and local agencies. (ELR Order No. 60614.)

US 6 Bypass, Council Bluffs, Iowa, Pottawattamie County, Iowa, April 30: The statement concerns a proposal to construct a 1.2-mile long bypass of US 6. The roadway would have two lanes in each direction separated by a 16 foot median. The project would displace up to 93 families and 53 businesses. Comments made by: HUD, USDA, DOT, EPA, COE, DOT, State and local agencies (ELR Order No. 60642.)

Poplar Level Road (Ky 864), Louisville (Supplement), Jefferson County, Ky., April 30: The statement concerns a 0.5 mile segment of the Poplar Level Road project beginning at Watterson Expressway (I-264) and ending 1275' east of the Southern Railway. An at-grade crossing of Poplar Level Road by the Southern Railway will be eliminated by bridging. The project will require the acquisition of approximately 5.10 acres of land and displacement of 2 residents and 13 businesses for right-of-way. Fifteen businesses would lose direct access to Poplar Level Road due to the construction of the grade separation structure. Comments made by: HEW, EPA, DOC, DOI, AHP, State and local agencies. (ELR Order No. 60638.)

I-787 Connection (Hoosick Street Bridge), Albany and Rensselaer Counties, N.Y., April 29: Proposed is the construction of the 8-lane Hoosick Street Bridge over the Village of Green Island between Market and Clinton Streets, spanning the Hudson. The 0.8 mile project will extend from Maplewood to Troy. Depending upon alternate chosen, the project will displace between 135 and 213 families and 34 to 41 businesses. Relocation of existing public utilities and the acquisition of a part of a church will occur. Noise and air pollution levels will increase. Comments made by: USDA, HEW, DOT, DOI, FPC, EPA, COE, State and local agencies. (ELR Order No. 60637.)

Interstate Spur I-759, Etowah County, Ala., April 23: The statement refers to the proposed construction of highway sections totalling two miles. Adverse impacts are the commitment of several acres of land to right-of-way, the displacement of several families and businesses, some erosion, increases in noise and air pollution, and destruction of some wildlife habitat. Comments made by: USDA, HEW, EPA, DOT, HUD, TVA, State and local agencies. (ELR Order No. 60602.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-13260 Filed 5-6-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging: Revisions

This Notice sets forth Energy Research and Development Administration (ERDA) policy for supplying natural uranium and enriched uranium, supersedes a previous notice concerning uranium supply policies published in the FEDERAL REGISTER on September 7, 1968, 33 FR 12756, and revises the Notice "Uranium Hexafluoride, Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications and Packaging" as published in the FEDERAL

REGISTER on November 29, 1967, 32 FR 16289, and as amended in 34 FR 14039, September 4, 1969; 35 FR 13547, August 25, 1970; 36 FR 4563, March 9, 1971; 36 FR 11877, June 22, 1971; 38 FR 4432, February 14, 1973; 38 FR 13593, May 23, 1973; 38 FR 21518, August 9, 1973; 38 FR 22908, August 27, 1973; 38 FR 27962, October 10, 1973; 39 FR 22182, June 20, 1974; 40 FR 17070, April 16, 1975; 40 FR 26060 and 26061, June 20, 1975; and 41 FR 8414 and 8415, February 26, 1976 (referred to herein as the Notice).

1. In 33 FR 12756, the history of uranium production in the United States is summarized, and the program under which the Atomic Energy Commission (AEC) purchased uranium concentrate (U_3O_8) is described. The last U_3O_8 deliveries to the AEC were completed in early 1971, and as of late 1971, the AEC had about 50,000 tons of U_3O_8 in its stockpile.

2. For the past several years, AEC and ERDA have been furnishing enriched uranium on a "split tails" basis, which results in enriching services customers supplying less feed than that actually used to produce their enriched uranium requirements. The Government supplies, from its stockpile, the additional feed necessary for the customer's product, while a portion of the customer's cash payments constitutes payment to the Government for such additional feed used.

3. Another use of Government-owned U_3O_8 has been to preproduce enriched uranium. AEC and ERDA have been producing enriched uranium in excess of current requirements in order to make the best use of the Government's enrichment facilities and meet future requirements for enriched uranium.

4. ERDA will continue the policy adopted by the AEC for supplying enriched uranium; namely, that the preferred method for industry to secure enriched uranium from ERDA is through toll enrichment of natural uranium obtained from private sources. However, in the circumstances set forth below, ERDA is willing to sell Government-owned uranium on a single transaction basis. ERDA may sell natural or enriched uranium on a single transaction basis only if the customer demonstrates to ERDA's satisfaction that such sale is appropriate because rapid delivery is required to meet an unforseen emergency in which all reasonable attempts have been made, without success, to procure natural uranium from commercial sources and therefore delivery of privately-owned natural uranium for toll enrichment is not possible; or if the quantity of enriched uranium desired is small enough that undue effort would be involved in securing material through toll enrichment. The sale of Government-owned uranium will be subject to ERDA's determination as to the availabiltiy of such material. The amount available from ERDA will depend upon the quantities needed to meet Government and contractual requirements and the extent to which it is considered desirable to maintain a Government reserve. However, ERDA will continue to honor existing agreements for sale or lease of enriched uranium.

5. The charge for any sale of Government-owned uranium will be determined as described in Paragraph 6 or 7, below. The base charge for enriched uranium distributed under lease will be the same as the charge for the sale of enriched uranium.

6. Delete the first sentence of subsection 3(d) of the Notice and substitute in lieu thereof the following:

"The base charge ($/KgU) for natural uranium or for uranium enriched or depleted in the isotope U–235 and in the form of UF_6 is determined by summing the number opposite the desired assay in the Feed Component column of Table 1 multiplied by $31.97 and the number opposite the desired assay in the Separative Work Component column of Table 1 multiplied by the then current charge per separative work unit furnished pursuant to other than Requirements-type contracts."

7. Following subsection 3(e) of the Notice, add the following:

"(f) The base charge for natural uranium in the form of concentrate is $11 per pound of contained U_3O_8".

Effective Date. This notice is effective July 6, 197.

Dated at Washington, D.C. this 27th day of April 1976.

For the Administrator:

RICHARD W. ROBERTS,
Assistant Administrator for Nuclear Energy.

[FR Doc.76-13338 Filed 5-6-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-369]

ALABAMA CITIZENS FOR RESPONSIVE PUBLIC TELEVISION, INC. AND ALABAMA EDUCATIONAL TELEVISION COMMISSION

[Docket No. 20675; File Nos. BPET-533, BPET-534, BPET-535; Docket No. 20676, File Nos. BPET-517, BPET-518, BPET-524]

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

In re Applications of Alabama Citizens For Responsive Public Television, Inc. For Permits to Construct Educational Television Broadcast Facilities on: Channel * 10, Birmingham, Alabama; Channel *41, Demopolis, Alabama; Channel *26, Montgomery, Alabama; and Alabama Educational Television Commission. For Permits to Construct Educational Television Broadcast Facilities on: Channel *10, Birmingham, Alabama; Channel *41, Demopolis, Alabama; Channel *26, Montgomery, Alabama.

1. The Commission has before it for consideration: (a) the above-captioned applications filed by the Alabama Educational Television Commission ("AETC") and Alabama Citizens For Responsive Public Television, Inc. ("Alabama Citizens") which are mutually exclusive in that they seek construction permits for new noncommercial educational broadcast stations on the same channels; (b) a "Petition to Deny Without Hearing" ("petition") the applications of Alabama Citizens, filed on October 22, 1975 by AETC; (c) an "Opposition To AETC's Petition to Deny Without Hearing" ("opposition"), filed on November 11, 1975 by Alabama Citizens; and (d) related pleadings.[1]

2. On January 8, 1975,, the Commission concluded a five-year long proceeding by denying the applications of AETC for renewal of licenses for its eight educational television stations, and for a license to cover the construction permit of a ninth station.[2] However, the Commission found AETC eligible to reapply for the facilities and established April 1, 1975 as the cutoff date for filing applications for new construction permits. AETC filed applications for all nine channels on April 1, 1975. Alabama Citizens had earlier, on March 29, 1975, requested the Commission to extend the time to August 1, 1975 to file competing applications. Over the objections of AETC, the Commission granted that extension.[3] AETC appealed that extension to the United States Court of Appeals for the District of Columbia. Thereupon, Alabama Citizens, on July 15, 1975, requested a further extension of time during the pendency of the appeal. The Commission granted a further extension of time, to and including August 29, 1975, for filing competing applications after AETC voluntarily consented to the Commission's motion to dismiss the appeal without prejudice. Thereafter, on August 29, 1975, Alabama Citizens filed competing application for the three channels at Birmingham, Demopolis and Montgomery, respectively. Since AETC was unopposed in its applications for the six remaining channels, the Commission granted those applications on October 21, 1975.[4]

3. On October 22, 1975, AETC filed its petition requesting the Commission to deny without hearing Alabama Citizens' applications for construction permits on the grounds that the applications are defective since Alabama Citizens does not ". . . specify available sites for its

[1] The related pleadings are, "Reply To Opposition to AETC's Petition To Deny Without Hearing", filed by AETC on December 3, 1975; "Motion For Leave To File Supplement To Opposition To Petition To Deny Without Hearing", filed by Alabama Citizens on December 29, 1975; "Supplement To Opposition To AETC's Petition To Deny Without Hearing", filed by Alabama Citizens on December 29, 1975; and "Reply To Supplement To Opposition To AETC's Petition To Deny Without Hearing", filed by AETC on January 13, 1976.

[2] *Alabama Educational Television Commission*, 50 FCC 2d at 478.

[3] *Alabama Citizens For Responsive Public* Television, 53 FCC 2d 457 (1975).

[4] Those applications for construction permits for channel *2, Doizer, Alabama; channel *25, Huntsville, Alabama; channel *36, Florence, Alabama; channel *43, Louisville, Alabama; channel *42, Mobile, Alabama; and channel *7, Cheaha State Park, Alabama.

proposed transmission and antenna facilities, or to budget for those items". Alabama Citizens, in exhibit 10 to each of its applications, states that "we have assumed that in the event we obtain licenses to operate on those channels, at least some of the (AETC's) existing transmission equipment may, and all of the (AETC's) existing antenna sites will, be available to us". Moreover, AETC states that by letter dated September 26, 1975, the president of AETC advised Alabama Citizens that AETC's transmission and antenna sites for the three stations involved would not be made available on any basis. Therefore, concludes AETC Alabama Citizens does not now have on file completed applications. In opposition, Alabama Citizens alleges that it is reasonable for it to specify the three transmitter/antenna sites currently used by AETC as these sites are not owned or controlled by AETC. The sites, alleges Alabama Citizens, are owned by Taft Broadcasting Company (Birmingham site), by the Public Athletic Board of the City of Montgomery, Inc. (Montgomery site), and "apparently" by the Marengo County Government (Demopolis site). Furthermore, Alabama Citizens alleges, the Commission has consistently held that it is entirely reasonable for an applicant for a new station to specify the antenna/transmitter site which is owned, or merely used by a mutually exclusive applicant.

4. We are of the view that the selection of the transmitter sites specified in the application does not render the applications defective. In considering the question of site availability, we have held that neither absolute assurance nor legal control of a site is necessary, but only that when an applicant proposes a site, he must have done so in good faith that the site will be available to him. Under the present circumstances, we find that at the time of filing the applications, Alabama Citizens could reasonably conclude that the sites specified by them would, in all probability, be available in the event of a denial of the applications of AETC. It is not unreasonable to assume, as Alabama Citizens assumes, that present lessors of the sites would be receptive to an offer to purchase or lease the sites if AETC does not win the comparative hearing. Therefore, we will not specify a site availability issue. See *United Television Co.*, Inc., 18 FCC 2d 363 (1969); Accord *Central Florida Enterprises, Inc.*, 22 FCC 2d 260 (1970); Also see *RKO General, Inc., et al.* 46 FCC 2d 246 (1974).

5. Alabama Citizens proposes alternative financial plans for the proposed stations. One proposal is based upon Alabama Citizens being able to obtain at fair market value some of the existing equipment of AETC (in the event AETC loses in the comparative hearing), and other used for donated equipment. The alternate proposal is to construct completely new facilities for all three stations.

6. An analysis of Alabama Citizens' financial plan based upon used equipment, indicates that it will require a total of $421,672.00 to construct the three stations with an initial operating cost of $300,000.00 annually, itemed as follows:

For construction of Birmingham station	$234,421.00
For construction of Demopolis station	93,651.00
For construction of Montgomery station	93,600.00
Total construction costs	1,588,875.00
First year operating costs (all three stations)	400,000.00
Total first year costs	1,988,875.00

To meet its cash requirement for construction, Alabama Citizens relies upon an application for funds in the amount of $318,026.00 filed with the Department of Health, Education, and Welfare (HEW) under the Educational Broadcast Facilities Program; donated labor in the amount of $27,655.00; and "other sources" in the amount of $82,000.00. However, Alabama Citizens fails to submit any documentation of the availability of donated labor or to identify its "other sources" of funding with proper documentation of the availability of funds from these sources. With regards to the grant request to HEW, we recognize that Alabama Citizens cannot provide us with any documentation of availability beyond a copy of its application (which it has done). This is so because HEW will not commit itself to financial assistance prior to a determination in the comparative hearing (see exhibit to Alabama Citizens' amendment to its application on February 26, 1976). Therefore, for purposes of the comparative hearing we will require Alabama Citizens to satisfactorily demonstrate the availability of all the funds it relies upon, except those requested from HEW. In the event it is determined that Alabama Citizens' applications would, on a comparative basis, best serve the public interest, the applications could be granted on the condition that Alabama Citizens' demonstrate within a reasonable time thereafter the availability of funds from HEW.

7. To meet its first year's operation costs of $300,000.00, Alabama Citizens relies upon foundation grants in the amount of $350,000.00; local civic groups and individual donations in the amount of $25,000.00; corporate contributions in the amount of $100,000.00; and a grant from the corporation for Public Broadcasting in the amount of $125,000.00. However, Alabama Citizens, once again, fails to document or identify any of its proposed operating funds sources. Also we note that the Corporation for Public Broadcasting does not actually grant funds to stations until they are licensed. In light of the foregoing, it cannot be determined that Alabama Citizens has sufficient funds available to meet the necessary expenses for the construction and operation of the proposed stations, and an oppropriate financial issue, consistent with our determination regarding the funds requested from HEW, will be specified.

8. Alabama Citizens also proposes an alternative financial plan based upon construction of all new facilities. An analysis of that plan indicates that the applicant will require $1,988.875.00 to construct and operate the three stations for one year, itemized as follows:

For construction of Birmingham station	$311,000.00
For construction of Demopolis station	731,675.00
For construction of Montgomery station	545,700.00
Total cost of construction	1,588,875.00
First year operating costs	400,000.00
Total first year's costs	1,988,875.00

To meet this cash requirement for construction ($1,588,875.00) Alabama Citizens will seek a grant from the Department of Health, Education, and Welfare (HEW) under the Educational Broadcasting Facilities Program in the amount of $1,191,656 (75%). In addition, Alabama Citizens states that it anticipates obtaining $150,000.00 in individual and corporate pledges and/or loans; $600,000.00 in foundation grants, and $50,000.00 from the Corporation For Public Broadcasting. In regards to the funds requested from HEW under the Educational Broadcasting Facilities Program, our analysis in paragraph 6 above is dispositive. However, as regarding the balance of funds needed for construction and operating expenses, Alabama Citizens fails to identify specific sources of funds or to document the availability of such funds from these sources. Therefore an appropriate issue will be specified.

9. AETC also raises a question in its petition regarding Alabama Citizens' staffing proposal for the three stations. We note that while Alabama Citizens proposes a rather ambitious programming schedule, no description of its proposed staff is provided, except to state that "each station will have a full-time staff . . . ." An appropriate issue will be specified.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

11. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of the Educational Television Commission, and Alabama Citizens for Responsive Public Television, Inc., ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING at a time and place to be specified in a subsequent ORDER, upon the following issues:

1. Assuming that all of the funds from the Department of Health, Education, and Welfare which Alabama Citizens relie upon will be available:

(a) To determine how Alabama Citizens will obtain sufficient additional funds to be used for the construction and first year's operation of the proposed stations utilizing used and/or donated equipment.

(b) To determine how Alabama Citizens will obtain sufficient additional funds to be used for the construction and first year's operation of the proposed station utilizing all new equipment.

2. To determine whether Alabama Citizens' staff proposal is sufficient to effectuate its proposed operations.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the "Petition To Deny Without Hearing" filed by the Alabama Educational Television Commission, IS GRANTED to the extent indicated herein and otherwise IS DENIED.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this ORDER, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this ORDER.

11. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and section 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

By direction of the Commission.[1]

Adopted: April 21, 1976.

Released: May 4, 1976.

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-13354 Filed 5-6-76;8:45 am]

[Docket No. 20649, RM-2531]

MONITOR CONNECTED DISTRIBUTION OF TELEVISION PROGRAMMING

Order Extending Time for Filing of Comments and Reply Comments

In the matter of applicability of Section 325(b) of the Communications Act to noninterconnected distribution of television programming to certain foreign stations.

1. The Commission herein considers a "Petition for Extension of Time," jointly filed on behalf of Capital Cities Communications, Inc. ("Capital Cities"), licensee of television Station WKBW-TV, Buffalo, New York, and Taft Broadcasting Co. ("Taft"), licensee of television station WGR-TV, also of Buffalo. The petition, filed with the Commission on April 23, 1976, seeks an extension of time up to and including June 29, 1976, in which to file comments in response to a Notice of Inquiry ("Notice")[1] adopted by the Commission in the above-captioned proceeding. Filing deadlines for comments and replies are presently April 30 and May 21, respectively. An "Opposition to Joint Request for Extension of Time" was filed on April 28, 1976, by United Community Antenna Systems, Inc., Community Telecable of Seattle, Inc., and Tele-Vue Systems, Inc. ("United").

2. In support of their petition, Capital Cities and Taft state that they have been engaged in a study of the issues raised by the Notice (excepting those involving the matter of carriage of prereleased programming on U.S. cable systems) and that, "as a consequence of that study they are now in the process of reconsidering the question of whether, as they had originally thought, the issues in this proceeding are unrelated to those which involve the United States border broadcasters and the United States and Canadian governments concerning television broadcasting in Canada." The petitioners state that "[a] preliminary economic review of this situation suggests that there may be a relationship" and that an extension of time is needed to permit further study of that question. In response, United opposes the petition asserting that Capital Cities and Taft have presented no basis for the time extension request.

3. The implication by Capital Cities and Taft that there may be a relationship between the issues raised in the Notice and those presently under consideration by representatives of the United States and Canadian governments is, in our opinion, significant and deserving of further exploration. We are most hesitant to undertake any action in this proceeding which would be premature and might, in some way, adversely affect those negotiations. Thus, in our estimation, the allegation submitted by the petitioners constitutes a sufficient justification for the grant of an extension of time in order that a full and complete understanding of the nature of the suggested relationships and the possible impact of those relationships upon this proceeding can be obtained.

4. The petitioners specifically note that their request for an extension of time is not directed to those issues in the proceeding which relate to the carriage of prereleased programming by United States cable television systems. They state that they assume that the outstanding request for severance[2] will be granted and that the instant request will not be addressed to the schedule in the severed proceeding. Although the matters raised in the time extension request are important concerns, in view of the relation between the Court proceeding, the severance petition and this Inquiry, we do not believe a full 60 day extension is warranted at this time and will grant only a 30 day extension. At such time as action is taken on the severance petition we will consider whether additional time for the filing of comments and replies may be warranted. In order to assure that all parties to the proceeding will have a full opportunity to comment on and respond to pleadings that might be filed, we will sua sponte extend the deadline for the filing of comments and replies for all aspects of the proceeding, not simply those designated in the petitioner's extension request.

5. Accordingly, it is ordered, That the deadlines for the filing of comments and reply comments in Docket No. 20649 are extended from April 30, 1976, and May 21, 1976, respectively, to and including May 28, 1976, and June 28, 1976, respectively.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: April 29, 1976.

Released: April 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-13353 Filed 5-6-76;8:45 am]

[Report No. I-229]

RCA ALASKA COMMUNICATIONS, INC.

Applications Accepted for Filing

MAY 3, 1976.

The applications listed herein have been found, upon initial review to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31

[1] See attached Concurring Statement of Commissioner Robert E. Lee filed as part of original document.

[1] 40 Fed. Reg. 50309, October 29, 1975.

[2] KIRO, Inc., a commenting party in this proceeding has filed a "Petition for Severance" (March 12, 1976) which asks the Commission to separately dispose of issues involving only domestic cable television carriage of domestic network programs prereleased by Canadian broadcast stations. We note that KIRO's request is relevant to its appeal in KIRO, Inc. v. F.C.C., Nos. 75-1233, and 75-1390, wherein the U.S. Court of Appeals for the District of Columbia has deferred decision, for six months, pending the outcome of this inquiry.

days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

304-DSE-P/L-76 RCA Alaska Communications, Inc. For authority to construct a transportable communications earth station for operation with a domestic communications satellite system at temporary fixed locations within the State of Alaska. Trans. freq: 5925-6425 MHz. Emission 7500F9, using an 8 meter antenna.

305-DSE-P/L-76 RCA Alaska Communications, Inc., Anchorage, Alaska. For authority to operate a tronsportable satellite earth station as a television Receive-Only terminal at this location for a period beginning June 1, 1976 to March 31, 1977. Lat. 61°13'55" Long. 149°52'17". Rec. Freq: 3700-4200 MHz. Emission 36000F5 (TV Receive-Only). Using an 8 meter antenna.

306-DSE-P/L-76 Fairchald Space & Electronics Company, Germantown, Maryland. For authorization to construct a developmental earth station at this location and to operate the station in conjunction with a space segment leased from American Satellite Corporation. Lat. 39°11'30" Long. 77°15'50". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 38F9Y. Using a 4.5 meter antenna.

307-DSE-P-76 Comsat General Corporation, Reston, Virginia. For authority to conduct, in conjunction with the U.S. Geological Survey and Telesat of Canada, a developmental program involving the collection of low-speed data from remote sensors via small transmitting earth stations and a central receiving earth station operating through a Telesat satellite. Lat. 38°56'59" Long. 77°22'23". Trans. freq: 5925-6425 GHz. Emission of 4F9 and using a 4 foot antenna.

308-DSE-P-76 Dow Jones & Company, Inc., South Brunswick, New Jersey. For authorization to construct a Receive-Only earth station at this location and to operate the station in conjunction with a space segment leased from the American Satellite Corporation. Lat. 40°22'11" Long. 74°35'-12". Rec. freq: 3700-4200 MHz. Emission 200F9Y and 1800F9Y. Using a 36 foot antenna.

[FR Doc.76-13355 Filed 5-6-76;8:45 am]

[Report No. 804]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 3, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b) (3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21866-CD-AL-76. Illinois Bell Telephone Company. Consent to Assignment of License from Illinois Bell Telephone Company, Assignor, to Indiana Bell Telephone Company, Incorporated, Assignee. Station: KSD678, Merrillville, Indiana.

21867-CD-P-76. Airsignal International, Inc. (new). C.P. for a new Developmental Station to operate on 72.20 MHz. Control to be located in Life of Georgia Bldg., 600 W. Peachtree Road, Atlanta, Georgia.

21868-CD-P-(2)-76. Empire Mobilcomm Systems, Inc. (KLF534). C.P. for additional facilities to operate on 459.100 MHz, Repeater at Loc. #1: 8 mi. east of Wolf Creek, King Mountain, Oregon; and to relocate and change frequency 158.52 MHz., Control to 454.100 MHz., Control at Loc. #2: 521 S. Central, Medford, Oregon.

21869-CD-P-(4)-76. Glenwood Mobile Radio Co. (new). C.P. for a new station to operate on 152.12 MHz., Base and 459.250 MHz., Repeater at Loc. #1: 3.5 miles SW. of Basalt, Colorado; and 152,12 MHz., Base at Loc. #2: 814 Grand Avenue; and 454.250 MHz., Control at Loc. #3: 3000 County Road 114, Glenwood Springs, Colorado.

21870-CD-P-76. Tom M. Wilson d/b/a Muskogee Two-Way Dispatching (KLB314). C.P. to replace transmitter operating on 152.21 MHz located at 901 Dorchester, Muskogee, Oklahoma.

21871-CD-P-(2)-76. Comex, Inc. (KU0616). C.P. for additional Repeater facilities to operate on 75.80 MHz. at Loc. #1: Steele Hill, Sanbornton, New Hampshire; and additional control facilities to operate on 72.36 MHz. at Loc. #2: Uncanonuc Mtn., near Goffstown, New Hampshire.

21872-CD-MP-76. Empire Mobilcomm Systems, Inc. (KWT987). C.P. to change antenna system and replace transmitter operating on 152.24 MHz. located at 521 S. Central, Medford, Oregon.

21873-CD-P-76. Radio Broadcasting Company (new). C.P. for a new 1-way station to operate on 158.70 MHz. to be located at 1440 Walnut Street, Allentown, Pennsylvania.

21874-CD-P-(2)-76. Comex, Inc. (KCI295). C.P. to relocate facilities and change antenna system operating on 43.22 MHz. at Loc. #3: Plausawa Hill, Pembroke, N.H.; and same facilities at Loc. #6: Long Hill, Nashua, New Hampshire.

21875-CD-P-(4)-76. Custom Chemicals, Inc. t/a Telecall (KOA793). C.P. for additional facilities to operate on 454.025 & 454.175 MHz., Base, and 2162.2 MHz., Repeater at a new Loc. #4: Wahatis Peak, 25.2 miles SSW of Moses Lake; and 2112.6 MHz., Control facilities at a new Loc. #5: 1312 West Broadway, Moses Lake, Washington.

21876-CD-P-76. Capitol Radiotelephone Co., Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz. to be located at Main & N. Kanawha Streets, Beckley, West Virginia.

21877-CD-P-(2)-76. David R. Williams d/b/a Industrial Communications (KWH302). C.P. to relocate facilities and change antenna system operating on 43.22 MHz. and 43.58 MHz. at Loc. #3: 36 South State Street, Salt Lake City, Utah.

21878-CD-P-76. General Communications Service, Inc. (KIG296) C.P. to relocate facilities and change antenna system operating on 152.09 MHz. at Loc. #5: Roof of Peachtree Plaza Hotel, on SW. corner of Peachtree & Cain Streets, Atlanta, Georgia.

21879-CD-P-76. Custom Radio, Inc. (KOK 342). C.P. for additional facilities to operate on 152.15 MHz. at Loc. #2: 212 N. Nichols Street, Casper, Wyoming.

21880-CD-P-76. James D. & Lawrence D. Garvey d/b/a Radiofone. (KLF816). C.P. for additional facilities to operate on 152.24 MHz. at a new Loc. #3: Corner O'Keefe & Howard Street, New Orleans, Louisiana.

21881-CD-P-(5)-76. Comex, Inc. (KCC797). C.P. for additional facilities to operate on 72.28 and 72.46 MHz., Control at Loc. #1: Uncanoonuc Mountain, near Goffstown, N.H.; additional facilities to operate on 75.84MHz., Repeater at Loc. #2: Mt. Agamenticus, Maine; relocate facilities and change antenna system operating on 454.20 MHz. at Loc. #4: Plausawa Hill, Pembroke, N.H.; and additional Repeater facilities to operate on 75.68 MHz. at a new Loc. #7: Hyland Hill, approximately 5 miles NW. of Keene, New Hampshire.

21882-CD-P-76. John W. Bennett (KRS671). C.P. to relocate facilities and change antenna system operating on 152.21 MHz. to be located on City of Corunna Water Tower S. Norton Rd. & Lyons Rd. intersection, Corunna, Michigan.

21883-CD-P/L-(3)-76. Joplin Mobilfone Service, Inc. (KAH672). Reinstatement C.P. for expired facilities operating on 152.03, 152.09 & 152.12 MHz. located at 3601 East 20th Street, Joplin, Missouri.

21884-CD-P-76. L & L Services, Inc. d/b/a Metro Communications (KIY519). C.P. to relocate facilities and change antenna system operating on 152.12 MHz. located at City Water Tower, Colbert Heights, Alabama.

21885-CD-P-76. Direct-Page Communications, Inc. (new). C.P. for a new station to operate on 454.150 MHz. to be located 0.6 mile NW. of corner of Mt. Pleasant and Mineah Rd., Dryden, New York.

21886-CD-P-76. Radio Dispatch Company (KWT883). C.P. to relocate facilities and change antenna system operating on 158.70 MHz. to be located 1.8 mi. SE. of community center, Goshen, New Jersey.

21887–CD–AL–76. Tele-Page, Inc. Consent to Assignment of License from Tele-Page, Inc., Assignor, to Evans Communications, Inc., Assignee. Station: KUO311, Columbia, South Carolina.

21888–CD–P–(2)–76. Empire Mobilcomm Systems, Inc. (New) C.P. for a new Dispatch Station to operate on 158.520 MHz. at Loc. #1: 3.7 Mi. W. Grants Pass, Grants Pass, Oregon; and 158.520 MHz. at Loc. #2: Red Mount., 4.5 mi. NNW. Brookings, Oregon.

21889–CD–AL–(2)–76. Western Mobilphone, Inc. Consent to Assignment of License from Western Mobilphone, Inc., Assignor, to Carlton L. Holland d/b/a Mobaphone of New Mexico, Assignee. Stations: KKM582 & WTS282, Albuquerque, New Mexico.

21230–CD–ML–76. Miami Valley Radiotelephone (KQK592). Modification of License to change frequency from 454.20 MHz. to 454.125 MHz. at Loc. No. 4: I–75 and WDAO tower, Dayton, Ohio.

Correction

21751–CD–P–76 & 21752–CD–P–76. Puerto Rico Telephone Company, Puerto Rico. PN should have been listed as additional locations to previously filed 21559–CD–P–76. All other particulars are to remain as reported on PN No. 801, dated April 12, 1976.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Porte presentations by reason of economic competition or potential electrical interference.

Philadelphia Mobile Telephone Company, Philadelphia, Pa. (KGI775), 21221–CD–P–76.

Lehigh Valley Mobile Telephone Company, Quakertown, Pa. (KTS217), 21563–CD–P–76.

RURAL RADIO SERVICE

60323–CR–AL–76. Western Mobilphone, Inc. Consent to Assignment of License from Western Mobilphone, Inc., Assignor, to Carlton L. Holland d/b/a Mobaphone of New Mexico, Assignee. Station: KLR45 (Temp-Fixed).

May 3, 1976.

POINT TO POINT MICROWAVE RADIO SERVICE:

3622–CF–AL(1)–76. Illinois Bell Telephone Company. Application for Consent to Assignment of Radio Station License from Illinois Bell Telephone Company, Assignor, to Indiana Bell Telephone Company, assignee, for Station KOB96, Hammond, Indiana.

3624–CF–MP–76. South Central Bell Telephone Company. (WJM48), 0.7 Mile North of Mackville, Kentucky. Lat. 37°44'48" N., Long. 85°03'57" W. Modification of C.P. (684–CF–P–75) to add frequencies 3850H, 4090H MHz toward Danville, Kentucky, on azimuth 113.8° and 3770V, 3850V MHz toward Mt. Eden, Kentucky, on azimuth 349.4°; change existing frequencies 3770H MHz toward Danville and 4090V MHz toward Mt. Eden from Hot Standby to frequency diversity protection, using the additional transmiters for two of the new frequencies.

3691–CF–P–76. Same (KJW84), 1 Mile NW. of Copperhill, Tennessee. Lat. 35°00'23" N., Long. 84°23'15" W. C.P. to increase antenna structure height, and replace antenna for frequency 6256.5H MHz toward Benton Springs, Tennessee.

3693–CF–R–76. Hawaiian Telephone Company (KUQ93). Temporary Fixed-State of Hawaii. Application for renewal of Radio Station License (Developmental) expiring May 23, 1976. Term: May 23, 1976, to May 23, 1977.

3708–CF–AL(1)–76. Illinois Bell Telephone Company. Application for Consent to Assignment of Radio Station License from Illinois Bell Telephone Company, Assignor, to Indiana Bell Telephone Company, Assignee, for Station KYO33, Woodville Jct., Indiana.

The following renewal applications for the term ending February 1, 1981 have been received:

Dell Telephone Cooperative, Inc., 7862–CF–R–76. KTR47, Dell City, Texas. 7863–CF–R–76. KTR48, Pine Spring, Texas. 7864–CF–R–76. KTR49, Guadalupe Pass, Texas. 7865–CF–R–76. KTR50, Salt Flat, Texas.

3679–CF–P–76. N-Triple-C, Inc. (WOH43), 1700 Farnam Street, Omaha, Nebraska. Lat. 41°15'30" N., Long. 95°56'20" W. C.P. to add 10975V towards Ralston, Nebraska, on azimuth 248.9 degrees.

3680–CF–P–76. Same (new), 2.5 Miles WNW. of Ralston, Nebraska. Lat. 41°12'57" N., Long. 96°05'04" W. C.P. for a new station on 11665V towards Omaha, Nebraska, on azimuth 68.8 degrees.

3055–CF–P–76. American Microwave & Communications, Inc. (KYO47), 3.5 miles north of Williamston, Michigan (Lat. 42°44'45" N., Long. 84°15'30" W.): Construction permit to replace transmitters on path toward Perrington, Michigan.

3056–CF–P–76. American Microwave & Communications, Inc. (KYO48), 2.0 miles SE. of Perrington, Michigan (Lat. 43°09'36" N., Long. 84°39'14" W.): Construction permit to replace transmitters on paths toward Mt. Pleasant and Greenville, Michigan.

3057–CF–P–76. American Microwave & Communications, Inc. (KSV61), Walsh, Michigan (Lat. 46°21'18" N., Long. 86°11'03" W.): Construction permit—(a) to add 6071.2H MHz, via power-split, toward Manistique and Newberry, Michigan; (b) to add 5937.8H MHz, via power-split, toward Manistique, Newberry, and Munising, Michigan; (c) to delete 5937.8H MHz and 6175.0V MHz toward Manistique and Newberry; and (d) to replace transmitters on paths toward points of communication in (b).

3058–CF–P–76. American Microwave & Communications, Inc. (KSV60), 0.5 mile NW. of Munising, Michigan (Lat. 46°24'48" N., Long. 86°40'11" W.): Construction permit—(a) to change frequency to 6352.9H MHz toward Walsh, Michigan; and (b) to replace transmitters on paths toward Walsh and Tilden, Michigan.

3390–CF–P–76. American Television and Communications Corp. (WPF95), Orlando, Florida (Lat. 28°36'25" N., Long. 81°19'35" W.): Construction permit to add 6226.9V MHz toward Kissimmee (WJL77), Florida, on azimuth 201.6 degrees.

3391–CF–P–76. American Television and Communications Corp. (WJL77), Kissimmee, Florida (Lat. 28°17'27" N., Long. 81°28'05" W.): Construction permit to add 6034.2V MHz toward Winter Haven (WAU319), Florida, on azimuth 223.3 degrees. (NOTE: STA and waiver of Section 21.701(i) requested.).

3538–CF–P–76. General Communications, Inc. (new), 4.2 miles NW. of Garnett, Kansas (Lat. 38°17'46.4" N., Long. 95°16'31.1" W.): Construction permit for new station—6212.0V MHz, 6330.7V MHz, and 6390.0V MHz toward Iola, Kansas, on azimuth 195.1 degrees.

3539–CF–P–76. General Communications, Inc. (new), 1.1 mile North of Iola, Kansas (Lat. 37°56'47" N., Long. 95°16'31.1" W.): Construction permit for new station—5989.7V MHz, 6049.0V MHz, and 6167.6V MHz toward Erie and Humboldt, Kansas, on azimuths 158 degrees and 182.3 degrees, respectively.

3540–CF–P–76. General Communications, Inc. (new), 1.0 mile East of Erie, Kansas (Lat. 37°34'25" N., Long. 95°13'10" W.): Construction permit for new station—6212.0H MHz, 6330.7H MHz, and 6390.0H MHz toward Parsons, Kansas, on azimuth 181 degrees.

3541–CF–P–76. General Communications, Inc. (new), 3.0 miles South of Parsons, Kansas (Lat. 37°17'58" N., Long. 95°15'16" W.): Construction permit for new station—6049.0H MHz and 6167.6H MHz toward Coffeyville, Kansas, on azimuth 233.1 degrees. (NOTE: These stations formerly licensed to Mid-America Microwave, Inc. The new applicant, General Communications, Incorporated, has requested Special Temporary Authority to operate these stations.)

3392–CF–P–76. Eastern Microwave, Inc. (KEM58), Helderberg Mtn., New York (Lat. 42°38'12" N., Long. 73°59'45" W.): Construction permit—(a) to add 6330.7V MHz toward Albany and Schenectady, New York, on azimuths 75.9 degrees, respectively, and (b) to add 6330.7H MHz toward Troy, New York, on azimuth 64.0 degrees. (NOTE: STA requested.)

3673–CF–P–76. Eastern Microwave, Inc. (WDD82), Bell Point, Pennsylvania (Lat. 40°32'03" N., Long. 79°31'59" W.): Construction permit to add 11175.0H MHz toward North Versailles, Pennsylvania, on azimuth 237.8 degrees.

3674–CF–P–76. Eastern Microwave, Inc. (WQR73), Pittsburgh (WQED–TV), Pennsylvania (Lat. 40°26'46" N., Long. 79°57'51" W.): Construction permit to add 11545.0V MHz toward Etna-2 and West Homestead, Pennsylvania, on azimuths 12.9 degrees and 139.4 degrees, respectively.

3667–CF–P–76. United Video, Inc. (KYO89), 16 miles SE. of Norman, Oklahoma (Lat. 35°06'08" W., Long. 97°11'56" W.): Construction permit to add 114250.0V MHz and 11585.0V MHz towards Purcell, Oklahoma, on azimuth 245.3 degrees.

3683–CF–P–76. United Wehco, Inc. (KEV51), 1.0 mile SW. of Trees, Louisiana (Lat. 32°47'04" N., Long. 94°02'51" W.): Construction permit to add 5974.8H MHz, 6034.2H MHz toward Shreveport, Louisiana, on azimuth 147.2 degrees.

Corrections

3237–CF–P–76. The Mountain States Telephone and Telegraph Company (KXR40), 104 East Tabernacle Street, St. George, Utah. Correct frequency 2178.9V MHz to read 2178.0V MHz toward St. George Passive Reflector 2. All other particulars remain as reported on Public Notice number 801, dated April 12, 1976.

3238–CF–P–76. Same (new). TV Peak, 12.7 miles West of Santa Clara, Utah. Correct latitude to read 37°09'13" N. Correct azimuth toward Mesquite to read 203.41°. All other particulars remain as reported on Public Notice number 801, dated April 12, 1976.

[FR Doc.76–13356 Filed 5–6–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94–163), notice is made of the following meeting:

A meeting of the Industry Advisory Board (IAB) to the International Energy

Agency (IEA) will be held on May 17–19, 1976, at 2 Rue Andre Pascal, Paris 16, France, beginning at 11:00 a.m. on May 17. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is scheduled for May 18–19, 1976, and at a meeting of a working group of the SEQ which is scheduled to be held on May 17 to discuss the problem of naphtha reserves. The meeting will not be open to the public. The agenda for the meeting is under the control of the SEQ. The draft agenda, however, is as follows:

1. Approval of draft agenda.
2. Summary record of the eleventh meeting.
3. Emergency Management Manual.
4. Emergency reserves.
5. Oil pricing in an emergency.
6. Extraordinary costs.
7. Antitrust matters.
8. SEQ forecast.
9. Any other business.

This announcement is made pursuant to Section 252(c)(1)(A)(ii) of the Energy and Conservation Act (P.L. 94–163).

Issued in Washington, D.C., May 4, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76–13367 Filed 5–4–76;3:15 pm]

FEDERAL MARITIME COMMISSION

A/S REDERIET ODFJELL ET AL.

Certificates of Financial Responsibility (Oil Pollution)

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01015	A./S. Rederiet Odfjell: *Cypress.*
01247	Tonnevolds Tankrederi A/S.: *Thorhild.*
01321	Compagnia Italiana Transoceanica: *Transoceania Mario.*
01426	Kuwait Shipping Co. (S.A.K.): *Ibn Abdoun.*
01557	Knut Knutsen O.A.S.: *Hilda Knudsen.*
01574	Fearnley & Eger: *Fernbank.*
01854	Southern Towing Co.: *Herpro I, Herpro II.*
02309	Gryf Deep Sea Fishing Co.: *Rekin.*
02041	Dalmor Przedsiebiorstwo Polowow Dalekomorskich I Uslug Rybackich: *Pollux.*
02199	Atlantic Richfield Co.: *Arco Competitor.*
022270	Enso-Gutzeit Osakeyhtio: *Finnreel, Finnmaster.*
02367	Canadian Pacific (Bermuda) LTD.: *Fort Calgary.*
02610	Peter Dohle Schiffahrts K.G.: *Zim Jamaica.*
02852	Philippine Pacific Shipping Co.: *Korean Pride.*
02975	Venture Shipping (Managers) Ltd.: *Liwo Venture, Hokuetsu Venture.*
03077	Bulk Food Carriers, Inc.: *Tex.*
03138	Cunard Line Ltd.: *Cunard Princess, Cunard Countess.*
03260	Diakan Progress S.A.: *Proodos.*
03422	Daiwa Kaiun Kabushiki Kaisha: *Samoa Maru.*
03434	Hoko Suisan K.K.: *Nippo Maru.*
03441	Japan Line K.K.: *Eisho Maru.*
03466	Nanboku Sangyo K.K.: *Miho Maru.*
03505	Showa Yusen Kabushiki Kaisha: *Chikubu Maru.*
03727	Continental Oil Co.: *Hollywood 1502.*
03879	Zapata Haynie Corp.: *Grande Bature.*
03918	Mobil Shipping & Transportation Co.: *Mobil Eagle.*
03980	Moran Towing & Transportation Co. Inc.: *Maine.*
04040	Halfdan Ditlev Simonsen & Co.: *Vianna.*
04142	Ultima Second Corp.: *Serendipity.*
04173	Foss Launch & Tug Co.: *Foss 288, Foss 274.*
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Mobeka.*
04601	American Tunaboat Association: *Mary Lucille, Carol S., United States, Mary Barbara, Concho, Westport.*
05239	Zapata Off-Shore Co.: *Topper I, Topper II.*
05431	Tidewater Construction Corp.: *Rig #11.*
05437	The Dow Chemical Co.: *UMC 385, UMC 386, UMC 387, UMC 388, UMC 389, UMC 390.*
05500	Petroleos Mexicanos: *Petroquimico I.*
05520	Union Carbide Corp.: *GDM–10.*
05577	Far Eastern Shipping Co.: *Elton.*
05581	Latvian Shipping Co.: *David Sikeyros.*
06038	Suomen Hoyrylaiva Osakeyhtio Finska Angfartygs Aktiebolaget: *Argo, Ariel, Hesperus, Rhea, Virgo, Atlanta, Inio, Titania.*
06073	Marine Drilling Co.: *Cee Bee 23, Cee Bee 24.*
06114	Masahei Yamamoto: *Seishu Maru No. 11.*
06257	Montauk Oil Transportation Corp.: *Cibro New York.*
06511	Associated Shipping Corp. Ltd.: *Azalea, Lilac.*
07141	Miyagi Ken: *Miyagi Maru, Miyagi Maru.*
07824	Swiftsure Inc.: *Marlin.*
08390	The Interlake Steamship Co.: *Samuel Mather.*
08838	Air Products & Chemicals, Inc.: *APC–100.*
08889	Companhia Portuguesa de Transportes Maritimos Sarl: *Pereira d'Eca, Bernardinc Correa.*
09156	Smego Marine Transport, Inc.: *SMT 413, SMT 414, SMT 415, SMT 416.*
09319	Odajima Kaiun Ltd.: *Yukikaze Maru.*
09389	Triangle Shifting & Fleeting Service Inc.: *GWG 208, GWG 209, GWG 210.*
09462	Sun Transportation Co.: *Dan C. Burnett.*
09489	Oy Hango Ship Owners AB: *Hangete.*
09966	Tara Corp. Ltd.: *Transcarib.*
10237	Qusars Navigation Corp.: *Mozart Festival.*
10336	Lumin Compania Naviera S.A.: *Lustar.*
10344	Amelia Shipping Corp.: *Juthlandia.*
10403	Penny Tankers, Inc.: *Mary Ellen Conway.*
10487	Swire Northern Offshore Corp.: *Pacific Builder.*
10501	Major Transportation S.A.: *Taiga No. 2.*
10678	Panrei Shipping Co. S.A.: *Tanagrea.*
10772	Kaiwan Line S.A.: *Michaelson Queen.*
10806	Dhiring Fret S.A.: *Port Man.*
10934	Newport Tankers Corp.: *Achilles.*
10938	Ever Superb Line S.A.: *Ever Superb.*
10965	Nordische Reedereigesellschaft Jacob M.B.H. & Co. Produkten-Carrier KG.: *Erika Jacob.*
10968	National Shipipng Corp. of Abu Dhabi: *Baynunah.*
11007	Sea Containers Ltd.: *Hustler Cheyenne.*
11042	Nogamar S.A.: *Honesty.*
11051	Octamaris Maritime Corp.: *Eurometal.*
11056	Ronnes Shipping Corp.: *Ronnes.*
11059	Golden King Compania Naviera S.A.: *Golden Seagull.*
11062	Cross Sound Ferry Services, Inc.: *Plum Island, Orient.*
11065	C & M Shipping Co. S.A.: *Rio Explorer, Gloria Takeshi, Gloria Yasushi, Rio Concord, Rio Challenger.*
11071	I/S Jahre Line: *Kronprins Harald.*
11082	Interocean Management Corp.: *Massachusetts, New York.*
11097	Compagnie Morbihannaise de Navigation: *Saint Herblain.*
11109	Siremar Establishment: *Koronda.*
11110	Tiburon Maritime Ltd., Inc.: *Tiburon IV.*
11112	Nana Kru Navigation Ltd.: *Hellespont Courage.*
11113	World Shipping Ltd.: *Njord.*
11114	Anangel Diligence Shipping Inc.: *Anangel Diligence.*
11119	Marcona Voyager Corp.: *Marcona Voyager.*
11120	Marcona Venturer Corp.: *Marcona Venturer.*
11121	Marcona Vanguard Corp.: *Marcona Vanguard.*
11124	SC Deckships 2 Ltd.: *Khorramshahr.*
11125	SC Deckships Ltd.: *Deckship Arabella.*
11126	Estrella Galante Navegacion S.A.: *Tradition.*
11128	Sable Shipping Corp.: *E.D. Papalios.*
11129	Marmari Shipping Corp. Ltd.: *Aegis Might.*
11130	Leopard Shipping Corp.: *Aegis Thunder.*
11131	Fadi Shipping Corp.: *Fadi B.*
11132	Alexandra Navigation Corp. Ltd. of Panama: *Dianna.*
11133	Mele Shipping Co. Ltd.: *Lama.*
11134	Intermares Armadora S.A.: *Marianna N.L.*
11135	Naviera Polynesia, S.A.: *Polynesia I.*
11136	Sovereign Navigation Corp. Ltd.: *Rowena, Zorina.*
11137	Erechthion Shipping Co. S.A.: *Erechthion.*
11138	A.S. Nakskov Skibsvaerft: *Patagonia.*
11139	Zas Tankers Corp.: *Patria.*
11141	Alpha Maritime Services Co.: *Lorenzo Halcoussi.*

Certificate No.	Owner/operator and vessels
11143---	Keravnia Compania Naviera S.A.: *Andora.*
11145---	Julio Molares Perez: *Orballo.*
11146---	Pan Win Shipping Co. S.A.: *Olympian Queen.*
11147---	Monarch Tanker Corp.: *Gladys.*
11148---	Cranborne Ltd.: *Cranborne.*
11152---	Southern Breeze Charter Co.: *Southern Breeze.*
11154---	Irene Compania Naviera S.A. of Panama: *Esperanza.*
11155---	Brosalmar S.A.: *Morcote.*
11156---	Compania de Vapores Cerulea S.A.: *Calypso.*
11157---	Sea Place Inc.: *Seaking I.*
11158---	Fidelity Sea Transports Ltd.: *Mobilsea.*
11159---	Northern Sealanes Corp.: *Androa Petros.*
11161---	Maraven S.A.: *Mara, Aramare, Naiguata, Caricuao, Charaima.*
11162---	Flag Maritime S.A.: *Kanda.*
11169---	Lagoven S.A.: *Lagoven Maracaibo, Lagoven Caracas, Lagoven Caripito, Lagoven Amuay, Lagoven la Guaira.*
11170---	Superiority Shipping Corp.: *Oinoussian Superiority.*
11171---	Santa Ursula Navigation S.A. Panama: *Santa Ursula.*
11173---	Ocean Oil Chemicals, Inc.: *Golar Petrosea.*
11174---	I/S Sungas III: *Sunny Queen.*
11180---	Seabird Tankers, Inc.: *Mermaid.*
11182---	Friomar Shipping N.V.: *Perlafrio.*
11183---	Reign Marine Corp. S.A.: *Naftilos.*
11187---	Dome Petroleum Ltd.: *Canmar Explorer, Canmar Explorer II, Canmar Explorer III, Canmar Carrier, Canmar Supplier, Canmar Supplier II, Canmar Supplier III, Canmar Supplier IV.*
11188---	Serpens Shipping Ltd.: *Serpens Constellation.*
11189---	Cetus Shipping Ltd.: *Manhattan Duke.*
11194---	Septimaris Maritime Corp.: *Elenma.*
11191---	Lindinger Opal K/S: *Lindinger Opal.*
11197---	West & East Marine Corp.: *Salvia.*
11198---	Mochimune Gyogyo Kabushiki Kaisha: *Kyoei Maru No. 1.*
11199---	Maruba S.C.A.: *Pablo V.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13395 Filed 5-6-76;8:45 am]

CONSOLIDATED FOREWARDER INTERMODAL CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico, and San Francisco, California. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Gerald H. Ullman, Esquire, 120 Broadway, New York, New York 10005.

Agreement No. 10235, among fifty-one freight forwarders and other entities named therein, establishes a corporation to be known as Consolidated Forwarders Intermodal Corporation (Confico) to carry on the business of a non-vessel operating common carrier by water in the foreign and domestic commerce of the United States or of consolidation on an allowance basis. The parties may also meet, discuss and agree with other persons subject to the act on any matters of mutual concern, the implementation of any such agreement to be subject to the prior approval of the Federal Maritime Commission.

By Order of the Federal Maritime Commission.

Dated: May 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13390 Filed 5-6-76;8:45 am]

HOLLAND AMERICA CRUISES

Order of Revocation

Certificates of financial responsibility for indemnification of passengers for nonperformance of transportation Nos. P-114 and P-123 and certificates of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages Nos. C-1,108 and C-1,119.

Whereas, Cruiseship 7 N.V. and N.V. Nederlandsch - Amerikaansche Stoomvart-Maatschappij (Holland America Line) have ceased to own or operate the passenger vessel *Volendam;* and

Whereas, N.V. Volendam and Holland America Cruises N.V., Two Pennsylvania Plaza, New York, New York 10001, have ceased to own or operate the passenger vessel *Volendam;* and

Whereas, Certificate (Performance) (No. P-114 and Certificate (Casualty) No. C-1,108 issued to Cruiseship 7 N.V. and N.V. Nederlandsch-Amerikaansche Stoomvart-Maatschappij (Holland America Line) and Certificate (Performance) No. P-123 and Certificate (Casualty) No. C-1,119 issued to N.V. Volendam and Holland America Cruises N.V. (Holland America Cruises) have been returned for revocation.

It is ordered, That Certificate (Performance) Nos. P-114 and P-123 and Certificate (Casualty) Nos. C-1,108 and C-1,119 covering the *Volendam* be and are hereby revoked effective April 30, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission, April 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13393 Filed 5-6-76;8:45 am]

ORIENT OVERSEAS LINE

Order of Revocation

Certificates of financial responsibility for indemnification of passengers for nonperformance of transportation Nos. P-74 and P-119 and certificates of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages Nos. C-1,070 and C-1,115.

Whereas, Chinese Maritime Trust Ltd. has ceased to operate the passenger vessel *Oriental Rio;* and

Whereas, Chinese Maritime Transport, Ltd. and/or Orient Overseas Line, Inc., c/o Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111 (Orient Overseas Line) have ceased to operate the passenger vessel *Oriental Rio;* and

Whereas, Certificate (Performance) No. P-74 and Certificate (Casualty) No. C-1,070 issued to Chinese Maritime Trust Ltd. (Orient Overseas Line), and Certificate (Performance) No. P-119 and Certificate (Casualty) No. C-1,115 issued to Chinese Maritime Transport, Ltd. and/or Orient Overseas Line, Inc. (Orient Overseas Line) have been returned for revocation.

It is ordered, That Certificate (Performance) Nos. P-74 and P-119 and Certificate (Casualty) Nos. C-1,070 and C-1,115 covering the *Oriental Rio* be and are hereby revoked effective April 30, 1976.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission April 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13394 Filed 5-6-76;8:45 am]

SEAWISE FOUNDATIONS, INC., ET AL.

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777

(80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. Part 540):

Seawise Foundations, Inc. and/or Orient Overseas Line (Cruises) Inc. (Orient Overseas Line), % Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111.

Dated: May 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13391 Filed 5-6-76;8:45 am]

SEAWISE FOUNDATIONS, INC., ET AL.

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. 540):

Seawise Foundations, Inc. and/or Orient Overseas Line (Cruises) Inc. (Orient Overseas Line), % Orient Overseas Services, Inc., 510 Montgomery Street, San Francisco, California 94111.

Dated: May 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-13392 Filed 5-6-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice Deferring Procedural Dates

APRIL 30, 1976.

On February 28, 1976, Alabama-Tennessee Natural Gas Company filed a motion to defer the procedural dates fixed by notice of extension of time issued February 24, 1976 pending disposition of the settlement agreement. The motion states that all the parties support the request.

Upon consideration, notice is hereby given that the procedural dates are deferred pending further order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13315 Filed 5-6-76;8:45 am]

[Project No. 2317]

APPALACHIAN POWER CO.

Notice of Intent To Act

APRIL 30, 1976.

The State of North Carolina on April 1, 1976, with a joinder by Ashe and Alleghany Counties, North Carolina on April 6, 1976, filed a motion for a delay in the effective date of the license issued to Appalachian Power Company for the Blue Ridge Project on the New River in Virginia and North Carolina, for a hearing, and for a stay. Appalachian Power Company filed a response on April 14, 1976. The Commission intends to issue an order on this matter in the near future. This motion shall not be deemed denied under Section 1.12(e) or any other section of the Commission's Rules.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13310 Filed 5-6-76;8:45 am]

[Docket Nos. RP74-61 and RP76-10 (PGA76-2)]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets and Granting Intervention

APRIL 30, 1976.

On March 19, 1976, Arkansas Louisiana Gas Company (ArkKla) tendered for filing certain revised tariff sheets[1] to its FPC Gas Tariff pursuant to the purchased gas cost provisions of its Rate Schedule Nos. X-26 and G-2. The revised tariff sheets reflect a current adjustment of 4.87¢ per Mcf and a surcharge adjustment of 3.31¢ per Mcf under Rate Schedule X-26 and a current adjustment of 2.92¢ per Mcf and a surcharge of 11.16¢ per Mcf under Rate Schedule G-2. For the reasons hereinafter stated, the Commission will accept the revised tariff sheets for filing and suspend their use for one day, or until May 2, 1976, when they will be permitted to become effective, subject to refund.

Public notice of Arkla's filing was issued on March 29, 1976, with comments, protests, or petitions to intervene due on or before April 14, 1976. On April 12, 1976, the City of Winfield, Kansas, filed a protest and petition to intervene.

Commission review of Arkla's filing indicates that the proposed increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Specifically, the increase is based on purchases from small producers in excess of the levels established by Opinion No. 742[2] and purchases from alleged intrastate producers. Also, the base cost of gas under these rate schedules is being investigated pursuant to Commission order issued October 31, 1975, in Docket No. RP76-10. Accordingly, the revised tariff sheets filed herein will be accepted for filing and suspended for one day, or until May 2, 1976, when they will be permitted to become effective, subject to refund. Arkla may file tariff sheets to be effective May 1, 1976, which are not based on purchases from small producers in excess of Opinion No. 742 levels nor purchases from alleged intrastate producers.

We shall defer establishing hearing procedures at this time as to the issue of purchases from small producers in excess of the rate level established by Opinion no. 742, pending Commission action on rehearing of that opinion and the proposed rulemaking in Docket No. RM76-5.[3] However, Arkla shall file, within 15 days of the issuance of this order, a list, with addresses, of such small producers from whom it purchases at rates in excess of the 130% formula. As to the purchases from alleged intrastate producers, Arkla shall file its case in chief in support of including those purchases in its PGA filing on or before May 28, 1976. Thereafter, the Commission staff shall file top sheets related thereto on or before September 7, 1976. The Presiding Administrative Law Judge shall convene a settlement conference within 10 days thereafter (See Administrative Order No. 157).

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases in excess of the rate level established by Opinion No. 742 be deferred pending further Commission order, and that the tariff sheets filed herein be accepted for filing and suspended for one day, to become effective May 2, 1976, subject to refund.

(2) The above-named petitioner should be permitted to intervene herein.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates contained therein, Arkla's revised tariff sheets are hereby accepted for filing and suspended for one day until May 2, 1976, when they shall become effective subject to refund.

(B) The hearing procedures on the issue of small producer purchases, in excess of the rate levels prescribed in Opinion No. 742, are hereby deferred pending further Commission order.

(C) Within 15 days of the date of this order, Arkla shall file with the Commission a list, including addresses, of the small producers from whom it purchased at rates in excess of the rate levels prescribed by Opinion No. 742.

(D) On or before May 28, 1976, Arkla shall file its case in chief in support of its inclusion of purchases from alleged intrastate producers as support for the proposed increased rates filed herein.

(E) Commission staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 7, 1976. (See Administrative Order No. 157.)

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing and shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Said Presiding Admin-

[1] Fourth Revised Sheet No. 185 to Original Volume No. 3 and Seventh Revised Sheet No. 4 to First Revised Volume No. 1.

[2] ____ FPC ____ (1975) in Docket No. R-393.

[3] Notice of Proposed Rulemaking issued August 28, 1975.

istrative Law Judge is hereby authorized to establish all such further procedural dates as may be necessary for settlement or formal hearing purposes and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(G) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13298 Filed 5-6-76;8:45 am]

[Docket No. ER76-639]

CENTRAL HUDSON GAS & ELECTRIC CORP.

Notice of Annual Charges

APRIL 30, 1976.

Take notice that on April 26, 1976 Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing notice of the actual charges for 1975 to Consolidated Edison Company of New York, Inc. in accordance with the provisions of the Rock Tavern Substation Agreement dated December 29, 1972. Central Hudson states the calculation was made using the same methodology as that used in preparing the 1974 actual charges and the 1975 estimated charges. Central Hudson calculated the 1975 annual charges to be $355,711.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13305 Filed 5-6-76;8:45 am]

[Docket No. ER76-588]

CENTRAL KANSAS POWER CO. INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Providing for Hearing, Instituting Section 206 Investigation, Establishing Procedures Granting Interventions, and Denying Petition to Reject

APRIL 30, 1976.

On March 31, 1976, Central Kansas Power Company, Inc. (Central Kansas) tendered for filing certain revised rate schedules applicable to sales of electric power and energy to Sunflower Electric Cooperative of Hays, Kansas. The revised rate schedules incorporate a proposed increase in rates of $1,278,842 annually to Sunflower based on cost and revenue estimates for calendar year 1976. Central Kansas requests an effective date of May 1, 1976, for its proposed revised Rate Schedule SEC-1-EXCESS, which is applicable to billings to Sunflower in excess of 22,000 KW per month. Proposed revised Rate Schedule SEC-1-BASE, applicable to sales up to 22,000 KW per month, is requested to be made effective upon final Commission order in accordance with the Commission's prior findings in the proceeding in Docket No. E-8755. In the latter proceeding, the Commission determined that any change in the base rate could be made effective only upon final Commission approval after hearing under Section 206 of the Federal Power Act. Central Kansas also proposes to incorporate into both the base and excess rate schedules a 100 percent 12-month demand ratchet, and to incorporate into the fuel clause section of both schedules a revised base cost of 1.2112 cents per kwh and a loss factor of 1.0573.

Notice of Central Kansas' filing was issued on April 5, 1976, providing for protests or petitions to intervene to be filed on or before April 23, 1976. On April 23, a notice of intervention was filed by the Kansas Corporation Commission. Also on April 23, Sunflower filed a protest and petition to intervene. Sunflower argues that the proposed increase in rates under rate schedule SEC-1-EXCESS is excessive and therefore unlawful, and requests that it be suspended for the maximum period of five months. Sunflower further requests that rate schedule SEC-1-BASE be rejected.

In support of its requested increase in rates, Central Kansas cites substantial increases in its plant in service and in the cost of capital, labor, materials and taxes. Central Kansas is requesting a rate of return of 10.20 percent with a return on common equity of 13.75 percent.

Based on a review of the present filing the Commission finds that the rates proposed by Central Kansas have not been shown to be just and reasonable and may be excessive and otherwise unlawful. Accordingly, the proposed increase in rates for service in excess of 22,000 KW per month will be suspended and set for hearing in accordance with the Federal Power Act and the Commission's rules and regulations. Central Kansas' proposed changes in the base rate shall be accepted for filing, but shall not be permitted to become effective except upon final order of the Commission following investigation and hearing pursuant to Section 206 of the Federal Power Act.

Sunflower argues that rate schedule SEC-1-BASE must be rejected because it is contractually barred as found by the Commission in the prior proceeding in Docket No. E-8755. While the base rate cannot be changed except prospectively upon final Commission order, there does not appear to be any sound reason to reject the proposed SEC-1-BASE rate schedule. It should instead be accepted for filing for the purpose of holding hearings thereon to determine its justness and reasonableness. The Commission further finds that the proposed increase under rate schedule SEC-1-EXCESS should be suspended for a period of three months rather than the five months requested by Sunflower.

The Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that Central Kansas' proposed increase in rates for sales to Sunflower in excess of 22,000 KW per month be accepted for filing, suspended, and set for hearing as hereinafter ordered.

(2) Central Kansas' proposed changes in the base rate should be accepted for filing, but should not be permitted to become effective except upon final order of the Commission and to the extent authorized thereby.

The Commission orders: (A) The Revised Rate Schedule designated SEC-1-EXCESS filed by Central Kansas on March 31, 1976, is accepted for filing, suspended for a period of three months and permitted to become effective thereafter on August 1, 1976, subject to refund.

(B) The Revised Rate Schedule designated SEC-1-BASE also filed by Central Kansas on March 31, 1976, is accepted for filing, but shall not become effective except upon final order of the Commission and to the extent authorized thereby.

(C) Pursuant to the provisions of the Federal Power Act, particularly Sections 205, 206 and 308 thereof, and the Commission rules and regulations, a public hearing shall be held for the purpose of determining the justness and reasonableness of proposed revised Rate Schedule SEC-1-EXCESS.

(D) Pursuant to the provisions of the Federal Power Act, particularly Sections 206 and 308 thereof, and the Commission rules and regulations, an investigation and public hearing is hereby initiated to determine the justness and reasonableness of proposed revised Rate Schedule SEC-1-BASE.

(E) The hearings provided for in paragraphs C and D above shall be consolidated for purposes of hearing and decision.

(F) On or before November 1, 1976, the Commission Staff shall prepare and serve top sheets summarizing the Staff's investigation and recommendations.

(G) The Presiding Administrative Law Judge shall convene a settlement conference to be held within 10 days after service of the staff's top sheets.

(H) Following settlement discussions, the Presiding Law Judge shall, if necessary, prescribe dates for the filing of formal evidence by the parties, including the Commission Staff, and for hearings thereon.

(I) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure.

(J) The above-named petitioners are permitted to intervene in this proceeding, subject to the Commission's rules and regulations; *provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued by the Commission in this proceeding.

(K) Central Kansas shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates requested herein, as required by Section 35.19a of the Commission's regulations.

(L) Sunflower's petitions to reject proposed Rate Schedule SEC-1-BASE is denied.

(M) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13311 Filed 5-6-76;8:45 am]

[Docket No. ER76-633]

CENTRAL LOUISIANA ELECTRIC CO.

Proposed Changes in Rates and Charges

APRIL 30, 1976.

Take notice that on April 23, 1976, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing proposed changes in its rates and charges for wholesale service to the Town of Elizabeth, La. (Rate Schedule FPC No. 22), the Town of Boyce, La. (Rate Schedule FPC No. 23) and Gulf States Utilities Company (Rate Schedule FPC No. 28). The proposed changes would increase revenues from sales and service to these wholesale customers by $115,338 based on the 12 month period ending September 30, 1975. The proposed effective date is June 1, 1976.

CLECO states that increased costs of operation prevent it from obtaining an adequate rate of return under its existing rate. The purpose of this filing is to enable CLECO to recover its costs to serve these customers and to provide a uniform rate for all similar customers. CLECO states that it will request to make its proposed rates effective to Cajun Electric Cooperative, Inc. (Rate Schedule FPC No. 21) and Southwest Louisiana Electric Membership Corporation (Rate Schedule FPC No. 30) at the termination of their existing fixed-rate contracts in 1980 and 1981, respectively.

Copies of the transmittal letter, rate schedule and appropriate billing comparisons were mailed to each of these customers and to the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13302 Filed 5-6-76;8:45 am]

[Docket No. RP76-76]

COLORADO INTERSTATE GAS CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Condition, Granting Waiver, and Establishing Procedures

APRIL 30, 1976.

On March 31, 1976 Colorado Interstate Gas Company (CIG) tendered for filing Sixteenth Revised Sheet Nos. 5 and 6 which reflect an increase in rates charged CIG's jurisdictional customers, proposed to be effective on May 1, 1976. This filing will be accepted, suspended for five months and permitted to become effective on October 1, 1976, subject to refund and upon condition that CIG filed revised tariff sheets reflecting the elimination of costs of facilities which have not been certificated and put in service by October 1, 1976.

Notice of the filing was issued on April 7, 1976 with comments, protests and petitions to intervene due on or before April 26, 1976. CIG states that the proposed rate increase is necessary to recover additional costs of service, attributable primarily to the addition of facilities, additional advance payments for gas supplies, and increases in labor and other operating costs, depreciation rates, the rate of return, and related income tax allowance. Based upon a 12-month test period ended December 31, 1975, as adjusted, the proposed rates would increase jurisdictional revenues by $14,045,556 over those rates presently being collected subject to refund in Docket No. RP75-86, inclusive of certain PGA adjustments through December 31, 1975.

The proposed rates reflect costs relating to certain projects which are the subject of pending certificate applications in Docket Nos. CP75-261, CP75-281, CP76-178 or applications to be filed. CIG requests waiver of the requirements of Section 154.63(e)(2)(ii) of the Commission's Regulations which prohibits test period adjustments reflecting costs associated with facilities that have not been certificated by the date of the rate filing. CIG states that it anticipates that these facilities will be certificated and in service when the proposed rates go into effect, and that these facilities are necessary to maintain the sales volumes upon which the proposed rates are predicated.

Upon its review, the Commission has determined that CIG's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable and discriminatory. A hearing will be ordered to determine the justness and reasonableness of the proposed rates, which will be accepted for filing, suspended for five months, and permitted to become effective on October 1, 1976, subject to refund. Since CIG states that all facilities will be certificated and in service by the end of the suspension period, the request for waiver of the Regulations will be granted. However, as the completion and certification of all facilities may not have occured when the proposed rates became effective, CIG's proposed rates will be accepted for filing subject to an express condition that CIG file revised tariff sheets eliminating from the proposed rates costs associated with any facilities which have not been certificated and placed in service by October 1, 1976.

The Commission finds: (1) CIG's March 31, 1976, filing should be made effective, subject to refund, as of October 1, 1976, as hereinafter ordered and conditioned.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act to establish hearing procedures to determine the justness and reasonableness of CIG's proposed rates.

The Commission orders: (A) Pursuant to the Natural Gas Act, particularly Section 4 thereof, and the Commission's Rules and Regulations, a hearing shall be held to determine the justness and reasonableness of CIG's proposed rates.

(B) Pending hearing and decision, CIG's Sixteenth Revised Sheets Nos. 5 and 6 are accepted for filing and suspended for five months until October 1, 1976, when they will be permitted to become effective subject to refund and subject to condition that prior to October 1, 1976, CIG file revised tariff sheets reflecting the elimination of costs included in the proposed rates associated with facilities which have not been cer-

tificated and placed in service by October 1, 1976.

(C) CIG's request for waiver of Sections 154.63(e)(2)(ii) of the Commission's Regulations is hereby granted.

(D) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before August 2, 1976.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13307 Filed 5-6-76;8:45 am]

[Docket No. ER76-587]

GEORGIA POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Intervention, Denying Request for Five Month Suspension and Setting Procedures

APRIL 30, 1976.

On March 31, 1976 Georgia Power Company tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 2. The proposed changes would increase revenues from jurisdictional partial requirements sales and service by $17,943,000 (15.5), based on the twelve-month period following the proposed effective date of May 1, 1976. The filing contains a proposed effective date of May 1, 1976. The filing contains a proposed Rate Schedule PR-2 which would replace Rate Schedule PR-1. The requested effective date is May 1, 1976. For the reasons hereinafter stated the Commission shall suspend the proposed rate increase until August 1, 1976, when the rates will be permitted to become effective, subject to refund, and institute a hearing concerning the lawfulness of the proposed rates.

The Company asserts that its costs have steadily escalated since the filing of its PR-1 rate, resulting in a large increase in the revenue requirement from partial requirements wholesale service. The data submitted with the Company's filing allegedly demonstrates that rate PR-1, as presently in effect subject to refund, does not provide a fair rate of return on the Company's partial requirements wholesale service.

Public notice of the filing was issued on April 5, 1976 with protests and petitions to intervene due on or before April 19, 1976. On April 16, 1976, Oglethorpe Electric Membership Corporation (Oglethorpe) filed a petition to intervene protest and a request that the Commission order a five month suspension and a hearing in the instant docket. Oglethorpe alleges that Georgia Power's proposed rates are predicated on comprehensive interperiod tax normalization, but that it has not made the requisite showing of a tax deferral as required by Commission Order No. 530-A; that the proposed rate increase to Oglethorpe will result in rates which are higher than those Georgia Power will be charging its retail industrial customers resulting in an illegal "price squeeze"; and that Georgia Power has improperly allocated a number of demand cost-related expenses, has made improper inclusions in its rate base, and has requested a "grossly excessive" rate of return in seeking 17.1% return on common equity and 11% overall. A petition to intervene and request that a hearing be ordered in this docket was filed on April 19, 1976 by the Municipal Electric Authority of Georgia (Municipal Authority). A response to Oglethorpe's petition was filed by Georgia Power on April 22, 1976.

The Commission's review indicates that the instant filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall suspend the use of Georgia Power's tariff sheets as filed herein for three months, or until August 1, 1976 when they shall become effective subject to refund.

The decision to suspend the proposed rates for three months is based on our review of the Companies' filing and the testimony and exhibits tendered in support thereof, on the arguments presented by Oglethorpe in its petition to intervene and on the counter arguments advanced by Georgia Power in its response to Oglethorpe's petition. Based on such a review, we have exercised our independent judgment in light of the Commission's expertise in this area and concluded that a three month suspension is sufficient to protect the public interest and the interest of any customers in this proceeding. We will therefore deny Oglethorpe's request for a five month suspension.

Having reviewed the petition of Oglethorpe and the Municipal Authority, the Commission concludes that they have an interest in this proceeding which is sufficient to warrant intervention herein.

Review of the filing indicates that Georgia Power's proposed rate is based, in part, on the utilization of comprehensive interperiod tax allocation. The company provided testimony in support of such normalization and also addressed its position with respect to Commission Order Nos. 530 and 530-A. On March 18, 1976, the Commission issued an order which accorded a "Petition * * * For Rehearing of Order No. 530-A" filed by sixteen (16) public utilities the status of a motion for reconsideration of Order No. 530-A, granted such motion solely for purposes of further consideration, and provided for the filing of responses to said motion. Pending final action on this motion and the responses thereto we shall defer any action on Georgia Power's use of tax normalization as support for its requested rate increase.

With regard to Oglethorpe's allegations that the proposed rates will perpetuate and magnify a "price squeeze", we note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction.[1] We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in Conway Corporation v. F.P.C., 510 F. 2d 1264 (1975). The Court in Conway, however, stayed its mandate pending appeal by the Commission and, our petition for writ of certiorari was granted by the Supreme Court.[2]

As for Oglethorpe's remaining objections to the instant filing, the Commission believes that these issues may be developed as necessary at the proceedings herein ordered.

The Commission finds: (1) Georgia Power's tariff sheets as tendered on March 31, 1976 should be accepted for filing and suspended for three months until August 1, 1976, when they will be permitted to become effective subject to refunds.

(2) It is desirable and in the public interest to permit Oglethorpe and the Municipal Authority to intervene in the above referenced proceeding, provided that such intervention is conditioned as hereinafter ordered.

(3) Good cause exists to deny Oglethorpe's motion that the proposed rate increase tendered for filing by the Companies on March 31, 1976, be suspended for five months.

(4) Good cause exists to exclude "price squeeze" issues from the proceedings in this docket.

The Commission orders: (A) Georgia Power's Revised Sheets filed on March 31, 1976 are hereby accepted for filing and suspended for three months effective August 1, 1976 subject to refund.

(B) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 1, 1976. (See Administrative Order No. 157).

(C) A Presiding Administrative Law Judge to be designated by the Chief Ad-

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[1] See e.g., Arkansas Power and Light Company, Docket No. ER76-110, order issued November 14, 1975, Virginia Electric and Power Company, Docket No. E-9147, order issued January 22, 1975, Carolina Power and Light Company, Docket No. E-8884, order issued August 26, 1974, Wisconsin Public Service Corporation, Docket No. E-8867, order issued August 23, 1974, and Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974.

[2] F.P.C. v. Conway Corp., ---- U.S. ----, 44 U.S.L.W. 3270 (1975).

ministrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) Oglethorpe and the Municipal Authority are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) Oglethrope's request that the proposed rate increase tendered for filing by the Company on March 31, 1976, be suspended for five months is hereby denied.

(F) "Price squeeze" issues are hereby excluded from the proceedings in this docket.

(G) Georgia Power shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13316 Filed 5-6-76;8:45 am]

[Docket Nos. G-2801 and CI72-50; G-10020 and CI71-722]

GETTY OIL CO. AND PHILLIPS PETROLEUM CO.

Order Providing for Hearing, Reopening Proceedings, Consolidating Proceedings, Granting Petitions to Intervene, Joining a Necessary Party, and Establishing Procedures

APRIL 29, 1976.

On October 9, 1974, Phillips Petroleum Company (Phillips) filed in Docket No. G-10020 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia) from the Erath Field Unit, Vermilion Parish, Louisiana. On January 6, 1975, Getty Oil Company (Getty) filed in Docket No. G-2301 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Columbia from Getty's working interest in gas produced from the Erath Field Unit. These proposals are more fully set forth in the respective applications in these proceedings.[1]

After due notice of the applications in Docket Nos. G-2801 and G-10020 by publication in the Federal Register on January 22, 1975 (40 FR 3511) and October 31, 1974 (39 FR 38419), respectively, Columbia filed petitions to intervene and requests formal hearing in both proceedings. Columbia states that it is opposed to the proposed abandonments inasmuch as any reduction in gas available to Columbia will increase the percentage of curtailment currently being experienced by its customers. As of January 1975 Columbia was projecting a system curtailment of 22 percent. In addition, Trunkline filed a late petition to intervene in Docket No. G-10020. Trunkline supports Phillips' abandonment proposal since Trunkline, as the supervening recipient of the gas, is presently curtailing approximately 45 percent of its resale customers' contract demands.

In view of the competing pipeline interest in the Erath Field Unit gas disposition of these abandonment applications requires an evidentiary record. Like the instant proceedings, Transcontinental Gas Pipe Line Corporation v. F.P.C., 488 F.2d 1325 (1973), dealt with a proposed abandonment of sales of natural gas to one interstate pipeline in favor of sales of such gas to another interstate pipeline. That case held that before giving or refusing permission to abandon the Commission must conisder all factors relevant to determining which course best promotes the overall public interest. The court suggested "a comparative needs tests which balanced the relative needs of the competing pipelines and their ultimate consumers as the principal index of the public interest." (id. at 1328). In the hearing, which is hereafter provided for, applicants and intervenors are to present evidence which will develop record evidence relative to the issues raised by the various pleadings including, inter alia: (1) Erath Field Unit reserve estimates, (2) the respective contractual obligations, of Getty and Phillips to sell and deliver the gas from the Erath Field Unit, (3) the comparative end uses of all of Getty's and Phillips' Erath Field Unit gas (a) assuming abandonment is permitted and (b) assuming abandonment is denied, (4) the propriety of gas reservations[2], and (5) the comparative needs of the pipelines and their customers for the Erath Field Unit gas.

It is noted that Transco, the would-be purchaser of Getty's gas, has not filed a petition to intervene in these proceedings. Commission disposition of Getty's abandonment application is dependent upon, inter alia, the pipeline's (including Transco's) comparative need for Getty's gas. Accordingly, the Commission finds it necessary to join Transco as a party to these proceedings and to direct Transco to submit, along with the other pipelines, evidence regarding its comparative need for Getty's gas, as outlined above.

Because the applications in Docket Nos. G-2801 and G-10020 involve similar questions of law and fact the proceedings in those two dockets should be consolidated for hearing and decision. Moreover, the issues raised in these proceedings bring into question the certificates issued to Phillips and Getty in Docket Nos. CI171-722 and CI71-50, respectively. In order that the Commission might fully dispose of all questions raised by the instant applications as expeditiously as possible the proceeding in Docket No. CI 71-722 should be reopened and, in conjunction with the proceeding in Docket No. CI72-50, should be consolidated with the instant proceedings for hearing and decision.

The Commission finds: (1) Good cause exists to reopen the proceeding in Docket No. CI71-722 and to consolidate the proceedings in Docket Nos. G-2801, G-10020, CI71-722, and CI72-50 for the purpose of hearing and decision. It is necessary and appropriate in carrying out the provisions of the Natural Gas Act to set the consolidated proceeding for formal hearing and to establish procedures for that hearing.

(2) Participation of Trunkline will not delay the instant consolidated proceeding and may be in the public interest; therefore, good cause exists for per-

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[1] By order issued October 28, 1954, in Docket No. G-2801 and August 10, 1956, in Docket No. F-10020 Tidewater Oil Company (Getty's predecessor in interest) and Phillips, respectively, were authorized to sell gas to United Fuel Gas Company) Columbia's predecessor in interest) from the Erath Field Unit pursuant to agreements (Erath agreements) currently on file as Getty's FPC Gas Rate Schedule No. 26 and Phillips' FPC Gas Rate Schedule No. 273. The Erath agreements provided that Getty and Phillips deliver daily gas volumes of 12,600 Mcf and 24,457 Mcf, respectively, over a term of 20 years from the date of initial delivery thereunder. Getty and Phillips reserved the right to sell to other buyers from the Erath Field Unit those volumes of gas over and above the volumes necessary to maintain contractual deliveries to Columbia over the 20-year contract terms.

Subsequently, Getty and Phillips entered into agreements, currently on file as Getty's FPC Gas Rate Schedule No. 192 and Phillips' FPC Gas Rate Schedule No. 489, with Transcontinental Gas Pipeline Corporation (Transco) and Trunkline Gas Company (Trunkline), respectively, for sales of gas produced from the Erath Field Unit, subject to the reservation of volumes dedicated to Columbia pursuant to the Erath agreements. The authorizations for such sales were granted to Getty by a temporary certificate accepted November 8, 1971, in Docket No. CI72-50 and to Phillips by order issued December 31, 1971, in Docket No. CI71-722.

[2] See, e.g., Opinion No. 727.

mitting the filing of Trunkline's late petition to intervene.

(3) The participation of Columbia in this consolidated proceeding may be in the public interest.

(4) Transco is a necessary party in this consolidated proceeding to demonstrate its comparative need for Getty's Erath Field Unit gas.

The Commission orders: (A) The proceeding in Docket No. CI71-722 is reopened and the proceedings in Docket Nos. G-2801, G-10020, CI71-722, and CI71-50, are hereby consolidated for purpose of hearing and decision.

(B) Transco is joined as a party to this consolidated proceeding.

(C) Pursuant to the provisions of the Natural Gas Act, particularly Section 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on June 9, 1976 at 10:00 (EDT), in a hearing room of the Federal Power Commission, NE., Washington, D.C. 20426, concerning the issue of whether the Commission should permit and approve the proposed abandonments. The Presiding Judge has authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss) as provided for in the Rules of Practice and Procedure.

(D) On or before May 20, 1976, Getty, Phillips, Transco, Trunkline, and those in support of the abandonment applications shall serve with the Commission and upon all other parties to the proceeding their testimony and exhibits in support of the applications.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this consolidated proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purpose expressed in this order.

(F) Each of the above-named petitioners is hereby permitted to intervene in this consolidated proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13294 Filed 5-6-76;8:45 am]

31-10—58-7 1168

[Project No. 282]

IDAHO POWER CO.

Issuance of Annual License

APRIL 29, 1976.

Idaho Power Company is the Licensee of a transmission line license, Project No. 282, located in Baker and Malheur Counties, Oregon, and Ada, Twin Falls, Gooding, Elmore, Owyhee, Cassis, Gem, Jerome, Lincoln, Washington, and Canyon Counties, Idaho.

The license for Project No. 282 was issued effective July 15, 1926, for a period ending April 29, 1976. Pending the filing of a new application and completion of Commission action thereon, and in order to authorize the continued operation of the project, it is appropriate and in the public interest to issue an annual license to Idaho Power Company for the continued operation and maintenance of Project No. 282.

Take notice that an annual license is issued to Idaho Power Company (Licensee) under the Federal Power Act for the period April 30, 1976, to April 29, 1977, or until the issuance of a new license for the project, for the continued operation and maintenance of Project No. 282, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13290 Filed 5-6-76;8:45 am]

[Docket No. E-9485]

KANSAS GAS & ELECTRIC CO.

Notice Deferring Procedural Dates

APRIL 30, 1976.

On April 22, 1976, Staff Counsel filed a motion requesting that the procedural dates fixed by August 6, 1975, as most recently modified by notice issued January 20, 1976, be deferred pending disposition of the proposed stipulation and settlement agreement. The motion states that all parties concur in the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13312 Filed 5-6-76;8:45 am]

[Docket No. ER76-162]

LOUISIANA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Change

APRIL 30, 1976.

On April 2, 1976, Louisiana Power & Light Company (LP&L) completed its filing of an interconnection agreement[1] with the City of Ruston, Louisiana. For the reasons hereinafter stated, we shall accept the proposed rate schedule changes for filing, suspend their effectiveness for one day, and establish hearing procedures.

The proposed interconnection agreement was originally tendered for filing on October 3, 1975. By letters dated October 29, 1975, and December 4, 1975, the Secretary informed LP&L that its filing was deficient with respect to certain filing requirements of the Commission's Regulations and that a filing date would not be assigned pending receipt of the requested information. LP&L completed the filing on April 2, 1976, upon submission of the requested information.

Under an existing rate schedule only emergency power is exchanged between the parties. The proposed interconnection agreement establishes new rates for such emergency service and provides for five additional forms of service, namely, Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. The filing includes a revised fuel adjustment clause designed to conform with Order No. 517.

Public notice of LP&L's October 3 filing was issued on October 16, 1975, with protests or petitions to intervene due on or before October 24, 1975. Public notice of the April 2 filing was issued on April 14, 1976, with protests or petitions to intervene due on or before April 26, 1976.

On December 16, 1975, Electric Power Systems Association (EPSA)[2] filed an untimely petition to intervene. EPSA cites areas requiring additional support as specified in the deficiency letters of October 29 and December 4 and further takes issue with respect to the pricing of supplemental energy on an incremental basis. EPSA alleges that such pricing is contrary to the way the contract was negotiated.

On December 31, 1975, LP&L filed a response and motion to strike EPSA's petition. On January 6, 1976, EPSA filed an answer.

Our review of LP&L's filing as well as ESPA's petition indicates that the proposed rate schedule changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferental, or otherwise unlawful. Accordingly, we shall suspend the proposed rate schedule changes for one day and establish hearing procedures. ESPA shall be permitted to intervene in this proceeding.

The Commission finds: (1) Good cause exists to accept the proposed interconnection agreement for filing effective May 3, 1976, (30 days after filing) and to suspend the use thereof for one day until May 4, 1976.

[1] See the attached Appendix for rate schedule designations.

[2] EPSA was organized in October 1975, under the laws of the State of Louisiana as a non-profit corporation by the Towns of Homer, Jonesboro, Rayville, Houman, Lafayette, Monroe, Plaquemine, Rayne, Ruston and Thibodaux, Louisiana.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed interconnection agreement.

(3) Good cause exists to allow ESPA to intervene in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates, charges, terms, and conditions of service included in the interconnection agreement filed by LP&L herein.

(B) Pending a hearing and final decision thereon, LP&L's filing is hereby accepted for filing and suspended for one day, to become effective on May 4, 1976, subject to refund.

(C) ESPA is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (see Delegation of Authority, 13 CFR 3.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on May 20, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT

Louisiana Power and Light Company.
Dated: March 15, 1975.
Filed: April 2, 1976.
Other Party: City of Ruston, Louisiana.

Designation	*Description*
Rate schedule FPC___ No. 54 (supersedes FPC No. 30 and supplements thereto).	Interconnection agreement.
Supplement No. 1 to__ rate schedule FPC No. 54.	Service schedule A, emergency assistance.
Supplement No. 2 to__ rate schedule FPC No. 54.	Service schedule B, reserve capacity.
Supplement No. 3 to__ rate schedule FPC No. 54.	Service schedule C, supplemental power.
Supplement No. 4 to__ rate schedule FPC No. 54.	Service schedule D, surplus power.
Suplement No. 5 to__ rate schedule FPC No. 54.	Service schedule E, economy.
Suplement No. 6 to__ rate schedule FPC No. 54.	Service schedule F, transmission service.
Supplement No. 7 to__ rate schedule FPC No. 54.	Service schedule F-1, transmission service.
Supplement No. 8 to__ rate schedule FPC No. 54.	Fuel adjustment clause.

[FR Doc.76-13314 Filed 5-6-76;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Notice of Extension of Time

APRIL 30, 1976.

On April 27, 1976, National Fuel Gas Supply Corporation (National) filed a motion to extend the time for filing briefs on exceptions to the initial decision issued on March 15, 1976, in the above-entitled proceeding. National states that no party objects to the requested extension.

Upon consideration, notice is hereby given that the time for filing briefs on exceptions in the above proceeding is extended from April 30, 1976, to and including May 31, 1976. The time for filing briefs opposing exceptions is extended from May 20, 1976, to and including June 9, 1976.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13299 Filed 5-6-76;8:45 am]

[Docket No. ER76-40]

NEVADA POWER CO.

Notice Postponing Date of Hearing

APRIL 30, 1976.

On April 28, 1976, California-Pacific Utilities Company filed a motion to change the date of hearing fixed by notice issued April 11, 1976. The motion states that the parties to the proceeding have no objection to the postponement of the hearing.

Upon consideration, notice is hereby given that the hearing is postponed to June 9, 1976, at 10:00 A.M., EDT, in a hearing room at the Federal Power Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13297 Filed 5-6-76;8:45 am]

[Docket No. ER76-641]

NEVADA POWER CO.

Interim Letter Agreements for Delivery of Economy Energy

APRIL 30, 1976.

Take notice that on April 26, 1976, Nevada Power Company (Nevada) tendered for filing interim letter agreements dated April 2, 1976, between it and the Cities of Anaheim and Riverside for the delivery of economy energy on an interim basis until further longer term agreements can be concluded.

Nevada states that service shall be provided on a when, as, and if economically available basis.

Nevada requests an effective date as of date of filing.

Nevada states that copies of this filing were served upon Nevada's jurisdictional customer—California-Pacific Utilities Company, the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13303 Filed 5-6-76;8:45 am]

[Docket No. ER76-634]

NORTHERN ELECTRIC COOPERATIVE ASSOC.

Filing of Service Agreement

APRIL 30, 1976.

Take notice that on April 12, 1976, Northern Electric Cooperative Association (Northern) tendered for filing a service agreement, dated April 7, 1970, between Northern and Lac La Croix Power Authority, Fort Frances, Ontario and three rate revisions to that service agreement, the last dated January 21, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 10, 1976. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13306 Filed 5-6-76;8:45 am]

[Docket No. RP76-89]

NORTHERN NATURAL GAS CO.

Proposed Changes in F.P.C. Gas Tariff

APRIL 30, 1976.

Take Notice that Northern Natural Gas Company on April 22, 1976, tendered for filing proposed changes in its F.P.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales by $71,723,077 annually, based on sales volumes and costs for the twelve months ended December 31, 1975, as adjusted for the Test Period. Northern states the principal reasons for the proposed rate increase are: (1) Increased costs of obtaining new gas supplies, (2) Increased costs associated with a growing need for additional storage capacity required to maintain peak day and winter period deliveries to high priority customers, (3) The loss of revenues due primarily to declining gas supplies and from resultant reductions in sales to electrical generating plants and other large volume interruptible low priority end use customers, (4) The need to provide a return of 10.75% on its utility investment, (5) Increased annual depreciation expense and (6) Increased costs of operations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13308 Filed 5-6-76;8:45 am]

PACIFIC ALASKA LNG CO. ET AL.

[Docket Nos. CP75-140; CP75-83-2; CI75-587; CI75-598; CI76-360; CI75-616; CI75-707; CI76-384]

Order Consolidating Proceedings, Granting Interventions, Scheduling Formal Hearing, and Establishing Procedures

APRIL 29, 1976.

In the matter of Pacific Alaska LNG Co.; Western LNG Terminal Co.; Atlantic Richfield Co.; Union Oil Co.; Shell Oil Co.; Standard Oil Co. of California; Pacific Gas Lighting Development Co.

On November 11, 1974, Pacific Alaska LNG Company (Pac-Alaska) filed in Docket No. CP75-140 an application pursuant to Section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline and liquification facilities in Alaska, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas to Southern California Gas Company (SoCal) for resale. The gas would be purchased by PacAlaska from producers operating in the Cook Inlet area of Alaska, transported by pipeline from producing fields, liquified and loaded aboard liquified natural gas (LNG) ships for transportation by Pacific Lighting Marine Company (Pacific Marine) to propcsed storage and vaporization facilities to be owned and operated by Western LNG Terminal Company (Western Terminal) at Los Angeles Harbor. Western Terminal would store, regasify the LNG and deliver it through its pipeline facilities to SoCal's distribution system for sale by PacAlaska to SoCal. Notice of the application was published in the FEDERAL REGISTER on November 29, 1974 (39 FR 41582).

PacAlaska proposes to construct facilities necessary to implement the project in two phases. "Phase I" facilities would transport and liquify up to 200,000 Mcf (gaseous equivalent) per day. In "Phase II" PacAlaska would add 200,000 Mcf per day capacity which would provide a total of 400,000 Mcf per day, the full project volume. PacAlaska seeks unconditional authorization for Phase I construction and sales. PacAlaska requests that any Phase II authorization be conditioned upon subsequent showing that the gas supply necessary to support Phase II is available. Phase I of the project is expected to be operational in 1979, and Phase II in 1980.

PacAlaska intends to transport the gas it will purchase from various producers, whose applications for sale of such gas are consolidated herein, to a location in the North Foreland, Alaska area, and then across the Cook Inlet to liquefaction facilities in Nikiski, Alaska. Such transportation for Phase I, would require 83 miles of 6-inch to 24-inch pipeline on 60 miles of right-of-way. PacAlaska projects that in Phase II an additional 21.5 miles of 24-inch pipeline would be added, to extend the initial line into other supply areas. Estimated construction costs are $134 million for Phase I pipeline facilities and $31 million for Phase II.

On April 11, 1975, PacAlaska filed an amendment to its application in Docket No. CP75-140, seeking authorization to construct pipeline facilities in addition to those described above. The additional facility would consist of 12.4 miles of 10-inch pipeline from the Beaver Creek field to the Nikiski liquefaction facility. The additional line is required for PacAlaska to receive gas it has contracted to purchase from Union Oil Company (Union). The additional facilities would not increase the total project cost, PacAlaska states, due to an alleged decrease in the estimated cost of constructing Phase I facilities already described. Notice of the amendment to the application was published in the FEDERAL REGISTER on May 6, 1975 (40 FR 19699).

The liquefaction facility which Pac Alaska proposes to construct to receive gas purchased and transported as described above is to consist of two identical mixed component refrigeration cycle trains which will treat, dehydrate, compress and liquefy the natural gas at net production rate of 200,000 Mcf per day each. Initially, the facility will liquefy 200,000 Mcf per day, and will later operate at a total capacity of 400,000 Mcf per day when additional volumes of gas anticipated in Phase II of the project become available. To store the LNG, the facilities to be constructed in Phase I will include two, 550,000 barrel double-walled tanks with external pumps which can remove LNG from the two tanks in combination or separately at a maximum rate of up to 76,000 barrels of LNG per hour. In addition, PacAlaska proposes to construct in Phase I, a 2,200 foot trestle and marine terminal facilities for the berthing and servicing of the LNG carrier ships. The estimated cost of the liquefaction plant and marine terminal facilities in Phase I is $338 million and $163 million for Phase II.

PacAlaska proposes to charter from its affiliate, Pacific Marine, two ships (each of approximately 130,000 meter capacity) to transport the LNG to Los Angeles Harbor. It is proposed that Pacific Marine will initially operate one ship to transport a volume of LNG equivalent to approximately 200,000 Mcf of gas per day which will flow during Phase I of the project. The second ship will be utilized to transport the additional 200,000 Mcf per day to be made available in Phase II. PacAlaska states that the cost of the ships is estimated to be $379.5 million. The cost of shipping the LNG from Alaska to California is estimated to be $65 million annually, which will be charged SoCal by PacAlaska through the "shipping rate" charges.

PacAlaska proposes that the LNG be received and stored by Western Terminal at Los Angeles Harbor. By application in Docket No. CP75-83 filed September 17, 1974, pursuant to Section 7(c) of the Natural Gas Act, Western Terminal proposed to construct and operate this facility as well as similar facilities at Point Conception and Oxnard Harbor, all located in Southern California. Western Terminal proposed that each site be conditionally certificated for a daily throughput of four Bcf pending the filing of specific information concerning each site. The application was noticed in the FEDERAL REGISTER on October 9, 1974 (39 FR 36387). On March 3, 1975, in Docket No. CP75-83-2 Western Terminal made a supplemental application pursuant to Section 7(c) of the Natural Gas Act for authorization to construct and operate facilities in Los Angeles which will consist of two 550,000 barrel tanks to store the LNG, a vaporization plant, a seawater pipeline to carry seawater for use in the baseload vaporization operations,

and 3.4 miles of 48-inch pipeline to transport the regasified LNG from those facilities to the SoCal distribution system. This proposed construction for Phase I is estimated to cost $156,659,000. Western Terminal proposes that for Phase II, four submerged-combustion gas-fired vaporizers will be constructed to provide additional capacity for vaporization at peak rates up to 800,000 Mcf per day. It is estimated that these facilities would cost an additional $7,970,000. Western proposes to render terminal service to PacAlaska on a cost-of-service basis. The supplement to the application was noticed in the FEDERAL REGISTER on March 27, 1975 (40 FR 13560).

Gas flowing through the above-described facilities is to be available to SoCal in estimated annual volumes of 73 million Mcf in 1979 (Phase I) and 146 million Mcf beginning in 1980 (Phase II). PacAlaska proposes to sell this gas to SoCal under a cost-of-service tariff. The total capital expenditures for the project through Phase II are estimated to be $924 million, based on 1974 costs, or $1.98 per Mcf of gas delivered to SoCal. PacAlaska further states that estimates show that inflation will increase the total capital costs to an aggregate of over $1.2 billion.

Applications for the sale of gas from the Beluga River field in Cook Inlet Area of Alaska to PacAlaska were made by Atlantic Richfield Company (ARCO) in Docket No. CI75-587, filed on April 7, 1975, and noticed in the FEDERAL REGISTER on May 1, 1975 (40 FR 19036), Shell Oil Company (Shell) in Docket No. CI75-616 filed on April 11, 1975, and noticed in the FEDERAL REGISTER on May 6, 1975 (40 FR 19688) and Standard Oil Company of California (SoCal) in Docket No. CP75-707 filed on May 21, 1975 and noticed in the FEDERAL REGISTER on June 22, 1975 (40 FR 25717). Each of these applicants have a one third interest in the Beluga River field. Each of the three similar contracts for sale of gas to PacAlaska dedicates all reserves from specific acreage in excess of the reserves necessary to satisfy each companies obligation to the Chugach Electric Association, Inc. The estimated proven reserves in the acreage is 449,000,000 Mcf as of December 31, 1972. The contracts provide for periodic redetermination of reserves.

Each of the three sales contracts provides for sales of gas at an initial rate of 49.0 cents for gas sold prior to January 1, 1980, and annual increases of 1.5 cents per Mcf thereafter. It is further provided that buyer is to be reimbursed up to 2.0 cents per stage of compression (not to exceed 4.0 cents) and up to 2.0 cents for treating the gas. In addition, the buyer is required to take or pay for an annual guantity based on a daily delivery rate of 1 Mcf for each 7,300 Mcf of reserves subject to certain makeup rights.

Union Oil Company (Union) proposes in Docket No. CI75-598, filed April 19, 1975, and noticed in the FEDERAL REGISTER on May 21, 1975 (40 FR 19035) to sell to PacAlaska gas from the Beaver Creek field pursuant to a November 8, 1974, contract. The contract provides for either a 20 year term or sale of 112 million Mcf of gas, which ever occurs first. The initial base rate of 49.0 cents per Mcf is to be in effect until 1980, and subject to annual increases of 1.5 cents per Mcf thereafter. The price is subject to a Btu adjustment in proportion to the amount above 1050 Btu's or below 950 Btu's. Further, Union is to reimburse buyer up to 2.0 cents per Mcf for compression required up to 3.5 ratios and not to exceed an aggregate amount of 4.0 cents per Mcf for ratios in excess of 3.5. Should the gas require treating, Union is to reimburse buyer up to 2.0 cents per Mcf for the expense of treating the gas. PacAlaska is obligated to take or pay for an annual volume based on a daily quantity of 15,480 Mcf and has the term of the contract to make up volumes paid for but not taken.

In a petition for a declaratory order filed in Docket No. CI76-360 on January 26, 1976, Union also proposes to sell to PacAlaska gas from the Trading Bay and McArthur River fields, located in the Cook Inlet area, for use exclusively as fuel in the liquefaction facilities which PacAlaska proposes to contract near Kenai, Alaska. Union states that under the Fuel and Gas Sale and Purchase Agreement, fuel will be delivered in an independent system and will not be commingled with gas liquefied in the plant and ultimately delivered in California. Union states that it believes that this sale of fuel gas is a direct sale of gas to be consumed wholly within the State of Alaska and not subject to the jurisdiction of the Commission as set forth in Section 1(b) of the Natural Gas Act. Union petitions the Commission to issue a declaratory order answering the following question:

Is the direct sale of natural gas for consumption as fuel pursuant to the Fuel Gas Sale and Purchase Agreement between Union and Pacific Alaska LNG Company (Pacific Alaska), whereby the fuel gas is produced, transported, sold and consumed wholly within the State of Alaska, a non-jurisdictional sale of natural gas?

Pacific Lighting Gas Development Company (PLDG) proposes in Docket No. CI76-384, filed February 13, 1976, and noticed in the FEDERAL REGISTER on May 1, 1975 (41 FR 10468), to make sales of gas to PacAlaska from the Ivan River field. The gas to be sold is to be produced from PLDG's 12.5% working interest in the Ivan River field and is to be delivered to PacAlaska at a mutually agreeable central point in the field. The sale of gas to PacAlaska is pursuant to a 20-year contract dated December 1, 1975, which provides for an initial base rate of 49.0 cents per Mcf for gas sold prior to January 1, 1980, and annual increases of 1.5 cents per Mcf thereafter. The estimated sales volumes are 167,200 Mcf per month until payout and 55,700 Mcf per month after payout.

The Commission notes that there exists an interrelationship between the above-entitled docket numbers, and concludes that their ultimate disposition would best be accomplished in a consolidated proceeding. The Commission therefore, shall consolidate Docket Nos. CP75-140, CP75-83-2, CI75-587, CI75-598, CI76-360, CI75-616, CI75-707 and CI77-384.

Timely petitions to intervene were filed by the following parties in the following dockets:

Distrigas Corporation, et al., CP75-140
California Gas Producers Association, CP75-140
Shell Oil Company, CP75-140
Texas Eastern Transmission Corporation, CP75-140
Marathon Oil Company, CP75-140
Southern Natural Gas Company, CP75-140
Washington Water Power Company, CP75-140
Tennessee Gas Pipeline Company, a Division of Tenneco Inc., CP75-140
People of the State of California by the Public Utilities Commission of the State of California, CP75-140, CP75-83-2, CP75-587, CI75-598, CI75-616, CI75-707, CI76-360, and CI76-384
Exxon Corporation, CP75-140
San Diego Gas and Electric Company, CP75-140, CP75-83-2, CI75-587, CI75-598, CI75-616 and CI76-384
Mobil Oil Corporation, CP75-140, CI75-616, CI75-707, CI76-360 and CI76-384
Phillips Petroleum Company, CP75-140
Atlantic Richfield Company, CP75-140
The Peoples Gas Light and Coke Company, CP75-140
North Shore Gas Company, CP75-140
El Paso Alaska Company, CP75-140
El Paso LNG Company, CP75-140
Natural Gas Pipeline Company of America, CP75-140
Associated Gas Distributors, CP75-140
Greater Anchorage Area Borough, CP75-140
Tucson Gas & Electric Company, CP75-140
Cascade Natural Gas Corporation, CP75-140
Consumers Power Company, CP75-140
Michigan Gas Storage Company, CP75-140
City of Anchorage, Alaska, CP75-140
Northwest Natural Gas Company, CP75-140
Pacific Gas and Electric Company, CP75-140, CI76-360
Michigan Wisconsin Pipe Line Company, CP75-140
City of Kenai, CP75-140
Kenai Peninsula Borough, CP75-140
The Brooklyn Union Gas Company, CP75-140
The City of Los Angeles, CP75-140
Western LNG Terminal Company, CP75-140
Pacific Alaska LNG Company, CI75-616, CI75-707, CI75-360, and CI76-384
The State of Louisiana, CI76-360

Late petitions to intervene were filed by San Diego Gas and Electric Company in Docket No. CI75-707 and Southern California Gas Company and Pacific Alaska LNG Company in Docket No. CI75-587 and CI75-598, and PG&E in Docket No. CI76-384.

Timely notice of intervention was given by the Alaska Public Service Commission in CP75-140 and by the California Public Service Commission in CP75—140, CP75-83-2, CI75-587, CI75-598, CI75-616, CI75-707, CI76-384. The Alaska Public Service Commission has withdrawn its notice of intervention.

By orders of November 14, 1974, and December 23, 1974, the Commission granted all petitions for intervention in Western LNG Terminal Company, Docket No. CP75-83. Docket No. CP75-83-2

is a supplement to Docket No. CP75–83, and therefore, any intervenor in Docket No. CP75–83 will be made an intervenor in Docket No. CP75–83–2 as consolidated in this proceeding.

Having reviewed the petitions to intervene, we are convinced that the petitioners have all shown sufficient interest in their respective dockets to warrant intervention, and that petitions to intervene out of time will not prejudice these consolidated proceedings. Accordingly, we shall grant intervention in the proceedings consolidated herein to all those who have so petitioned in each of the instant dockets.

On November 7, 1975, pursuant to an October 24, 1975, notice of the Secretary, a conference was held for the purpose of ascertaining what information necessary in the proceeding of the above applications was outstanding. The Staff set forth a list of items to be provided by PacAlaska, Western Terminal, and the producing companies. This information has been filed with the Commission, except for data bearing on the producers costs of producing the gas to be sold. We additionally note that direct testimony of applicants in Docket Nos. CP75–140 and CP75–83–2 have been filed with the Commission. However, we note that in Pacific Indonesia LNG Company, et al., Docket Nos. CP74–160, et al., a SoCal companion supply case, a Memorandum of Understanding between Pacific Lighting Company and Pacific Gas and Electric Company (PG&E) was filed with the Commission and accepted into evidence in that proceeding as Exhibit No. 123. This memorandum indicates that there will be an equal sharing of gas supplies not only in that project, but also in this project. Therefore, to the extent necessary applicants must amend the appropriate applications and file such additional testimony as necessary. Accordingly, we will set a date for hearings to commence, however, the convening of this hearing is expressly made subject to the submission of necessary amendments to appropriate applications and testimony, and the submittal of such additional testimony from PG&E as required.

These hearings which are herein scheduled to commence are required to examine whether the proposed project is in the public convenience and necessity. The construction and operation of the proposed facilities, as well as the sale and use of the gas must be examined to determine whether the purchase, sale for resale and transportation of the gas in interstate commerce is in the public convenience and necessity. Among the issues deemed relevant for consideration at this hearing are, the sufficiency of reserves for Phase I of the project, the probability that sufficient reserves will be obtained for Phase II of the project, whether Phase I alone justifies the capital investment, the cost of gas purchased at the wellhead, the engineering feasibility, the environmental impact of any proposed facilities to include overall project safety, the cost of those facilities, the reliability and cost of transportation of LNG by ship, the proper method of pricing this LNG to customers of PacAlaska, overall economic feasibility of the project, end use allocation of the proposed LNG supply, availability of alternative fuels for the markets to be served by the project, and any other issues as may be pertinent and appropriate. We note that PacAlaska has submitted evidence regarding the fuel gas sale which Union requests in Docket No. CI76–360 be declared non-jurisdictional. This and any other evidence to be submitted should be taken into consideration by the Presiding Administrative Law Judge who should render a decision on the question contemporaneously with his initial decision in this proceeding. In regard to the outstanding requests of the Staff for data regarding submission of producer cost data, we make it an issue as to what cost data is to be filed and to what extent and pursuant to what procedures cost data should be examined.

In regard to the environmental issues, we note that the Commission Order No. 415–C requires that the Staff Environmental Impact Statement, together with any comments received thereon, be presented at any hearing in a proposal. In keeping with this requirement and to assure that the Staff is afforded adequate time to prepare a thorough and meaningful environmental statement, while expediting the proceeding as quickly as possible by commencing the hearing herein; we shall direct that should hearing of all issues other than environmental be completed prior to the finalization of Staff's statement and the receipt of comments thereon, the record shall remain open for the purposes of receiving such environmental testimony in evidence and further trial of the issues involved therein. No decision by the Presiding Administrative Law Judge assigned to this case shall be issued prior to the completion of such testimony, and subsequent closing of the records. We note that the procedures established in our December 24, 1974, order in Docket No. CP75–83 providing for a Staff evaluation of the issue of siting of the terminals at Los Angeles, Point Conception and Oxnard has been rendered moot by the filing of Western Terminal for specific facilities on each site. Therefore, any site evaluation should be included in an evaluation of the environmental aspects of the specific proposal at hand.

Docket Nos. CP75–140, *et al.*

The Commission finds: (1) It is necessary and appropriate that the proceedings in Docket Nos. CP75–140, CP75–83–2, CI75–587, CI75–598, CI75–616, CI75–707, CI76–360 and CI76–384 be consolidated.

(2) It may be in the public interest to allow the aforementioned parties who have formally petitioned to intervene in the above-consolidated dockets to intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(3) Good cause exists to set for formal hearings the applications filed in the above-captioned dockets.

The Commission orders: (A) Docket Nos. CP75–140, CP75–83–2, CI75–587, CI75–598, CI75–616, CI75–707, CI76–360 and CI76–384 are consolidated.

(B) The above-named petitioners, who have petitioned to intervene in the proceedings consolidated by Ordering Paragraph (A) herein, are permitted to intervene in such consolidated proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) PacAlaska and Western Terminal shall file with the Commission all necessary amendments to applications and testimony as necessitated by the proposal to sell part of the gas from the project to PG&E. This shall be filed on or before June 1, 1976.

(D) Pursuant to the authority contained in the Natural Gas Act and in accord with the Commission's Rules and Regulations under that Act, a public hearing shall be held commencing June 1, 1976, at 10:00 a.m. (EDT) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the matters involved and issues presented by these applications, *Provided, however,* that this hearing shall commence if the requirements of Paragraph (C) have been complied with. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission Rules of Practice and Procedure.

(E) The record in these dockets shall remain open until the submission of the Commission Staff's final environmental impact statement and any comments received on the draft statement. No initial decision shall be rendered prior to the submission of such environmental testimony.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–13296 Filed 5–6–76;8:45 am]

[Docket No. ER76–640]

PUBLIC SERVICE CO. OF INDIANA, INC.

Agreement

APRIL 30, 1976.

Take notice that on April 26, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing an agreement dated March 1, 1976 between it and Hendricks County Rural Electric Membership Corporation. PSI states this is the second supplement to the contract dated December 1, 1973 between these two parties which was filed as part of PSI's FPC Electric Tariff Original Volume No. 2. PSI states this supplement provides for

the amending of "Exhibit A" to the first supplemental agreement by properly describing the location of the existing Danville Delivery Point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13304 Filed 5-6-76;8:45 am]

[Docket No. RP76-39]

SEA ROBIN PIPELINE CO.

Order Granting Petition for Stay

APRIL 30, 1976.

On November 14, 1975, Sea Robin Pipeline Company (Sea Robin) tendered for filing proposed changes in its FPC Gas Tariff designed to effect a jurisdictional rate increase of $43,036,531 annually. By order issued December 11, 1975, the Commission, inter alia, accepted Sea Robin's proposed tariff changes for filing, subject to certain conditions, and suspended their use for the maximum statutory period until May 15, 1976. Two of these conditions were that Sea Robin file, prior to May 15, 1976, substitute tariff sheets reflecting elimination from its proposed rates of (1) interest payments to banks for loans to producers for exploration and development, and (2) Sea Robin's restatement of its depreciation reserve to reflect application for a four percent straight line depreciation rate since the Company's inception. On January 12, 1976, Sea Robin filed an application for rehearing of the December 11, 1975, order insofar as that order imposed these two conditions on Sea Robin. By order issued February 11, 1976, the Commission granted rehearing for the purpose of further consideration of these matters. Sea Robin's application for rehearing was, however, denied by Commission order dated March 25, 1976. Sea Robin then filed, on April 15, 1976, a petition to stay the effectiveness of the Commission's order of December 11, 1975 insofar as it required Sea Robin to file revised tariff sheets reflecting the elimination of the above-mentioned interest payments from its cost of service.[1]

The Commission notes that in *United Gas Pipe Line Company* v. *F.P.C.*, Nos. 75-1943, et al., presently on appeal before the District of Columbia Circuit Court of Appeals, the petitioner, United Gas Pipe Line Company (United), made a motion to the Court for stay of a Commission order rejecting similar interest expenses and requiring United to file revised tariff sheets reflecting such rejection. The Court granted United's motion to stay on condition that the company segregate and hold in escrow, pending resolution of the issue, any and all monies directed by the Commission to be refunded, and any and all monies which it may collect under its presently filed tariff exceeding the rates approved by the Commission. We shall, in light of that decision, order likewise pending further Commission order in light of the continuing proceedings in *United* and the instant case.

The Commission finds: Good cause does exist to grant Sea Robin's petition for stay of our order of December 11, 1975.

The Commission orders: (A) Sea Robin's petition for stay of our order of December 11, 1975 is hereby granted.

(B) Ordering Paragraph (C) of the Commission's order of December 11, 1975 in this proceeding shall be amended, consistent with the language contained in the body of this order, to provide that Sea Robin shall segregate and hold in escrow any and all monies directed by this Commission to be refunded with respect to the issue of interest payments to banks for producer loans for exploration and development, as well as any and all monies which it may collect due to such interest payments, pending resolution of Sea Robin's appeal of the December 11, 1975 order, or of similar issues raised in *United, id.*

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13309 Filed 5-6-76;8:45 am]

[Docket No. ER76-630]

SIERRA PACIFIC POWER CO.

Filing of Service Agreement

APRIL 29, 1976.

Take notice that on February 20, 1976, the Sierra Pacific Power Company (Sierra) tendered for filing an executed Emergency Electric Service Agreement between Sierra and Austin Light and Power dated January 30, 1976. Sierra states that the service and rates included in its FPC Electric Tariff, Original Volume No. 1, are incorporated in the Agreement.

Sierra requests a waiver of the notice requirements of the Commission's Regulations to allow a January 30, 1976 effective date for this filing, which is the execution date of the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (1.8, 1.10). All such petitions or protests should be filed on or before May 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13293 Filed 5-6-76;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Postponing Hearing

APRIL 30, 1976.

On April 26, 1976, Transwestern Pipeline Company filed a motion in the above-designated matter for a change in the hearing date fixed by notice issued April 9, 1976.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to May 13, 1976, at 10:00 A.M., EDT in a hearing room of the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13313 Filed 5-6-76;8:45 am]

[Docket No. RP76-88]

UNITED GAS PIPE LINE CO.

Petition for Amendment of Rules

APRIL 30, 1976.

Take notice that on April 20, 1976, United Gas Pipe Line Company (Petitioner), 700 Milam, Houston 77001, filed in Docket No. RP76-88 a petition pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)) for amendment of rules (1) by the issuance of an order amending the Regulations under the Natural Gas Act (18 CFR, Subchapter E) so as to authorize successive emergency purchases by interstate pipelines provided that, at the time any given emergency purchase is commenced, the gas so purchased is necessary in order to eliminate or reduce projected Priority 1 or 2[1] curtailments or to fill storage or to be used in delayed exchanges, when the latter two actions would themselves have the effect of reducing or eliminating anticipated high-priority curtailment, and (2) by the issuance of an order amending the Commission's General Policy and Interpretations (18 CFR, Part 2) and the Regulations under the Natural Gas Act with respect to limited-term purchases so as to (a) institute a procedure whereby the Commission would have the authority to reject summarily a proposed limited-term purchase, with the provision that, if it were not so rejected, the

See footnote on next page.

[1] On April 15, 1976, Sea Robin filed a petition for review of those orders in the U.S. Appeals for the District of Columbia Circuit (*Sea Robin Pipeline Company* v. *F.P.C.* D.C. Cir. No. 76-1362).

producer's price would not be subject to refund with respect to gas delivered up to the date of final Commission action and (b) eliminate the requirement of a definite commitment of the gas at the end of the limited term in order to qualify for the procedure, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner requests that the Commission amend Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) to permit interstate pipelines to make successive 60-day purchases from the same source of production under these circumstances:

Certification by the pipeline that the gas cannot be obtained under a long-term purchase.

Certification by the pipeline that it projects Priority 1 or 2 curtailments, as defined by the pipeline's curtailment program, which could be partially offset by the purchase of the gas in question.

Certification by the pipeline each 60 days thereafter that the emergency was continuing as a prerequisite to the right to "roll over" the purchase, i.e., to continue the purchase from the same producer (or the same well) for an additional 60 days.

Further, Petitioner requests that the Commission liberalize current procedures for making limited-term purchases if the procedure is to provide a means by which any significant quantity of gas can be obtained by interstate pipelines and asks that the Commission promulgate rules to provide the following:

In order to qualify, a pipeline would have to make the same emergency showing outlined above, i.e., a projection of curtailment of Priority 1 or 2 requirements during a substantial portion of the period to be covered by the limited purchase.

The Commission should have the right to reject summarily a limited-term certificate application within 45 days after filing, i.e., before the end of the related 60-day emergency purchase, on price or other grounds.

In the event the Commission does not reject the purchase, the producer should be entitled to collect the full contract price without refund obligation up to the date of a Commission order ruling on the purchase.

If the Commission order conditioned the purchase in a manner unacceptable to the producer, the producer would have the right to cancel the contract and to terminate deliveries in interstate commerce.

Petitioner also requests that, for a pipeline that could qualify for the liberalized procedures, the Commission eliminate or liberalize the rule that requires a definite commitment of gas at the end of the term of the proposed sale in order to qualify for the limited-term procedure. Petitioner asserts that it is the Commission's current position that the limited-term procedure is not available if the producer has no fixed commitment for the gas at the end of the contract term.

Petitioner states that the Commission may be forced to deal with a natural gas shortage of crisis proportions during the 1976–77 winter heating season. Such a crisis is said to be imminent for Petitioner and its customers and Petitioner suggests that it seems likely that other pipelines will also face the prospect of high priority curtailments. Petitioner anticipates that it will have to curtail 51 percent of firm requirements during the coming winter and states that under its current curtailment plan, this represents virtually all industrial requirements on its system, including 89 percent of the total requirements of industrial customers using 300 Mcf or less of gas per day and 89 percent of most larger customers' process gas requirements. Petitioner states that the limit on the rate interstate pipelines are allowed to pay producers precludes petitioner from connecting any significant amount of new onshore gas, that petitioner has already taken every action it can to connect all offshore supplies that could be available to it, and that the short-term and emergency purchase volumes that Petitioner is successful in obtaining very likely represent the only source of gas that could cause any appreciable reductions in curtailments projected.

Petitioner states that the attempts of any interstate pipeline to purchase gas from onshore sources are almost totally frustrated by the fact that interstate pipelines are limited to the national rate in the amounts they can offer to pay for the gas and thus the only procedure available at the present time whereby an interstate pipeline can compete for onshore supplies is the emergency purchase procedure which allows pipelines to pay an amount higher than the national rate. Petitioner asserts that the emergency purchase procedure is strictly limited to sales no longer than 60 days in duration.

The petition notes that there is the limited-term purchase procedure which operates in coordination with the emergency purchase procedure. Petitioner states that the limited-term procedure has in recent practice proved to be of little use because it requires a lengthy proceeding with a full hearing during which time the producer's rate is subject to refund and because it is the Commission's position that the procedure is not available if the producer has no fixed commitment for the gas at the end of the limited term.

Petitioner submits that the "prudence" test for emergency purchase prices set out in Commission Opinion No. 699–H is an appropriate standard with respect to pipeline rate treatment of prices paid for emergency purchases. Petitioner notes that in pipeline rate proceedings the Commisison staff has taken the position that a pipeline is not entitled to include in its purchased gas costs amounts paid for emergency purchases in excess of the national rate unless the pipeline shows that the higher price is justified by producer costs. Although there has been no decision upholding the staff's position on this issue, Petitioner states, if a pipeline purchases gas at the lowest price at which gas is available to the interstate market but at a price in excess of the national rate, the pipeline apparently faces a staff challenge to any part of that price above the national rate unless it can prove producer costs. This is said to create an unfair and pointless dilemma for interstate pipelines that need emergency purchases to offset high priority curtailments because gas will be available only at prices in excess of the current national rate. Accordingly, Petitioner requests that the Commission reject the staff position.

Petitioner submits that the proposed amendments to the Commission's rules and regulations will make a positive contribution to the amelioration of next winter's natural gas shortage and are absolutely necessary to obtain any significant quantity of gas under short-term procedures. In addition to adopting the proposed amendments Petitioner requests that the Commission make it clear that producer costs are irrelevant on review of a pipeline's emergency costs and that the question is whether the price was the lowest at which the gas was available to the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13300 Filed 5-6-76;8:45 am]

[1] Petitioner proposes that the rule be applicable to priorities as defined by the particular pipeline company's curtailment program and submits that although the curtailment programs of various pipelines differ in some respects, Priority 1 or 2 use is high priority use under virtually all programs. Petitioner notes that under its proposed permanent curtailment plan Category I consists of residential and commercial requirements and Category II consists of industrial feedstock gas requirements, industrial requirements for process and plant protection gas and industrial requirements of less than 300 Mcf of gas per day supplied directly by Petitioner or indirectly through Petitioner's city gate customers, and emergency electric generation requirements.

[Docket No. RP72-133 (PGA76-2)]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing and Suspending Revised Tariff Sheet, Rejecting Alternate Tariff Sheet and Granting Waiver of Notice Requirements and Granting Intervention

APRIL 30, 1976.

On March 31, 1976, United Gas Pipe Line Company (United) tendered for

filing a Twenty-Ninth Revised Sheet No. 4 (Proposed Tariff Sheet) and an Alternate Twenty-Ninth Revised Sheet No. 4 (Alternate Proposed Tariff Sheet), both to its FPC Gas Tariff, First Revised Volume No. 1 and both with a requested effective date of May 1, 1976. For the reasons stated herein, the Commission by this order shall grant waiver of notice requirements and accept the Proposed Revised Tariff Sheet for filing, subject to the condition discussed below, and suspend it for one day to go into effect May 2, 1976 subject to refund.

Notice of the filing was issued on April 7, 1976 with protests and petitions to intervene to be filed on or before April 20, 1976. On April 26, 1976, the United Municipal Distributors Group (MDG) filed an untimely petition to intervene and protest the negative surcharge included in the Alternate Proposed Tariff.

Both of the tendered tariff sheets reflect increased purchased gas costs of 1.35¢ per Mcf or $11,731,963 per year occasioned by Commission Opinion No. 749 and a 3.2¢ per Mcf increase in the surcharge to recover estimated deferred costs of $3,193,664 estimated to be incurred through April 30, 1976, as a result of Opinion No. 749. In addition to these costs, the Alternate Proposed Tariff also provides for a special negative surcharge and related changes in the rate base to accord with the Stipulation and Agreement between United and the Commission related to United's appeal of Commission orders in Docket Nos. RP75–30 and RP75–109. The use of the Alternate Proposed Tariff Sheet is dependent on a favorable ruling by the United States Court of Appeals for the District of Columbia Circuit on a petition by United in that Court's docket No. 75–1943 requesting, inter alia, release of escrow amounts attributable to the disputed costs in the dockets listed above. Since the Court of Appeals has not yet acted on United's petition, it would be premature for this Commission to accept a tariff sheet dependent on such ruling. We shall therefore reject the Alternate Proposed Tariff Sheet and accept the Proposed Tariff Sheet as conditioned below without prejudice to United's filing another revised tariff sheet when the Court of Appeals acts on its petition.

Review of the Proposed Tariff Sheet filing indicates that the PGA adjustments reflect increases pursuant to Opinion No. 749 for non-jurisdictional purchases. The question of whether non-jurisdictional purchase costs are properly included in such adjustments is presently before the Commission in Docket No. RP74–83. Since the propriety of including such costs is unclear, we conclude that the rate increase proposed in this docket has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the use thereof for one day until May 2, 1976 when the rates in the Proposed Tariff Sheet shall be permitted to become effective, subject to refund upon determination of this issue in Docket No. RP74–83. We also find that good cause exists to grant United's request for waiver of the notice requirements of Section 154.38(d)(4) of the Commission's Rules and Regulations and Section 19 of United's FPC Gas Tariff to permit the rates to go into effect on the above date.

Review of the filing also indicates that it reflects certain anticipated large producer increases pursuant to Opinion No. 749 which are not on file with the Commission. Since a large producer must have filed by March 31, 1976 to obtain a rate increase effective January 1, 1976, and any producer who files after March 31 may only receive the date of filing as the effective date of such increase, United may not reflect in its tariff large producer increases which were anticipated to be but were not timely filed. Accordingly, Commission acceptance of the Proposed Tariff Sheet herein shall be conditioned on United's filing reduced rates to reflect the elimination from both the deferred account and the current cost of gas account of any producer rates reflected therein but not incurred by May 1.

Having reviewed the petition of MDG, the Commission concludes that it has an interest in this proceeding which is sufficient to warrant intervention herein. Since by this order we reject the Alternate Proposed Tariff Sheet, the protest of MDG against the surcharge contained therein is rendered moot hereby.

The Commission finds: (1) United's Twenty-Ninth Revised Sheet No. 4 tendered for filing on March 31, 1976 should be accepted for filing subject to the condition hereinafter ordered and suspended for one day to become effective May 2, 1976, subject to refund.

(2) Good cause exists to grant United's request for waiver of the Commission's notice requirements and Section 19 of United's FPC Gas Tariff.

(3) United's Alternate Twenty-Ninth Revised Sheet No. 4 should be rejected without prejudice.

(4) The inclusion in the PGA adjustment of increases pursuant to Opinion No. 749 for non-jurisdictional purchases should be subject to the outcome of the proceedings in Docket No. RP74–83.

(5) It is desirable and in the public interest to permit MDG to intervene in the above-referenced proceeding, provided that such intervention is conditioned as hereinafter ordered.

The Commission orders: (A) United's Twenty-Ninth Revised Sheet No. 4 as tendered on March 31, 1976 is accepted for filing and suspended for one (1) day to become effective May 2, 1976, subject to refund; *Provided, however,* That United shall file within 30 days of the issuance of this order tariff sheets showing the elimination from both the deferred account and the current cost of gas account of any producer rates reflected therein but not incurred by May 1, 1976.

(B) United's request for waiver of the Commission's notice requirements and Section 19 of its FPC Gas Tariff is hereby granted.

(C) United's Alternate Twenty-Ninth Revised Sheet No. 4 tendered for filing on March 31, 1976 is hereby rejected without prejudice to the resubmission of a similar tariff sheet upon favorable action by the Court of Appeals of the District of Columbia Circuit in No. 75–1943.

(D) The proposed inclusion in the PGA adjustment of increases pursuant to Opinion No. 749 for non-jurisdictional purchases shall be made subject to the outcome of the proceeding in Docket No. RP74–33.

(E) MDG is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of this intervenor shall be limited to matters effecting the rights and interest specifically set forth in its petition to intervene: and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-13301 Filed 5-6-76;8:45 am]

[Docket No. CP76-329]

ARKANSAS LOUISIANA GAS CO.

Application

APRIL 28, 1976.

Take notice that on April 2, 1976,[1] Arkansas Louisiana Gas Company (Applicant), P.O. Box 1126, Shreveport, Louisiana 71163, filed in Docket No. CP76-329 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its seller's option interruptible dump sale to Mississippi River Transmission Corporation (Mississippi River) under its FPC Gas Rate Schedule No. XFS-25, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the subject sale was a "dump sale" arrangement made more than 10 years ago to dispose of an excess supply of gas then existing on Applicant's system and that the contract, dated November 16, 1964, provided for the sale of:

* * * whatever volumes of gas Seller may from time to time be agreeable to selling and Buyer may be agreeable to purchasing up to a daily maximum of 25,000 Mcf during the period from 7 a.m. October 15 to 7 a.m. April 16, inclusive, each year until this agreement is terminated * * *

[1] Although the application was tendered for filing on April 2, 1976, the fee required by Section 159.1 of the Commission's Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 7, 1976, thus filing was not completed until the latter date.

It is said that the contract will terminate effective with the date of the requested abandonment authorization in accordance with the notice delivered to Mississippi River by letter, dated March 31, 1976.

Applicant asserts that at the time the subject sale was authorized in 1965, more than a decade ago, Applicant from time to time had oversupplies of gas on its system, as a result of the fact that in order to obtain long-term commitments of gas by producers it was necessary to agree to minimum-take obligations which when met on a current basis resulted in Applicant's having to receive more gas into its system for a period of time than its own retail customers contemporaneously required. Further, it is asserted that to dispose of such excess supply Applicant would from time to time enter into "dump sale" arrangements with other pipelines whose requirements might happen to coincide with Applicant's short-term over-supply and that one such dump sale arrangement was the sale to Mississippi River which is now proposed to be abandoned.

Applicant states that no gas has been delivered to Mississippi River under the subject sale since April 1971 because Applicant's system has been in short supply for a number of years and Applicant's own firm retail customers have needed all the gas Applicant can supply. Further, Applicant states that its system is administering deep curtailments to firm customers and has not delivered any gas to an interruptible customer in years. Applicant does not anticipate that there will ever again be any "excess gas" on its system to dump to Mississippi River.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13295 Filed 5-6-76;8:45 am]

[Docket No. RP73-65; PGA75-5]

COLUMBIA GAS TRANSMISSION CORP.

Pre-Hearing Conference and Deferral of Procedural Date3

APRIL 29, 1976.

On April 12, 1976, Columbia Gas Transmission Corporation (Columbia) filed a motion requesting cancellation of the procedural dates fixed by order issued October 22, 1975, as most recently modified by notice issued December 30, 1975, in this proceeding and establishment of a date for a pre-hearing conference. Columbia states that at a series of informal conferences the parties have developed an "agreed" evidentiary record and entered upon a stipulation of facts.

Upon consideration, notice is hereby given that the procedural dates in this hearing are deferred and that a pre-hearing conference will be convened on May 26, 1976 before a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13292 Filed 5-6-76;8:45 am]

[Docket No. CI75-766]

FELMONT OIL CO. (OPERATOR), ET AL.

Extension of Time

APRIL 29, 1976.

On April 6, 1976, Felmont, the applicant, orally moved on the record to waive the initial decision in the above-entitled proceeding. On April 8, 1976, the Presiding Administrative Law Judge certified to the Commission the record for the above motion and fixed the time for filing comments or briefs in support by April 27, 1976.

Pursuant to the Commission's Rules of Practice and Procedure, Section 1.30 (C), the waiver motion will be deemed to have been granted, unless the Commission denies it within 10 days following April 27, i.e., May 7, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13291 Filed 5-6-76;8:45 am]

[Docket No. ER76-530]

ARIZONA PUBLIC SERVICE CO.

Tender of Notice of Contract Termination and Resubmitted Proposed Rates

MAY 4, 1976.

Take notice that, on April 15, 1976, Arizona Public Service Company (APS) tendered for filing copies of two letters to Navopache Electric Cooperative Inc. (Navopache) purporting to give notice of cancellation of the service contract between APS and Navopache, and also resubmitted a proposed increase in rates for service to Navopache, for which an effective date of May 16, 1976 is requested. APS further states that this filing constitutes the formal notice of contract terminaion required by Secion 35.13 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13477 Filed 5-6-76;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Settlement Conference

MAY 4, 1976.

Take notice that on May 11, 1976, a conference will be convened for the purpose of discussing the issues in the above-captioned docket with a view toward settling this proceeding. The conference will be held in Room 6200 at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C 20426, at 10:00 A.M. Pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure, all parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-13476 Filed 5-6-76;8:45 am]

FEDERAL RESERVE SYSTEM

BURLESON BANCSHARES, INC.

Formation of Bank Holding Company

Burleson Brancshares, Inc., Burleson, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Hold-

ing Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of Burleson State Bank, Burleson, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 26, 1976.

Board of Governors of the Federal Reserve System, April 30, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-13388 Filed 5-6-76;8:45 am]

FIRST ALTUS BANCORP, INC.

Formation of Bank Holding Company

First Altus Bancorp, Inc., Altus, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares of First National Bank, Altus, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 27, 1976.

Board of Governors of the Federal Reserve System, April 30, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-13389 Filed 5-6-76;8:45 am]

LEGAL SERVICES CORPORATION

EQUAL EMPLOYMENT OPPORTUNITY

Resolution

On April 24, 1976 the Board of Directors of the Legal Services Corporation adopted a Resolution on Equal Employment Opportunity.

Although publication is not required, the Corporation believes that publication and wide dissemination of the Board of Directors' Equal Employment Opportunity Resolution will further the policies established by the Resolution and implemented by the Corporation's Affirmative Action Plan, the full text of which is available at the Corporation's offices, Suite 700, 733 15th Street, N.W., Washington, D.C. 20005.

The Resolution was adopted as set forth below:

EQUAL EMPLOYMENT OPPORTUNITY RESOLUTION

Resolved, That the employment policy of the Legal Services Corporation shall not make a distinction in the treatment, hiring, or advancement of people because of race, religion, color, sex, age, marital status, national origin, physical handicap, political affiliation or other bases of discrimination prohibited by law. The Corporation recognizes minorities to include Blacks, Hispanic Americans, Orientals, and American Indians.

Resolved further, That the Board of Directors, President, and other officers of the Legal Services Corporation shall affirmatively implement the policies, rules, and procedures set forth in the Legal Services Affirmative Action Plan with respect to minorities and females, and shall regard the elements of such Plan as integral requirements for the administration of legal assistance to the poor.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc.76-13321 Filed 5-6-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-40]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION, AD HOC PANEL ON JET ENGINE HYDROCARBON FUELS

Meeting

The NASA Research and Technology Advisory Council (RTAC) Committee on Aeronautical Propulsion Ad Hoc Panel on Jet Engine Hydrocarbon Fuels will meet on June 1-2, 1976, at the Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Conference Room No. 215 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room which is about 25 persons including Committee members and other participants. All visitors must report to the Lewis Research Center Receptionist in the Administration Building.

The RTAC Commitee on Aeronautical Propulsion Ad Hoc Panel on Jet Engine Hydrocarbon Fuels was established to advise NASA's senior management in the areas of jet engine fuels research and technology including synthetic hydrocarbon fuels. The Panel studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation.

There are 11 members on the Aeronautical Propulsion Committee's Ad Hoc Panel on Jet Engine Hydrocarbon Fuels. The current Chairman is Dr. John P. Longwell.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

JUNE 1, 1976

Time	*Topic*
8:30 a.m.	Report by Chairman. (Purpose: To review agenda and transmit information of interest from the latest meeting of the Committee on Aeronautical Propulsion.)
9 a.m.	Report by Executive Secretary. (Purpose: To update the panel on NASA fiscal year 1977 program plans pertinent to the panel's activities, and to review previous panel recommendations and NASA response.)
9:30 a.m.	Government Member Program Reports. (Purpose: To review status of alternate fuels program activities under way by NASA, Navy, Air Force, and ERDA.)
1 p.m.	Aviation Fuel Safety. (Purpose: To review the results of the Coordinating Research Council's 1975 study on fuel safety.)
2 p.m.	Availability Factors Influencing Broadening Jet Engine Fuel Specifications (Purpose: To provide the panel with information on the technical, logistic, and economic factors which influence jet engine fuel specifications.)
2:45 p.m.	Panel Response. (Purpose: To discuss the issues and results of the previous two agenda items (safety and availability) and to formulate recommendations for NASA action where necessary.)
JUNE 2, 1976	
8:30 a.m.	General Aviation Piston Engine Research. (Purpose: To brief the panel on NASA's piston engine research activities.)
9 a.m.	Comparison of Aviation Gasoline and Automotive Gasolines Properties and Requirements. (Purpose: To brief the panel on areas of similarity and differences between automotive and aviation gasoline properties and requirements.)
9:30 a.m.	Panel Discussions and Recommendations. (Purpose: To discuss issues and priorities developed during the meeting and to summarize comments and recommendations for transmittal to the Committee on Aeronautical Propulsion.)
10:30 a.m.	Plans for Future Meetings. (Purpose: To establish tentative major topics for future exploration and study.)
11:30 a.m.	Adjournment.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-13272 Filed 5-6-76;8:45 am]

[Notice 76-41]

SPACE PROGRAM ADVISORY COUNCIL (SPAC); LIFE SCIENCES COMMITTEE

Meeting

The SPAC Life Sciences Committee will meet on June 3-4, 1976, at NASA Headquarters, 400 Maryland Avenue, Washington, DC 20546. The meeting will be held in Room 5026, Federal Office Building 6. Members of the public will be admitted on a first come first served basis, up to the seating capacity of the room, which is about 60 persons.

The SPAC Life Sciences Committee serves in an advisory capacity only. In this capacity, it is concerned with man in relation to space travel and habitation, with exobiology, with other life forms, and including: physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 19 members.

The following list sets forth the approved agenda and schedule for the June 3-4, 1976, meeting of the Life Sciences Committee. For further information, please contact Dr. Walton L. Jones: Area Code 202-755-2206.

JUNE 3, 1976

Time	Topic
0830-0900	Administrative. (Purpose: Subjects being discussed will include topics such as final approval of previous committee minutes.)
0900-0930	1976 Johnson Space Center Endocrine Program Conference Status. (Purpose: To brief the Life Sciences Committee on a recent meeting of researchers on electrolyte/volume changes in space flight and plans for future experiments and to solicit comments and advice of the LSC members.)
0930-1030	First Principles Utilized to Interpreting Data from LAND SAT. (Purpose: To apprise the LSC of the principles and procedures used in interpreting data from LAND SAT.)
1030-1130	Status of Space Motion Sickness Syndrome as it relates to Shuttle Operations. (Purpose: To summarize for LSC the flight experiences and research status of the space motion sickness syndrome, to outline its relation to space shuttle operations, and to solicit comments and advice of the LSC members.)
1130-1200	Report of the Inspection Trip to the NASA/HEW Project on Remote Area Telemedicine. (Purpose: To brief the LSC on the findings of the inspection trip by a committee member to the NASA/HEW project "Space Technology Applied to Rural Papago Advanced Health Care (STARPAHC)", at Tucson, Ariz.)
1300-1400	Common Operations Research Equipment (CORE) Capabilities in Spacelab. (Purpose: To brief the LSC on the research capabilities afforded in Spacelab with the common experiment hardware being developed for life science experiments.)
1400-1445	Biomedical Experiments Scientific Satellite (BESS) Capabilities. (Purpose: To brief the LSC on the capabilities for life science experiments utilizing the free flying biological satellite with a planned duration of up to 6 months of weightlessness.)
1445-1530	Vestibular Functions Research (VFR) Plans and Capabilities. (Purpose: To brief the LSC on the plans, status, and capabilities of the vestibular flight experiment.)
1530-1630	Proposed Life Sciences Payloads. (Purpose: To brief the LSC on the status and plans for a proposed new start in fiscal year 1978 on the development of life sciences payloads to be flown in the Spacelab/Shuttle and to solicit comments and advice of the LSC members.)
1630-1700	Discussion. (Purpose: To formulate position on issues discussed during the day.)

JUNE 4, 1976

Time	Topic
0830-1200	Discipline Review of Potential Fundamental Life Sciences Questions to be Researched in Space or Life Sciences Equipment to be Space Qualified. (Purpose: To identify and determine the potential value of life sciences experiments and hardware which should be tested or qualified in space during the eighties utilizing spacelab/shuttle or a space station in low earth orbit, synchronous orbit, or in a lunar base.)
1300-1400	Planetary Quarantine Program Review. (Purpose: To brief the LSC on the content of the planetary quarantine program, the status and plans, and to solicit the advice and comments of the LSC members.)
1400-1500	Discussion. (Purpose: To formulate position on issues discussed during the meeting.)

Dated: May 3, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-13273 Filed 5-6-76;8:45 am]

NATIONAL INDUSTRIAL ENERGY COUNCIL

Public Meeting

A meeting of the National Industrial Energy Council will be held on Wednesday June 9, 1976, from 1:30 PM to 3:30 PM in Room 4830, Main Commerce Building, 14th & Constitution Avenue, N.W. Washington, D.C.

The Council will report and advise the Secretary of Commerce on programs and problems within the industrial and commercial sectors relating to energy conservation; provide a forum for the exchange of views on conservation between government and the industrial/commercial sectors; advise on policies, plans and actions of government agencies involving energy use and conservation. The Council may identify and evaluate current and potential energy conservation plans within industry.

Agenda items are as follows:

1. Opening remarks by the Secretary of Commerce.
2. Reports by Sub-Councils: a. Business Awareness, b. Industry Programs, c. Program Development.
3. Open discussion.
4. Closing remarks by the Secretary of Commerce.

The meeting will be open to public observation. To the extent that time permits, members of the public may present oral statements to the Council. Interested persons are also invited to file written statements with the Council before or after the meeting. Approximately 20 seats will be available to the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of minutes will be available on request 30 days after the meeting.

Persons who wish to attend the meeting should contact Kay Courtney, Office of Energy Policy and Programs, Room 2011, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Washington, D.C. 20230, telephone: 202-377-3535.

Dated: April 30, 1976.

JAMES V. SHIRCLIFF,
Executive Director, National Industrial Energy Council.

[FR Doc.76-13282 Filed 5-6-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENVIRONMENTAL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Environmental Biology.

Date and time: May 27 and 28, 1976—8:30 a.m. to 5:00 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Paul G. Risser, Program Director, Ecosystem Studies Prog., Rm. 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5824.

Purpose of panel: To provide advice and recommendations concerning support for research in environmental biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

May 4, 1976.

[FR Doc.76-13322 Filed 5-6-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 30, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' questionnaire—certain aboveground swimming pools, single-time, retail stores, distributors, wholesalers, Laverne V. Collins, 395-5867.

DEPARTMENT OF COMMERCE

Bureau of Census:
- Telephone verification records for a pretest for the 1980 Decennial Census, DD-804, single-time, persons in black and Spanish neighborhoods, George Hall, 395-6140.
- Criminal Justice Directory Survey, CJ-35, CJ-36, single-time, public criminal justice agencies, George Hall, 395-6140.

DEPARTMENT OF TRANSPORTATION

Departmental and other: Special Notice for Repairs, FRA-6180-8, on occasion, railroad transportation companies, Lowry, Roye L., 395-3772.

Federal Aviation Administration: A. Concorde Community Response—Nationwide, B. Concorde Community Response—Local 1800-42 OT 1800-43 OT, other (see SF-83), households around country and near airports, Strasser, A., 395-5867.

REVISIONS

UNITED STATES INFORMATION AGENCY

Foreign Residence Data, 1AP-10, on occasion, applicants, Caywood, D. P., 395-3443.

VETERANS ADMINISTRATION

Title IV Compliance Review Report and Supplement, 27-8734-8734A, on occasion, applicants, Hall, George, 395-6140.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
- School breakfast and nonfood asistance programs and State administrative expense, on occasion, Human Resources Division, Lowry, Roye L., 395-3532.
- Application, claim and agreement—nonfood assistance—child care food program, on occasion, applicants, Human Resources Division, 395-3532.

DEPARTMENT OF LABOR

Employment Standards Administration: Establishment Information Form (also Spanish Version), WE-45, on occasion, individual employers, Caywood, D. P., 395-3443.

EXTENSIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Instructions for the preparation of an application for an education project grant, on occasion, colleges, universities, schools, Caywood, D. P., 395-3443.

VETERANS ADMINISTRATION

Inspection Approval and Supervisory Visits to Schools Furnishing Courses of Education and Training to Eligible Persons, 22-7398, monthly, State approving agencies (title 38 U.S.C.), Caywood, D. P., 395-3443.

DEPARTMENT OF THE TREASURY

Bureau of Customs:
- Drawback Entry for Tax-Paid Alcohol (Proprietors of Warehouses of Manufacturers), CF-7579, on occasion, manufacturers and producers, Marsha Traynham, 395-4529.
- Informal Entry, CU-5119-A, on occasion, applicants, Marsha Traynham, 395-4229.
- U.S. Customs Inward Foreign Manifest, CF 7527-A, on occasion, Marsha Traynham, 395-4529.
- Request for Information, CU-28, on occasion, Marsha Traynham, 395-4529.
- Drawback entry and certificate of manufacture for tax-paid alcohol, on occasion, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-13490 Filed 5-6-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12398]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change by the American Stock Exchange, Inc.

APRIL 30, 1976.

On April 6, 1976, the American Stock Exchange, Inc. 86 Trinity Place, New York, New York 10006, (SR-Amex-76-13) (the "Amex") filed with the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"), and Rule 19b-4 thereunder, copies of a proposed rule change to eliminate those provisions establishing minimum commissions which must be charged by members for the execution of business on the Amex for other members.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12336, (April 12, 1976)) and by publication in the Federal Register (41 Fed Reg. 17439 (April 26, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

In Release 34–11203 (January 23, 1975) the Commission announced the adoption of Rule 19b–3 under the Act which prohibits as of May 1, 1975 registered national securities exchanges from prescribing fixed rates of commission on securities transactions (except for floor brokerage commissions). That rule prohibits exchanges from prescribing fixed floor brokerage commission rates as of May 1, 1976. Section 6(e) of the Act as amended by the 1975 Amendments also prohibits, as of May 1, 1976, an exchange from imposing or fixing floor brokerage commission rates. This rule filing is designed to bring the Amex rules into compliance with the requirements of Section 6(e) and Rule 19b–3. The Commission therefore finds good cause for approving Amex filing 76113 prior to the thirtieth day after the date of publication of notice of the filing.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 6, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–13275 Filed 5–6–76;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MAY 3, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 4, 1976 through May 13, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–13276 Filed 5–6–76;8:45 am]

[Release No. 34–12397; File No. SR–Amex–76–15]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Excange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on April 5, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend its Rule 443 as follows: (Brackets [ ] indicate words to be deleted and *italic* indicates words to be added.)

"INDEPENDENT AUDITS"

Rule 443. The Exchange may require any member, member firm or member corporation to file with it, as of any date fixed by the Exchange, an audit, prepared by an independent public accountant, of his [accounts, assets, and liabilities, including free credit balances and securities held for safekeeping] *financial statements*, in such form as the Exchange may prescribe. The Exchange shall require the filing at least once in each twelve month period of such an audit by each *member*, member firm and member corporation *transacting a business in securities directly with or for other than members of a national securities exchange, and carrying any margin account, credit balance or security for any customer*. The provisions of this Rule shall not apply to a member firm or member corporation [subject to the jurisdiction of another exchange] *for which the Exchange is not the designated examining authority* unless the American Stock Exchange so directs."

Statement of Basis and Purpose. It is the opinion of Amex that the basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to conform Rule 443 to the provisions of SEC Rule 17a–5 which exempts Exchange members that do not deal with the public nor carry customer accounts from the requirement of filing an annual audited financial statement.

The basis under the Act is as indicated in the preceding paragraph.

The proposed rule change was considered and approved by the Board of Governors of the Amex on March 11, 1976.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that the proposed rule change will not impose any burden on competition.

Within thirty-five days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 30, 1976.

[FR Doc.76–13277 Filed 5–6–76;8:45 am]

TENNESSEE VALLEY AUTHORITY

LIST OF ENVIRONMENTAL IMPACT STATEMENTS UNDER PREPARATION

March 1976

The following list, filed with the Council by the Tennessee Valley Authority, the U.S. Coast Guard, and the Department of Defense, U.S. Navy, U.S. Air Force, and U.S Army, indicates those administrative action that TVA, USCG, and DOD have determined will require the preparation of environmental impact statements under NEPA

Final statements being prepared and date draft issued

Timberlake New Community, Nov. 29, 1974.
Policies relating to electric power rates, Aug. 8, 1975.
Poor Valley Creek State Park, Oct. 16, 1975.
Volunteer, Tennessee, 500-kV substation and transmission line connections, Dec. 12, 1975.

Draft statements being prepared

Policies relating to power system transmission facilities.
X21–X22 nuclear plant.
X24–X25 nuclear plant.

NOTE.—Morton Ranch uranium mining—final EIS issued January 20, 1976.

ENVIRONMENTAL ASSESSMENTS (A), DRAFT (D) AND FINAL (F) ENVIRONMENTAL IMPACT STATEMENTS (EIS) BEING PREPARED BY THE U.S. COAST GUARD

F—Proposed changes to Coast Guard Station, New London, Conn.
F—Ratification of the protocol relating to intervention on the high seas in the cases of marine pollution by substances other than oil.
F—Regulations for tank vessels used in foreign trade (Notice of DEIS in FEDERAL REGISTER, April 16, 1976).
F—Deepwater port, (LOOP) Louisiana offshore oil port (Notice of DEIS in FEDERAL REGISTER, April 23, 1976).
F—Deepwater Port, (SEADOCK) offshore of Freeport, Tex. (Notice of DEIS in FEDERAL REGISTER, April 23, 1976).
D—Proposed Route 22 bridge across the Ohio River between Weirton, W. Va. and Steubenville, Ohio.
D—Calhoun Street Bridge across the Delaware River between Morrisville, Pa. and Trenton, N.J.
D—Merrick Road Bridge across Seaford Creek, Mineola, N.Y.
D—Pemberton Creek Bridge across Pemberton Creek, Oceanport, N.J.
D—Cattus Island Bridge at Barnegat Bay, Ocean County, N.J.
F—Route 18 highway bridge across the Raritan River in New Brunswick, N.J.
F—Amendment to existing I–95 James River Bridge, Richmond, Va.
D—Proposed Coast Guard search and rescue station, Cockspur Island, Ga.
F—Bridge across Station Creek for access to St. Phillips Island, Beaufort County, S.C.
D—Vehicular/mass transportation bridge across the Mississippi River at New Orleans, La.
D—West Bank Expressway, U.S. Route 90 business route, upgrading of an existing segment to freeway standards including a high level bridge over the Harvy Canal. Proposed upgrading would extend from U.S. Highway 90 on the west to the Orleans Parish line on the east, a distance of 9.78 miles, New Orleans, La.
D—Highway bridge across the Wisconsin River, Wausau, Wis.
F—Highway bridge across the Wolf River, Fremont, Wis.
F—Proposed replacement of the Dumbarton Bridge across San Francisco Bay, San Mateo and Alameda Counties, Calif.
F—Montague Island microwave relay site addendum to FEIS Prince William vessel traffic system, Alaska.

QUARTERLY CEQ REPORT, DEPARTMENT OF THE NAVY, OCTOBER–DECEMBER 1975

(A) FINAL STATEMENTS

Subject: "Off-Road Recreational Vehicle Use, Naval Weapons Center, China Lake, Calif."
Date filed: Oct. 16, 1975.
Subject: "Continued Exploration and Evaluation of NPR–4, Alaska."
Date filed: Oct. 24, 1975.

(B) DRAFT STATEMENTS

None.

(3) STATEMENTS UNDER PREPARATION

Subject: Final EIS for "Abraisive Blasting of Ships Hulls".
Projected date. January 1976.
Subject: Final EIS for "Naval Submarine Base; New London, Groton, Connecticut".
Projected date: March 1976.
Subject: Draft EIS for "Proposed Sanitary Landfill to be Operated by the County of San Diego on Navy Property Northeast of Miramar Naval Air Station, San Diego, California".
Projected date: February 1976.
Subject: Draft EIS for "Indian Island Conventional Ordnance Facility; Jefferson County, Washington".
Projected date: February 1976.
Subject: Draft EIS for "Easement and Land Acquisition/Air Compatible Use Zone; Naval Air Station, Oceana and Outlying Landing Field Fentress, Tidewater Area, Virginia".
Projected date: March 1976.
Subject: Draft EIS for "East Coast Submarine Basing".
Projected date: March 1976.
Subject: Draft EIS for "Easement and Land Acquisition Air Compatible Use Zone; Naval Air Station, Cecil Field and Outlying Landing Field, Whitehouse, Jacksonville, Florida".
Projected date: April 1976.

(D) LIST OF ACTIONS FOR WHICH A STATEMENT IS NOT REQUIRED

Subject: "Navy Family Housing, U.S. Naval Station, Adak, Alaska".
Date of determination: Nov. 12, 1975.
Brief reason for determination: Action did not constitute a "major Federal action significantly affecting the quality of the human environment" as:
(a) Construction of the proposed 100 units is to take place in a cleared area devoid of any vegetation or structures next to an existing 658-unit complex;
(b) Land area (17.5 acres) utilized is a part of acreage already owned by the U.S. Navy;
(c) No loss of natural resources is involved;
(d) No organized civilian communities exist in the proximity of the station and native settlements on the island are not affected.

1. Actions which normally require a statement: None.
2. Actions similar to those for which a significant number of statements have been filed: None.
3. Actions previously announced as requiring a statement: None.
4. Actions for which the CEQ requested a statement: None identified.

(E) LIST OF ACTIONS FOR WHICH STATEMENTS ARE NOT YET TIMELY

Subject: "Hovercraft Test Program".
Date of evaluation: March 1976.
Subject: "Proposed SEAFARER" (formerly SANGUINE).
Date of evaluation: April 1976.
Subject: "Establishment of an Atlantic Fleet Weapons Range".
Date of evaluation: Undetermined.

QUARTERLY REPORT ON ENVIRONMENTAL ACTIONS, UNITED STATES AIR FORCE, OCT. 1–DEC. 31, 1975

A. FINAL STATEMENTS

Subject and date filed

Lincoln experimental satellites 8 and 9 program, 30 Dec. 75.

B. DRAFT STATEMENTS

Subject

None.

C. STATEMENTS UNDER PREPARATION

Subject and projected date

1. Airborne Warning and Control System (AWACS) beddown, Tinker AFB, Okla., Third quarter, fiscal year 1976.
2. A–10 beddown at Davis-Monthan AFB, Ariz., Third quarter, fiscal year 1976.
3. F–15 beddown, Holloman AFB, N. Mex., Fourth quarter, fiscal year 1976.
4. Easement, Northwest Field, Guam, Third quarter, fiscal year 1976.
5. Drone runway, Tyndall AFB, Fla., Fourth quarter, fiscal year 1976.
6. Proposed relocation of AFCS and related missions, Fourth quarter, fiscal year 1976.
7. Consolidated medical facility, Altus AFB, Okla., Fourth quarter, fiscal year 1976.
8. Advanced airborne command post, Offutt AFB, Nebr., Fourth quarter, fiscal year 1976.
9. Consolidated medical facility, Offutt AFB, Nebr., Fourth quarter, fiscal year 1976.
10. Alteration of heating plant, Pease AFB, N.M., Mex., fourth quarter, fiscal year 1976.
11. Air pollution control, heating plant, Wright-Patterson AFB, Ohio, third quarter, fiscal year 1976.
12. East coast weapons range, N.C., fourth quarter, fiscal year 1976.
13. Aeropropulsion system test facility, Arnold AFS, Tenn., third quarter, fiscal year 1976.
14. Establishment of FALCON military operating area, N.Y., third quarter, fiscal year 1976.
15. Joint cities/Air Force use of Whiteman AFB, Mo., third quarter, fiscal year 1976.

D. LIST OF ACTIONS FOR WHICH A STATEMENT IS NOT REQUIRED

1. Actions which normally require a statement:
a. Subject: Mobile Home Court, Wright-Patterson AFB, Ohio, date of determination, Nov. 28, 1975.
b. *Reason:* After careful review of a Candidate Environmental Statement and attached related documents by the Air Force, it was concluded that the fiscal year 1975 100-unit military family mobile home court proposed to be constructed at Wright-Patterson AFB, Ohio, does not pose a significant, adverse environmental impact nor is it likely to generate significant controversy related to environmental considerations. This conclusion is based upon the following:
(1) The project constitutes a relocation of mobile home spaces from two sites with a

combined total of 95 spaces to a single 100-space site, all within Wright-Patterson AFB land. Impacts on the physical environment would be negligible.

(2) Traffic impact would be compensated by a concurrent net reduction in number of family units living in the immediate vicinity occasioned by the remodeling of nearby military family units.

(3) An estimated 3.7 percent increase in pupils in the local school district would be following a recent decline of even greater magnitude in the district's school population. This increase is not objectionable to the local school district.

(4) The proposed project has been fully coordinated with the local clearinghouse designated under Office of Management and Budget circular A-95 procedure and no unresolved objections remain.

2. Actions similar to those for which a significant number of statements have been filed: None.

3. Actions previously announced as requiring a statement: None.

4. Actions for which the CEQ requested a statement: None.

E. LIST OF ACTIONS FOR WHICH STATEMENTS ARE NOT YET TIMELY

Subject

None.

QUARTERLY CEQ REPORT

DEPARTMENT OF THE ARMY

OCT. 1–DEC. 31, 1975

(A) FINAL STATEMENTS

None.

(B) DRAFT STATEMENTS

Subject and date filed

1. Real estate acquisition, Ft. Hood, Tex., FEDERAL REGISTER, Nov. 14, 1975.

2. Disposal of toxic residue, West Granite disposal area, Dugway Proving Ground, Utah, FEDERAL REGISTER, Oct. 10, 1975.

(C) STATEMENTS UNDER PREPARATION

Subject and date scheduled

1. Land acquisition, Ft. Carson, Colo., second quarter 1976 (FEIS).

2. Family housing project, Ft. Belvoir, Va., second quarter 1976 (FEIS).

3. South approach, Golden Gate Bridge, Presidio of San Francisco, Calif., third quarter 1977 (FEIS).

4. Real estate acquisition, Ft. Hood, Tex., second quarter 1976 (FEIS).

5. Military operations and activities, 4th Infantry Division (Mechanized) and Ft. Carson, Colo., third quarter 1976 (DEIS).

6. White Sands Missile Range interaction with White Sands National Monument, N. Mex., first quarter 1976 (FEIS).

7. Mission change, Ft. Polk, La., first quarter 1976 (DEIS).

8. Project Eagle—Expanded: Supplement C, WETEYE bombs, Rocky Mountain Arsenal, Colo., third quarter 1976 (FEIS).

Supplement D, HONEST JOHN warhead, Rocky Mountain Arsenal, Colo., first quarter 1976 (FEIS).

9. Demilitarization of toxic filled munitions at U.S. Army installations, first quarter 1976 (DEIS).

10. Project Eagle, phase III, disposal of obsolete phosgene (carbonyl chloride), unscheduled (DEIS).

11. Division stationing plan and consolidation of activities, Ft. Ord, Calif., second quarter 1976 (DEIS).

12. Real estate acquisition, Ft. Benning, Ga., second quarter 1976 (DEIS).

13. Off-post low level helicopter training, Ft. Campbell, Ky., second quarter 1976 (DEIS).

14. Chemical agent/munition disposal system (CAMDS), second quarter 1976 (DEIS).

15. Disposal of toxic residue, West Granite area, Dugway Proving Ground (DPG), Utah, second quarter 1976 (FEIS).

16. Maintenance dredging at military ocean terminal, Kings Bay, Ga., second quarter 1976 (FEIS).

17. Mississippi Army Ammunition Plant, Picayunne, Miss., first quarter 1976 (DEIS).

18. High explosive field test program (DICETHROW) WSMR, Tex., second quarter 1976 (DEIS).

19. Activities and training mission, Ft. Sill, Okla., (overall mission and operations), fourth quarter 1976 (DEIS).

20. Division stationing, Ft. Stewart/Hunter Army Airfield, Ga., second quarter 1976 (DEIS).

21. Installation operations, Ft. Lewis, Wash., third quarter 1976 (DEIS).

22. Vancouver Barracks, Wash., third quarter 1976 (DEIS).

23. Family housing project, Ft. Campbell, Ky., third quarter 1976 (DEIS).

24. Installation operations, Camp Bonneville, Wash., third quarter 1976 (DEIS).

25. Installation operations, Yakima Firing Center, Wash., second quarter 1976 (DEIS).

26. Lithium—Organic electrolyte batteries, third quarter 1976 (DEIS).

27. Harry Diamond Development Center realinement, Wash., D.C., first quarter 1976 (DEIS).

28. RDX-HMX facilities, second quarter 1976 (DEIS).

29. Installation operations, maintenance, and training, Ft. Dix, N.J., second quarter 1976 (DEIS).

30. Training mission, Ft. Dix, N.J., third quarter 1976 (DEIS).

31. Partial closure, Ft. Dix, N.J., second quarter 1976 (DEIS).

32. Mission change, Ft. McClellan, Ala., first quarter 1977 (DEIS).

33. Disposal of M139 bomblets, tower grid area, Dugway Proving Ground, Utah, fourth quarter 1976 (DEIS).

34. Mechanized-armored division stationing, Ft. Lewis, Wash., second quarter 1976 (DEIS).

35. Disposal of obsolete toxiv and war gas identification sets, Johnston Island, third quarter 1976 (DEIS).

36. Installation restoration of Rocky Mountain Arsenal, Colo., third quarter 1976 (DEIS).

37. Installation operations, fourth quarter 1977:

Ft. Bragg, N.C.
Ft. Buchanan, P.R.
Ft. Campbell, Ky.
Ft. Devens, Mass.
Ft. Drum, N.Y.
U.S. Army Support Command, Hawaii.
31st ADA Brigade, Homestead AFB, Fla.
Ft. Hood, Tex.
Ft. Indiantown Gap, Pa.
Ft. McCoy, Wis.
Ft. McPherson, Ga.
Ft. Meade, Md.
Ft. Ord, Calif.
Ft. Polk, La.
Presidio of San Francisco, Calif.
172d Infantry Brigade, Alaska.
Ft. Riley, Kans.
Ft. Sheridan, Ill.
Ft. Stewart, Ga.
Ft. Sam Houston, Tex.
193d Infantry Brigade, Canal Zone.

38. Installation master plan, Ft. Lee, Va., fourth quarter 1976.

39. Lease renewal, Alabama National Guard, Ft. Rucker, Ala., third quarter 1976.

40. Red Cockaded woodpecker colonies, Sand Hill Training Center, Ft. Benning, Ga., second quarter 1976.

41. Off-road recreation vehicle use, Ft. Benning, Ga., second quarter 1976.

42. Overall mission and operations, Ft. Benning, Ga., third quarter 1976.

43. Overall mission and operations, Ft. Bliss, Tex., third quarter 1976.

44. Overall mission and operations, Ft. Gordon, Ga., third quarter 1976.

45. Overall mission and operations, Ft. McClellan, Ala., fourth quarter 1976.

46. Overall ongoing mission, Ft. Monroe, Va., second quarter 1976.

(D) LIST OF ACTIONS FOR WHICH A STATEMENT IS NOT REQUIRED

1. Actions which normally require a statement.

a. Subject and date of determination: Land acquisition, White Sands Missile Range (WSMR), Tex., Nov. 7, 1975.

b. Brief reason for determination: The real estate was under Army control and use for many years. The proposed action was simply a transfer in title of the land from private individuals to the Federal Government. No change in land use was proposed in the action. The command carefully assessed the project and determined that it was not a major Federal action that could have a significant impact on the environment.

a. Subject and date of determination: Renewal of four outgrants to Pacific Telephone & Telegraph, Ft. Ord, Calif., Dec. 2, 1975.

b. Brief reason for determination: The outgrants are for communication cables and use of a small building. A careful assessment indicated that the action was not a major action with a significant impact on the environment.

a. Subject and date of determination: Renewal of outgrant to County of Monterey, Ft. Ord, Calif., Dec. 2, 1975.

b. Reason for determination: The outgrant provides access for the county to permit them to remove debris from a seasonal stream on the installation. A careful assessment of the continuing activity indicated that the renewal was not a major Federal action that could have a significant environmental impact.

a. Subject and date of determination: Renewal of outgrant to Greyhound Lines, Ft. Ord, Calif., Dec. 2, 1975.

b. Reason for Determination: The outgrant was for the use of a building and 17,000 square feet of paved parking area so that the grantee can continue to operate a bus depot. The action was carefully assessed and it was determined that continued operation would lessen air pollution from privately owned automobiles and not otherwise have a significantly environmental impact.

a. Subject and date of determination: Construction of parking area for enlisted men's barracks, Ft. Ord, Calif., Dec. 3, 1975.

b. Reason for determination: The project to construct 108,000 square yards of paved parking area will eliminate the practice of parking privately owned vehicles on the grass, sand and shoulders of the streets in the surrounding area. The project was carefully assessed and it was determined that it would enhance traffic safety, eliminate damage to the land areas and not otherwise significantly impact on the environment.

a. Subject and date of determination: Enlisted men's barracks modernization, Ft. Ord, Calif., Dec. 3, 1975.

b. Reason for determination: The $22 million project is for the rehabilitation and upgrading of 23 existing barracks. Most of the work to be accomplished is in the interior of the buildings. The project is to enhance the quality of the living quarters for the enlisted men. Careful assessment of the project indicated that it would not have a significant impact on the environment.

a. Subject and date of determination: 28-chair dental clinic, Ft. Ord, Calif., Dec. 9, 1975.

b. Reason for determination: The 16,900 square feet dental clinic is to be constructed to replace existing temporary facilities. It was carefully assessed and the command concerned determined that it was not a major project that could have a significant impact on the environment.

a. Subject and date of determination: Construction of tactical equipment shops and facilities, Ft. Ord, Calif., Dec. 22, 1975.

b. Reason for determination: The project involves construction of 86,000 square feet of tactical equipment shops which will be used for maintenance, refueling, parking, and administration. All construction actions to provide the facilities will be closely controlled to minimize any impact on the environment during construction. The concerned command carefully assessed the project and determined that it was not a major Federal action and that it would not have a significant impact on the environment.

a. Subject and date of determination: Alterations to seven U.S. Army Reserve Centers, Ft. Buchanan, P.R., Dec. 5, 1975.

b. Reason for determination: The project involves alterations to an existing reserve center at Aguadilla, Bayamon, Caguas, Puerto Nuevo, Salinas, Yauco, and Ponce. The projects were carefully assessed by the commander concerned and it was determined that none of them would have a significant impact on the environment.

a. Subject and date of determination: Outgrant of Building 5 and the 1st and 2d floors to the Commonwealth of Puerto Rico, Ft. Buchanan, P.R., Dec. 5, 1975.

b. Reason for determination: The command carefully assessed the use proposed by the Commonwealth and determined that the outgrant would not cause a significant impact on the environment.

a. Subject and date of determination: Lease of facilities to U.S. Navy, Ft. Buchanan, P.R., Nov. 12, 1975.

b. Reason for determination: The command concerned assessed the proposal, which involves the leasing of land for a school to the U.S. Navy, and determined that the action was not a major Federal action that would have a significant impact on the environment.

a. Subject and date of determination: Easement to Bell County Water Control Improvement District No. 1, Ft. Hood, Tex., November 1975.

b. Reason for determination: The project will consist of construction of approximately 81,000 linear feet of 30–4-inch concrete potable water line across Ft. Hood. The purpose of the project is to provide water for the existing communities of Ft. Hood, Killeen and Copperas Cove. The action is to permit the Water Control Improvement District to construct the waterline across Army-controlled real estate. The command concerned carefully assessed the proposal including its impact on Ft. Hood during construction and operations and determined that it is not a major Federal action that could have a significant environment impact.

a. Subject and date of determination: Armored battalion stationing, Fort Polk, La., Dec. 22, 1975.

b. Reason for determination: The battalion consists of approximately 500 men, 54 medium tanks, 24 armored personnel carriers, 2 light-weight recovery vehicles, 2 bridge launchers and approximately 90 wheeled vehicles. Training of the battalion will be accomplished at Ft. Polk. The training will include maintenance and operations of the equipment. The command concerned carefully assessed the proposed operations and determined that the stationing will not be a major Federal action that would have a significant impact on the environment.

a. Subject and *date of determination:* Land treatment, wastewater, Ft. Polk, La., Dec. 17, 1975.

b. Reason for determination: The project provides land treatment of the effluent from the water pollution control facilities at Ft. Polk. The design of the project will include careful selection of the location and the criteria to insure protection to ground waters. The command concerned carefully assessed the project and determined that construction and operations could be accomplished to meet all pollution abatement standards. The command determined that the project was not a major Federal action that could have a significant environmental impact.

a. Subject and date of determination: Donation of land, Ft. Polk, La., Dec. 22, 1975.

b. Reason for determination: The action involves the donation of a small amount of real estate to the Vernon Parish School Board. The command concerned carefully reviewed the proposed use and determined that the action was not a major Federal action that could have a significant impact on the environment.

a. Subject and date of determination: Sanitary landfills, Ft. A. P. Hill, Va., Dec. 22, 1975.

b. Reason for determination: The projects for sanitary landfills at Taylor's Corner and Sales Corner were carefully assessed. The assessment indicated that with careful operation, the landfills would not cause air or water pollution or esthetic problems, or rodent or vector problems. Accordingly, it was determined that they were not major Federal actions that could have significant impacts on the environment.

a. Subject and date of determination: Starling roost control program, Ft. Dix, N.J., November 1975.

b. Reason for determination: Proposed activity will discourage starlings from roosting in the family housing area of the fort. It will be accomplished through tree thinning and pruning, through amplification of recorded distress calls and use of automatic exploders. The activity will be carried out from 3 to 6 p.m. until the starlings relocate. No chemicals or weapons will be used. The commander determined that the activity was not a major Federal action that could have a significant impact on the environment.

a. Subject and date of determination: Reforestation and prescribed burning plan, Ft. Dix, N.J., November 1975.

b. Reason for determination: The action requires controlled burning of 2,000 acres, pine-oak and pine-scrub oak to reduce fire hazards, improve wildlife habitat, control weed trees, and prepare site for artificial and natural reseeding. The program is in conformity with the overall forest management plan for the installation. The State of New Jersey issued an air pollution control fire agreement for prescribed burning. Control will take place between November 15, 1975, and March 15, 1976 between the hours of 0900 and 1400 on suitable days. The commander determined that the action was not a major Federal action that could have a significant impact on the environment.

a. Subject and date of determination: Pathological waste disposal, Ft. Dix, N.J., November 1975.

b. Reason for determination: During replacement of pathological incinerator at Walson Army Hospital approximately two cubic yards a week of pathological wastes will be disposed of in a temporary sanitary landfill over a period of six weeks. The proposal has been investigated by Army Environmental Hygiene Agency and approval of action granted by the Army Surgeon General since it will not result in a significant environmental impact.

a. Subject and date of determination: Aerial spray of insecticide for mosquito control, Ft. Knox, Ky., December 1975.

b. Reason for determination: The U.S. Air Force will spray 17,000 acres with malathion, an insecticide approved by the Environmental Protection Agency, Department of the Army, and Department of Agriculture for mosquito control. A careful assessment was made of the proposed action and it was determined that it would not be a major Federal action that could have a significant impact on the environment.

a. Subject and date of determination: Lease of farmland to Department of Justice, Ft. Lee, Va., October 1975.

b. Reason for determination: The proposal is to lease 200 acres of agricultural land for hay cutting to the Department of Justice. The proposal was carefully assessed and it was determined that it was not a major Federal action that could have a significant impact on the environment.

2. Action similar to those for which a significant number of statements have been filed: None.

3. Actions previously announced as requiring a statement:

a. Land acquisition White Sands Missile Range, Tex.

b. Recreation Center, Ft. Bragg, N.C.

c. Carolina Telephone & Telegraph lease for Underbuilt Service, Ft. Bragg, N.C.

d. Outlease of Army real property to Department of Justice, Ft. Lee, Va.

4. Actions for which CEQ requested a statement: None.

(E) LIST OF ACTIONS FOR WHICH STATEMENTS ARE NOT YET TIMELY

Subject and date of determination

a. Nap-of-the-Earth Flying, Hawaii, August 1975.

b. Mosquito Control Program, Yuma Proving Ground, Ariz., July 1975.

c. Army Materiel Command Depot Waste Disposal System, June 30, 1975.

d. Nitroguanidine facility, Sunflower Army Ammunition Plant, Kans., March 1975.

e. Water system improvement, Yuma Proving Ground, Ariz., December 1974.

f. Hangar and aviation test facility with shops, U.S. Army Arctic Test Center, Alaska, December 1974.

g. Development test of projectile, 155 mm, XMG87, GB2, June 1974.

h. Demilitarization of 1-ton containers of mustard agent, Ft. McClellan, Ala., November 1974.

i. Development test of projectile 155 mm incapacitating agent EA3834XM723, April 1974.

j. Dredging industrial waste from Gruber's Bay at Badger Army Ammunition Plant, Baraboo, Wis., December 1974.

k. Disposal of hydrogen cyanide, Tooele Army Depot, Utah, December 1975.

l. Disposal of bulk chemical agents and chemical agent-filled munitions, Dugway Proving Ground, Utah, December 1975.

GARY L. WIDMAN,
General Counsel.

[FR Doc.76–13274 Filed 5–6–76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Cancellation of Meeting

The meeting of the Business Research Advisory Council's Committee on Occupational Safety and Health Statistics

scheduled for May 13, 1976, has been cancelled due to a conflict with other meetings already scheduled for that date. The meeting will be rescheduled at a later date.

The announcement of this meeting appeared in the FEDERAL REGISTER document 76-11345 of April 20, 1976, page 16619.

Signed at Washington, D.C., this 30th day of April 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-13227 Filed 5-6-76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 3rd day of May, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary For Employment and Training.

Applications received during the week ending Apr. 30, 1976.

Name of applicant	Location of enterprise	Principal product or activity
Whittaker's Tobacco Warehouse	Dunn, N.C	Wholesale tobacco auctioning and warehousing.
Southern Ice Sales, Inc	Lumberton, N.C	Manufacture and sales of crushed ice.
City Meat Market	Fountain City, Wis	Retail meat market.
CCD Corp	Russellville, Ark	Bowling center.
Texas Heat Treating Co., Inc	Round Rock, Tex	Metal heat treatment.
Morton Booth Co	Carterville, Mo	Manufacture of gun cabinets.
Masterpiece Products Inc	Munich, N.D	Manufacture of games and toys.
Arlie Bledsoe	Gunnison, Colo	Camping site.

[FR Doc.76-13331 Filed 5-6-76;8:45 am]

Occupational Safety and Health Administration

[V-76-6]

AIR PRODUCTS AND CHEMICALS, INC.

Application for Temporary Variance and Interim Order; Denial of Interim Order

I. *Notice of Application.* Notice is hereby given that Air Products and Chemicals, Inc., 5 Executive Mall, Swedesford Road, Wayne, Pa. 19087 has made application, pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for the temporary variance, from 29 CFR 1910.1017(g)(1) which, effective April 1, 1976, requires employers to provide and assure the use of respirators for each employee exposed to vinyl chloride in excess of the permissible exposure limit.

The places of employment affected by the application are:

Air Products & Chemicals, Inc., Polyvinyl Chloride Plant, U.S. Highway 95, Calvert City, Kentucky 42029.

Air Products & Chemicals, Inc., Polyvinyl Chloride Plant, U.S. Highway 90, Pace, Florida 32570.

Air Products & Chemicals, Inc., High Pressure Research Laboratory, Possumtown Road, Piscataway, New Jersey 08854.

The applicant certifies that all employees who would be affected by the temporary variance have been notified of the application by giving a copy of it to their respective authorized representatives; by posting a copy of it in those areas where employee notices are normally posted; and by verbally advising the employee representatives and designated employees of this application. In addition, employees and their representatives have been notified of their right to petition the Assistant Secretary for a hearing.

Section 1910.1017(c) establishes a maximum permissible employee exposure limit to vinyl chloride of 1 ppm for an 8-hour time weighted average and a 5 ppm ceiling. Employers are required by § 1910.1017(f) to reduce employee exposure to or below the permissible exposure limit, or to the greatest extent feasible solely by means of engineering and work practice controls. Where such controls are insufficient to reduce employee exposure to or below the permissible exposure limit, they must be supplemented by the use of certain respirators. However, until April 1, 1976, use of respirators was at the discretion of each employee for exposures not in excess of 25 ppm. The applicant seeks an extension until January 1, 1977, of the provision for the discretionary use of respirators for employees exposed to vinyl chloride less than 10 ppm for a 15 minute time weighted average. Those exposed to 10 ppm or more would be required to wear respirators.

The applicant states that there is presently no lightweight completely portable respiratory device approved by the National Institute for Occupational Safety and Health (NIOSH) for exposure to vinyl chloride. The granting of this variance would allow time for NIOSH to complete necessary tests for approval of a device suitable for low concentrations of vinyl chloride. The canister or air-supplied respirators present difficulties to the wearer, the applicant states, in the form of skin irritation and poor visibility caused by fogged lenses or problems with prescription glasses.

In addition, the applicant states that it began working on engineering and design changes in 1974 at its Florida and Kentucky facilities, but was unable to complete these projects by April 1, 1976. Those projects, when completed, will substantially reduce vinyl chloride exposure in the facilities.

The applicant further contends that certain standards proposed by the Environmental Protection Agency (EPA) for the control of vinyl chloride will affect the engineering changes planned for the facility. Therefore, the applicant proposes to complete the planning for the engineering controls necessary to reduce vinyl chloride in the work environment after the final EPA standard is promulgated. The applicant expects to have all necessary changes to reduce vinyl chloride to below 1 ppm completed by January 1, 1977. This will eliminate the need for employees to wear respirators except in unusual circumstances or emergencies. Until these changes are completed, employees must work in an atmosphere of vinyl chloride at levels less than 10 ppm (averaging about 2 ppm) and would, by the standard, be required to wear respirators.

Lastly, the applicant states that recent studies concerning vinyl chloride indicate that exposures to low concentrations of vinyl chloride may not be harmful to humans.

The applicant states that it is taking all available and appropriate steps to safeguard its employees by continuing to implement its program which has and will continue to reduce employee exposure to vinyl chloride, by continuing its employee training programs, and by providing respirators for optional employee use.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 2nd and Constitution Avenue, N.W., Room N3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, William J. Green Jr., Federal Building, Room 4256, 600 Arch Street, Philadelphia, Pennsylvania 19106.

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E., Suite 587, Atlanta, Georgia, 30309.

U.S. Department of Labor, Occupational Safety and Health Administration, 600 Federal Place, Suite 554–E, Louisville, Kentucky 40202.

U.S. Department of Labor, Occupational Safety and Health Administration, Art Museum Plaza, Suite 4, 2809 Art Museum Drive, Jacksonville, Florida 32207.

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupational Safety and Health Administration, Building T3, Belle Mead GSA Depot, Belle Mead, New Jersey 08502.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than June 7, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 7, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Denial of Interim Order:* The applicant has also requested an interim order to allow the continued optional use of respirators in vinyl chloride atmospheres under 25 ppm, until a decision is made on the application for a variance.

Section 1910.1017(g)(1) requires that as of April 1, 1976 employers shall provide and assure the use of respirators for all employees exposed to vinyl chloride above the permissible limit. Prior to April 1, 1976, use of respirators for exposure up to 25 ppm was at the discretion of the employee.

The applicant states that without this variance its employees are required to wear respirators after April 1, 1976, and are thereby subjected to additional difficulty and discomfort in performing their work. It further states that planning for necessary engineering changes cannot be completed until after the Environmental Protection Agency vinyl chloride standard is promulgated. In addition, the applicant argues that new studies indicate that exposure to low concentrations of vinyl chloride may not be harmful to humans.

Section 6(b)(6)(A) of the Act and the regulations concerning temporary variances contained in 29 CFR 1905.10 authorize the granting of temporary variances only if the applicant can show an unavailability of materials or personnel needed to comply with the standard, and that all available steps are being taken to safeguard the employees. It appears from the information contained in the application that the applicant's request is not based upon unavailability of any respirators but rather on the difficulties of performing work while wearing those which are available and on the time delay involved in coordinating the engineering work required under the OSHA vinyl chloride standard with that which may be required by the EPA vinyl chloride standard. In addition, there is no statement in the application of the steps which would be taken, in lieu of the wearing of respirators, to protect the employees against the hazards covered by this standard while the work necessary to reduce vinyl chloride levels is being performed.

Section 1910.1017(g)(7) provides that respirators prescribed for use in higher concentrations of vinyl chloride may be used for any lower concentrations. While the applicant claims that no lightweight respirator has yet been approved by NIOSH, the applicant does not assert that it does not have enough approved respirators to protect each employee who is exposed above the permissible exposure level. Therefore, the applicant has not met the criteria set forth in section 6(b)(6)(A) of the Act for granting of a temporary variance.

The applicant's request that the optional use of respirators be extended to allow time to complete engineering and construction work and to await approval of new respirators is not consistent with the intent of the optional use provision of the standard, which was to allow the employees time to be trained and to adjust to respirator use (See preamble to 40 FR 36894).

Moreover, the applicant's contention that planning cannot be finalized until the final EPA regulation is promulgated does not appear to be valid, in that the EPA proposed standard provides for the use of specific equipment or its equivalent. This would appear to provide the necessary flexibility for planning engineering changes.

Information concerning the possibility that low level concentrations of vinyl chloride are not harmful to humans would appropriately be submitted to NIOSH or as a petition for modification of this standard. It is not, however, grounds for a temporary variance with an eventual goal of compliance with the standard. This is not the appropriate forum for discussion of the merits of the permissible exposure limits.

For these reasons, it does not appear at this time that the application meets the requirements of section 6(b)(6)(A) of the Act. Since it appears unlikely that the variance request will be granted, and since, in the absence of compliance with the standard, employees will be exposed to a significant health hazard, the request for an interim order is, pursuant to section 6(b)(6)(A) of the Act and 29 CFR 1905.10(c)(2), hereby denied without prejudice to the application for a temporary variance.

Signed at Washington, D.C., this 30th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-13380 Filed 5-6-76;8:45 am]

[V-76-7]

BORDEN CHEMICAL

Application for Temporary Variance and Interim Order; Denial of Interim Order

I. *Notice of Application.* Notice is hereby given that Borden Chemical, Division of Borden, Inc., 180 East Broad Street, Columbus, Ohio 43215 has made application, pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for temporary variance, from 29 CFR 1910.1017(g)(1) which, effective April 1, 1976, requires employers to provide and assure the use of respirators for each employee exposed to vinyl chloride in excess of the permissible exposure limit.

The places of employment affected by the application are the applicant's polyvinyl chloride manufacturing facilities located at:

Cantrall Road and Victory Drive,
Illiopolis, Illinois.

511 Lancaster Street,
Leominster, Massachusetts.

The applicant certifies that employees who would be affected by the temporary variance have been notified of the application by giving a copy of it to their respective authorized employee representatives, by posting a copy at all places where notices to employees are normally posted, and by verbally advising the employee representatives of this application. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Section 1910.1017(c) establishes a maximum permissible employee exposure limit to vinyl chloride of 1 ppm for an 8-hour time weighted average and a 5 ppm ceiling. Employers are required by § 1910.1017(f) to reduce employee exposures to or below the permissible exposure limit, or to the greatest extent feasible solely by means of engineering and work practice controls. Where such controls are insufficient to reduce employee exposure to or below the permissible exposure limit, they must be supplemented by the use of certain respirators. However, until April 1, 1976, use of respirators was at the discretion of each employee for exposures not in excess of 25 ppm. The applicant seeks an extension until April 1, 1977, of the provision for the discretionary use of respirators, for employees exposed to vinyl chloride concentrations of 10 ppm or less measured over a 15 minute period. Those exposed to levels over 10 ppm would be required to wear respirators.

The applicant contends that by April 1, 1977, its plants will be in compliance with the permissible exposure limit solely through engineering and technological changes. The applicant began in April 1974 to identify problem areas and develop the engineering plans necessary to reduce vinyl chloride in the work atmosphere. While substantial progress has been made, levels still remain above the permissible exposure limits. Thus the standard effectively requires all employees, including construction workers, to wear respirators after April 1, 1976.

The applicant states that the plants will be closed when major construction work and equipment installation is performed. Preliminary construction work, certain mechanical and piping work and other modifications could be safely performed while the plants are operating. However, it is neither practical nor safe for such preliminary work to be performed while wearing respirators. Consequently, if the variance is not granted, the applicant contends that none of the scheduled engineering projects can be implemented without shutting down the Massachusetts facility for an indeterminate period and shutting down two-thirds of the Illinois facility. As a result Borden's employees will suffer substantial economic hardship and its relationship with its customers will be jeopardized. If the variance is granted, the shutdown at both plants would be minimal, thus materially reducing the economic hardship.

The applicant further states that it is taking all available steps to safeguard its employees by continuing to reduce the amount of vinyl chloride in the work atmosphere, by providing respirators for all employees who elect to wear them, and by requiring respirator use for exposures in excess of 10 ppm measured over a 15 minute period.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 32nd Floor, Room 3263, 230 S. Dearborn Street, Chicago, Illinois 60604.

U.S. Department of Labor, Occupational Safety and Health Administration, 360 S. 3rd Street, Room 109, Columbus, Ohio 43215.

U.S. Department of Labor, Occupational Safety and Health Administration, 228 N.E. Jefferson, 3rd Floor, Peoria, Illinois 61602.

U.S. Department of Labor, Occupational Safety and Health Administration, JFK Federal Building, Room 1804, Government Center, Boston, Massachusetts 02203.

U.S. Department of Labor, Occupational Safety and Health Administration, 1200 Main Street, Suite 513, Springfield, Massachusetts 01103.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than June 7, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 7, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Denial of Interim Order.* The applicant has also requested an interim order to allow the continued optional use of respirators in vinyl chloride atmospheres under 25 ppm, until a decision is made on the application for a variance.

Section 1910.1017(g)(1) requires that as of April 1, 1976, employers shall provide and assure the use of respirators for all employees exposed to vinyl chloride above the permissible limit. Prior to April 1, 1976, use of respirators for exposure up to 25 ppm was at the discretion of the employee.

The applicant states that without this variance all employees, including those involved in installing the new engineering controls, are required to wear respirators after April 1, 1976. It further states that much work which could otherwise be done while the plants were in production could not be done while wearing respirators. This would, therefore, necessitate prolonged shutdowns at both facilities.

Section 6(b)(6)(A) of the Act and the regulations concerning temporary variances contained in 29 CFR 1905.10 authorize the granting of temporary variances only if the applicant can show an unavailability of materials or personnel needed to comply with the standard, and that all available steps are being taken to safeguard the employees. It appears from the information contained in the application that the applicant's request is not based upon unavailability of any respirators, but rather on the economic impact resulting from the difficulty of performing work while wearing those that are available. In addition, there is no statement in the application of the steps which would be taken, in lieu of the wearing of respirators, to protect the employees against the hazards covered by this standard while the work is being performed.

Section 1910.1017(g)(7) provides that respirators prescribed for use in higher concentrations of vinyl chloride may be used for any lower concentrations. The applicant does not assert that it does not have enough approved respirators to protect each employee who is exposed above the permissible exposure level. Therefore, the applicant has not met the criteria set forth in section 6(b)(6)(A) of the Act for granting of a temporary variance.

Moreover, the applicant's request that the optional use of respirators, even at 10 ppm, be extended to allow time to complete engineering and construction work is not consistent with the intent of the optional use provision in the standard, which was to allow the employees time to be trained and to adjust to respirator use (See preamble at 40 FR 36894).

For these reasons, it does not appear at this time that the application meets the requirements of section 6(b)(6)(A) of the Act. Since it appears unlikely that the variance request will be granted, and since, in the absence of compliance with the standard, employees will be exposed to a significant health hazard, the request for an interim order is, pursuant to section 6(b)(6)(A) of the Act and 29 CFR 1905.10(c)(2), hereby denied without prejudice to the application for a temporary variance.

Signed at Washington, D.C. this 30th day of April 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-13381 Filed 5-6-76;8:45 am]

[V-76-8]

UNION CARBIDE CORP.

Application for Temporary Variance and Interim Order; Denial of Interim Order

I. *Notice of Application.* Notice is hereby given that Union Carbide Corporation, P.O. Box 8004, South Charleston, West Virginia 25303 has made application, pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for the temporary variance, from 29 CFR 1910.1017(g)(1) which, effective April 1, 1976, requires employers to provide and assure the use of respirators for each employee exposed to vinyl chloride in excess of the permissible limit.

The place of employment affected by the application is the suspension-nonsolvent reactor area of the Chemicals and Plastics Division in the applicant's Texas City, Texas plant.

The applicant certifies that all employees who would be affected by the temporary variance have been notified of the application by giving a copy of it to their respective authorized representatives, and by posting a copy of it in those areas where employee notices are normally posted. In addition, employees and their representatives have been notified of their right to petition the Assistant Secretary for a hearing.

Section 1910.1017(c) establishes a maximum permissible employee exposure limit to vinyl chloride of 1 ppm for an 8-hour time weighted average and a 5 ppm ceiling. Employers are required by § 1910.1017(f) to reduce employee exposures to or below the permissible exposure limit, or to the greatest extent feasible solely by means of engineering and work practice controls. Where such controls are insufficient to reduce employee exposure to or below the permissible exposure limit, they must be supplemented by the use of certain respirators. However, until April 1, 1976, use of respirators was at the discretion of each employee for exposures not in excess of 25 ppm.

The applicant seeks an extension to April 1, 1977, of the provision for the discretionary use of respirators, or, alternatively a reduction to 10 ppm over a 15 minute period of the level at which respirator use would be mandatory, maintaining employee discretion for exposures below 10 ppm.

The applicant contends that certain standards proposed by the Environmental Protection Agency (EPA) for the control of vinyl chloride will affect the engineering changes planned for the facility. Therefore, the applicant proposes to complete the planning for the engineering controls necessary to reduce vinyl chloride in the work environment after the final EPA standard is promulgated. The applicant expects to have all necessary changes to reduce vinyl chloride to below 1 ppm completed by April 1, 1977. This will eliminate the need for employees to wear respirators except in unusual circumstances or emergencies. Until these changes are completed, approximately 62 employees must work in an atmosphere of vinyl chloride between 1 and 10 ppm and are, by the standard, required to wear respirators from 21 to 50 percent of the time, and occasionally up to 100 percent of the time.

The applicant contends that the use of respirators will increase the hazards to employees because of poor visibility, distraction, and difficulties in communication. In addition, the applicant states, the use of respirators will seriously hamper the construction activities necessary to reduce vinyl chloride in the atmosphere because construction workers will be required to wear respirators.

The applicant further states that it is taking all available and appropriate steps to safeguard its employees by continuing to implement its program which has and will continue to reduce employee exposure to vinyl chloride, by continuing its education and medical surveillance programs, and by providing respirators for optional employee use.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 2nd and Constitution Avenue, NW., Room N3603, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602, Dallas, Texas 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, Charleston National Plaza—Room 1726, 700 Virginia Street, Charleston, West Virginia 25301.

U.S. Department of Labor, Occupational Safety and Health Administration, 2320 LeBranch Street—Room 2118, Houston, Texas 77004.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than June 7, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than June 7, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate and must be addressed to the Office of Compliance Programming at the above address.

II. *Denial of Interim Order.* The applicant has also requested an interim order to allow the continued optional use of respirators in vinyl chloride atmospheres under 25 ppm or, alternatively, under 10 ppm, until a decision is made on the application for a variance.

Section 1910.1017(g)(1) requires that as of April 1, 1976, employers shall provide and assure the use of respirators for all employees exposed to vinyl chloride above the permissible limit. Prior to April 1, 1976, use of respirators for exposure up to 25 ppm was at the discretion of the employee.

The applicant states that without this variance 62 employees are required to wear respirators 21 to 50 percent of the time, and sometimes up to 100 percent of the time, after April 1, 1976. It further states that planning for necessary engineering changes cannot be completed until after the Environmental Protection Agency vinyl chloride standard is promulgated. The wearing of respirators by construction personnel will greatly hinder progress of the engineering changes.

Section 6(b)(6)(A) of the Act and the regulations concerning temporary variances contained in 29 CFR 1905.10 authorize the granting of temporary variances only if the applicant can show an unavailability of materials or personnel needed to comply with the standard, and that all available steps are being taken to safeguard the employees. It appears from the information contained in the application that the applicant's request is not based upon unavailability of any respirators, but rather on the difficulty of performing work while wearing those that are available and on the time delay involved in coordinating the engineering work required under the OSHA vinyl chloride standard with that which may be required by the EPA vinyl chloride standard. In addition, there is no statement in the application of the steps which would be taken, in lieu of the wearing of respirators, to protect the employees against exposure to vinyl chloride above 1 ppm while the work is being performed.

Section 1910.1017(g)(7) provides that respirators prescribed for use in higher concentrations of vinyl chloride may be used for any lower concentrations. The applicant does not assert that it does not have enough approved respirators to protect each employee who is exposed above the permissible exposure level. Therefore, the applicant has not met the criteria set forth in section 6(b)(6)(A) of the Act for granting of a temporary variance.

The applicant's request that the optional use of respirators be extended to allow time to complete engineering and construction work is not consistent with the intent of the optional use provision in the standard, which was to allow the employees time to be trained and to adjust to respirator use (See preamble at 40 FR 36894).

Moreover, the applicant's contention that planning cannot be finalized until the final EPA regulation is promulgated does not appear to be valid, in that the EPA proposed standard provides for the use of specific equipment, or its equivalent. This would appear to provide the necessary flexibility for planning engineering changes.

For these reasons, it does not appear at this time that the application meets the requirements of section 6(b)(6)(A) of the Act. Since it appears unlikely that the variance request will be granted, and since, in the absence of compliance with the standard, employees will be exposed to a significant health hazard, the request for an interim order is, pursuant to section 6(b)(6)(A) of the Act and 29 CFR 1905.10(c)(2), hereby denied without prejudice to the application for a temporary variance.

Signed at Washington, D.C. this 30th day of April, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-13382 Filed 5-6-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Compliance, National Advisory

Committee on Occupational Safety and Health, will meet on May 26, 1976 in Room N-3437, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The Subgroup will continue its discussion of the issues involved in defining health violations as either serious or nonserious.

The Subgroup also will explore policy issues in the compliance area for the purpose of selecting its next agenda items.

Anyone wishing to submit written data or views concerning these agenda items should submit them, preferably with 20 duplicate copies, to the Committee's Executive Secretary as soon as possible.

These documents will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should contact the Committee Management Office prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications as follows:

N. Hucke, Committee Management Office, National Advisory Committee on Occupational Safety and Health, Room N-3635, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 30th day of April 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-13379 Filed 5-6-76;8:45 am]

Office of Employee Benefits Security

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at at 9:00 a.m. on Tuesday, May 25, 1976, in the Federal Ballroom North, Quality Inn, Capitol Hill, 415 New Jersey Avenue, N.W., Washington, D.C.

The meeting will be open to the public. The purpose of the meeting is to discuss the items listed in the following agenda:

1. Advisory Council Recommendations—Status Report
2. Reporting, Disclosure and Recordkeeping Work Group Report
3. Investment Work Group Report
4. Small Plan Impact Work Group Report
5. Minimum Standards Work Group Report
6. Department of Labor Intervention Actions
7. General Fiduciary and Prohibited Transactions Update

Any member of the public may file a written statement concerning the topics under this agenda by submitting 30 copies on or before the close of business Monday, May 24, 1976 to Mr. James D. Hutchinson, Administrator of Pension and Welfare Benefit Programs, New Department of Labor Building, Third Street and Constitution Avenue, N.W., Room S-4516, Washington, D.C. 20210.

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary of the Advisory Council, New Department of Labor Building, Third Street and Constitution Avenue, N.W., Room N-4629, Washington, D.C. 20210, or may call Area Code 202/523-8753.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.76-13474 Filed 5-6-76;8:45 am]

Office of the Secretary

[TA-W-719]

FRIEDMAN BROTHERS INCORPORATED

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 26, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of former workers producing men's trousers at Friedman Brothers, Inc. Easton, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15488). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent involuntary separations at Friedman Brothers, Inc. occurred in December, 1974. Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is March 9, 1976 and, thus, workers laid off prior to March 9, 1975 could not be eligible to program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-13386 Filed 5-6-76;8:45 am]

[TA-W-364]

SIDMAR CLOTHING CO., INC., N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-364; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 28, 1975 in response to a worker petition received on November 28, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats, sportcoats and leisure coats at Sidmar Clothing Company, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57882). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sidmar Clothing, its customers, the Clothing Manufacturers Association of the U.S.A., U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. The average number of production workers at Sidmar Clothing declined 47 percent in 1974 compared to 1973. The average number of production workers declined 18 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at Sidmar Clothing declined 29 percent in 1974 compared to 1973. Production declined

51 percent and 27 percent in the first nine months of 1974 and the first nine months of 1975, respectively, compared to the first nine months of 1973.

Increased Imports Contributed Importantly. Imports of boys' and men's suits increased from 1.2 million units in 1971 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 5.7 percent and 6.0 percent respectively in 1971 to 9.0 percent and 9.9 percent respectively in 1974. The imports to production ratio rose from 8.7 percent in the first seven months of 1974 to 19.9 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively in 1972 to 22.3 percent and 18.2 percent, respectively in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first seven months of 1975 compared to the first seven months of 1974.

An OTAA survey of major apparel retailers indicated that the ratio of purchases of imported leisure suits increased from 0 percent in 1973 to 2.8 percent in 1974 and from 4.0 percent in the first half of 1974 to 21 percent in the first half of 1975.

The evidence developed in the Department's investigation indicates that employment and sales at Sidmar have been adversely affected by increased imports. Sidmar stitches for men's clothing manufacturers; customers of these manufacturers have reduced purchases from them in favor of less expensive imported clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats, sportcoats and leisure coats produced by Sidmar Clothing Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All hourly, piecework, and salaried workers of Sidmar Clothing Company, Inc. New York, New York who became totally or partially separated from employment on or after November 18, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-13062 Filed 5-6-76;8:45 am]

[TA-W-553]

THE MEL E. ARTS CO., N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-553: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 16, 1976 in response to a worker petition received on January 16, 1976 which was filed on behalf of workers and former workers producing hand painted glazed ceramic wall and floor tile at the Mel E. Arts Company, Colonia, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4691). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Mel E. Arts Company, its customers, the Tile Council, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis and Department files.

In order to make an affirmatvie determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met.

Significant Total or Partial Separations. The average number of employees at the Mel E. Arts Company, Colonia, N.J. declined 33 percent in the first eight months of 1975 compared to the same period in 1974. All workers were terminated by August 1975.

Sales or Production, or Both Have Decreased Absolutely. Sales at the Mel E. Arts Company declined 77 percent in 1975 compared to 1974. Sales declined in every quarter of 1975 compared with the same quarter of 1974.

Increased Imports. Imports of hand painted glazed ceramic wall and floor tile are not separately identified in the Tariff Schedules of the United States, but are included in the aggregate data on imports of glazed ceramic wall and floor tile.

A survey of retail outlets for hand painted glazed ceramic wall and floor tile conducted by Department of Labor industry analysts found that hand painted merchandise in retail shops is overwhelmingly imported and that retail stores have increased their purchases of imports from 1974 to 1975.

Contributed Importantly. The evidence developed during the Department's investigation indicated that customers decreased their purchase from Mel E. Arts and increased their purchases of lower-priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hand painted glazed ceramic wall and floor tile produced by the Mel E. Arts Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of hand painted glazed ceramic wall and floor tile at the Mel E. Arts Company located in Colonia, New Jersey who became totally or partially separated from employment on or after March 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of April 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-13061 Filed 5-6-76;8:45 am]

[TA-W-591]

WESTERN STAMPING CORP., MICH.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-591: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 6, 1976 in response to a worker petition received on February 6, 1976 which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, on behalf of workers formerly producing toy sewing machines and toy cash registers at the Michigan Avenue and Main Street plants and the Wayland Drive warehouse, all located in Jackson, Michigan, of the Western Stamping Corporation, Jackson, Michigan.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 7831) on February 20, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Western Stamping Corporation, its customers, the International Trade Commission, the Department of Commerce and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has reveled that all of the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 7.9 percent in 1975 compared to 1974. Employment decreased one percent and 23 percent in the third and fourth quarters of 1975 compared to the same periods in 1974, respectively.

Sales or Production, or Both, Have Decreased Absolutely. Production of toy cash registers accounted for over 90 percent of total production in 1975. Production of toy cash registers declined 13.2 percent in 1975 compared to 1974 and declined 15.1 and 23.8 percent in the third and fourth quarters of 1975 compared to the same periods in 1974, respectively.

Increased Imports. U.S. import data on toy cash registers are not separately identified in the Tariff Schedules of the United States but are included in the basket category of games, machines and parts. U.S. imports of games, machines and parts increased every year from $15.2 million in 1971 to $23.0 million in 1973. Imports of games, machines and parts decreased to $21.9 million in 1974 before increasing to $25.8 million in 1975.

Contributed Importantly. The Department's investigation revealed that many firms, in recent years, have transferred the production of toy cash registers to off-shore locations in order to maintain a better competitive advantage. Western Stamping was the last firm in the United States to produce toy cash registers domestically, having ceased production in December 1975. The short selling season just before Christmas, the requirement of low retail prices and the high labor intensity involved has induced many firms to enter the field and start production off-shore.

Western Stamping has contracted with a Japanese firm and a Hong Kong firm to produce toy cash registers and toy sewing machines for 1976. Western Stamping closed both its plants in Jackson, Michigan in December 1975 because of its high per unit cost of production; however, it continutes to operate a warehouse on Wayland Drive in Jackson, Michigan which handles imported toy cash registers and toy sewing machines and fills customer orders.

In addition, the Department's investigation indicated that customers of the Western Stamping Corporation either bought only imported toy cash registers in 1974 and 1975 or increased purchases from foreign suppliers relative to domestic suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with toy cash registers and toy sewing machines produced at the W. Michigan Avenue, W. Main Street and the Wayland Drive locations of the Western Stamping Corporation, Jackson, Michigan, contributed importantly to the total or partial separations of the workers at the above mentioned locations. In accordance with the provisions of the Act, I make the following certification:

All workers at the W. Michigan Avenue plant, Jackson, Michigan, the W. Main Street plant, Jackson, Michigan and the Wayland Drive warehouse, Jackson, Michigan of the Western Stamping Corporation, Jackson, Michigan who became totally or partially separated from employment on or after July 1, 1975 and before January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of April 1976.

JAMES F. TAYLOR,
Director,
Planning and evaluation Staff.

[FR Doc.76-13063 Filed 5-6-76;8:45 am]

Wage and Hour Division

[Administrator's Order No. 1-76]

ASSISTANT REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority and Responsibility to Grant or Deny Certificates

1. Purpose. This Order redelegates authority and reassigns responsibility within the Wage and Hour Division of the Employment Standards Administration for the performance of functions assigned by Employment Standards Order 2-76 (41 FR 9016) to the Administrator, Wage and Hour Division.

2. Background. Secretary's Order No. 16-75 (40 FR 55913) cancelled and replaced Secretary's Order 13-71 and incorporated the delegation contained in Secretary's Order 16-73 and cancelled that Order. Authority delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards by Order No. 16-75 was redelegated and reassigned under Employment Standards Order No. 2-76 to the Administrator, Wage and Hour Division, Employment Standards Administration, for performance of functions of the Secretary in carrying out the responsibilities of the Department of Labor under certain statutes, including the following:

(1) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 et seq., including the issuance of child labor hazardous occupation orders and other regulations concerning child labor standards;

(2) The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35 et seq.;

(3) The Service Contract Act of 1965, as amended, 41 U.S.C. 351, et seq.; and

(4) The Davis-Bacon Act, as amended, 40 U.S.C. 276, and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act, 40 U.S.C. 276; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act, 16 U.S.C. 831.

3. Redelegation of authority and reassignment of responsibility. Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), Secretary of Labor's Orders No. 16-75 (40 FR 55913), Employment Standards Order 2-76 (41 FR 9016), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor thereunder (41 CFR Parts 50-201 and 202), the Service Contract Act (79 Stat. 1034, as amended; 41 U.S.C. 351 et seq.) and the regulations of the Secretary of Labor thereunder (29 CFR Part 4), I hereby:

A. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing employment of full-time students, student-learners, apprentices, handicapped workers in competitive employment, handicapped clients in sheltered workshops, patient workers in hospitals and institutions, and homeworkers as provided in 29 CFR Parts 519, 520, 521, 524, 525, 529, 530, 545 and 695, and as provided in 41 CFR Parts 50-201 and 202 and 29 CFR Part 4, and to take such other action as may be necessary or appropriate therewith: (1) The Assistant Regional Administrators for the Wage and Hour Division (who are authorized to redelegate this authority) within their respective regions, and (2) the Caribbean Director of the Wage and Hour Division for the area covered by the Caribbean Office.

B. Designate and appoint as my authorized representatives the following persons with full power and authority to grant or deny applications for special certificates authorizing the employment of full-time students, learners, and student-workers as provided in 29 CFR Parts 519, 522, and 527 and pursuant to 41

CFR Part 50–202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Assistant Administrator for the Office of Fair Labor Standards, (2) the Director of the Division of Special Minimum Wages, and (3) the Chief of the Branch of Learners.

C. Designate and appoint as my authorized representative the following person with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at special minimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: the Caribbean Director of the Wage and Hour Division for the area covered by the Caribbean Office.

D. Revoke and withdraw Administrative Orders Nos. 528 (24 FR 9299) and 621 (36 FR 12819).

Except for the authority to issue temporary certificates for handicapped trainees in accordance with the provisions of 29 CFR Part 524.4, all other authority to grant or deny applications for, or to sign or issue certificates pursuant to sections 11 and 14 of the Fair Labor Standards Act of 1938, as amended, is hereby revoked and withdrawn.

Part 528 of Title 29 of the Code of Federal Regulations, which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 519, 520, 521, 522, 523, 524, and 527, is unaffected by this Administrator's Order.

Signed at Washington, D.C., this 30th day of April 1976.

RONALD L. JAMES,
Administrator,
Wage and Hour Division.

[FR Doc.76-13387 Filed 5-6-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 41]

ASSIGNMENT OF HEARINGS

MAY 4, 1976.

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 141518 Sub 1, The Senate Cartage Company, Inc., now being assigned June 14, 1976 (1 day), at Chicago, Ill., in Room 3855–A, 230 S. Dearborn Street.

MC–F–12459, Shoup Buses, Inc.—Control—Tri-State Coach Lines, Inc., now being assigned June 15, 1976 (2 days), at Chicago, Illinois, in Room 3855–A, 230 S. Dearborn Street.

MC 133689 Sub 66, Overland Express, Inc., now being assigned June 17, 1976 (2 days), at Chicago, Ill., in Room 3855–A, 230 S. Dearborn Street.

MC 130341, Motor Club of Iowa d.b.a. AAA Iowa World Travel now assigned June 29, 1976 (3 days), at Des Moines, Iowa and will be held in the Valley Bank Bldg., 7th Floor, 4th & Walnut.

MC 121658 (Sub-No. 7), Steve D. Thompson, now assigned June 7, 1976, at Baton Rouge, La. is canceled and reassigned for June 7, 1976, (1 week), at Monroe, Louisiana at the Ramada Inn, 1311 Ramada Drive, 165 Bypass at I–20 and June 14, 1976 (1 week), at Shreveport, Louisiana, at the Chateau Motor Hotel, 201 Lake Street, I–20 at Spring Street Exit.

No. 33230, Shippers Equitable Compensation Action Committee, et al. v. Aberdeen and Rockfish Railroad Company, et al., now assigned May 23, 1976, at Washington, D.C., is postponed indefinitely, all other procedural dates specified in the order of March 16, 1976 are also postponed indefinitely.

MC–C–8826, Agricultural Transportation Association of Illinois, Charles Mansfield, Marvin A. Mason, Lyle C. Becker, Robert Klopp, Freeman L. Vaughn, Frank M. Cavanaugh and A. R. Schertz—Investigation of Operations and Practices, now assigned June 14, 1976, at Springfield, Ill. is postponed indefinitely.

MC–F–12725, Best Refrigeration Express, Inc.—Investigation of Control, now assigned July 23, 1976, at Omaha, Nebr. is postponed indefinitely.

MC 139231 (Sub 3), Buckeye Express, Inc., now assigned June 8, 1976 (1 day), at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 135739 (Sub 2), John J. Clark d.b.a. Double J. Machinery Transport, now assigned June 10, 1976 (2 days), in Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 105566 (Sub 109), Sam Tanksley Trucking, Inc., now assigned June 9, 1976 (1 day), at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC–C–8783, Swift Leasing Co., Airlift International Inc. and R–W Service System, Inc.—Investigation of Operations and Practices and Revocation of Certificates, now assigned June 14, 1976 (1 day), at Columbus, Ohio and will be held in Room 235 Federal Office Building, 85 Marconi Boulevard.

MC 119547 (Sub 42), Edgar W. Long, Inc., now assigned June 15, 1976 (2 days), at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

MC 128273 (Sub 204), Midwestern Distribution, Inc., now assigned June 17, 1937 (2 days), at Columbus, Ohio and will be held in Room 235, Federal Office Building, 85 Marconi Boulevard.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13403 Filed 5-6-76;8:45 am]

[AB 19 (Sub-No. 27)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment Between Flora and Sangamon Junction in Clay, Effingham, Fayette, Shelby, Christian and Sangamon Counties, Illinois

MAY 4, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties, Ill., on or before May 19, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 27th day of April, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated April 27, 1976, it has been determined that the proposed abandonment by the Baltimore and Ohio Railroad Company (B&O) of its line between Flora and Sangamon Junction, a distance of 103.29 miles, all in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties, Ill., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because seven of the major stations, which collectively generate approximately 70 percent of the involved traffic, will retain direct rail service from other rail lines. Any resultant traffic diversion to motor carriers, however, could adequately be accommodated by area highways with only minor variations in fuel consumption, exhaust emissions, ambient noise levels, and safety hazards. In addition, no historic sites or major ecological effects are involved. Furthermore, the subject abandonment proposal is not directly related to other nearby B&O abandonment

proposals; specifically, between Coal Shaft and Beardstown and between Flora and Shawneetown, inasmuch as the involved lines do not provide service to common stations.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 3, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76–13405 Filed 5–6–76;8:45 am]

[AB 3 (Sub-No. 13)]

MISSOURI PACIFIC RAILROAD CO. ABANDONMENT

Raymondville and Hargill in a Southerly Direction to Monte Alto, in Willacy and Hidalgo Counties, Texas

MAY 4, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Willacy and Hidalgo Counties, Texas, on or before May 19, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 27th day of April, 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The interstate Commerce Commission hereby gives notice that by order dated April 27, 1976, it has been determined that the proposed abandonment of the Missouri Pacific Railroad Company of its line of railroad from Raymondville in a westerly direction to Hargill, continuing in a southerly direction to Monte Alto, a distance of 21.5 miles in Willacy and Hidalgo Counties, Tex., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed abandonment would result in a low volume of traffic to be diverted to motor carrier transport and would not, therefore, have a significant impact upon energy consumption and congestion on local roadways. Effects upon the ecology of the subject area and upon local historic sites and public safety would be negligible. There are no regional or local land use or transportation plans with which the abandonment would conflict.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 3, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76–13406 Filed 5–6–76;8:45 am]

[Notice No. 241]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 7, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 27, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC 76264. By order of April 30, 1976, the Motor Carrier Board approved the transfer of Black & White Express, Inc., Butler, Pennsylvania, of Certificate of Registration No. MC 120841 (Sub-No. 3), issued January 28, 1965, to Walter J. Dunlap and W. A. Birckbichler, a partnership, doing business as Black & White Express, Butler, Pennsylvania, evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity No. 87645, dated November 7, 1960, as amended by docket No. 87645, Folder No. 1, Am–A, dated September 10, 1962, issued by the Pennsylvania Public Utility Commission, authorizing the transportation as a Class D. Carrier, meat and meat products from the City of Pittsburgh, and specified points in Pennsylvania with certain conditions; perishable food products from points in the City of Pittsburgh, Allegheny County, to points in the County of Allegheny; fresh meat, smoked meat among other commodities received by rail in the City of Pittsburgh, Allegheny County for distribution to specified counties; and to transport, as a Class D carrier, property for the Office of Public Assistance, Department of Public Welfare, of the Commonwealth of Pennsylvania from their warehouse in the City of Uniontown among other points to points in specified counties and subject to certain conditions; and of Certificate No. MC 120841 (Sub-No. 6), issued March 3, 1975, authorizing the transportation of meats, meat products and meat by-products, from Butler, Pa., to points in that part of Pennsylvania in and west of Warren, Elk, Clearfield, Centre, Huntington, and Bedford Counties, Pa.; and returned shipments of said commodities. William J. Lavelle; Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–13407 Filed 5–6–76;8:45 am]

[Notice No. 59]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 4, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the

protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 48948 (Sub-No. 7TA), (Correction), filed April 8, 1976, published in the FEDERAL REGISTER issue of April 28, 1976, republished as corrected this issue. Applicant: THE HOCKING CARTAGE COMPANY, R.R. 2, Logan, Ohio 43138. Applicant's representative: James M. Burtch, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass cullet*, in dump vehicles, from the plantsite of the Mattoon Lamp Plant of The General Electric Company, at or near Mattoon, Ill., to the plantsite of the Logan Glass Plant of The General Electric Company, at or near Logan, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Logan Glass Plant, The General Electric Company, Box 699, Logan, Ohio 32138. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215. The purpose of this republication is to add the destination points which was omitted in the previous publication.

No. MC 52709 (Sub-No. 339TA), filed April 21, 1976. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., Denver, Colo. 80207. Applicant's representative: Don Bryce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *Foodstuffs*, serving the plantsite and storage facilities of Pepperidge Farm, Incorporated, at or near Richmond, Utah, as an off-route point in connection with carrier's authorized regular route operations at Ogden, Utah. Applicant intends to tack its existing authority with MC-52709 (Sub-No. 67), for 180 days. Supporting shipper: Pepperidge Farm, Incorporated, P.O. Box 5500, Norwalk, Conn. 06856. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 98952 (Sub-No. 32TA), filed April 26, 1976. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford St., Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, advertising matter, premiums and display material* when moving at the same time and in the same vehicle with Foodstuffs. Restricted to the transportation of shipments moving in vehicles equipped with mechanical refrigeration, from Chicago, Ill., to Paducah, Henderson, Owensboro, and Louisville, Ky., and to points in Indiana, with no transportation for compensation on return (except as otherwise authorized), for 180 days. Supporting shippers: Herbert Heller, Vice-President, Ward-Johnston, Inc., 2 Penn Plaza, New York, N.Y. 10001. James M. Vogel, Manager, Distribution Services, Planters/Curtiss Confectionery, 3401 Mt. Prospect Road, Franklin Park, Ill., 60131. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill, 62705.

No. MC 108676 (Sub-No. 92TA), filed April 26, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: A. A. Metler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mirror modules*, from Lincoln, Nebr., and Stockton, Calif., to Largo, Fla., and from Stockton, Calif., to Largo, Fla., via Lincoln, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Honeywell, Inc., 13350 U.S. Highway 19, St. Petersburg, Fla. 33733. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 111729 (Sub-No. 648TA), filed April 23, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, prescriptions, drug store and toilet supplies and displays*, from Tacoma, Wash., to points in Benton, Clackamas, Clatsop, Columbia, Coos, Durry, Douglas, Josephine, Jackson, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg. Restrictions: (1) Against the transportation of packages or articles weighing in excess of 150 pounds. (2) To the transportation of traffic moving on behalf of Northwestern Drug Company, Tacoma, Wash., for 180 days. Supporting shipper: Northwestern Drug Company, 1815 East D St., Tacoma, Wash. 98410. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 649TA), filed April 23, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal samples, coal dust, materials related to mining* (used picks and shovels), *and business records*, restricted against the transportation of packages or articles weighing in excess of 20 pounds each from one consignor to one consignee on any one day, between Charleston, W. Va., on the one hand, and, on the other, points in Allegheny, Washington and Westmoreland Counties, Pa., for 180 days. Supporting shipper: Commercial Testing and Engineering, 5793 Mac Corkle, Charleston, W. Va. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114004 (Sub-No. 154TA), filed April 23, 1976. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Mel P. Booker, Jr., 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, on shipper-owned trailers, between the plantsite of Mark Twain Boat Co., at or near West Frankfort, Ill., on the one hand, and, on the other, Salt Lake City, Utah; Phoenix, Ariz.; Reno, Nev.; Anaheim, Burbank, Dinuba Manteca, Fresno, Brentwood, Sacramento, San Diego and San Mateo, Calif., and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mark Twain Boat Co., P.O. Box 276, Frankfort, Ill. Send protests to: William H. Land, Jr., District Supervisor, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114604 (Sub-No. 40TA), filed April 26, 1976. Applicant: CAUDELL TRANSPORT, INC., Building 33, State Farmers' Market, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, from the plantsite and facilities of The Meat Co., at or near Calhoun, Ga., to points in Tennessee and Virginia and that portion of Florida in and south of Citrus, Sumter, Lake and Volusia Counties, for

180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Meat Co., P.O. Box 91267, East Point, Ga. 30344. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 119389 (Sub-No. 4TA), filed April 23, 1976. Applicant: WARREN TRUCKING CO., INC., 1550 W. 8th St., Long Beach, Calif. 90813. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and printing paper*, used in the publication of newspapers and other printed matter, in flat stock and in rolls, from points in the Los Angeles Harbor Commercial Zone, as defined by the Commission, to points in Kern and Tulare Counties, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach Corporation, One Bush St., San Francisco, Calif. 94119. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 125777 (Sub-No. 167TA), filed April 23, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave, Gary, Ind. 46403. Applicant's representative: David I. Harfeld, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from Middletown, Ohio, to points in Alabama, Arizona, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, North Carolina, South Carolina, Oklahoma, Tennessee, West Virginia and Wisconsin, for 180 days. Supporting shipper: Calumite Company, Inc., Lower Foundry Road, Trenton, N.J. 08628. Send protests to: J.H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 128570 (Sub-No. 18TA), filed April 26, 1976. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th St., Wilmington, Del. 19899. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media, computerized billing forms, business documents and records related thereto*, between King of Prussia, Pa., on the one hand, and, on the other, points in New Castle, Kent and Sussex Counties, Del., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Shared Medical Systems, 650 Park Ave., King of Prussia, Pa. 19406. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 133146 (Sub-No. 16TA), filed April 23, 1976. Applicant: INTERNATIONAL TRANSPORTATION SERVICE INC. Suite 1–M, 300 Northeast Expressway, N.E., Atlanta, Ga. 30341. Applicant's repersentative: J. Michael May, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (except in bulk, in tank vehicles), from Atlanta, Ga., to Lawrenceburg, Ind.; Clairmont and Louisville, Ky.; Dundalk and Salisbury, Md.; Boston and South Boston, Mass.; Camden, Clifton, Dayton, Englewood Cliffs, Lawrenceville, Metuchen, Paterson, Stockton, Teterboro, and Vineland, N.J.; Brooklyn, N.Y.; Cincinnati, Ohio; Philadelphia and Wilkes Barre, Pa.; and Memphis, Tenn., under a continuing contract with Monarch Wine Company of Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 134388 (Sub-No. 11TA), filed April 28, 1976. Applicant: HOME RUN, INC., 3 East Washington St., Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies and fixtures* used in the erection or assembly of buildings (except commodities in bulk), from Jefferson, Ga., to Charlotte, N.C.; Memphis, Tenn.; and Birmingham and Mobile, Ala. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of (a) buildings, in sections, when mounted on wheeled undercarriages, and (b) cement. Said operations are limited to a transportation service to be performed under a continuing contract or contracts with Ryan Homes, Inc., of Pittsburgh, Pa., for 180 days. Supporting shipper: Carl T. Hall, Vice - President - Manufacturing, Ryan Homes, Inc., 100 North Wren, Pittsburgh, Pa. 15236. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 136008 (Sub-No. 73TA), filed April 26, 1976. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, 6161 N. May, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in McCulloch County, Tex., to points in Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dowell Division of Dow Chemical Co., Vester Gulley, Traffic Specialist, P.O. Box 21, Tulsa, Okla. 74102. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 138941 (Sub-No. 15TA), filed April 23, 1976. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir St., Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vanities, vanity tops, shower doors and kitchen cabinets*, from Van Nuys, Calif., to points in the United States in and east of the states of Minnesota, Iowa, Missouri, Oklahoma and Texas for the account of Commodore Vanity Company, Div. of G. J. Industries, under a continuing contract with Commodore Vanity Company, Div. of G. J. Industries, for 180 days. Supporting shipper: Commodore Vanity Company, Div. of G. J. Industries, 7735 Kester Ave., Van Nuys, Calif. 91405. Send protests to: Walter W. Strakisch, District Supervisor, Interstate Commerce Commission,

No. MC 141434 (Sub-No. 1TA), filed April 23, 1976. Applicant: RICHARD F. BRIGGS AND ELTON R. LONGSTREET, a Partnership, doing business as B-LONG TRANSPORTATION, R. D. #1, Bear Lake, Pa. 16402. Applicant's representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel shelving, pallet racks, and parts and accessories*, utilized in the erection of steel shelving and pallet racks, from North East, Pa., to Ramapo, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Bernard-Gloekler North East Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bernard-Gloekler North East Co., Inc., P.O. Box 310, North East, Pa. 16428. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 141979 (Sub-No. 1TA), filed April 26, 1976. Applicant: JOHN M. HARRIS, JR., Box 116, Buckingham, Va. 23921. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite ore and material, supplies and equipment* used in the manufacture

distribution and sales of kyanite ore (except commodities in bulk, in tank vehicles), between the plantsites of Kyanite Mining Corporation, located in Appomattox, Buckingham and Prince Edward Counties, Va., on the one hand, and, on the other, points in Ohio, Pennsylvania and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carroll B. Kay, Vice-President, Sales, Gyanite Mining Corporation, Dillwyn, Va. 23936. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 141980 (Sub-No. 1TA), filed April 26, 1976. Applicant: ROBERT BOUCHE, 603 Buchanan St., Algoma, Wis. 54201. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid manure spreaders and pumps*, from Algoma, Wis., to Sumner, Lester, Underwood, Prairie City and Effingham, Ill., and Shelbyville and Brookston, Ind., under a continuing contract with The Calumet Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Calumet Company, Inc., 340 N. Water St., Algoma, Wis. 54201. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 142009TA, filed April 23, 1976. Applicant: DEAN'S READY MIXED, INC., 517 West Hearne St., Albemarle, N.C. 28001. Applicant's representative: Vauthan S. Winborne, 1108 Capital Club Bldg., Raleigh, N.C. 27601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick* to be unloaded on job site by special unload equipment designed for that purpose, from Norwood, N.C., to points in Chester, Lancaster, York, Kershaw and Chesterfield Counties, S.C., under a continuing contract with Stanly Shale Products, Div. Sanford Brick Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stanly Shale Products, Div. Sanford Brick Corp., P.O. Box 505, Norwood, N.C. 28128. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 142010TA, filed April 26, 1976. Applicant: TERRY STEWART INSTALLATION CO., INC., P.O. Box 307, Winona Lake, Ind. 46590. Applicant's representative: Terry Stewart (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Installation of church and related institutional furnishings*, between Winona Lake, Ind., on the one hand, and, on the other, points in the United States east of the Mississippi River including Louisiana and Minnesota, under a continuing contract with Endicott Industries, Inc., for 180 days. Supporting shipper: Endicott Industries, Inc., Winona Lake, Ind. 46590. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 34 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13404 Filed 5-6-76;8:45 am]

[Notice No. 242]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 7, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76547. By application filed April 28, 1976, TERMINAL OPERATIONS, INC., 221 Hartford Cutoff, Shrewsbury, MA 01545, seeks temporary authority to lease the operating rights of SHOE CITY EXPRESS, INC., 325 N. Montello Street, Brockton, MA 02403, under section 210a(b). The transfer to TERMINAL OPERATIONS, INC., of the operating rights of SHOE CITY EXPRESS, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-13408 Filed 5-6-76;8:45 am]

federal register

FRIDAY, MAY 7, 1976



PART II:

PENSION BENEFIT GUARANTY CORPORATION

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PLAN BENEFITS

Valuation Methods

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2611—VALUATION OF PLAN ASSETS

Standards for Individuals

On December 12, 1975, the Pension Benefit Guaranty Corporation (the "PBGC") published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 57980) which prescribed standards for valuing individual assets of a pension plan in connection with determining whether such assets, if allocated as provided in § 4044 of the Employee Retirement Income Security Act of 1974 (the "Act"), are sufficient to discharge when due all obligations of the plan with respect to the basic benefits defined in § 4001(a)(6) of the Act and in connection with determining the extent, if any, of employer liability computed in accordance with § 4062 of the Act. Interested persons were given the opportunity to submit comments regarding the proposed rule. Several comments were received and these were reviewed by both the PBGC staff and members of the PBGC's Advisory Committee In light of this review, the PBGC has adopted the proposal with modifications as set forth below.

One commenter noted that § 302(c)(2) of the Act anticipates that the Secretary of the Treasury will promulgate regulations concerning the valuation of plan assets for purposes of determining compliance with the minimum funding standards of the Act and suggested that adoption of this regulation be coordinated with the issuance of regulations by the Treasury Department. The PBGC recognizes the need to develop, where possible, uniform approaches to matters subject to joint regulation. However, since this regulation deals with the valuation of assets of terminating plans, while the Treasury Department's regulations will deal with the valuation assets of ongoing plans, the PBGC doe not believe that uniformity is achievable in all respects. For this and other reasons, the PBGC feels that it would be unwarranted to postpone the issuance of this regulation until isssuance of the Treasury Department's asset valuation regulation.

A number of comments discussed the merits of using the specific presumptive rules in § 2611.5 of the proposed rule for determining the fair market value of certain plan assets. In this regard, it should be noted that the regulation as adopted utilizes presumptions as evidence of the fair market value of plan assets only in those instances where the fair market value of an asset is reflected in a a generally accepted valuation reference which also is readily available to the general public. If these conditions are not satisfied, there is no presumption and the asset is to be valued at its fair market value based upon the method of valuation which most accurately reflects such fair market value.

Other comments questioned whether the valuation standards of the proposed rule were intended to apply to annuities and other kinds of insurance contracts since the proposed regulation did not contain a specific presumption regarding their valuation. In this regard, we emphasize that § 2611.3 of the regulation contains the general rule for valuing assets of terminating plans in connection with determining plan asset sufficiency for purposes of § 4041(b) of the Act, and in connection with determining the extent, if any, of employer liability in accordance with § 4062 of the Act. Therefore, to the extent that annuities and other kinds of insurance contracts are plan assets, they are to be valued as provided in § 2611.3; i.e., at their fair market value. Since this regulation does not contain specific presumptions regarding the fair market value of annuities and other kinds of insurance contracts, the PBGC intends to provide guidance concerning their valuation at a later date. Similarly, the PBGC also expects to provide valuation guidance at a later date with regard to other classes of assets normally held by pension plans and for which this regulation does not contain specific presumptive rules.

In connection with the presumption for valuing publicly traded corporate bonds, one commentator noted that most such bonds are traded over-the-counter rather than on an exchange, and questioned the appropriateness of basing the presumption in the proposed rule on exchange last sale prices. While the PBGC realized that most publicly traded corporate bonds are traded over-the-counter, the presumption in the proposed rule was based on exchange last sale prices since these are the prices which are most readily available to the general public by virtue of their publication in general circulation newspapers. However, in order to avoid basing the presumption on a published price which may be unrepresentative of the bond's actual fair market value, the PBGC has decided against having a presumption in the regulation at this time in regard to publicly traded corporate bonds. Since there is no presumption in the regulation in regard to such bonds, they are to be valued, pursuant to the general rule of § 2611.3 at their fair market value, based on the method of valuation which most accurately reflects such fair market value.

Section 2611.5(d) of the proposed rule contained a presumption in regard to shares in collective trusts. One commentator noted that this terminology is ambiguous and suggested the use of "units of participation in a common trust fund or collective investment fund maintained by a bank pursuant to Section 9.18 of Regulation 9 of the Comptroller of the Currency." The PBGC has adopted this language in the regulation absent reference to the regulations of the Comptroller of the Currency since such regulations only apply to national banks, and absent the language "maintained by a bank" since such funds may be sponsored by other kinds of financial institutions, such as insurance companies. In addition, this presumption has been changed in the regulation as adopted to require that the valuation of such units be done in conformity with both the terms of the fund and federal and state law and regulations, as applicable.

Finally, § 2611.5(f) of the proposed rule contained a presumption in regard to common and preferred stocks, warrants, and closed-end mutual funds. For securities principally traded on an exchange, the proposed rule based the presumption on the closing sale price on the principal exchange where the security is traded, as nationally published in a general circulation daily newspaper. However, because of the recent widespread dissemination of consolidated tapes and the publication of consolidated stock tables which reflect the closing sale price of New York Stock Exchange or American Stock Exchange listed securities irrespective of whether the trade was executed on those exchanges, certain regional stock exchanges or in the over-the-counter market, closing sale prices specifically identified by exchange are no longer readily available in regard to shares listed on either the New York or American Stock Exchange and also traded on certain regional stock exchanges or in the over-the-counter market. Accordingly, the regulation has been modified in recognition of this new content of the published format. As to stocks listed on the New York Stock Exchange, the presumption contained in the proposed rule will continue to apply to valuations which are based on a termination date occurring prior to January 26, 1976. On or after such date, such valuations will be based on the closing sale price as it appears on the consolidated tape for New York Stock Exchange-listed stocks and is published in general circulation newspapers. As to stocks listed on the American Stock Exchange, the presumption contained in the proposed rule will apply to valuations which are based on a termination date occurring prior to Mrach 1, 1976. On or after such date, such valuations will be based on the closing sale price as it appears on the consolidated tape for American Stock Exchange-listed stocks and is published in general circulation daily newspapers.

Pursuant to § 4041(b) of the Act, the PBGC is required to determine whether the assets of a plan, if allocated as provided in § 4044, are sufficient to discharge when due all obligations of the plan with respect to basic benefits. While this regulation and the regulation on the Valuation of Plan Benefits (proposed in the FEDERAL REGISTER of December 12, 1975, 40 FR 57982) are necessary in order to permit the PBGC to make this determination, the PBGC's determination of plan asset sufficiency may not be based solely on these regulations. In determining whether to issue a notice of sufficiency, the PBGC also may consider other factors or events that occurred before the date of termination or could occur between the date of termination and the date of distribution which might prevent a plan from providing all the benefits necessary to be deemed sufficient.

In consideration of the foregoing, Part 2611, Chapter XXVI of Title 29, Code of

Federal Regulation is revised as set forth below, effective May 7, 1976.

Sec.
2611.1 Purpose and scope.
2611.2 Definitions.
2611.3 Valuation of plan assets.
2611.4 Valuation date.
2611.5 Fair market value presumptions.

AUTHORITY: Sections 4002(b)(3), 4062(b)(1)(B); Pub. L. 93-406, 88 Stat. 1004, 1029 (29 U.S.C. §§ 1302(b)(3), 1362(b)(1)(B).

§ 2611.1 Purpose and scope.

(a) This part sets forth standards for valuing individual plan assets in connection with the PBGC's computation of plan asset sufficiency pursuant to § 4041(b) of the Act, and in connection with the PBGC's computation of the current value of plan assets pursuant to § 4062(b)(1)(B) of the Act.

(b) This part applies to all plans which are covered, as provided by § 4021 of the Act, and which terminate:

(1) After June 30, 1974 and before September 2, 1974 and which have complied with the requirements of § 4082(b) of the Act; or,

(2) On or after September 2, 1974.

§ 2611.2 Definitions.

For purposes of this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Consolidated Tape" means the consolidated last sale reporting system established pursuant to Rule 17a-15 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

"Exchange" means a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934.

"Fair market value" means the price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

"National Association of Securities Dealers Automated Quotations System" means the automated quotations system sponsored by the National Association of Securities Dealers, Inc., a national securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934.

"Principally traded" means the market place at which the greatest volume of trades normally occur.

§ 2611.3 Valuation of plan assets.

Plan assets shall be valued at their fair market value on the valuation date, as defined in § 2611.4, based on the method of valuation which most accurately reflects such fair market value.

§ 2611.4 Valuation date.

Except as otherwise specifically provided, the assets of a plan shall be valued for purposes of this part as of the plan's termination date, determined in accordance with § 4048 of the Act.

§ 2611.5 Fair market value presumptions.

The fair market value of the following assets will be presumed to be the value determined in accordance with the rules contained in this section.

(a) *Treasury bills.* The fair market value of Treasury bills will be presumed to be the value computed from the average of the bid and asked discount for the bill on the valuation date, as nationally published in a general circulation daily newspaper.

(b) *Treasury notes, bonds and Federal agency securities.* The fair market value of Treasury notes, bonds and Federal agency securities will be presumed to be the value computed from the average of bid and asked prices for the security on the valuation date, as nationally published in a general circulation daily newspaper.

(c) *Shares in open-end mutual funds.* The fair market value of shares in open-end mutual funds will be presumed to be the net asset value (the redemption value) per share of the mutual fund on the valuation date, as nationally published in a general circulation daily newspaper.

(d) *Units of participation in a common trust fund or collective investment fund.* The fair market value of units of participation in a common trust fund or collective investment fund will be presumed to be the value per unit of the fund as reflected on a statement of account prepared by the manager of the fund. The value per unit of the fund is to be determined in accordance with the procedures normally employed by the manager of the fund pursuant to the terms of the fund, and federal and state law and regulations, as applicable, and as of the normal date on which the fund is valued if that date is on or within 31 days after the termination date. This presumption will apply only if there were no distributions from the fund in relation to units of the fund in the interval between the plan's valuation date and the normal valuation date of the fund.

(e) *Common and preferred stocks, warrants and closed-end mutual funds.* The fair market value of common and preferred stocks, warrants, and closed-end mutual funds will be presumed to be:

(1) If such security is:

(i) Traded on the New York Stock Exchange and the plan's valuation date is on or after January 26, 1976, or traded on the American Stock Exchange and the plan's valuation date is on or after March 1, 1976, the closing sale price on the valuation date as reported on the consolidated tape, and nationally published in a general circulation daily newspaper;

(ii) otherwise traded principally on an exchange, the closing sale price on the valuation date on the principal exchange where such security is traded, as nationally published in a general circulation daily newspaper.

(2) If such security is traded principally otherwise than on an exchange, and is quoted on the National Association of Securities Dealers Automated Quotations System, the average of the end-of-the-day bid and asked prices for the security on the valuation date, as made available for publication by such system and nationally published in a general circulation daily newspaper.

(3) If there is no such nationally published closing sale price or end-of-day bid and asked prices on the valuation date, the fair market value of such securities will be presumed to be the average of:

(i) For securities traded principally on an exchange, the nationally published closing sale price on the date nearest the valuation date and within five trading days before the valuation date and the nationally published closing sale price on the date nearest the valuation date and within five trading days after the valuation date;

(ii) For securities traded principally otherwise than on an exchange, the average of the nationally published end-of-day bid and asked prices on the date nearest the valuation date and within five trading days before the valuation date, and the average of the nationally published end-of-day bid and asked prices on the date nearest the valuation date and within five trading days after the valuation date.

(f) *State and municipal obligations.* The fair market value of state and municipal obligations will be presumed to be the average of bid and asked prices for the security on the date of valuation, as nationally published in a general circulation daily newspaper. If there are no such nationally published bid and asked prices on the valuation date, the fair market value of such securities will be presumed to be the average of the nationally published bid and asked prices on the date nearest the valuation date and within five trading days before the valuation date, and the average of the nationally published bid and asked prices on the date nearest the valuation date and within five trading days after the valuation date.

Issued in Washington, D.C. this 23rd day of April 1976.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

W. J. USERY, Jr.,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary.

[FR Doc.76-13425 Filed 5-6-76;8:45 am]

federal register

FRIDAY, MAY 7, 1976



PART III:

DEPARTMENT OF LABOR

Employment and Training Administration

■

UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Right to Hearings on Federal Findings

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION

PART 609—UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Right to Hearing on Federal Findings

On February 18, 1975, a document was published in the FEDERAL REGISTER (40 F.R. 6984) proposing to revise procedures for reconsideration of findings transmitted by Federal agencies to State unemployment compensation agencies in connection with claims under the program of Unemployment Compensation for Federal Employees (UCFE) established by subchapter I of chapter 85 of title 5, United States Code (5 U.S.C. 8501–8508).

As proposed to be amended 20 CFR 609.9 would provide an opportunity for a fair hearing before the Federal employing agency for a UCFE claimant who requests reconsideration of findings made by the agency pursuant to 5 U.S.C. 8506(a). The document also included a proposal to amend 20 CFR 609.23 to establish procedures for claimants to request hearings and the Federal employing agencies to be notified of the requests. All comments with respect to the proposed amendments were given due consideration.

A. As a result of comments received, the following changes in the proposed amendments have been made in addition to language changes for clarification:

1. In § 609.9(a)(2), the qualifications of an individual authorized to reconsider a Federal agency's findings are amended to provide that the individual shall not occupy a position in the Federal agency which is directly or indirectly under the jurisdiction or supervision of any person who made or participated in the making of the previous findings with respect to which reconsideration is requested. The change is made because comments from the Department of Commerce and the United States Postal Service indicated that the proposed provision, which would require that the individual not occupy a position directly or indirectly under the jurisdiction of the office in which the findings initially were prepared, was unduly restrictive and could create administrative problems. The amended provision is intended, as was the proposed version, to assure impartiality and objectivity in the person who reconsiders findings.

2. Proposed § 609.9(b)(1) would have required reconsidered findings to be based upon and consistent with a decision in a grievance or appeal with respect to which the individual requesting reconsideration has had a fair hearing. As amended, the provision requires reconsidered findings to be based upon and consistent with such a decision in a grievance, adverse action, or other administrative proceeding, or in litigation, after a hearing in which the individual is an interested party.

The provision also is amended to prohibit a Federal agency from deferring or delaying reconsideration of findings to await the outcome of other legal proceedings or hearings involving the individual, and to specify procedures to be followed when reconsidered findings are based upon a decision, made after a hearing, from which an appeal is taken.

The changes in § 609.9(b) were made in response to comments received from the United States Postal Service and the American Civil Liberties Union.

3. Proposed § 609.9(b)(2) provided that an individual who failed to utilize an opportunity for hearing provided by the Federal employing agency or the Civil Service Commission with respect to an issue involved in a request for reconsideration of a Federal agency's findings was not required to be afforded another opportunity for a fair hearing in connection with a request for reconsideration. This provision is deleted in the light of comments by the American Civil Liberties Union.

4. In § 609.9(c)(2)(i), the qualifications of a person authorized to reconsider a Federal agency's findings are amended to correspond to the amendment to § 609.9(a)(2) discussed above.

5. Section 609.9(c)(2)(iii), which as proposed provided that the hearing procedure should include the right to know and opportunity to rebut evidence adverse to the position of the individual, is amended to provide that the individual shall have the right to know the evidence upon which the agency intends to rely in support of its reconsidered findings and an opportunity to rebut that evidence. The United States Postal Service commented that the proposed language gave the individual the right to know all adverse information in the agency's files regardless of whether the information would be used in the reconsideration of the agency's findings, and that this would permit discovery of information gathered by its postal inspectors as part of a criminal investigation to be handled by the Department of Justice, thus posing a difficult problem. As amended, the provision is intended to guarantee the individual's right to know and opportunity to rebut all the evidence considered in making the reconsidered findings; there is no change in this regard.

6. Section 609.9(c)(2)(iv) is changed to provide that a claimant shall have an opportunity for an evidentiary hearing on any issue of fact material to the reconsideration. As proposed the provision gave opportunity for an evidentiary proceeding where credibility arose. The change is made in the light of comments received from the American Civil Liberties Union. The intent of the proposed and changed language is the same, however, and that is to assure an individual a fair hearing on any material issue of fact. An evidentiary hearing means a fair hearing, and the term is used to make it clear that the rights of the individual include the right of confrontation and cross-examination with respect to adverse evidence whether offered in the form of oral testimony or in any other form.

7. Section 609.9(c)(2)(v) is modified to provide that the evidentiary hearing may be conducted either by the person designed to reconsider the findings or by an independent hearing officer designated to receive evidence and make a recommended decision. This change is made in response to a comment by the Department of Commerce pointing to advantages in terms of time and qualifications in the use of a recommended decision procedure. Greater flexibility is thereby provided for devising procedures that will assure promptness in the reconsideration process.

8. In § 609.9(c)(2)(vii) the language is modified to accord with the use of a recommended decision procedure.

9. In § 609.9(c) paragraphs (c)(4) and (c)(5) are renumbered (c)(5) and (c)(4), respectively. In paragraph (c)(5), as so renumbered, a provision requiring reconsidered findings of a Federal agency to be consistent with the decision "after the hearing" is amended to require consistency with the decision as it may be modified or reversed on appeal. The change was made in response to a comment by the Postal Service that the provision as proposed appeared to preclude giving effect to any different result reached on appeal of a lower decision.

10. Section 609.9(e) is clarified at the suggestion of the United States Civil Service Commission. A decision after a hearing pursuant to a procedure established in accordance with § 609.9(c) shall have no application or effect except as to the individual's claim for UCFE. The purpose of this change is to state that a decision on reconsideration has no bearing on any grievance or appeal under other procedures.

B. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

1. It was suggested that the regulations be revised to avoid distinctions in procedures for making initial determinations on UCFE claims and in making determinations on claims under State unemployment compensation laws, which it is said discriminate against Federal employees. In normal operation, however, a result for reconsideration and correction of Federal findings occurs at the initial determination stage, so that in this respect there is no difference in the procedures. Insofar as the comments suggest eliminating the effects of the finality provision in 5 U.S.C. 8506(a), it is believed that the statute is controlling and must continue to be given its intended effect.

2. It is suggested that § 609.9(b)(1) apparently denies a hearing to an individual who has invoked grievance or re-employment hearing procedures. Neither as proposed nor adopted does the provision have this consequence. Where a contention at issue in connection with a request for reconsideration of a Federal agency's findings has been fairly heard and decided, the provision requires that decision to be followed in the reconsidered findings. That hearing satisfies the requirement of a hearing on the issue, and duplication of proceedings is avoided.

3. It is recommended that § 609.9(b)(1) be revised to provide that reconsidered findings be based upon and be consistent with a decision rendered in connection with a grievance or appeal if the Federal employee has had or will have opportunity for a fair hearing thereon. This recommendation is followed where a decision on the grievance or appeal has been or soon will be rendered. In response to other comments received, however, § 609.9(b) is changed to provide that reconsidered findings may not be delayed more than 40 days to await the decision on a grievance or appeal, so that the determination and payment of rights to unemployment compensation will not be unduly delayed. The choice made in this instance is believed to be essential to the proper and efficient administration of the UCFE program.

4. It was suggested that § 609.9(d), which requires issuance of reconsidered findings not later than 40 days after receipt of a request for a hearing, will result in a time lapse in excess of two months between the onset of unemployment and a determination of eligibility, and that the time limit for making reconsidered findings, therefore, should be ten days. It should be noted that the 40-day limitation is a ceiling, and the basic requirement of § 609.9(d) mandates the making of reconsidered findings "as expeditiously as possible." Thus, reconsidered findings are required to be made expeditiously and in less than ten days if possible. Experience in the administration of the UCFE program demonstrates that reconsidered findings cannot practically be made within ten days in many cases, and that a 10-day ceiling, therefore, would not be feasible.

5. It was recommended that no provision be made in the regulations for special agency hearing procedures on requests for reconsideration, where the issue raised by the individual is also an issue in a pending grievance or appeal, since the potential exists for conflict between reconsidered findings and the decision in a pending grievance or appeal proceeding, and also because the result would be an undesirable proliferation of agency hearing procedures. As amended, the regulations provide adequately for linkage between established procedures of Federal agencies and the Civil Service Commission and the making of reconsidered findings for UCFE purposes. In most instances the proceedings under established procedures are controlling, even where special procedures are utilized. The objective in any event should be to allow the widest latitude to the Federal agencies in affording the hearings required by these regulations. In this regard it was stated in the proposed document previously published that consideration would be given to permitting adoption of special procedures solely for the purpose of hearings on requests for reconsideration. In view of this and other comments received the regulations are amended to permit such special procedures, with safeguards that will minimize conflicts with decisions reached under other established procedures.

The amendments are adopted with changes as set forth below.

(5 U.S.C. 8508; Secretary's Order 4-75, April 16, 1975)

Effective date. June 7, 1976.

Signed at Washington, D.C., on April 30, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

Part 609 of Title 20 of the Code of Federal Regulations is amended by changing §§ 609.9 and 609.23 to read as follows:

1. Section 609.9 is revised to read as follows:

§ 609.9 Reconsideration of Federal findings; opportunity for hearing.

(a) *Reconsideration.* (1) A Federal agency, on receipt of a request for reconsideration and correction of Federal findings pursuant to § 609.23, shall, as promptly as possible, correct any errors or omissions in its findings, affirm, modify, or reverse any or all of its findings in writing, and forward its reconsidered findings to the requesting authority

(2) The reconsidered findings of a Federal agency shall be made by a person who is fair, impartial, and objective, and who does not occupy a position in the agency which is directly or indirectly under the jurisdiction or supervision of any person who made or participated in the making of the previous findings with respect to which reconsideration and correction is requested.

(3) The person making the reconsidered findings shall consider all information furnished with the request for reconsideration and correction, and review the correctness of the previous findings: *Provided*, That, if the Federal civilian employee requests a hearing as provided in § 609.23(d), paragraphs (b) through (e) of this section also shall be applicable.

(b) *Effect of other proceedings.* (1) When the issue involved in a request for reconsideration and correction was decided by the Federal agency, the Civil Service Commission, or a court, in a grievance, adverse action, or other administrative proceeding, or in litigation involving the Federal agency, after a hearing wherein the individual requesting reconsideration and correction was an interested party, the reconsidered findings of the Federal agency as to that issue shall be based on and be consistent with that decision.

(2) A Federal agency shall not defer or delay making reconsidered findings to await the decision in a grievance, adverse action, other administrative proceeding, or litigation before a court, or to await the outcome of an appeal from any decision in another proceeding, unless the agency has good reason to believe that the decision or decision on appeal will be issued prior to expiration of the maximum time limit of 40 days stated in paragraph (d) of this section, or the Federal civilian employee in writing requests such delay.

(3) If a decision on which reconsidered findings is based is reversed or modified by a subsequent decision, the reconsidered findings shall be amended so as to accord with the subsequent decision, on request of the Federal civilian employee made within 60 days after the subsequent decision is issued. The amended findings shall be forwarded to the appropriate State agency, and shall be given effect in redetermining the individual's right to compensation, without regard to any time limitation for redetermination or appeal in the State unemployment compensation law.

(c) *Hearing procedure.* (1) Whenever a request for reconsideration and correction involves a contention with regard to which there is no procedure established for affording the Federal civilian employee an opportunity for a fair hearing, other than that required by this paragraph (c), and in any case to which paragraph (b)(2) of this section is applicable, a procedure affording an opportunity for a fair hearing in connection with a request for reconsideration and correction shall be established as provided in this paragraph except in cases to which § 609.18 applies.

(2) A hearing procedure established pursuant to paragraph (c)(1) of this section shall include, as a minimum, the following elements:

(i) Designation of a person to consider the request for reconsideration and correction who is fair, impartial, and objective, and who does not occupy a position in the Federal agency which is directly or indirectly under the jurisdiction or supervision of any person who made or participated in the making of the previous findings with respect to which reconsideration and correction is requested.

(ii) Opportunity to present evidence and argument in connection with the request for reconsideration and correction.

(iii) The right to know all of the evidence to be considered in making the reconsidered finding and an opportunity to rebut that evidence.

(iv) An evidentiary hearing on any issue of fact material to the Federal civilian employee's contentions.

(v) A hearing for the purpose of taking evidence and hearing argument pursuant to paragraphs (c)(2)(ii), (c)(2)(iii), and (c)(2)(iv) of this section, conducted by the person designated pursuant to paragraph (c)(2)(i) of this section, or by a hearing officer appointed to conduct the hearing and make a report of findings of fact and recommended decision to the person designated pursuant to paragraph (c)(2)(i) of this section.

(iv) The right to be represented.

(vii) Written findings based on all of the evidence, and a written decision based on those findings, by the person designated pursuant to paragraph (c)(2)(i) of this section.

(3) A Federal agency may provide for appeal and review of a decision issued under the procedure established pursuant to this paragraph (c), to the head of the Federal agency or to an appointed official of the agency higher in line of authority than any person who made or participated in the making of previous findings and the person designated pursuant to paragraph (c) (2) (i) of this section.

(4) A hearing procedure consistent with the provisions of this section may be established by a Federal agency for hearing all requests for reconsideration and correction of the agency's findings under the USFE program. The reconsidered findings of the agency, after a proceeding under this paragraph (c) (4), shall be subject to the provisions of paragraph (b) of this section.

(5) Where a hearing is held in accordance with this paragraph (c), the reconsidered findings of the Federal agency shall be consistent with the decision based upon the hearing. If upon appeal and review of any decision, the decision is modified or reversed, the reconsidered findings shall be amended so as to accord with the appellate decision.

(d) *Promptness.* A procedure instituted pursuant to paragraph (c) of this section shall provide for the completion of all proceedings and the issuance of reconsidered findings as expeditiously as possible and, except for circumstances beyond the Federal agency's control, not later than 40 days after the request for reconsideration and correction is received by the agency.

(e) *Limited application.* A procedure instituted pursuant to paragraph (c) of this section shall be solely for the purpose of considering requests for reconsideration and correction by individuals claiming benefits under the UCFE program, and a decision issued pursuant to such procedure shall have no other application or effect.

2. Section 609.23 is amended by adding thereto new paragraphs (c) and (d) to read as follows:

§ 609.23 Procedure for obtaining correction of Federal findings.

* * * * *

(c) *Informing Federal civilian employee.* A Federal civilian employee shall be informed of the right to request reconsideration and correction of Federal findings, and of the right to a hearing in accordance with § 609.9.

(d) *Request for hearing.* With every request for reconsideration and correction of Federal findings the State agency shall inform the Federal agency whether or not the Federal civilian employee requests a hearing. The State agency shall obtain for its records a statement signed by the Federal civilian employee as to whether or not a hearing is requested.

[FR Doc.76-13228 Filed 5-6-76;8:45 am]

federal register

FRIDAY, MAY 7, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions; Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Ohio	OH76-2060
Virgin Islands	VI76-3166, VI76-3167

MODIFICATIONS TO GENERAL WAGE DETERMINATIONS DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75-1047	Apr. 18, 1975.
AL76-1049	Apr. 16, 1976.
California:	
CA76-5019; CA76-5020	Mar. 5, 1976.
Hawaii:	
HI76-5013	Jan. 1, 1976.
Idaho:	
ID76-5016	Feb. 13, 1976.
Illinois:	
IL76-5038	Apr. 16, 1976.
Indiana:	
IL76-5038; IN76-2056	Do.
Iowa:	
IA76-4059; IA76-4060	Feb. 27, 1976.
Kentucky:	
AQ-4122	June 7, 1974.
Maryland:	
MD76-3141	Feb. 20, 1976.
MD76-3160	Apr. 9, 1976.
Michigan:	
IL76-5038	Apr. 16, 1976.
Minnesota:	
IL76-5038	Do.
Mississippi:	
MS76-1020	Jan. 20, 1976.
Nevada:	
NV76-5002; NV76-5005	Jan. 16, 1976.
New Mexico:	
NM76-4204	Dec. 19, 1975.
New York:	
IL76-5038	Apr. 16, 1975.
NY75-3115	Dec. 12, 1975.
Ohio:	
IL76-5038	Apr. 16, 1976.
Oklahoma:	
OK76-4023	Feb. 6, 1976.
Oregon:	
OR76-5015	Do.
Pennsylvania:	
IL76-5038	Apr. 16, 1976.
South Carolina:	
SC76-1008	Jan. 9, 1976.
Texas:	
TX76-4027; TX76-4040	Feb. 13, 1976.
TX76-4050	Feb. 20, 1976.
Utah:	
UT76-5017	Feb. 13, 1976.
Washington:	
WA76-5012	Mar. 19, 1976.
Wisconsin:	
IL76-5038	Apr. 16, 1976.

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 decision being superseded.

Arkansas:	
AR75-5074(AR76-5041)	June 20, 1975.
Louisiana:	
AR75-5074(AR76-5041)	Do.
Mississippi:	
AR75-5074(AR76-5041)	Do.
Ohio:	
OH75-2060(OH76-2059)	Apr. 18, 1975.
Pennsylvania:	
PA76-3067(PA76-3163)	July 11, 1975.
Tennessee:	
AR75-5074(AR76-5041)	June 20, 1975.
Texas:	
TX76-4014(TX76-4077)	Jan. 30, 1976.
TX76-4028(TX76-4078); TX76-4032 (TX76-4080); TX76-4036(TX76-4083); TX76-4044(TX76-4081).	Feb. 13, 1976.
TX76-4052(TX76-4082)	Feb. 20, 1976.
TX76-4072(TX76-4079)	Apr. 23, 1976.

Signed at Washington, D.C., this 30th day of April, 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Ohio COUNTY: Columbiana
DECISION NO. OH76-2060 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.28	.30	.30	1.00	.02
BOILERMAKERS	9.815	7.5%	7%		.01
BRICKLAYERS, STONE MASONS, MARBLE SETTERS, TILE & TERRAZZO WORKERS					
Townships of E. Liverpool, Franklin, Madison, St. Clair, Wayne and Yellow Creek	9.80	.50			
Townships of Butler, Hanover, Knox and West	10.00	.50	.35		01
Remainder of County	10.10	.60	.35		.02
CARPENTERS AND SOFT FLOOR LAYERS	9.02	.40	.50		.01
CEMENT MASONS	9.75	.50	.50		.01
ELECTRICIANS AND LINEMEN:					
In Knox township only	10.60	.40	1%+.10		.3%
In remainder of County:					
Electricians, Linemen and Equipment Operators	10.10	5%	1%	8%	1%
Cable Splicers	10.50	5%	1%	8%	1%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	9.90	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	6.93	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	4.95				
GLAZIERS	10.17	.60	.20		
IRONWORKERS	9.77	.40	.85		.07
LABORERS:					
General Laborers, Carpenters Tenders	6.80	.55	.40		.05
Brick and Cement mason tenders, Plasterer tender & mortarmen	6.965	.55	.40		.05
Pipelayers, Air tool and Power tool operators and Jackhammer Operators	7.00	.55	.40		.05
MILLWRIGHTS	9.43	.40	.50		.01
PAINTERS:					
Brush, Waterproofers, Roller	9.865	.60	.40		
Spray	10.365	.60	.40		
Drywall Taping	10.015	.60	.40		
Open Structural Steel	10.08	.60	.40		
PLASTERERS	9.52	.50	.50		.03

DECISION NO OH76-2060

	Basic Hourly ites	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS	$10.61	.75	.50		.04
ROOFERS	10.04	.57	.40		.02
SHEET METAL WORKERS	10.75	.40	.55		.03
SPRINKLER FITTERS	12.05	.60	.90		.08
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DEICISON NO OH76-2060

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$10.67	.50	.60		.13
CLASS II	9.98	.50	.60		.13
CLASS III	9.49	.50	.60		.13
CLASS IV	9.08	.50	.60		.13
CLASS V	8.98	.50	.60		.13
CLASS VI	10.94	.50	.60		.13

CLASS I - Asphalt planer heater, Austin western & similar type, Back hoe, Batch plant-portable concrete, Berm builder-automatic, backfiller w/drag attachment boat derrick, Boat-tug, Boring mach. attached to tractor, Bull-clam, Bulldozer, G.M.I. road builder & similar types, Cable placer & layer, Carrier-straddle, Carryall - scraper or scoop, Chicago boom, Compactor w/blade attached, Concrete spreader finisher comb., Crane, Crane-stationary or climbing, Crane-electric overhead, Crane-side boom, Crane truck, Crane-tower, Derrick-boom, Derrick-car, Diggers-wheel (not trencher or road widner), Double line, Drag line, Dredge, Drill-Kenny or similar type, Electromatic, Fork lift, Frankie pile, Gradall, Grader-power, Gurry, Gurry-self propelled, Highlift, Hoist-monorail, Hoist-stationary & mobile tractor, Hoist-2 or 3, Jackall, Jumbo mach., Kocal or Luhlman, Land-seagoing vehicle, Loader - Elevating, Loader-front end, Locomotive, Mechanic as welder, Metro clip harvester w/boom, Mucking mach., Paver-asphalt finisher mach., Paver-road concrete, Paver-slip form, Place crete mach, Post driver, Power driven hydraulic pumps and jacks-drilling, Shovel, Spikemaster, Stonecrusher, Tie puller & loader, Tie tamper, Tractor-double boom, tractor w/attachments, Trucks-boom, Truck-tire-assigned to job, Trench mach., Tunnel machine (mark 21 Java or similar), Whiley

CLASS II - Asphalt plant, Bending machine, Boring mach., Chip harvester w/o boom, cleaning Mach. - pipeline, type, Coating Mach-pipeline type, Concrete belt placer, concrete finisher, Concrete planter asphalt, Concerte spreader, Elevator, Fork lift walk behind, Form line mach., Grease truck op., Grout pump, Gunnite mach., Huck bolting Mach., Hydraulic scaffold, Paving breaker, Pipe dream, Pot firemen, Power broom, Refrigeration plant, Saagen derrick, Seeding Mach., Self-propelled mobile vibrator compactor or roller, Hoist-single drum, Soil stabilizer (pump type), Spray cure Mach. - self-propelled, Staw blower mach., Sub-grader, Tub finisher or boom C.M.I. or similar type of Tugger Hoist

DECISION NO OH76-2060

CLASS III - Batch plant-job related, Boiler op., Compressor (125 CFM or over), Curb builder (self propelled), Generator-steam, Jack-hydraulic driven, Mixer-concrete, Mulcher, Mulch., Pin Puller, Pulverizer, Pump, Road finishing mach. (pull type), Roller, Saw-concrete-self propelled, Signal man, spray cure mach - motar powered, spreader (side driver shoulder attachment, Tractor, Trencher form, Water blaster

CLASS IV- Brake man, Compressor under 125 CFM, Conveyor, Conveyor 12 feet or under other than servicing bricklayers, Deck hand, Drill wagon, fireman, Generator sets, Heaters-portable power (2to5), Helper-mechanic, Jacks Hydraulic (railroad), Ladavator, Roller (walk behind 1 ton or over), Steam jenny, Sypons, Vibrator-gasoline, Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pile driving or caisson type

NEW DECISION

STATE: Virgin Islands
DECISION NO.: 76-VI-3166
COUNTIES: Island Wide
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction including Residential Construction (single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$ 3.16				
Bricklayers Helpers	2.25				
Carpenters	3.00				
Carpenters Helpers	2.25				
Cement Masons	3.16				
Cement Masons Helpers	2.25				
Electricians	2.75				
Electricians Helpers	2.50				
Ironworkers	2.50				
Laborers	2.13				
Painters	2.50				
Plumbers	3.28				
Plumbers Helpers	2.30				
Truck Drivers	2.50				
Power Equipment Operators:					
Cranes	3.93				
Bulldozer	3.75				
Well Drillers	3.50				

NEW DECISION

STATE: Virgin Islands
DECISION NO.: 76-VI-3167
COUNTIES: Island Wide
DATE: Date of Publication
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 3.25				
Carpenters Helpers	2.75				
Cement Masons	3.00				
Laborers:					
Laborers, unskilled	2.15				
Air tool operators	2.675				
Mason tenders	2.875				
Truck Drivers	2.50				
Power Equipment Operators:					
Rollers	2.475				
Fork lift	2.85				
Asphalt plant pavers	3.00				
Backhoes, loaders	3.25				
Dozers, scrapers	3.75				
Graders	4.00				

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1047 - Mod. #1 (40 FR 17470 - April 18, 1975) Jefferson, Blount, Saint Clair, Shelby, Talladega and Walker Counties, Alabama					
CHANGE:					
Plumbers	$ 9.75	.40	.65		.07
DECISION #AL76-1049 - Mod. #1 (41 FR 16319 - April 16, 1976) Jefferson and Shelby Counties Alabama					
CHANGE:					
Painters:					
Brush	$ 7.80		.50		
Spray; structural steel	8.30		.50		
Paperhangers	7.95		.50		

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA76-5019 - Mod. #2 (41 FR 9725 - March 5, 1976) 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, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Roofers:					
Monterey and Santa Cruz Counties	$ 9.30	.60	.80	$ 1.00	
Sprinkler Fitters:					
Remaining Counties	14.82	.60	.90		.08
Tile Setters:					
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties	11.00	.78	1.00	.1.15	.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA76-5020 - Mod. #2					
(41 FR 9742 - March 5, 1976)					
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Roofers:					
Monterey and Santa Cruz Counties	$ 9.30	.60	.80	$ 1.00	
Sprinkler Fitters:					
Remaining Counties	14.82	.60	.90		.08
Tile Setters:					
Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Counties	11.00	.78	1.00	1.15	.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #HI76-5013 - Mod. #2					
(41 FR 4750 - January 1, 1976)					
Statewide, Hawaii					
Change:					
Cement Masons:					
Cement Masons	$8.10	.85	1.00	.30	.10
Trowel Machine Operators	8.25	.85	1.00	.30	.10
Elevator Constructors	10.68	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors'Helpers (Prob.)	50%JR				
Plasterers	8.95	.85	1.00	.15	.16
Sprinkler Fitters	11.26	.60	.90		.08

DECISION #ID76-5016 - Mod. #3
(41 FR 6961 - February 13, 1976)
Statewide, Idaho

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:					
Remainder of Counties and Southern half of Idaho Co.	$9.90	.52	1.02		
Boilermakers	10.65	.75	1.00	.50	.02
Electricians:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Cos.					
Electricians; Technicians	9.70	.45	1%+.50		1%
Cable Splicers	10.67	.45	1%+.50		1%
Line Construction Workers (Area 2) (Remaining Counties)					
All work over 34/5 KV and all work on steel towers and/or multiple wood structures and all sub-stations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	6.98	.35	1%		3/4%
Equipment Operators	8.44	.35	1%		3/4%
Lineman	9.27	.35	1%		3/4%
Cable Splicers	10%overJR	.35	1%		3/4%
All power construction of 34.5KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality:					
Groundman	6.71	.35	1%		3/4%
Equipment Operator	7.87	.35	1%		3/4%
Lineman	8.74	.35	1%		3/4%

DECISION #ID76-5016 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Area 1)					
(Benewah, Bonner, Boundary, Clearwater, Idaho County north of 46th Parallel, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:					
Group 1:					
Zone 1	$8.05	.75	.85		.03
Zone 2	8.55	.75	.85		.03
Zone 3	9.00	.75	.85		.03
Group 2:					
Zone 1	8.35	.75	.85		.03
Zone 2	8.85	.75	.85		.03
Zone 3	9.30	.75	.85		.03
Group 3:					
Zone 1	8.90	.75	.85		.03
Zone 2	9.40	.75	.85		.03
Zone 3	9.85	.75	.85		.03
Group 4:					
Zone 1	9.05	.75	.85		.03
Zone 2	9.55	.75	.85		.03
Zone 3	10.00	.75	.85		.03
Group 5:					
Zone 1	9.20	.75	.85		.03
Zone 2	9.70	.75	.85		.03
Zone 3	10.15	.75	.85		.03
Group 6:					
Zone 1	9.45	.75	.85		.03
Zone 2	9.95	.75	.85		.03
Zone 3	10.40	.75	.85		.03
Group 7:					
Zone 1	9.70	.75	.85		.03
Zone 2	10.20	.75	.85		.03
Zone 3	10.65	.75	.85		.03

DECISION #ID76-5016 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1: Area within a fifteen (15) mile radius from the center of the following Cities: Lewiston, Idaho and Spokane, Washington					
Zone 2: Area from within a fifteen (15) mile to forty-five (45) mile radius from the center of the above named Cities.					
Zone 3: Area over a forty-five (45) mile radius from the center of the above named Cities.					
With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d' Alene, Idah; shall be considered within Zone 1.					
Sprinkler Fitters:	$11.13	.60	.90		.08
Truck Drivers (Area 1): (Benewah, Bonner, Boundary, Clearwater, Idaho County north of the 46th Parallel, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties)					
Group 1	8.48	1.02	.65		
Group 2	8.53	1.02	.65		
Group 3	8.58	1.02	.65		
Group 4	8.68	1.02	.65		
Group 5	8.88	1.02	.65		
Group 6	8.93	1.02	.65		
Group 7	8.98	1.02	.65		
Group 8	9.03	1.02	.65		
Group 9	9.13	1.02	.65		
Group 10	9.18	1.02	.65		
Group 11	9.48	1.02	.65		
Group 12	9.63	1.02	.65		
Group 13	9.78	1.02	.65		
Group 14	9.93	1.02	.65		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IL76-5038 - Mod. #1 (41 FR 16373 - April 16, 1976) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin					
Change: Floating Equipment: (Clamshell, Dragline and Marine Construction)					
Engineers and Operators	$ 12.80	f		d & e	
Equipment Operators	11.50	f		d & e	
Firemen	10.90	f		d & e	
Oilers	9.75	f		d & e	
FOOTNOTES:					
d. 8 paid holidays: A through F plus Washington's Birthday and Veterans' Day.					
e. 1/2 day vacation for each full 12 days employment in one calendar year.					
f. $1.65 per hour in fringe benefits (excluding vacation payments).					
PAID HOLIDAYS (Where Applicable):					
A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Christmas Day.					
DECISION NO. IN76-2056 - Mod. #2 (41 FR 16374 - April 16, 1976) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana					
Change: Asbestos workers: Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.	$10.66	.50	.35		.05
Carpenters: Grant County:					
Carpenters	8.93	.60	.60		.05
Piledrivermen	9.13	.60	.60		.05
Millwrights	9.43	.60	.60		.05
Sheet metal workers: Vanderburgh County	10.15	.40	.35		.02

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IA76-4059 - Mod. #3 (41 FR 8682 - Feb. 27, 1976) Johnson County (City of Iowa City & abutting municipalities), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction: Plasterers	9.48				
DECISION #IA76-4060 - Mod. #3 (41 FR 8685 - Feb. 27, 1976) Linn County, Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction: Plasterers	9.48				
DECISION #AQ-4122 - Mod. #1 (39 FR 20281 - June 7, 1974) Daviess County, Kentucky					
Change: Electricians	9.33	.40	1%		1/8 of 1%

MODIFICATIONS P. 10

DECISION #76-MD-3141 - Mod. #1 (41 FR 7909 - February 20, 1976) Allegany and Garrett Counties, Maryland	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.61	.60	.70		
Boilermakers	9.40	.60	.90		.02
Bricklayers	9.44		.40		
Plumbers & Steamfitters	8.05	.50	.40	1.00	.05
Sprinkler Fitters	10.25	.50	.80		.08
DECISION #76-MD-3160 - Mod. #1 (41 FR 15243 - April 9, 1976) Baltimore, Harford, Howard Counties and the City of Baltimore, Maryland					
Change:					
Bricklayers	$ 9.85	.40	.50		.07
Plasterers	8.95	.60	.40	a	
Sprinkler Fitters: Harford & Howard Counties and the remainder of Baltimore County	11.06	.60	.90		.08
Steamfitters	10.93	.45	.60		.12

FOOTNOTE:
a. Employee working Christmas Eve shall work 4 hours and receive 8 hours pay.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # MS76-1020 - Mod. # 2 (41 FR-4780 - January 30, 1976) Hancock, Harrison, Jackson, & Pearl River Counties, Mississippi.					
Change:					
Bricklayers:					
Bricklayers	8.40		.25		
Blockmasons	8.40		.25		
Caulkers, Pointers, Cleaners	8.40		.25		
Cement masons	7.28		.25		
Marble masons	8.40		.25		
Stone masons	8.40		.25		
Plasterers	8.30		.25		
Terrazzo workers	8.30		.25		
Tile setters	8.30		.25		
Carpenters:					
Carpenters, soft floor layers	7.90	.30	.20		.05
Millwrights	8.22	.30	.20		.05

MS76-1020 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	8.75	.30	.30		
GROUP 2	7.80	.30	.30		
GROUP 3	7.55	.30	.30		
GROUP 4	7.00	.30	.30		
GROUP 5	5.45	.30	.30		
GROUP 6	5.95	.30	.30		

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, backhoe, blacksmith, boom tractor, bulldoze central mixing plant, cherry picker, clamshell, crane derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork-lift, hoist (2 drum) locomotive engineer, marine engineer (chief), master pilot mixermobile, motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, LW-10 & similar pulltype scrapers, traxavator and similar endloaders, welder, welding machines S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphalt spreader (bituminous distributor) asphalt spreader (bitumir mixer), backfilling machine, conveyor, drill (earth), finishing machine, firem heating plant, hoist, marine engineer (assistant), mixer, payloader, and simila endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile tractor (with power take-off), trenching machine(18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:
Air compressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler scowman

DECISION #NV76-5002 - Mod. # 3
(41 FR 2580 - January 16, 1976)

Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers:					
Elko, Eureka, Lincoln and White Pine Counties	9.99	.52	1.02		
Boilermakers	12.00	.75	1.00	.50	.02
Electricians:					
Remaining portion of Nye Co. and all the remaining Cos. except Lake Tahoe Area:					
Electricians - Technicians	10.87	.63	1%+.77		.08
Cable Splicers	11.96	.63	1%+.77		.08
Elevator Constructors:					
Nevada west of 118° longitude	12.39	.495	.32	3%+a	.02
Nevada east of 118° longitude and south of 39° North latitude	12.00	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (prob.)	50%JR				
Sheet Metal Workers:					
Clark, Esmeralda, Lincoln, South half of Nye County, and White Pine Counties	10.23	.83	1.60	1.00	.05
Soft Floor Layers:					
Clark, Esmeralda, Lincoln and Nye Counties	11.72	.40			.15
Remaining Counties, including Lake Tahoe Area	10.05	.70	.20	2.4%	
Sprinkler Fitters	14.80	.60	.90		.08
Terrazzo and Tile Helpers:					
Clark, Esmeralda, Lincoln and south half of Nye County	8.10	.45		1.00	

DECISION #NV76-5005 - Mod. #2
(41 FR 2601 - January 16, 1976)

Nevada Test Site including Tonopah Test Range in Clark and Nye Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.51	.78	.87	1.00	
Ironworkers:					
Reingorcing, Ornamental, Structural	10.53	1.03	1.65	1.10	.03
Sheet Metal Workers	9.93	.83	1.60	1.00	.05
Add:					
Bricklayers	10.87	.45			.06

DECISION NO. NM75-4204 - Mod. #4 (40 FR 59167 - December 19, 1975) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS - ZONE IV					
Zone 4-A	$8.75	.25	1%		1/2%
Zone 4-B	10.20	.25	1%		1/2%
CABLE SPLICERS - ZONE III					
Zone 3-A	9.00	.25	1%		1/2%
Zone 3-B	10.45	.25	1%		1/2%
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, And Valencia Counties:					
Elevator Constructors	9.63	.495	.32	3%+a+b	.02
Elevator Constructors helper	70%JR	.495	.32	3%+a+b	.02
Chaves, Hidalgo, Dona Ana, Eddy Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	7.51	.495	.32	4%+a+b	.02
Elevator constructors	70%JR	.495	.32	4%+a+b	.02
GLAZIERS - Zone I	6.24	.30	.10		.02
PAINTERS - ZONE III					
Zone 3-A	6.96	.30			.02
Zone 3-B	7.38	.30			.02
Zone 3-C	7.105	.30			.02
Zone 3-D	7.38	.30			.02
Zone 3-E	7.81	.30			.02
SHEET METAL WORKERS - Zone 2	8.465	3%+.45	.30		.005
SOFT FLOOR LAYERS - Zone 1	7.23	.30	.10		.02

DECISION #NY75-3115 - Mod. #4 (40 FR 58048 - December 12, 1975) Bronx, Kings, Queens, New York and Richmond County, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians and linemen	$11.50	7%	1% + a	5.7%+b	½%
FOOTNONTES:					
a. Employer contributes $7.00 per day to Annuity and Security Benefit fund.					
b. Holidays: New Years Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Day after Thanksgiving, Columbus Day, Election Day, Thanksgiving Day, Christmas Day					
DECISION NO. OK76-4023 - Mod. #2 (41 FR 5562 - February 6, 1976) Comanche County, Oklahoma					
CHANGE:					
LABORERS:					
Group II	$5.30	.25	.30		
Group III	5.80	.25	.30		

DECISION #OR76-5015 - Mod. #1
(41 FR 5564 - February 6, 1976)
Statewide, Oregon

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons:					
Baker, Union, Umatilla, Wallowa, N½ of Malheur Cos.	$9.92	.55	.50		
Cement Masons:					
Cement Masons	8.87	.65	.60	.60	.10
Composition workers; Power machinery operator	9.02	.65	.60	.60	.10
Electricians:					
Malheur County					
Electricians	9.70	.45	17%+.50		17%
Cable Splicers	10.67	.45	17%+.50		17%
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line North and South from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	10.10	.65	17%+.50		.04
Cable Splicers	11.11	.65	17%+.50		.04
Benton, Crook, Deschutes, Jefferson, Lane (except coast portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	10.65	.65	17%+.50		.06
Lead Cable Splicers	11.50	.65	17%+.50		.06
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	10.28	.65	17%+.50		.06
Cable Splicers	10.93	.65	17%+.50		.06
Elevator Constructors	11.13	.495	.32	3%+a	.02
Marble Setters:					
Baker, Union, Umatilla, Wallowa, N½ of Malheur Cos.	9.92	.55	.50		

DECISION #OR76-5015 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Remaining Counties					
Drywall Finisher	$9.27	.55	.40	.50	.06
Roofers:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Counties					
Roofers	9.85	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.35	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	10.60	.45	.75		
Sheet Metal Workers:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	8.71	3%+.55	.51	1.00	.04
Coos, Curry, Douglas, Jackson, Josephine, Klamath, Lake and Lane Counties	10.285	.52	.38		.035
Sprinkler Fitters	11.40	.60	.90		.08
Terrazzo Workers:					
Baker, Umatilla, Union, Wallowa and N½ of Malheur Counties	9.25	.55	.50		
Tile Setters:					
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur County	9.25	.55	.50		

Omit:
Laborers:
Group 1 (Flagman, traffic)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # SC76-1008 - Mod. # 1 (41 FR-1699 - January 9, 1976) Sumter County, South Carolina					
Add: Sprinkler fitters	8.52	.50	.80		.08
DECISION #TX76-4027 - Mod. #4 (41 FR 7028 - February 13, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change: Laborers: Group 1	$ 4.71	.34	.15		
Group 2	4.86	.34	.15		
DECISION #TX76-4040 - Mod. #4 (41 FR 7026 - February 13, 1976) El Paso County, Texas					
Change: Bricklayers; Blocklayers; Rockmasons; Stonemasons	7.25	.48	.20		.05
DECISION #TX76-4050 - Mod. #5 (41 FR 7922 - February 20, 1976) Travis County, Texas					
Change: Ironworkers	8.85	.55	.60		.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT76-5017 - Mod. #3 (41 FR 7043 - February 13, 1976) Statewide, Utah					
Change: Boilermakers	$10.65	.75	1.00	.50	.02
Electricians: North section of Utah (Box Elder, Cache, Davis (North of the 41st Parallel), Morgan, and Rich and Weber Counties)					
Zone 1: Cache-Davis (north of the 41st Parallel) - Weber Counties:					
Electricians	10.00	.45	1%+.50		1%
Cable Splicers	10.25	.45	1%+.50		1%
Zone 2: Box Elder (east of 112.5° Longitude) - Morgan Counties:					
Electricians	10.50	.45	1%+.50		1%
Cable Splicers	10.75	.45	1%+.50		1%
Zone 3: Box Elder (west of 112.5° Longitude) - Rich Counties:					
Electricians	12.00	.45	1%+.50		1%
Cable Splicers	12.25	.45	1%+.50		1%
In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
Southern section of Utah (Remaining Counties)					
Zone 1: Davis County, south of 41st Parallel; Salt Lake County; Utah County north of 40th Parallel; the northeast corner of Tooele County (beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake base meridian, intersects the east boundary line of Tooele County and thence west along said township line to the southwest corner of section 32, Township 3 South, Range 4					

DECISION #UT76-5017 (Cont'd).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
West, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of Township 3 South, Range 4 West, then west to longitude 112°30'; thence north along the line of longitude 112°30' to the north line of Tooele County.)					
Area A - Ten miles either direction (east or west) from Interstate Highway No. 15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel:					
Electricians	$10.00	.45	1%+.50		8/10%
Cable Splicers	10.25	.45	1%+.50		8/10%
Area B - the balance of Zone 1 that lies in Davis, Salt Lake and Utah Counties:					
Electricians	10.75	.45	1%+.50		8/10%
Cable Splicers	11.00	.45	1%+.50		8/10%
Area C - the balance of Zone 1 that lies in Tooele County:					
Electricians	11.50	.45	1%+.50		8/10%
Cable Splicers	11.75	.45	1%+.50		8/10%
Zone 2: Remainder of Cos. and all portions of Cos. not included in Zones 1 and 2 of southern section of Utah:					
Electricians	12.75	.45	1%+.50		8/10%
Cable Splicers	13.00	.45	1%+.50		8/10%
Line Construction Workers:					
Lineman	9.65	.35	1%		3/4%
Cable Splicer	10.61	.35	1%		3/4%
Line Equipment Operators	8.70	.35	1%		3/4%
Groundman	7.19	.35	1%		3/4%
Line Equipment Mechanic:					
Right of Way	9.14	.35	1%		3/4%
Base Shop	8.56	.35	1%		3/4%
Line Equipment Serviceman	8.56	.35	1%		3/4%

DECISION #UT76-5017 -(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble Setters	$8.80	.20			
Piledrivermen:					
Bridge, Wharf and Dock Carpenters; Riggers; Boom Men	11.13	.82	1.26	.75	.06
Soft Floor Layers	8.28	.51	.12		
Sprinkler Fitters	10.43	.60	.90		.08

DECISION #WA76-5012 - Mod. #1
(41 FR 11785 - March 19, 1976)
Statewide, Washington

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers;					
Benton, Franklin and Walla Walla Counties	$9.92	.55	.50		
Cement Masons:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Cos. Cement Masons	8.87	.65	.60	.60	.10
Composition materials and power machinery	9.02	.65	.60	.60	.10
Glaziers:					
Adams (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	8.79	.35	.10	.40+b	
Lathers:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.58	.50			
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Cos.	9.64	.50	.50		
Marble Setters:					
Benton, Franklin and Walla Walla Counties	9.92	.55	.50		
Plasterers:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.68	.50			

DECISION #WA76-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	$9.13	.50	.65		
Plumbers:					
Adams (Area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	10.72	.65	1.10	1.00	.11
Roofers:					
Clark and Skamania Counties Roofers	9.85	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.35	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	10.60	.45	.75		

DECISION #WA76-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$11.10	3%+.52	.80		.05
Clallam, Jefferson, Kitsap and Mason Counties	9.28	3%+.37	.50	.60	.03
Clark and Skamania Counties	8.71	3%+.55	.51	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.45	3%+.37	.77	.47	.02
King County	11.11	3%+.52	.84		.03
Island and Snohomish Counties	11.40	3%+.47	.60		.02
Whatcom, Skagit and San Juan Counties	10.17	3%+.57	.60		.04
Sprinkler Fitters:					
Remaining Counties	11.40	.60	.90		.08
Terrazzo Workers:					
Benton, Franklin and Walla Walla Counties	9.25	.55	.50		
Tile Setters:					
Benton, Franklin and Walla Walla Counties	9.25	.55	.50		
Power Equipment Operators (Area 1):					
*Zone 2 - from a 15 to 45 mile radius from the center of the above named Cities, except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only					
*Zone 3 - over a 45 mile radius from the center of the above named Cities except Coeur d' Alena and Walla Walla					

DECISION #WA76-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers (Area 1):					
Group 1	$8.48	.97	.70		
Group 2	8.53	.97	.70		
Group 3	8.58	.97	.70		
Group 4	8.68	.97	.70		
Group 5	8.88	.97	.70		
Group 6	8.93	.97	.70		
Group 7	8.98	.97	.70		
Group 8	9.03	.97	.70		
Group 9	9.13	.97	.70		
Group 10	9.18	.97	.70		
Group 11	9.48	.97	.70		
Group 12	9.63	.97	.70		
Group 13	9.78	.97	.70		
Group 14	9.93	.97	.70		

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee
DECISION NUMBER: AR76-5041 DATE: Date of Publication
Supersedes Decision No. AR75-5074 dated June 20, 1975 in 40 FR 26189
DESCRIPTION OF WORK: For construction of all river, harbor and flood control work on the Mississippi River and tributaries (excluding the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Ft. Smith, Arkansas; Memphis, Tennessee and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport, Louisiana)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Unskilled	$ 2.40				
Revetment and dikes	2.40				
Chain saw operator or filer	2.80				
Air tool operator	3.10				
Powderman	3.70				
POWER EQUIPMENT OPERATORS:					
Pile driver operator; Mechanic (heavy equipment); Cranes, derricks, draglines; Welder; Power shovels and backhoes; Mixer (concrete, 21 cu. ft. & over); Asphalt plant operator; Trenching machine (over 18")	5.30				.05
BULLDOZER (finisher, push cat & on barges); Motor patrol finisher; Scrapers and like equipment; Front end loader; Backhoe (tractor mounted); Asphalt finisher or spreading machine; Well point system operator; Self-propelled loader (conveyor type)	4.75				.05
FIREMAN (Heavy construction); Pile driver leadsman; Winchman	4.10				.05
ASPHALT PLANT DRYER OPERATOR; Asphalt distributor; Asphalt roller; Bulldozer (rough, including disc, plow or roller); Motor patrol (haul roads); Trenching machine (18" and under); Self-propelled roller (except asphalt); End dump equipment (off highway); Mixer (concrete up to 21 cu. ft.); Bottom dump euclids (and like equipment)	3.75				.05
OILER; Pump mechanic helper; Greaser; Welder helper; Tractor (farm type including disc, plow or roller)	3.20				.05
TRUCK DRIVERS:					
1 - 1/2 tons or less	2.60				
Over 1 - 1/2 tons	2.70				

STATE: Ohio COUNTIES: Lucas & Fulton
DECISION NUMBER OH76-2059 DATE: Date of Publication
SUPERSEDES DECISION NO.: OH75-2060, dated April 18, 1975 in 40 FR 17528
DESCRIPTION OF WORK: Building & Residential Construction

DECISION NO OH76-2059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.23	.35	.75		.02
BOILERMAKERS	11.90	.50	.60		.01
BRICKALYERS, STONEMASONS & MARBLE SETTERS	11.185	.60	.40		.01
CARPENTERS, MILLWRIGHTS & PILE DRIVERMEN	11.10	.60	.50		.04
CEMENT MASONS	11.69	.50			.02
ELECTRICIANS	11.65	.40	1%+.55		1/10of1%
ELEVATOR CONSTRUCTORS	11.27	.495	.32	b+c+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.89	.495	.32	b+c+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.635				
GLAZIERS	9.975	.50	.45		.01
IRONWORKERS	11.05	.60	8%		.04
LATHERS	10.95	.60	.40		.01
LINEMEN	12.11	.35	1%	a	.25%
Cable Splicers	12.37	.35	1%	a	.25%
PAINTERS:					
Brush, paperhangers, drywall taper	9.74	.60	.50		
Open structural steel, brige, railings, Powerhouse, refinery tanks	9.99	.60	.50		
Spray, sandblasting, pressure cleaning	10.29	.60	.50		
PLASTERERS	11.25	.60			.01
PLUMBERS AND STEAMFITTERS	11.275	.66	.75		.06
ROOFERS	10.99	.60	.50		.01
SHEET METAL WORKERS	11.075	.60	.80		.045
SPRINKLER FITTERS	12.05	.60	.90		.08
TERRAZZO WORKERS AND TILE SETTERS	10.07	.60	.50	.25	
TRUCK DRIVERS:					
Single axle, tandem or Semi	7.56	64.25d	14.00e	g&h	
Heavy duty 5 axle or over winch truck, carry all or low boys	7.79	64.25d	14.00e	g&h	

PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.

c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.

d. Per month per employee.

e. Per week per employee.

f. One paid holiday; Labor Day

g. Five paid holidays: B.C.D.E.F. Providing the employee worked the last scheduled work days preceding the holiday and the first scheduled work day after the holiday.

h. Employees in service at least 1 year, 1 week paid vacation. Employees in service ten years or more, 2 weeks paid vacation.

DECISION NO OH76-2059

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 9.66	.55	.40		.01
GROUP 2	9.79	.55	.40		.01
GROUP 3	9.86	.55	.40		.01
GROUP 4	9.815	.55	.40		.01
GROUP 5	9.915	.55	.40		.01
GROUP 6	10.57	.55	.40		.01

GROUP 1 - Unskilled laborers
GROUP 2 - Mason Tenders
GROUP 3 - Gunnite pot men, mortar mixers
GROUP 4 - Concrete pump nozzle men, all power driven tools and power buggies
GROUP 5 - Pipe layers, bellman and bottom man for fire brick work only
GROUP 6 - Nozzle operators for gunnite work

DECISION NO OH76-2059

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.74	.46	.80		.11
GROUP B	10.58	.46	.80		.11
GROUP C	10.23	.46	.80		.11
GROUP D	9.42	.46	.80		.11
GROUP E	9.09	.46	.80		.11
GROUP F	7.98	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom truck (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps,cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixers paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.
GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.
GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.
GROUP D - Compressors on building construction, conveyors (building material) generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.
GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines bullfloats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over ½" discharge, hydro seeders, self propelled power spreader, self propelled subgrader, tire repairmen, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)
GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York

DECISION NO. PA76-3163

DATE: Date of Publication

Supersedes Decision No. PA76-3067 dated July 11, 1975 in 40 FR 29519

DESCRIPTION OF WORK: Heavy and Highway Construction.

HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters/Piledrivermen	$ 8.72	.35	.40		
Laborers:					
Aspahlt Tampers and Asphalt Rakers, Concrete Pitmen, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscape, Planters, Seeders and Arborists, Magazine Tenders, Railroad Tackmen & Signalmen Leaser Beam men (pipe Laying, Paving Machines	7.06	.30	.20		
Pnuematic and Electric Tool Ops., Jackhammers, Paving Breakers, Concrete Saws, Whacker Vibrators, Sheet Hammers, Steward, Chain Saws, Pipelayers	7.26	.30	.20		
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet. where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Gunite nozzle Operators	7.61	.30	.20		
Blasters	7.84	.30	.20		
Reinforcing Steel Placers, Bonding, Aligning and Securing	7.90	.30	.20		
Concrete Surfaces	8.28	.30	.20		
Free Air Tunnels and Rock Shafts					
Outside Laborers in conjunction tunnels & rock shafts	7.70	.30	.20		
Chuck Tenders, Muckers, Nippers, Miners' & Drillers Helpers, Inside Laborers	7.99	.30	.20		
Miners, Drillers, Blasters. Pneumatic Shield Operators, Lining, Spotting & Timber Workmen	8.47	.30	.20		
Truck Drivers:					
Class I					
Helper, Stake Body Truck (Single axle). Dumpster	7.92				

Truck Drivers Cont'd:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation Stake Body Truck (Tandem)	$ 7.99				
CLASS III					
Euclid Type, Off-Highway Equipment Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers	8.48				
IRONWORKERS:					
Cumberlamd, and Dauphin Counties Pennsylvania:					
Bridge, Structural, Ornamental and Reinforcing	9.98	.79	1.11		.03

DECISION NO. PA76-3163

LINE CONSTRUCTION: Adams, Cumberland, Dauphin, Franklin Uniata, Mifflin, Perry & York Cos:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Journeyman Linemen	$9.48	.30	.094		.035
Winch Truck Operator Experienced	6.64	.30	.066		.026
Winch Truck Operator 2nd 6-months	6.48	.30	.064		.025
Winch Truck Operator 1st 6-months	6.32	.30	.063		.025
Truck Driver Experienced	6.16	.30	.061		.024
Truck Driver 2nd 6-month	6.00	.30	.060		.024
Truck Driver 1st 6-months	5.85	.30	.058		.023
Groundman Experienced	5.69	.30	.056		.023
Groundman 2nd 6-months	5.53	.30	.055		.023
Groundman 1st 6-months	5.37	.30	.053		.021
Cable Puller	9.48	.30	.094		.035
Pole Erector	9.48	.30	.094		.035
Auger Operator	9.48	.30	.094		.035
Pipe Threader Operator	9.48	.30	.094		.035

DECISION NO. PA76-3163

Easton, Northampton County, Pa.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Journeyman Linemen	$9.69	.30	.096		.036
Winch Truck Operator Experienced	6.78	.30	.067		.026
Winch Truck Operator 2nd 6-months	6.62	.30	.066		.026
Winch Truck Operator 1st 6-months	6.46	.30	.064		.025
Truck Driver Experienced	6.30	.30	.063		.025
Truck Driver 2nd 6-months	6.14	.30	.061		.024
Truck Driver 1st 6-months	5.97	.30	.059		.023
Groundman Experienced	5.81	.30	.058		.023
Groundman 2nd 6-months	5.65	.30	.056		.022
Groundman 1st 6-months	5.49	.30	.054		.022
Cable Puller	9.69	.30	.096		.036
Pole Erector	9.69	.30	.096		.036
Auger Operator	9.69	.30	.096		.036
Pipe Threader Operator	9.69	.30	.096		.036

DECISION NO. PA76-3163

Lebanon, Lancaster, Lehigh Berks Cos:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Journeyman Linemen	$9.60	.30	.096		.036
Cable Puller	9.60	.30	.096		.036
Pole Erector	9.60	.30	.096		.036
Auger Operator	9.60	.30	.096		.036
Pipe Threader Operators	9.60	.30	.096		.036
Winch Truck Operator - Experienced	6.72	.30	.067		.026
Winch Truck Operator 2nd 6-months	6.56	.30	.065		.026
Winch Truck Operator 1st 6-months	6.40	.30	.064		.025
Truck Driver Experienced	6.24	.30	.062		.025
Truck Driver 2nd 6-months	6.08	.30	.060		.024
Truck Driver 1st 6-months	5.92	.30	.059		.023
Groundman Experienced	5.76	.30	.057		.023
Groundman 2nd 6-months	5.60	.30	.056		.023
Groundman 1st 6 months	5.44	.30	.054		.021

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22-PEO-3-B

POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.00	5.5%	9.5%		1.2%
GROUP 2	9.16	5.5%	9.5%		1.2%
GROUP 3	8.65	5.5%	9.5%		1.2%
GROUP 4	8.21	5.5%	9.5%		1.2%
GROUP 5	7.66	5.5%	9.5%		1.2%
GROUP 6	10.25	5.5%	9.5%		1.2%
GROUP 6-A	10.50	5.5%	9.5%		1.2%
GROUP 6-B	10.75	5.5%	9.5%		1.2%

GROUP 1: Pile drivers or engineers working with dock builders and pile drivers, All types of cranes, All types of backhoes, Braglines, Keystones, All types of shovels, Derricks, Trench shovels, Trenching machines, Pavers 21E and over, Gradalls, All front end loaders, 4 cu. yds. and over, Tandem scrapers, Pippin type backhoes, Boat Captains, Batch plant with mixer, Drill, self contained (Drillmaster Type), CMI Autograde, Machines similar to above

GROUP 2: Conveyor Loader (EUC Type), Scrapers and Tournapulls, Spreaders, High or low pressure boilers, Concrete pumps, Bulldozers and Tractors, Asphalt plant engineers, Rollers (High grade finishing), All loaders under 4 cu. yds, Mechanic -welders, Motor Patrols, Machines similar to above,

GROUP 3: Welding Machines, Well Points, Compressors, Pumps, Heaters, Farm Tractors, Form Line Graders, Fine Grade Machines, Ditch Witch Type Trencher, Road Finishing Machines, Concrete Breaking Machines, Rollers, Seaman Pulverizing Mixer, Power Boom, Seeding Spreader, Tireman - (For power equipment), Conveyor Loaders other than EUC Type, Conveyors, Machines similar to above

GROUP 4: Fireman

GROUP 5: Oilers and Deck Hands

GROUP 6: On all machines with booms (including jibs, masts, leads, etc.) 100 ft. and over

GROUP 6-A: 150 ft. and over

GROUP 6-B: 200 ft. and over

DECISION NO. PA76-3163

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POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
GROUP 1	$11.60	5.5%	9.5%	a	1.2%
GROUP 2	11.31	5.5%	9.5%	a	1.2%
GROUP 3	10.44	5.5%	9.5%	a	1.2%
GROUP 4	9.67	5.5%	9.5%	a	1.2%
GROUP 5	9.20	5.5%	9.5%	a	1.2%
GROUP 6	8.29	5.5%	9.5%	a	1.2%
GROUP 7	11.85	5.5%	9.5%	a	1.2%
GROUP 7-A	12.10	5.5%	9.5%	a	1.2%
GROUP 7-B	12.34	5.5%	9.5%	a	1.2%

DECISION NO. PA76-3163 2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

STATE: Texas

COUNTY: Statewide (excluding Dallas-Fort Worth Regional Airport)

DECISION NO.: TX76-4077

DATE: Date of Publication

Supersedes Decision No. TX76-4014, dated January 30, 1976, in 41 FR 4798.

DESCRIPTION OF WORK: See "Area Covered By Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$2.75	$ -	$2.75
Asphalt Heaterman	3.75	3.15	3.00	3.00	3.00
Asphalt Raker	4.10	3.70	3.75	3.10	3.30
Asphalt Shoveler	-	2.85	2.75	2.30	2.30
Batching Plant Scaleman	4.55	4.20	3.40	3.85	3.60
Batterboard Setter	-	-	3.65	2.50	3.25
Carpenter	4.00	4.00	3.35	3.75	3.85
Carpenter Helper	3.75	3.60	2.75	3.50	2.90
Concrete Finisher (Paving)	4.70	4.40	4.10	4.00	3.75
Concrete Finisher Helper (Paving)	3.00	-	3.00	3.00	3.50
Concrete Finisher (Structures)	4.25	4.00	3.95	3.25	3.50
Concrete Finisher Helper (Structures)	3.65	3.50	3.30	2.75	3.20
Concrete Rubber	-	-	-	2.75	2.75
Electrician	-	4.50	-	6.30	6.60
Electrician Helper	-	3.50	-	4.80	3.90
Fireman	-	-	-	-	-
Form Builder (Structures)	4.75	3.75	4.00	3.40	3.50
Form Builder Helper (Structures)	4.00	-	2.75	2.75	3.25
Form Liner (Paving and Curb)	4.00	-	-	2.85	-
Form Setter (Paving and Curb)	4.30	4.50	3.50	3.40	4.00
Form Setter Helper (Paving and Curb)	3.50	3.65	2.75	2.75	3.60
Form Setter (Structures)	5.05	3.50	3.75	3.50	3.85
Form Setter Helper (Structures)	4.40	2.85	2.75	3.00	3.00
Laborer, Common	2.75	2.85	2.50	2.30	2.30
Laborer, Utility Man	3.00	3.50	3.00	2.75	2.75
Manhole Builder, Brick	4.75	-	3.00	-	3.00
Mechanic	4.50	4.00	4.00	3.75	4.15
Mechanic Helper	3.85	3.50	2.75	3.25	3.25
Oiler	3.75	3.75	3.00	3.00	3.00
Serviceman	3.90	3.55	3.50	3.35	3.00
Painter (Structures)	5.00	-	3.50	5.00	4.90
Painter Helper (Structures)	-	-	-	3.70	3.00
Piledrivermen	-	-	-	2.75	4.75
Pipelayer	3.40	3.55	3.50	3.05	3.00
Pipelayer Helper	2.75	2.85	2.90	2.30	2.65
Pneumatic Mortarman	-	-	-	-	2.65
Powderman	4.20	4.00	4.00	4.50	3.75
Powderman Helper	-	-	2.75	3.00	2.50
Reinforcing Steel Setter (Paving)	-	-	-	-	-
Reinforcing Steel Setter (Structures)	4.25	4.25	3.60	3.25	3.80
Reinforcing Steel Setter Helper	3.25	-	3.00	3.00	3.00
Steel Worker (Structural)	-	-	-	-	3.50
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	$3.25	$ -	$ -	$3.50	$3.50
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	4.00	3.50	3.50	3.10	3.80
Swamper	3.10	2.85	-	-	3.30
Power Equipment Operators:					
Asphalt Distributor	4.00	3.55	3.50	3.25	3.25
Asphalt Paving Machine	4.45	3.50	3.85	3.35	3.50
Broom or Sweeper Operator	3.55	2.85	3.25	3.30	3.00
Bulldozer, 150 HP and Less	4.20	3.50	3.50	3.50	3.25
Bulldozer, over 150 HP	4.45	4.00	4.00	3.75	3.75
Concrete Paving Curing Machine	4.50	-	-	-	-
Concrete Paving Finishing Machine	-	-	-	4.65	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	4.60	-	-	-	3.25
Concrete Paving Saw	4.30	-	-	-	-
Concrete Paving Spreader	-	-	-	-	4.35
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55	4.15	4.00	3.90	3.65
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05	5.05	4.50	4.60	4.25
Crusher or Screening Plant Operator	4.40	3.60	3.75	3.80	3.50
Elevating Grader	-	-	4.10	-	3.50
Form Loader	-	-	-	-	3.25
Foundation Drill Operator (Crawler Mounted)	5.35	-	-	-	6.00
Foundation Drill Operator (Truck Mounted)	5.85	-	5.50	-	5.50
Foundation Drill Operator Helper	3.90	-	-	-	3.75
Front End Loader (2½ CY and Less)	4.00	3.50	3.50	3.45	3.25
Front End Loader (Over 2½ CY)	4.30	4.15	3.90	4.00	3.50
Mixer (Over 16 CF)	4.60	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.80	4.75	4.50	4.25	4.45
Motor Grader Operator	4.65	4.10	4.25	4.00	3.85
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.50	3.50	3.50	3.10	3.00

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	$3.50	$3.00	$3.00	$3.00	$2.90
Roller, Pneumatic (Self-Propelled)	3.40	3.00	3.00	2.85	2.85
Scrapers (17 CY and Less)	4.15	3.50	3.25	3.50	3.25
Scrapers (Over 17 CY)	4.20	4.00	4.00	3.75	3.50
Self-Propelled Hammer	-	-	-	-	3.00
Side Boom	-	-	3.55	-	-
Tractor (Crawler Type) 150 HP and Less	3.45	3.50	2.75	3.35	2.75
Tractor (Crawler Type) over 150 HP	3.80	3.75	3.50	3.50	3.55
Tractor (Pneumatic) 80 HP and Less	3.75	3.00	3.00	2.85	2.90
Tractor (Pneumatic) over 80 HP	3.90	3.55	3.25	3.15	3.25
Traveling Mixer	4.35	3.25	2.75	3.65	2.60
Trenching Machine, Light	3.25	3.50	3.70	2.50	3.75
Trenching Machine, Heavy	3.50	-	3.80	-	3.85
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50	3.60	3.50	3.50	3.50
Truck Drivers:					
Single Axle, Light	3.00	2.85	3.00	2.95	2.50
Single Axle, Heavy	3.45	3.00	3.25	3.00	2.50
Tandem Axle or Semitrailer	3.00	3.00	3.00	2.65	2.90
Lowboy-Float	3.50	-	3.35	3.25	2.65
Transit-Mix	3.50	-	2.75	3.00	-
Winch	3.50	-	3.40	-	3.25
Vibrator Man (Hand Type)	3.05	-	-	-	-
Weighman (Truck Scales)	2.95	3.00	2.50	2.50	-
Welder	4.60	4.00	4.00	4.15	4.00
Welder Helper	-	-	-	-	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75	$2.50	$3.30	$2.80	$ -
Asphalt Heaterman	3.25	3.25	2.90	3.40	-
Asphalt Raker	3.10	3.25	3.50	3.55	3.85
Asphalt Shoveler	2.50	2.50	-	-	3.25
Batching Plant Scaleman	3.40	3.00	3.75	3.75	4.50
Batterboard Setter	-	2.75	-	-	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Carpenter	$3.75	$4.15	$4.25	$4.20	$4.25
Carpenter Helper	[illegible]	2.95	3.15	3.00	3.50
Concrete Finisher (Paving)	3.35	4.00	4.50	4.50	4.50
Concrete Finisher Helper (Paving)	2.30	2.50	3.75	2.75	3.80
Concrete Finisher (Structures)	3.50	3.75	4.00	4.00	4.50
Concrete Finisher Helper (Structures)	2.85	3.25	3.25	3.00	3.00
Concrete Rubber	-	2.70	2.75	3.35	-
Electrician	7.50	6.55	6.35	6.00	6.75
Electrician Helper	-	3.60	-	4.00	-
Fireman	-	-	-	-	-
Form Builder (Structures)	4.00	4.00	4.00	4.00	4.25
Form Builder Helper (Structures)	3.00	3.50	3.50	3.25	3.00
Form Liner (Paving and Curb)	3.00	3.50	3.75	-	4.25
Form Setter (Paving and Curb)	3.00	3.50	3.90	3.65	4.10
Form Setter Helper (Paving and Curb)	2.75	2.50	3.50	-	3.50
Form Setter (Structures)	3.50	3.95	3.75	4.00	4.50
Form Setter Helper (Structures)	3.00	3.30	3.00	3.25	3.25
Laborer, Common	2.30	2.35	2.50	2.50	2.50
Laborer, Utility Man	3.00	2.50	2.90	2.75	2.75
Manhole Builder, Brick	3.50	3.85	-	-	-
Mechanic	4.05	4.25	4.15	4.25	4.40
Mechanic Helper	3.25	3.25	3.75	3.40	3.00
Oiler	2.80	3.00	3.00	3.25	3.75
Serviceman	2.50	3.50	3.25	3.50	3.65
Painter (Structures)	-	5.00	5.25	5.25	-
Painter Helper (Structures)	-	-	-	-	-
Piledrivermen	3.75	-	-	-	4.50
Pipelayer	2.95	3.50	3.25	3.55	4.00
Pipelayer Helper	2.40	2.75	3.00	2.75	3.50
Pneumatic Mortarman	-	-	-	-	-
Powderman	-	-	4.40	4.00	4.35
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	-	-	-	3.40
Reinforcing Steel Setter (Structures)	3.60	3.60	4.00	4.25	4.25
Reinforcing Steel Setter Helper	3.05	3.00	3.50	2.90	2.75
Steel Worker (Structural)	-	-	-	-	4.15
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	-	-	3.25	3.45	3.50
Sign Erector Helper	-	-	2.95	3.00	3.00
Spreader Box Man	3.50	3.60	3.00	4.00	3.75
Swamper	-	-	-	3.30	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators:					
Asphalt Distributor	$3.25	$3.60	$3.50	$4.25	$4.00
Asphalt Paving Machine	3.50	4.00	3.75	3.85	4.00
Broom or Sweeper Operator	2.85	2.75	2.50	3.15	3.25
Bulldozer, 150 HP and Less	3.35	3.50	3.60	3.75	3.75
Bulldozer, over 150 HP	3.75	4.00	4.00	4.00	4.25
Concrete Paving Curing Machine	-	-	-	3.50	4.50
Concrete Paving Finishing Machine	-	-	-	-	4.50
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.25
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	-	-	-	3.50	3.55
Concrete Paving Spreader	-	-	-	-	3.00
Paving Sub Grader	-	-	-	-	4.10
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel(less than 1½ CY)	3.50	3.80	3.75	4.00	4.10
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50	4.50	4.25	4.25	4.75
Crusher or Screening Plant Operator	-	3.50	-	4.00	-
Elevating Grader	-	4.00	-	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	5.75	3.50	-
Foundation Drill Operator (Truck Mounted)	-	-	5.50	5.50	4.50
Foundation Drill Operator Helper	-	-	4.00	3.00	3.75
Front End Loader (2½ CY and Less)	3.35	3.50	3.40	3.75	3.75
Front End Loader (Over 2½ CY)	3.50	4.00	3.85	4.00	4.50
Mixer (Over 16 CF)	3.00	-	-	-	-
Mixer (16 CF and Less)	3.00	-	-	-	4.25
Motor Grader Operator, Fine Grade	4.25	4.25	4.25	5.00	4.50
Motor Grader Operator	3.50	3.65	3.75	4.00	4.25
Pump Crete	-	-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	3.20	3.20	3.15	3.25	3.70
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75	2.95	2.50	3.05	3.50
Roller, Pneumatic (Self-Propelled)	3.00	2.50	2.85	3.10	3.00
Scrapers (17 CY and Less)	3.00	3.25	3.50	3.75	4.00
Scrapers (Over 17 CY)	3.75	3.75	3.85	4.00	4.25
Self-Propelled Hammer	3.15	-	-	-	4.25

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Side Boom	-	$ -	$ -	$ -	$ -
Tractor (Crawler Type) 150 HP and Less	2.75	2.60	2.75	3.00	3.45
Tractor (Crawler Type) over 150 HP	3.25	3.40	3.00	3.75	4.50
Tractor (Pneumatic) 80 HP and Less	3.00	2.50	2.50	3.00	3.00
Tractor (Pneumatic) over 80 HP	3.75	3.15	3.25	3.75	4.25
Traveling Mixer	3.00	2.75	-	3.25	3.25
Trenching Machine, Light	3.25	3.25	3.25	4.00	-
Trenching Machine, Heavy	-	-	4.00	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	3.25	2.50	3.00	3.80
Truck Drivers:					
Single Axle, Light	2.30	3.00	2.50	3.25	3.00
Single Axle, Heavy	2.70	2.70	2.50	3.00	3.50
Tandem Axle or Semitrailer	2.30	3.00	3.00	3.00	3.50
Lowboy-Float	3.50	3.35	-	3.35	4.25
Transit-Mix	-	-	-	-	3.25
Winch	-	3.00	-	-	3.25
Vibrator Man (Hand Type)	-	2.50	-	-	-
Weighman (Truck Scales)	-	-	-	2.50	3.25
Welder	3.75	3.50	4.50	4.35	4.40
Welder Helper	-	3.00	-	3.25	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$2.75	$ -	$ -	$2.50	$3.65
Asphalt Heaterman	-	3.00	3.25	-	3.50
Asphalt Raker	4.30	4.00	3.00	3.25	4.25
Asphalt Shoveler	3.15	3.00	2.75	-	3.25
Batching Plant Scaleman	3.00	3.45	2.50	2.85	4.75
Batterboard Setter	-	-	-	-	4.15
Carpenter	4.50	4.25	4.35	4.75	4.65
Carpenter Helper	3.15	3.50	3.00	3.75	3.90
Concrete Finisher (Paving)	4.50	4.00	4.75	-	4.70
Concrete Finisher Helper (Paving)	3.00	3.25	2.75	-	3.80
Concrete Finisher (Structures)	4.00	4.00	4.00	4.25	4.45
Concrete Finisher Helper(Structures)	3.50	3.40	3.55	3.30	3.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Concrete Rubber	$3.75	$3.10	$ -	$ -	$3.80
Electrician	7.15	5.75	5.75	6.00	6.00
Electrician Helper	3.75	-	-	3.50	3.00
Fireman	-	-	2.90	3.00	-
Form Builder (Structures)	4.25	4.00	4.20	4.00	4.15
Form Builder Helper (Structures)	3.45	3.35	3.00	2.55	3.00
Form Liner (Paving and Curb)	4.00	4.05	3.60	-	4.70
Form Setter (Paving and Curb)	3.85	4.00	3.50	-	4.15
Form Setter Helper (Paving and Curb)	3.00	3.00	3.00	-	3.90
Form Setter (Structures)	4.25	4.25	4.10	3.75	4.50
Form Setter Helper (Structures)	3.50	3.75	3.15	3.50	3.50
Laborer, Common	2.75	2.50	2.50	2.50	3.00
Laborer, Utility Man	3.00	3.00	3.00	3.00	3.45
Manhole Builder, Brick	-	-	-	-	3.90
Mechanic	4.50	4.10	4.00	4.35	5.00
Mechanic Helper	3.70	3.25	3.50	3.55	4.25
Oiler	3.75	3.35	3.40	3.00	3.90
Serviceman	3.25	3.50	3.75	2.75	3.90
Painter (Structures)	-	4.50	-	-	5.00
Painter Helper (Structures)	-	-	-	-	3.60
Piledrivermen	-	5.75	-	-	4.00
Pipelayer	3.65	3.75	3.50	3.25	4.00
Pipelayer Helper	2.90	2.70	-	2.75	3.30
Pneumatic Mortarman	-	-	-	-	-
Powderman	4.50	4.25	-	3.40	-
Powderman Helper	-	3.25	-	-	-
Reinforcing Steel Setter (Paving)	2.95	3.50	-	-	4.25
Reinforcing Steel Setter(Structures)	4.00	3.75	3.80	3.25	4.30
Reinforcing Steel Setter Helper	2.75	3.00	3.00	-	3.00
Steel Worker (Structural)	3.75	4.35	-	-	4.40
Steel Worker Helper (Structural)	3.00	-	-	-	4.00
Sign Erector	-	-	-	-	3.75
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	3.65	3.25	3.75	3.75	4.00
Swamper	3.30	3.30	-	-	-
Power Equipment Operators:					
Asphalt Distributor	4.00	3.50	3.50	3.25	3.95
Asphalt Paving Machine	4.15	4.00	3.80	3.50	4.25
Broom or Sweeper Operator	-	3.75	2.65	3.25	3.50
Bulldozer, 150 HP and Less	3.75	3.75	4.00	3.25	4.00
Bulldozer, over 150 HP	4.50	4.00	4.45	4.25	5.00
Concrete Paving Curing Machine	4.00	-	-	-	4.50

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Concrete Paving Finishing Machine	$4.00	$4.50	$ -	$ -	$4.50
Concrete Paving Form Grader	4.00	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	4.15
Concrete Paving Joint Sealer	4.00	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Mixer	4.50	4.50	-	-	-
Concrete Paving Saw	3.75	4.10	-	-	4.25
Concrete Paving Spreader	-	4.00	-	-	4.50
Paving Sub Grader	-	4.00	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00	4.00	3.75	3.70	4.60
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50	4.50	4.85	4.50	5.00
Crusher or Screening Plant Operator	-	4.00	-	3.25	3.50
Elevating Grader	-	-	-	-	-
Form Loader	4.00	3.75	-	-	3.50
Foundation Drill Operator (Crawler Mounted)	-	-	4.75	-	6.00
Foundation Drill Operator (Truck Mounted)	4.95	5.75	6.00	-	-
Foundation Drill Operator Helper	3.35	3.85	-	-	-
Front End Loader (2½ CY and Less)	3.25	3.50	3.75	3.50	4.00
Front End Loader (Over 2½ CY)	4.50	4.00	4.40	3.80	4.45
Mixer (Over 16 CF)	-	4.50	-	-	4.00
Mixer (16 CF and Less)	3.75	-	-	-	4.00
Motor Grader Operator, Fine Grade	4.50	4.50	4.75	4.00	5.00
Motor Grader Operator	4.00	4.00	4.00	3.70	4.55
Pump Crete	-	3.60	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)	4.00	3.60	3.80	3.25	4.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.60	3.20	3.50	3.20	3.65
Roller, Pneumatic (Self-Propelled)	3.30	3.15	3.45	2.75	3.25
Scrapers (17 CY and Less)	3.75	3.75	3.75	3.00	3.80
Scrapers (Over 17 CY)	4.00	4.00	4.00	3.75	4.50
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	3.35	-	-
Tractor (Crawler Type) 150 HP and less)	3.50	3.50	3.65	-	3.25
Tractor (Crawler Type) over 150 HP	4.00	3.75	4.40	3.90	4.40
Tractor (Pneumatic) 80 HP and Less	3.00	3.35	-	3.00	3.00
Tractor (Pneumatic) over 80 HP	4.10	3.40	3.60	-	3.25

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Traveling Mixer	$3.75	$3.75	$3.50	$3.00	$3.75
Trenching Machine, Light	3.75	-	-	-	4.25
Trenching Machine, Heavy	3.85	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35	3.40	-	3.00	-
Truck Drivers:					
Single Axle, Light	3.00	3.00	3.00	2.50	3.25
Single Axle, Heavy	3.40	3.00	3.50	2.50	3.75
Tandem Axle or Semitrailer	3.30	2.80	3.00	2.50	3.00
Lowboy-Float	3.75	3.50	4.35	-	4.00
Transit-Mix	3.50	-	-	-	3.50
Winch	-	-	-	-	3.50
Vibrator Man (Hand Type)	3.00	2.50	-	-	-
Weighman (Truck Scales)	3.00	3.00	-	-	3.00
Welder	4.75	4.00	4.35	3.60	5.25
Welder Helper	3.50	-	-	-	4.00

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	3.60				
Asphalt Raker	4.00				
Asphalt Shoveler	-				
Batching Plant Scaleman	4.00				
Batterboard Setter	-				
Carpenter	5.00				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.75				
Concrete Finisher (Structures)	4.75				
Concrete Finisher Helper (Structures)	3.50				
Concrete Rubber	-				
Electrician	7.00				
Electrician Helper	-				
Fireman	-				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	-				
Form Liner (Paving and Curb)	-				
Form Setter (Paving and Curb)	4.00				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Form Setter Helper (Paving and Curb)	$ -				
Form Setter (Structures)	4.75				
Form Setter Helper (Structures)	3.35				
Laborer, Common	3.25				
Laborer, Utility Man	3.75				
Manhole Builder, Brick	-				
Mechanic	4.50				
Mechanic Helper	4.00				
Oiler	4.00				
Serviceman	3.25				
Painter (Structures)	-				
Painter Helper (Structures)	-				
Piledrivermen	-				
Pipelayer	3.25				
Pipelayer Helper	-				
Pneumatic Mortarman	-				
Powderman	-				
Powderman Helper	-				
Reinforcing Steel Setter (Paving)	-				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	-				
Steel Worker (Structural)	-				
Steel Worker Helper (Structural)	-				
Sign Erector	-				
Sign Erector Helper	-				
Spreader Box Man	4.50				
Swamper	-				
Power Equipment Operators:					
Asphalt Distributor	5.00				
Asphalt Paving Machine	4.25				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.50				
Bulldozer, over 150 HP	5.00				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Form Grader	4.50				
Concrete Paving Joint Machine	4.50				
Concrete Paving Joint Sealer	-				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	-				
Concrete Paving Saw	-				
Concrete Paving Spreader	4.50				
Paving Sub Grader	-				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator (Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	-				
Mixer (16 CF and Less)	-				
Motor Grader Operator, Fine Grade	4.95				
Motor Grader Operator	4.00				
Pump Crete	-				
Roller, Steel Wheel (Plant-Mix Pavements)	4.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.25				
Roller, Pneumatic (Self-Propelled)	3.95				
Scrapers (17 CY and Less)	4.50				
Scrapers (Over 17 CY)	5.00				
Self-Propelled Hammer	-				
Side Boom	-				
Tractor (Crawler Type) 150 HP and Less	-				
Tractor (Crawler Type) over 150 HP	4.50				
Tractor (Pneumatic) 80 HP and Less	3.50				
Tractor (Pneumatic) over 80 HP	4.50				
Traveling Mixer	4.50				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	3.25				
Single Axle, Heavy	3.25				
Tandem Axle or Semitrailer	3.30				

	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Truck Drivers (Cont'd):					
Lowboy-Float	$5.20				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Weighman (Truck Scales)	-				
Welder	4.60				
Welder Helper	-				

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AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental neral Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in El Paso County

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ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell*, Bosque, Coryell*, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties

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ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Utilities Incidental to General Building Construction in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

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ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston*, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island and work performed on the site of water or sewage treatment facilities in Galveston County

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Not to be used for Heavy Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX76-4078

DATE: Date of Publication

Supersedes Decision No. TX76-4028, dated February 13, 1976, in 41 FR 7015.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$8.95		.30		
CARPENTERS	8.85				
CEMENT MASONS	7.80				
ELECTRICIANS	8.98	.40	1%		1/2%
LABORERS:					
Laborers	4.71	.34	.15		
Mason tenders	4.86	.34	.15		
PAINTERS	7.70		.30		
PLUMBERS	8.18	.35	.55	.60	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$3.75				
Asphalt Raker	4.10				
Batching Plant Scaleman	4.55				
Carpenter	4.00				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.70				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Structures)	3.65				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.00				
Form Liner (Paving & Curb)	4.00				
Form Setter (Paving & Curb)	4.30				
Form Setter Helper (Paving & Curb)	3.50				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	4.75				
Mechanic	4.50				
Mechanic Helper	3.85				
Oiler	3.75				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.40				
Pipelayer Helper	2.75				
Powderman	4.20				
Reinforcing Steel Setter(Structures)	4.25				
Reinforcing Steel Setter Helper	3.25				
Sign Erector	3.25				
Spreader Box Man	4.35				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.45				
Broom or Sweeper Operator	3.55				
Bulldozer, 150 HP and Less	4.20				
Bulldozer, over 150 HP	4.45				
Concrete Paving Curing Machine	4.50				
Concrete Paving Mixer	4.60				

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INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Saw	$4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	05				
Crusher or Screening Plant Op.	4.40				
Foundation Drill Op. (Crawler Mounted)	5.35				
Foundation Drill Op. (Truck Mounted)	5.85				
Foundation Drill Op. Helper	3.90				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.30				
Mixer (Over 16 CF)	4.60				
Motor Grader Op., Fine Grade	4.80				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic(Self-Propelled)	3.40				
Scrapers (17 CY and Less)	4.15				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.45				
Tractor (Crawler Type) over 150 HP	3.80				
Tractor (Pneumatic) 80 HP & Less	3.75				
Tractor (Pneumatic) over 80 HP	3.90				
Traveling Mixer	4.35				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	3.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.45				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Transit-Mix	3.50				
Winch	3.50				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	2.95				
Welder	4.60				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX76-4079

DATE: Date of Publication

Supersedes Decision No. TX76-4072, dated April 23, 1976, in 41 FR 17302.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$ 9.23	.42	.60		.08
ZONE 2 - Bosque, Hill & McLennan Counties	8.78	.30	.51		.025
BOILERMAKERS	9.00	.50	.76		.02
BRICKLAYERS	8.60		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:					
Carpenters	7.74				
Millwrights	7.99				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties:					
Carpenters	7.97	.23			
Millwrights	8.37	.23			
CEMENT MASONS	8.04	.40	.20		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	8.90		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	9.80		1%		.8%
ELEVATOR CONSTRUCTORS	8.60	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.495	.32	4%+a+b	.02
GLAZIERS	6.60				
IRONWORKERS	8.85	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	8.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Limemen operators	10.26		1%		1/2%
Cable splicer	11.29		1%		1/2%
Groundman, 1st 6 months	6.16		1%		1/2%
Groundman, 2nd 6 months	6.67		1%		1/2%
Groundman, 1 year & over	7.18		1%		1/2%

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 6.45				.04
GROUP 2 - Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.95				.04
GROUP 3 - Ames tools for dry walls	7.05				.04
GROUP 4 - Spray work & self feeding rollers	7.20				.04
GROUP 5 - Steam cleaning, sand-blasting & hazardous work	7.55				.04
PLASTERERS	9.00	.25	.10		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	7.80	.30	.30		.03
ZONE 2 - All other areas	8.20	.30	.30		.03
ROOFERS:					
GROUP 1 - Slate, tile, asbestos roofing & siding	6.20				.03
GROUP 2 - Composition, built-up, damp & waterproofing	6.05				.03
GROUP 3 - Kettlemen	4.54				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Courthouse, Waco	8.51				.05
ZONE 2 - Over 20 miles but less than 45 miles	9.01				.05
ZONE 3 - Over 45 miles	9.51				.05
SPRINKLER FITTERS	10.90	.60	.90		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays - A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4079

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel; power operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations
GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator
GROUP 3 - Fireman
GROUP 4 - Oiler

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INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.80				
Asphalt Heaterman	3.40				
Asphalt Raker	3.55				
Batching Plant Scaleman	3.75				
Carpenter	4.20				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.25				
Form Setter (Paving and Curb)	3.65				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.25				
Laborer, Common	2.50				
Laborer, Utility Man	2.75				
Mechanic	4.25				
Mechanic Helper	3.40				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer (Concrete & Clay)	3.55				
Pipelayer Helper (Concrete & Clay)	2.75				
Plumbers:					
Zone 1 - 35 miles from Waco, Texas including town of Temple	7.80	.30	.30		.03
Zone 2 - all area not included in Zone 1	8.20	.30	.30		.03
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.25				
Reinforcing Steel Setter Helper	2.90				
Sign Erector	3.45				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Swamper	3.30				

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INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$4.25				
Asphalt Paving Machine	3.85				
Broom or Sweeper Operator	3.15				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	3.50				
Concrete Paving Mixer	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Op.	4.00				
Foundation Drill Op. (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Op. Helper	3.00				
Front End Loader (2½ CY and Less)	3.75				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Op., Fine Grade	5.00				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.05				
Roller, Pneumatic(Self-Propelled)	3.10				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.25				
Trenching Machine, Light	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	3.25				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.35				
Weighman (Truck Scales)	2.50				
Welder	4.35				
Welder Helper	3.25				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX76-4080 DATE: Date of Publication
Supersedes Decision No. TX76-4032, dated February 13, 1976, in 41 FR 7017.
DESCRIPTION OF WORK: Residential construction consisting of single family homes anf garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING INSTALLERS	$3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.45				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	6.35	.30	1%		1/2%
Over 8 units or over 2 stories	9.23	.30	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10
ROOFERS	3.10				
ROOFERS, SHINGLES	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.30				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	5.85				
Front end loader	2.58				
Tractor	3.75				

DECISION NO. TX76-4080

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$2.75				
Asphalt Heaterman	3.00				
Asphalt Raker	3.30				
Asphalt Shoveler	2.30				
Batching Plant Scaleman	3.60				
Batterboard Setter	3.25				
Carpenter	3.85				
Carpenter Helper	2.90				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	3.20				
Concrete Rubber	2.75				
Electrician	6.60				
Electrician Helper	3.90				
Form Builder (Structures)	3.50				
Form Builder Helper(Structures)	3.25				
Form Setter (Paving & Curb)	4.00				
Form Setter Helper(Paving & Curb)	3.60				
Form Setter (Structures)	3.85				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.30				
Laborer, Utility Man	2.75				
Manhole Builder, Brick	3.00				
Mechanic	4.15				
Mechanic Helper	3.25				
Oiler	3.00				
Serviceman	3.00				
Painter (Structures)	4.90				
Painter Helper (Structures)	3.00				
Piledrivermen	4.75				
Pipelayer	3.00				
Pipelayer Helper	2.65				
Pneumatic Mortarman	2.65				
Powderman	3.75				
Powderman Helper	2.50				
Reinforcing Steel Setter(Structures)	3.80				
Reinforcing Steel Setter Helper	3.00				
Steel Worker (Structural)	3.50				
Sign Erector	3.50				
Spreader Box Man	3.80				
Swamper	3.30				

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DECISION NO. TX76-4080

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$3.25				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.75				
Concrete Paving Mixer	3.25				
Concrete Paving Saw	4.35				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.65				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Op.	3.50				
Elevating Grader	3.50				
Form Loader	3.25				
Foundation Drill Op. (Crawler Mounted)	6.00				
Foundation Drill Op, (Truck Mounted)	5.50				
Foundation Drill Op. Helper	3.75				
Front End Loader (2½ CY & Less)	3.25				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Op., Fine Grade	4.45				
Motor Grader Operator	3.85				
Roller, Steel Wheel (Plant-Mix Pavements)	3.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.90				
Roller, Pneumatic(Self-Propelled)	2.85				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Self-Propelled Hammer	3.00				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.55				
Tractor (Pneumatic) 80 HP & less	2.90				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	2.60				
Trenching Machine, Light	3.75				
Trenching Machine, Heavy	3.85				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.90				
Lowboy-Float	2.65				
Winch	3.25				
Welder	4.00				
Welder Helper	3.00				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Howard
DECISION NO.: TX76-4081 DATE: Date of Publication
Supersedes Decision No. TX76-4044, dated February 13, 1976, in 41 FR 7031.
DESCRIPTION OF WORK: Building (including Residential) Construction. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.40	.30	1%		1/10%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	7.73	.55	.70		.10
LABORERS:					
Laborers	3.06				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.26				
ROOFERS	4.00				
SHEET METAL WORKERS	5.25				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.50				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX76-4081

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$2.75				
Asphalt Heaterman	3.00				
Asphalt Raker	3.75				
Asphalt Shoveler	2.75				
Batching Plant Scaleman	3.40				
Batterboard Setter	3.65				
Carpenter	3.35				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	4.10				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.95				
Concrete Finisher Helper (Structures)	3.30				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	2.75				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper(Paving & Curb)	2.75				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	3.00				
Mechanic	4.00				
Mechanic Helper	2.75				
Oiler	3.00				
Serviceman	3.50				
Painter (Structures)	3.50				
Pipelayer	3.50				
Pipelayer Helper	2.90				
Powderman	4.00				
Powderman Helper	2.75				
Reinforcing Steel Setter(Structures)	3.60				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	3.50				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.85				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	4.00				

DECISION NO. TX76-4081

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION (RESIDENTIAL CONSTRUCTION ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	3.75				
Elevating Grader	4.10				
Foundation Drill Op. (Truck Mounted)	5.50				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	3.90				
Motor Grader Op., Fine Grade	4.50				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic(Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	4.00				
Side Boom	3.55				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	2.75				
Trenching Machine, Light	3.70				
Trenching Machine, Heavy	3.80				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.25				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.35				
Transit-Mix	2.75				
Winch	3.40				
Weighman (Truck Scales)	2.50				
Welder	4.00				

STATE: Texas COUNTY: Wichita
DECISION NO.: TX76-4082 DATE: Date of Publication
Supersedes Decision No. TX76-4052, dated February 20, 1976, in 41 FR 7926.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.00				
CEMENT MASONS	4.50				
ELECTRICIANS	5.55				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$3.75				
Asphalt Raker	4.10				
Batching Plant Scaleman	4.55				
Carpenter	4.00				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.70				
Concrete Finisher Helper(Paving)	3.00				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Structures)	3.65				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.00				
Form Liner (Paving & Curb)	4.00				
Form Setter (Paving & Curb)	4.30				
Form Setter Helper(Paving & Curb)	3.50				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	4.75				
Mechanic	4.50				
Mechanic Helper	3.85				
Oiler	3.75				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.40				
Pipelayer Helper	2.75				
Powderman	4.20				
Reinforcing Steel Setter(Structures)	4.25				
Reinforcing Steel Setter Helper	3.25				
Sign Erector	3.25				
Spreader Box Man	4.35				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.45				
Broom or Sweeper Operator	3.55				
Bulldozer, 150 HP and Less	4.20				
Bulldozer, over 150 HP	4.45				
Concrete Paving Curing Machine	4.50				
Concrete Paving Mixer	4.60				

DECISION NO. TX76-4082

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Saw	$4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.40				
Foundation Drill Op. (Crawler Mounted)	5.35				
Foundation Drill Op. (Truck Mounted)	5.85				
Foundation Drill Op. Helper	3.90				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.30				
Mixer (Over 16 CF)	4.60				
Motor Grader Op., Fine Grade	4.80				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.40				
Scrapers (17 CY and Less)	4.15				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.45				
Tractor (Crawler Type) over 150 HP	3.80				
Tractor (Pneumatic) 80 HP & less	3.75				
Tractor (Pneumatic) over 80 HP	3.90				
Traveling Mixer	4.35				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	3.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.45				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Transit-Mix	3.50				
Winch	3.50				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	2.95				
Welder	4.60				

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX76-4083

DATE: Date of Publication

Supersedes Decision No. TX76-4036, dated February 13, 1976, in 41 FR 7024.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 5.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.95	.40	1%		1%
Electrical contracts $300,000 & over	8.40	.40	1%		1%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.30				
Mason tenders	2.30				
Pipelayers (concrete & clay)	2.30				
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.50	.25			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.30				
SOFT FLOOR LAYERS	2.30				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.30				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.30				
TRUCK DRIVERS	2.30				

DECISION NO. TX76-4083

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.10				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.40				
Carpenter	3.75				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.35				
Concrete Finisher Helper (Paving)	2.30				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	2.85				
Electrician	7.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.00				
Form Liner (Paving and Curb)	3.00				
Form Setter (Paving and Curb)	3.00				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.30				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	3.50				
Mechanic	4.05				
Mechanic Helper	3.25				
Oiler	2.80				
Serviceman	2.50				
Piledriverman	3.75				
Pipelayer	2.95				
Pipelayer Helper	2.40				
Reinforcing Steel Setter (Structures)	3.60				
Reinforcing Steel Setter Helper	3.05				
Spreader Box Man	3.50				
Power Equipment Operators:					
Asphalt Distributor	3.25				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.85				
Bulldozer, 150 HP and Less	3.35				
Bulldozer, over 150 HP	3.75				

DECISION NO. TX76-4083

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Front End Loader (2½ CY & Less)	3.35				
Front End Loader (Over 2½ CY)	3.50				
Mixer (Over 16 CF)	3.00				
Mixer (16 CF and Less)	3.00				
Motor Grader Operator, Fine Grade	4.25				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.20				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75				
Roller, Pneumatic(Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.75				
Self-Propelled Hammer	3.15				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.00				
Trenching Machine, Light	3.25				
Truck Drivers:					
Single Axle, Light	2.30				
Single Axle, Heavy	2.70				
Tandem Axle or Semitrailer	2.30				
Lowboy-Float	3.50				
Welder	3.75				

[FR Doc.76-13000 Filed 5-6-76;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF APRIL 2, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 30th day of April, 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL75-1112 (Hw)(Excluding Airport Construction)
40 FR 55620 - 11/28/75
Mod. #1 - 40 FR 58013 - 12/12/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741- 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1086 (B)
40 FR 44447 - 9/26/75
Mod. #1 - 40 FR 52241 - 11/7/75
Mod. #2 - 40 FR 54383 - 11/21/75
Mod. #3 - 40 FR 59651 - 12/29/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1026 (B)
41 FR 7896 - 2/20/76
Mod. #1 - 41 FR 11722 - 3/19/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1111 (B)
40 FR 55617 - 11/28/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5011 (B,H,Hw,D,R)
41 FR 4743 - 1/30/76
Mod. #1 - 41 FR 9719 - 3/5/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 10817 - 3/12/76
Mod. #3 - 41 FR 12846 - 3/26/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian
Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
Mod. #1 - 41 FR 10817 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
Mod. #1 - 41 FR 10818 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4003 (B)
41 FR 2541 - 1/16/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4005 (B)
41 FR 2545 - 1/16/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4007 (B)
41 FR 2547 - 1/16/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 8623 - 2/27/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4004 (B)
41 FR 2543 - 1/16/76
Mod. #1 - 41 FR 14269 - 4/2/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4006 (B)
41 FR 2549 - 1/16/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5019 (B,H,Hw,D)
41 FR 9725 - 3/5/76
Decision #CA76-5020 (R)
41 FR 9742 - 3/5/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5148 (B,D,H,Hw)
40 FR 58016 - 12/12/75
Mod. #1 - 40 FR 59651 - 12/29/75
Mod. #2 - 41 FR 6946 - 2/13/76
Mod. #3 - 41 FR 14270 - 4/2/76
Decision #CA75-5149 (R)
40 FR 58026 - 12/12/75
Mod. #1 - 41 FR 6948 - 2/13/76
Mod. #2 - 41 FR 14270 - 4/2/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5141 (B,H,Hw,D)
40 FR 57079 - 12/5/75
Mod. #1 - 41 FR 3559 - 1/23/76
Mod. #2 - 41 FR 14269 - 4/2/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5142 (R)
40 FR 57085 - 12/5/75
Mod. #1 - 41 FR 3560 - 1/23/76
Mod. #2 - 41 FR 14269 - 4/2/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO75-5147 (Hw)
40 FR 59131 - 12/19/75
Mod. #1 - 41 FR 6952 - 2/13/76
ADAMS COUNTY
Decision #CO75-5143 (B,H)
40 FR 59104 - 12/19/75
Mod. #1 - 41 FR 6951 - 2/13/76
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5146 (B,H)
40 FR 59124 - 12/19/75
Mod. #1-41 FR 6952 - 2/13/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5144 (B,H)
40 FR 59112 - 12/19/75
Mod. #1 - 41 FR 6951 - 2/13/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See AdamsCounty
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5145 (B,H)
40 FR 59117 - 12/19/75
Mod. #1 - 41 FR 6951 - 2/13/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2042 (B,H,Hw,R)
41 FR 14276- 4/2/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2043 (B,H,Hw)
41 FR 14285 - 4/2/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,HW) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/22/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 54386 - 11/21/75
Mod. #3 - 41 FR 8624 - 2/27/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75- 1012 (B)
40 FR 4805 - 1/31/75
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #FL75-1087 (B,H,Hw)
40 FR 41364 - 9/5/75
Mod. #1 - 40 FR 59093 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL75-1011 (B,H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 8694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
DADE COUNTY
Decision #FL75-1090 (B)
40 FR 42491 - 9/12/75

FLORIDA (Cont'd.)

DADE COUNTY (Cont'd.)
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1035 (Hw),
40 FR 41363 - 9/5/75
Mod. #1 - 40 FR 55609 - 11/28/75
(D) - See Brevard County
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #FL76-1022 (B)
41 FR 5529 - 2/6/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(Hw) - See Alachua County
(D) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County

OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide

GEORGIA

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision GA76-1034 (R)
41 FR 9757 - 3/5/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1025 (B)
41 FR 6958 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.)

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewid3e
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (B)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI76-5013 (B,H,Hw,D,R)
41 FR 4750 - 1/30/76
Mod. #1 - 41 FR 12847 - 3/26/76

IDAHO

STATEWIDE
Decision #ID76-5016 (B,H,Hw)
41 FR 6961 - 2/13/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
40 FR 4754 - 1/30/76
Mod. #1 - 41 FR 7888 - 2/20/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2027 (H,Hw)
41 FR 9782 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 8652 - 2/27/76
Mod. #1 - 41 FR 11722 - 3/19/76

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2012 (B)
41 FR 6972 - 2/13/76
Mod. #1 - 41 FR 8625 - 2/27/76
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/6/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1-41 FR 14272 - 4/2/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IIROQUOIS COUNTY
(B,H,Hw) - See Ford County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2014 (B,R)
41 FR 6977 - 2/13/76
Mod. #1 - 41 FR 11722 - 3/19/76
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7898 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2018 (B)
41 FR 7901 - 2/20/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN75-2133 (H,Hw)
40 FR 59155 - 12/19/75
Mod. #1 - 41 FR 4734 - 1/30/76
Mod. #2 - 41 FR 9720 - 3/5/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN75-2131 (B)
40 FR 59137 - 12/19/75
Mod. #1 - 41 FR 934 - 1/5/76
Mod. #2 - 41 FR 4733 - 1/30/76
Mod. #3 - 41 FR 9719 - 3/5/76
Mod. #4 - 41 FR 12848 - 3/26/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN75-2132 (B,H,Hw)
40 FR 59147 - 12/19/75
Mod. #1 - 41 FR 4733 - 1/30/76
Mod. #2 - 41 FR 9719 - 3/5/76
Mod. #3 - 41 FR 12848 - 3/26/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4054 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 8668 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
None
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4055 (B,H,Hw)
41 FR 8671 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4056 (B,H,Hw)
41 FR 8674 - 2/27/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA76-4057 (B,H,Hw)
41 FR 8676 - 2/27/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4058 (B,H,Hw)
41 FR 8679 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4059 (B,H,Hw)
41 FR 8682 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4060 (B,H,Hw)
41 FR 8685 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4061 (B,H,Hw)
41 FR 8688 - 2/27/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
None
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
None
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4064 (B)
41 FR 8697 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
(Channel Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #KS75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber Coun
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Mod. #2 - 40 FR 59096 - 12/19/75
Decision #M076-4008 (R)
41 FR 3620 - 1/23/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4191 (B)
40 FR 57096 - 12/5/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.!

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4199 (B)
40 FR 57100 - 12/5/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4193 (B)
40 FR 54405 - 11/21/75
Mod. #1 - 41 FR 8625 - 2/27/76
Decision #KS75-4194 (R)
40 FR 57093 - 12/5/75
Mod. #1 - 41 FR 8625 - 2/27/76
(Hw) - See Douglas County

KANSAS (Cont'd.

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #KY76-1031 (B)
41 FR 8699 - 2/27/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
Mod. #1 - 41 FR 10820 - 3/12/76
Mod. #2 - 41 FR 11727 - 3/19/76
(D) - See Boone County
(H,Hw) - See Anderson County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48857 - 10/17/75
Mod. #1 - 41 FR 8626 - 2/27/76
Mod. #2 - 41 FR 12849 - 3/26/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
Mod. #3 - 41 FR 8626 - 2/27/76
Mod. #4 - 41 FR 14273 - 4/2/76
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTI COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNIY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (B)
40 FR 26201 - 6/20/75
Mod. #1 - 41 FR 7889 - 2/20/76
Mod. #2 - 41 FR 11727 - 3/19/76
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNIY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNIY
(H,Hw) - See Anderson County
OWSLEY COUNIY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
Mod. #3 - 41 FR 10819 - 3/12/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #LA76-4013 (B,Hw,R)
41 FR 4760 - 1/30/76
Mod. #1 - 41 FR 7889 - 2/20/76
Mod. #2 - 41 FR 9720 - 3/5/76
Mod. #3 - 41 FR 12850 - 3/26/76
ACADIA PARISH
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3141 (B)
41 FR 7909 - 2/20/76
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3154 (B,H)
41 FR 11745 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD75-3110 (Hw)
40 FR 53182 - 11/14/75
Decision #MD76-3142 (B,H)
41 FR 6980 - 2/13/76
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore City
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Mod. #1 - 41 FR 7890 - 2/20/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
Mod. #1 - 41 FR 7890 - 2/20/76
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
Mod. #1 - 41 FR 7890 - 2/20/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
Mod. #1 - 41 FR 7891 - 2/20/76
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R)
40 FR 54408 - 11/21/75
Mod. #1 - 41 FR 7893 - 2/20/76
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75
Mod. #1 - 41 FR 7893 - 2/20/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
ALCONA COUNTY
Decision #MI76-2031 (B,H)
41 FR 10831 - 3/12/76
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2032 (B,H)
41 FR 10836 - 3/12/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2034 (B,H)
41 FR 11754 - 3/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47999 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #IL76-2035(B,H,R)
41 FR 11758 - 3/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2013 (H,Hw)
41 FR 6983 - 2/13/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
(H,Hw) - See Aitkin Counth
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H,Hw, W&S)
41 FR 4780 - 1/30/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #MS76-1003 (B)
41 FR 1694 - 1/9/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #M1076-4010 (H,Hw)
41 FR 4783 - 1/30/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #M1075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #M076-4008 (R)
41 FR 3620 - 1/23/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #M076-4066 (B)
41 FR 9793 - 3/5/76
Decision #M076-4067 (R)
41 FR 9797 - 3/5/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5006 (B)
41 FR 2555 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 9721 - 3/5/76
Decision #MT75-5128 (H,Hw)
40 FR 48046 - 10/10/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5126 (R)
40 FR 48027 - 10/10/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #MT75-5127 (R)
40 FR 48038 - 10/10/75
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deer Lodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4025 (H,Hw)
41 FR 7002 - 2/13/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE76-4068 (H,Hw)
41 FR 12859 - 3/26/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4069 (B,R)
41 FR 12860 - 3/26/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4026 (B)
41 FR 7003 - 2/13/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5002 (B,H,Hw)
41 FR 2580 - 1/16/76
Mod. #1 - 41 FR 8627 - 2/27/76
Mod. #2 - 41 FR 10820 - 3/12/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5003 (R)(Excluding the Nevada Test Site)
41 FR 2591 - 1/16/76
Mod. #1 - 41 FR 8627 - 2/27/76
Mod. #2 - 41 FR 10820 - 3/12/76
(B,H,Hw) - See Statewide
Decision #NV76-5005 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 2601 - 1/16/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5004 (R)
41 FR 2595 - 1/16/76
Mod. #1 -41 FR 8628 - 2/27/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3127 (B,H,Hw)
41 FR 8702 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 14273 - 4/2/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 8628 - 2/27/76
Decision #NJ76-3128 (B,H,Hw)
41 FR 8717 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 57073 - 12/5/75
Decision #NM75-4204 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 59167 - 12/19/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 8629 - 2/27/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NJ76-3144 (B,H,Hw)
41 FR 8733 - 2/27/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY75-3115 (B,H,Hw)
40 FR 58048 - 12/12/75
Mod. #1 - 41 FR 6954 - 2/13/76
Mod. #2 - 41 FR 8629 - 2/27/76
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3135 (B,H,Hw)
41 FR 3666 - 1/23/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
CHAUTAUGUA COUNTY
Decision #NY75-3123 (B,H,Hw)
40 FR 59676 - 12/29/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3138 (B,H,Hw)
41 FR 3682 - 1/23/76
Mod. #1 - 41 FR 5522 - 2/6/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3111 (B,H,Hw)
40 FR 57123 - 12/5/75
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3122 (B,H,Hw)
40 FR 59671 - 12/29/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd.)

MONROE COUNTY
Decision #NY76-3129 (B,H,Hw)
41 FR 3641 - 1/23/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3149 (B,H,Hw)
41 FR 10839 - 3/12/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3121 (B,H,Hw)
40 FR 59667 - 12/29/75
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY75-3114 (B,H,Hw)
40 FR 57130 - 12/5/75
ONONDAGA COUNTY
Decision #NY76-3134 (B,H,Hw)
41 FR 3626 - 1/23/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3136 (B,H,Hw)
41 FR 3670 - 1/23/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3130 (B,H,Hw)
41 FR 3647 - 1/23/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3125 (B,H,Hw)
41 FR 3630 - 1/23/76
Mod. #1 - 41 FR 7893 - 2/20/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3126 (B,H,Hw)
41 FR 3636 - 1/23/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY°
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
(B) - See Carteret County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMILCO COUNTY
(B) - See Carteret County
(D) - See Beaufor tCounty
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See BeaufortCounty
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC75-1097 (B)
40 FR 43462 - 9/19/75
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide

BURLEIGH COUNTY
Decision #ND75-5130 (B)
40 FR 48866 - 10/17/75
Mod. #1 - 40 FR 52244 - 11/7/75
Mod. #2 - 40 FR 57073 - 12/5/75
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH75-2056 (H,Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18282 - 4/25/75
Mod. #2 - 40 FR 25328 - 6/13/75
Mod. #3 - 40 FR 49943 - 10/24/75
Mod. #4 - 41 FR 4737 - 1/30/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 57074 - 12/5/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74-

OHIO (Cont'd)

CUYAHOGA COUNTY (Cont'd.)
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 54387 - 11/21/75
Mod. #3 - 40 FR 58015 - 12/12/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/18/74
Mod. #2 - 40 FR 15274 - 4/4/75
Mod. #3 - 40 FR 33578 - 8/8/75
Mod. #4 - 40 FR 50869 - 10/31/75
Mod. #5 - 41 FR 12850 - 3/26/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2-40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH75-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74

OHIO (Cont'd)

MAHONING COUNTY (Cont'd.)
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29448 - 7/11/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4071 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
41 FR 14295 - 4/2/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4022 (B)
41 FR 5559 - 2/6/76
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Decision #OK76-4023 (B)
41 FR 5562 - 2/6/76
COTTON COUNTY
(H,Hw) - SEe Statewide

OKLAHOMA (cont'd)

CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4020 (B)
41 FR 5555 - 2/6/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4019 (B)
41 FR 5553 - 2/6/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4018 (B,H,Hw)
41 FR 5550 - 2/6/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.)

ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4021 (B)
41 FR 5557 - 2/6/76
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5015 (B,H,Hw,D)
41 FR 5564 - 2/6/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide

LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA75-3067 (H,Hw)
40 FR 29519 - 7/11/75
Decision #PA75-3113 (B)
40 FR 57137 - 12/5/75
Mod. #1 - 41 FR 4738 - 1/30/76
Mod. #2 - 41 FR 7894 - 2/20/76
Mod. #3 - 41 FR 14274 - 4/2/76
ALLEGHENY COUNTY

(H,Hw) - See Beaver County
Decision #PA76-3157 (B)
41 FR 14298 - 4/2/76
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
ARMSTRONG COUNTY
(B) - See Allegheny County
Decision #PA76-3147 (H,Hw)
41 FR 8746 - 2/27/76
DMod. #1 - 41 FR 10824 - 3/12/76
Mod. #2 - 41 FR 11733 - 3/19/76
Mod. #3 - 41 FR 12851 - 3/26/76
BEAVER COUNTY
Decision #PA76-3146 (H,Hw)
41 FR 8743 - 2/27/76
Mod. #1 - 41 FR 10824 - 3/12/76
Mod. #2 - 41 FR 11732 - 3/19/76
(H,Hw) - See Armstrong County
(B) - See Allegheny County
BEDFORD COUNTY
Decision #PA76-3148 (H,Hw)
41 FR 8751 - 2/27/76
Mod. #1 - 41 FR 10825 - 3/12/76
Mod. #2 - 41 FR 11733 - 3/19/76
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
Mod. #2 - 40 FR 54389 - 11/21/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
Mod. #5 - 41 FR 10821 - 3/12/76
Mod. #6 - 41 FR 12850 - 3/26/76
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
Mod. #4 - 40 FR 55612 - 11/28/75
Mod. #5 - 41 FR 14274 - 4/2/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23686 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45958 - 10/3/75

PENNSYLVANIA (Cont'd.)

BLAIR COUNTY (Cont'd.)
Mod. #4 - 40 FR 53177 - 11/14/75
Mod. #5 - 40 FR 55613 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36972 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 41 FR 2536 - 1/16/76
Mod. #3 - 41 FR 9721 - 3/5/76
Decision #PA75-3087 (R)
40 FR 40031 - 8/29/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 2538 - 1/16/76
Mod. #3 - 41 FR 9723 - 3/5/76
Decision #PA75-3088 (H,Hw)
40 FR 36992 - 8/22/75
Mod. #1 - 41 FR 9723 - 3/5/76
BUTLER COUNTY
(B) - See Allegheny County
Decision #PA76-3145 (H,Hw)
41 FR 8740 - 2/27/76
Mod. #1 - 41 FR 10824 - 3/12/76
Mod. #2 - 41 FR 11732 - 3/19/76
CAMBRIA COUNTY
Decision #PA75-3059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 54388 - 11/21/75
Mod. #4 - 40 FR 55613 - 11/28/75
Mod. #5 - 40 FR 59097 - 12/19/75
Mod. #6 - 41 FR 5522 - 2/6/76
Mod. #7 - 41 FR 10821 - 3/12/76
Mod. #8 - 41 FR 12850 - 3/26/76
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3093 (B)
40 FR 44462 - 9/26/75
Mod. #1 - 40 FR 54389 - 11/21/75
Mod. #2 - 41 FR 5524 - 2/6/76
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 11731 - 3/19/76
Mod. #5 - 41 FR 12851 - 3/26/76
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #PA75-3083 (B)
40 FR 36980 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 40 FR 55615 - 11/28/75
Mod. #3 - 41 FR 2536 - 1/16/76
Mod. #4 - 41 FR 7894 - 2/20/76
Mod. #5 - 41 FR 9721 - 3/5/76
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstron g County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
Mod. #7 - 41 FR 7894 - 2/20/76
Mod. #8 - 41 FR 11729 - 3/19/76
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
Mod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 49946 - 10/24/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 10821 - 3/12/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3084 (B)
40 FR 36983 - 8/22/75
Mod. #1 - 40 FR 4884 - 10/17/75
Mod. #2 - 40 FR 50869 - 10/31/75
Mod. #3 - 41 FR 2537 - 1/16/76
Mod. #4 - 41 FR 5524 - 2/6/76
Mod. #5 - 41 FR 7894 - 2/20/76
Mod. #6 - 41 FR 9722 - 3/5/76
(H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3155 (B)
41 FR 12862 - 3/26/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55612 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
Mod. #5 - 41 FR 8629 - 2/27/76
Mod. #6 - 41 FR 11729 - 3/19/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY

(H,Hw) - See Armstrong County
(B) - See Allegheny County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 54388 - 11/21/75
Mod. #3 - 40 FR 55616 - 11/28/75
Mod. #4 - 41 FR 11731 - 3/19/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA75-3112 (B)
40 FR 57316 - 12/5/75
Mod. #1 - 40 FR 59097 - 12/19/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 10823 - 3/12/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3156 (B)
41 FR 12868 - 3/26/76

PENNSYLVANIA (Cont'd.

LAWRENCE COUNTY (Cont'd.)
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
Mod. #5 - 40 FR 45958 - 10/3/75
Mod. #6 - 41 FR 4738 - 1/30/76
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
Mod. #3 - 40 FR 48846 - 10/17/75
Mod. #4 - 40 FR 55612 - 11/28/75
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA75-3104 (B)
40 FR 45998 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 10823 - 3/12/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
Mod. #1 - 40 FR 25333 - 6/13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 11730 - 3/19/76
(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Armstrong County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/20/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
Decision #PA76-3150 - (B)
41 FR 11767 - 3/19/76
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 14274 - 4/2/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
Mod. #5 - 40 FR 48845 - 10/17/75
Mod. #6 - 40 FR 55611 - 11/28/75
Mod. #7 - 41 FR 11729 - 3/19/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3086 (B)
40 FR 36989 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 48847 - 10/17/75
Mod. #3 - 41 FR 2538 - 1/16/76
Mod. #4 - 41 FR 9722 - 3/5/76
Mod. #5 - 41 FR 12851 - 3/26/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHYUKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
Mod. #3 - 41 FR 10823 - 3/12/76
Mod. #4 - 41 FR 11731 - 3/19/76
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3120 (B)
40 FR 59178 - 12/19/75
Mod. #1 - 41 FR 11732 - 3/19/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
Mod. #1 - 40 FR 55615 - 11/28/75
Mod. #2 - 40 FR 59097 - 12/19/75
Mod. #3 - 41 FR 7894 - 2/20/76
Mod. #4 - 41 FR 11731 - 3/19/76
(H,Hw) - See Armstrong County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine) - See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
(d) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (H,Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) -
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COINTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIFFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Moc. #2 - 40 FR 43422 - 9/19/75'
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC75-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
MCCORMIC COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5023 (Hw)
41 FR 12072 - 3/26/76
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNET COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CLAY COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(Hw) - See Statewide
Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5014 (B)
41 FR 4797 - 1/30/76
(Hw) - See Statewide
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5153 (B)
41 FR 1700 - 1/9/76
Mod. #1 - 41 FR 4739 - 1/30/76
(Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(Hw) - See Statewide
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABAUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1110 (B,H)
40 FR 55630 - 11/28/75
Mod. #1 - 40 FR 59666 - 12/29/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1013 (B)
41 FR 2618 - 1/16/76
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1012 (B,H, W&S, & Utility
41 FR 2615 - 1/16/76
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4014 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 4798 - 1/30/76
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4027 (B)
41 FR 7023 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Decision #TX76-4028 (R)
41 FR 7015 - 2/13/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4031 (B)
41 FR 7040 - 2/13/76
Mod. #1 - 41 FR 8629 - 2/27/76
Mod. #2 - 41 FR 9724 - 3/5/76
Mod. #3 - 41 FR 11734 - 3/19/76
Mod. #4 - 41 FR 12852 - 3/26/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4032 (R)
41 FR 7017 - 2/13/76
(H,Hw) - See Statewide
Decision #TX75-4196 (B)
40 FR 54417 - 11/21/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 3567 - 1/23/76

BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4034 (B)
41 FR 7021 - 2/13/76
Mod. #1 - 41 FR 12852 - 3 /26/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4035 (B)
41 FR 7023 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
(H,Hw) - See Statewide
Decision #TX76-4036 (R)
41 FR 7024 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4037 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 7033 - 2/13/76
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12853 - 3/26/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4040 (B)
41 FR 7026 - 2/13/76
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12853 - 3/26/76
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4041 (B)
41 FR 7037 - 2/13/76
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12853 - 3/26/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,HW) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4044 (B,R)
41 FR 7031 - 2/13/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4045 (B,R)
41 FR 7914 - 2/20/76
Mod. #1 - 41 FR 11734 - 3/19/76
Mod. #2 - 41 FR 12853 - 3/26/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX76-4046 (B)
41 FR 7916 - 2 /20/76
Mod. #1 - 41 FR 11734 - 3/19/76
Mod. #2 - 41 FR 12854 - 3/26/76
Mod. #3 - 41 FR 14274 - 4/2/76
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4047 (B)
41 FR 7918 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AO-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7920 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4050 (B)
41 FR 7922 - 2/20/76
Mod. #1 - 41 FR 11734 - 3/19/76
Mod. #2 - 41 FR 12854 - 3/26/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County

TEXAS (Cont'd.)

WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4052 (R)
41 FR 7926 - 2/20/76
Decision #TX76-4051 (B)
41 FR 7924 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5017 (B,H,Hw)
41 FR 7043 - 2/13/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
Mod. #1 - 41 FR 5527 - 2/6/76
Mod. #2 - 41 FR 7895 - 2/20/76
Mod. #3 - 41 FR 8630 - 2/27/76
Mod. #4 - 41 FR 12855 - 3/26/76
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
MMod.##1-441FFR111735=- 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3118 (B)
40 FR 58057 - 12/12/75
Mod. #1 - 41 FR 5527 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14275 - 4/2/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA75-3116 (B)
40 FR 58053 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14274 - 4/2/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albemarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3119 (B)
40 FR 58059 - 12/12/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3117 (B,H,W&S)
40 FR 58054 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 8630 - 2/27/76
Mod. #3 - 41 FR 11735 - 3/19/76
Mod. #4 - 41 FR 14274 - 4/2/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5012 (B,H,Hw,D)
41 FR 11785 - 3/19/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
Mod. #1 - 40 FR 25335 - 6/13/75
Mod. #2 - 40 FR 29455 - 7/11/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide

YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3000 (B,Hw, W&S)
41 FR 2620 - 1/16/76
Mod. #1 - 41 FR 5528 - 2/6/76
Mod. #2 - 41 FR 7895 - 2/20/76
Mod. #3 - 41 FR 8630 - 2/27/76
Mod. #4 - 41 FR 12855 - 3/26/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI75-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI75-2048 (H, Sewer , Tunnel,
40 FR 12059 - 3/14/75
Mod. #1 - 41 FR 9724 - 3/5/76
Mod. #2 - 41 FR 12855 - 3/26/76
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284- 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 11/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide
MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
Mod. #1 - 40 FR 18287 - 4/25/75
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONEIDA COUNTY
(H,Hw,W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1-40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5018 (B,H)
41 FR 7928 - 2/20/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

[FR Doc.76-12999 Filed 5-6-76;8:45 am]

federal register

FRIDAY, MAY 7, 1976



PART V:

COMMUNITY SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

■

Notice of Additional Systems of Records

COMMUNITY SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Additional Systems of Records

In 40 FR 45329, October 1, 1975, CSA published its Notice of Systems of Records; system CSA-9, Equal Employment Opportunity System, was intended to cover all CSA Equal Employment Opportunity (EEO) records. These records were thought to be under the Government-wide notice published by the Department of Labor (DOL) in 40 FR 41739, and CSA-9 references that DOL notice. However, the DOL notice covers only EEO complaints against Government contractors. Consequently CSA-9 as published in that issue is amended accordingly and two new notices are adopted, CSA-12, CSA Employee Equal Employment Opportunity System, and CSA-13, CSA Grantee Employee Equal Opportunity System.

Also CSA-7, Inspection Reports on Grantees, Contractors, and CSA Employees, is amended to narrow the scope of the exemption claimed under 5 U.S.C. 552a(k) and to set forth procedures which are available to the individual seeking access to records concerning him within this system.

Furthermore, the Community Services Administration has concluded that some records containing personal information on grantee employees which are not retrieved by individual identifier should, nevertheless, be noticed as a system of records under the Privacy Act. The reason for this decision is that individual information from these records can in many instances be retrieved from these records by use of the grantee name and/or number combined with an individual's name, although there is no significant history of the use of this capability. Because these records do contain information in which individuals have a privacy interest, we now conclude they ought to be treated as though they come under the Act. Accordingly, another new notice is adopted, CSA-14, Grantee Officer and Employee Biographical and Professional Information.

These notices do not announce any new CSA systems of records or any new uses of existing systems. CSA-12 and CSA-13 are merely a correction of previous notices; CSA-14 is a voluntary notice placing under Privacy Act protection on existing system which technically falls outside of the requirements of the Act. Therefore these additional notices will be effective immediately, with the exception of those portions of CSA-7, CSA-12, and CSA-13 concerning exemptions taken under 5 U.S.C. 552(k)(2), which are proposed elsewhere in this issue as amendments to 45 CFR 1006.14. Accordingly system notices CSA-7 and CSA-9 are amended and system notices CSA-12, CSA-13 and CSA-14 are adopted as set forth below.

AUTHORITY: 5 U.S.C. 552a

Effective Date: This notice is effective May 5, 1976.

Dated: April 29, 1976

Samuel R. Martinez
Director

The Index of Community Services Administration System of Records under the Privacy Act of 1974 is amended thus: Change CSA-9 to Contractor Employee Equal Employment Opportunity System; add CSA-12 Employee Equal Opportunity System, CSA-13, Grantee Employee Equal Employment Opportunity System, and CSA-14, Grantee Officer and Employee Biographical and Professional Information Supplied to CSA.

CSA-7 is amended by inserting the following between the items entitled "System manager(s) and address" and "Systems exempted from certain provisions of the Act":

"Notification procedure: Information may be obtained from the appropriate address listed on Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position and title listed above.

Contesting record procedures: CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975."

Also the item entitled "Systems exempted from certain provisions of the act" is amended by deleting the portion of the first sentence following "(e)(1)", and substituting "(e)(4)(I) and (f)(4)", so that first sentence reads: "Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4)."

CSA-9 is amended by inserting at the beginning of the item "System name", the words "Contractor Employee", so the item reads "Contractor Employee Equal Opportunity System."

CSA-12

System name: CSA Employee Equal Employment Opportunity System.

System location: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, and at each CSA Regional Office, the Equal Opportunity Office address above under "Geographical Guidance for Accessing Systems of Records."

Categories of individuals covered by the system: Current and past employees and applicants for employment with CSA and its predecessor agency, the Office of Economic Opportunity, who have filed a complaint of discrimination against CSA.

Categories of records in the system: Name, address, date and place of birth, race, religion, sex, age, education, employment history, job performance, references, circumstances of alleged act(s) of discrimination, correspondence of parties involved, and findings of Office of Civil Rights.

Security classification: 5 U.S.C. 7151; 42 U.S.C. 2000e et seq.; Executive Order 11478; 5 Code of Federal Regulations 713.222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files may be disclosed to the Civil Service Commission and the Equal Employment Opportunity Commission, to the Complainant(s) at an appropriate stage of the proceedings and to the respondent(s) if the EEO proceeding goes to administrative appeal; see also prefatory CSA routine use paragraphs appearing in 40 FR 45328, October 1, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Complaint records stored in file folders in locked file cabinets.

Retrievability: File is retrieved by complainant's name or complaint docket number.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained five years after close of case, then destroyed.

System manager(s) and address: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506 and the Equal Employment Officer at each CSA Regional Office (see Geographical Guidance for accessing systems of records, 40 FR 45328, October 1, 1975).

Notification procedure: Information may be obtained from the appropriate address listed on Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position and title listed above.

Contesting record procedures: CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to protect the integrity of the EEO complaint resolution process.

CSA-13

System name: CSA Grantee Employee Equal Employment Opportunity System.

System location: Associate Director, Ofice of Civil Rights, Community Services Administration, 1200 19th Street, N.W. Washington, D.C. 20506, and at each CSA Regional Office, the Equal Opportunity Officer, address above under "Geographical Guidance for accessing Systems of Records."

Categories of individuals covered by the system: Current and past employees and applicants for employment with CSA or OEO grantees who have filed a complaint of discrimination.

Categories of records in the system: Name, address, date and place of birth, race, religion, sex, age, education, employment his-

tory, job performance, references, circumstances of alleged act(s) of discrimination, correspondence of parties involved, and findings of Office of Civil Rights.

Authority for maintenance of the system: 42 U.S.C. 2000d; 42 U.S.C. 2971c; Executive Order 11764.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Files may be disclosed to the Equal Employment Opportunity Commission, to the Complainant(s) at an appropriate stage of the proceedings and to the respondent(s) if the EEO proceeding goes to administrative appeal; see also prefatory CSA routine use paragraphs appearing in 40 FR 45328, October 1, 1975.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Complaint records stored in file folders in locked file cabinets.

Retrievability: File is retrieved by complainant's name or complaint docket number.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Maintained five years after close of case, then destroyed.

System manager(s) and address: Associate Director, Office of Civil Rights, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506 and the Equal Employment Officer at each CSA Regional Office (see Geographical guidance for accessing systems of records, 40 FR 45328, October 1, 1975).

Notification procedure: Information may be obtained from the appropriate address listed on Appendix A of the CSA rules and regulations published at 40 FR 45300, October 1, 1975

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position and title listed above.

Contesting record procedures: CSA's rules for access to records and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in 40 FR 45300, October 1, 1975.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), this system is exempted from 5 U.S.C. 552a(c)(3)(d), (e)(1), (e)(4)(I), and (f)(4). The exemption of this information is necessary to protect the integrity of the EEO complaint resolution process.

CSA-14

System name: Employee and Officer Biographical and Professional Information.

System location: At each CSA Regional Office, the Deputy Regional Director, see address under "Geographical Guidance and Accessing Systems of Records" in the October 1, 1975 Federal Register at 40 F.R. 45328; for all Headquarters grants, including title VII, Economic Development, the Chief, Financial Management Division, Office of the Controller, Community Services Administration, 1200 19th ST. N.W., Washington, D.C. 20506.

Categories of individuals covered by the system: Current and past officers, board members and employees of grantee organizations funded by the Community Services Administration.

Categories of records in the system: Names and addresses of policy advisory members of grantee boards, councils and committees, and biographical information for individuals selected or promoted to fill certain top grantee positions, including place and date of birth, citizenship, professional and educational experience, and organizational affiliations.

Authority for maintenance of the system: 42 U.S.C. 2791, 2795, and 2796.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See prefatory CSA routine use paragraphs appearing at 40 F.R. 45328.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: File is retrieved by organization name of the employing grantee organization and then search by individual name.

Safeguards: Locked metal file cabinets accessible by authorized personnel only.

Retention and disposal: Retained on-site, then disposed of or transferred to Federal Records Storage Centers as appropriate, in accordance with General Record Schedules of CSA.

System manager(s) and address: At each CSA Regional Office, the Deputy Regional Director, see address under "Geographical Guidance for Accessing systems of Records," 40 F.R. 45328; at CSA Headquarters, Chief Finance and Grants Management—see system location.

Notification procedure: Information may be obtained from the Privacy Act Reviewing Officer at the appropriate address listed in Appendix A of the CSA rules and regulations published in the October 1, 1975 Federal Register.

Record access procedures: Requests and inquiries from individuals should be addressed to the system manager at the appropriate address and under the position title listed above.

Record access procedures: CSA's rules for access to records and for contesting content and appealing initial determinations by the individual concerned appear in the CSA rules and regulations published in the October 1, 1975 issue of the Federal Register.

Record source categories: Subject individuals and officers of the grantee organization.

[FR Doc.76-13415 Filed 5-6-76;8:45 am]

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(Revised as of April 1, 1976)

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_____	Title 21—Food and Drugs (Parts 300–499)	022–003–93199–6	2.75	_____
_____	Title 26—Internal Rev. Part 1 (§§ 1.301–1.400)	022–003–93210–0	3.30	_____
_____	Title 26—Internal Rev. Part 1 (§§ 1.641–1.850)	022–003–93213–5	4.45	_____
_____	Title 26—Internal Rev. Part 1 (§§ 1.851–1.1200)	022–003–93214–3	6.05	_____
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