Vol.41—No.105
5-28-76
PAGES
21753–22030

federal register

FRIDAY, MAY 28, 1976

highlights

PART I:

FATHER'S DAY
Presidential proclamation 21753

FLAG DAY AND NATIONAL FLAG WEEK
Presidential proclamation 21755

BROOM IMPORTS
Presidential proclamation modifying tariff rate quota .. 21757

WINE AND SPIRITS
Treasury/AT&F adopts case marking, recordkeeping, and tax procedures for wine bottled in metric quantities; effective 7–1–76 21771
Treasury/AT&F proposes higher operational loss allowances for cordials, liqueurs, cocktails and similar compounds; comments by 6–28–76 21784

CANNED PINEAPPLE JUICE
HEW/FDA amends standards of identity and quality; effective dates vary; objections by 6–28–76 21768

OFFSHORE OIL AND GAS DRILLING
Interior/GS publishes California and API standards and announces intent to develop its own standards for personnel training; comments by 7–16–76 21825

COAL LEASES
Interior/BLM amends certain definitions and procedures; effective 6–1–76 21779

MEAT AND POULTRY INSPECTION
USDA/APHIS issues interim standards for cured meat combined with non-meat protein products; effective 5–28–76 21760

MARINE MAMMAL PROTECTION
Commerce/NOAA declares certain yellowfin tuna regulations and permits void; effective 5–31–76 21782
Interior reschedules hearings on proposed waiver of moratorium and request to resume management by the State of Alaska 21832

SECURITIES
SEC amends oil and gas reserve disclosure requirements 21764
SEC proposes to amend rules on incorporation by reference and basic documents; comments by 6–21–76 .. 21796

CONTINUED INSIDE

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	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. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

VIRUSES, SERUMS, AND TOXINS
USDA/APHIS amends requirements for Tuberculin PPD Bovis, intradermic; effective 5–25–76 21759

ENVIRONMENTAL IMPACT
HEW/FDA revokes a provision which interprets legal effect of agency action; effective 5–24–76 21768

GOVERNMENT MORTGAGES
HUD/GNMA establishes Mortgage Disposition Board to establish minimum prices and determine type and timing of sales; effective 5–28–76 21770

PANAMA CANAL
Panama Canal Company amends navigation regulations; effective 6–1–76 21775

ANTIDUMPING
Treasury issues withholding of appraisement notice on portland hydraulic cement, other than white nonstaining cement, from Mexico; effective 5–28–76; comments by 6–28–76; request for hearing by 6–7–76 21798

MAN-MADE FIBER TEXTILE PRODUCTS
CITA announces new export visa requirement for certain products from the Republic of China 21855

MEETINGS—
Commerce/DIBA: Electronic Instrumentation Technical Advisory Committee, 6–24–76 21834
Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, 7–16–76 21835
NBS: Federal Information Processing Standards Coordinating and Advisory Committee, 7–15–76 .. 21835
Commission on Federal Paperwork: hearing on 6–17 and 6–18–76 21855
CSC: Federal Employees Pay Council, 6–15–76 21855
FCC: WARC–1977 Joint Industry/Government Committee Working Groups B, Sharing Principles, and F, Plans and Procedures, 6–22–76 21859
Labor/BLS: Business Research Advisory Council, Economic Growth Committee, 6–16–76 21860
NASA: NASA Wage Committee, 6–22–76 21847
Space Program Advisory Council, Physical Sciences Committee, 6–18 and 6–19–76 21847
NSF: Anticipated Advances in Science and Technology Advisory Group, Basic Research Subgroup, 6–15–76 21843
Developmental Biology Advisory Panel, 6–14 and 6–15–76 21848
Earthquake Prediction and Hazard Mitigation Advisory Group, 6–14–76 21848
Long Run Energy Demand Workshop, 6–9 and 6–10–76 21848
HEW/OE: National Advisory Council on the Education of Disadvantaged Children, 6–11 and 6–12–76 21835

PART II:

FEDERAL ENERGY ADMINISTRATION
FEA proposes five energy conservation contingency plans, requests comments by 6–28–76, and schedules national and regional hearings 21908
FEA proposes contingency gasoline and diesel fuel rationing plan, requests comments by 6–28–76, and schedules national and regional hearings 21918
FEA issues ruling on production of "new" crude oil due to extra day in February 21942
FEA issues ruling on Naval Petroleum Reserves Production Act of 1976 21942
FEA proposes regulations on naphtha feedstocks imported into Puerto Rico under entitlements program; comments by 6–11–76; hearing on 6–15–76 21936
FEA proposes to amend refiners' price formulae and to permit separate price computation for non-Canadian propane imports; comments by 6–9–76; hearing on 6–10–76 21933
FEA proposes class exception permitting some resellers and retailers retroactive application of "separate inventories" rule; comments by 6–22–76; hearing on 6–29–76 21935

PART III:

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT
Labor/ETA details allocations under Titles II and III 21945

PART IV:

MINIMUM WAGES
Labor/ESA Determinations for Federal and federally assisted construction 21971

contents

THE PRESIDENT

Proclamations
Father's Day 21753
Flag Day and National Flag Week 21755
Broom imports; modification of tariff rate quota 21757

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules
Cherries grown in Mich., et al 21762
Irish potatoes grown in the Southeastern States 21763
Lemons grown in Ariz. and Calif 21761

Proposed Rules
Limes grown in Fla., fiscal year assessment 21786
Milk marketing orders:
Chicago area 21787

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service.

AIR FORCE DEPARTMENT

Notices
Environmental statements; availability, etc.:
Upstate New York 21799

ALCOHOL, TOBACCO, AND FIREARMS BUREAU

Rules
Wine case, new marking, recordkeeping, tax determination procedures for cases filled according to metric standards 21771

Proposed Rules
Distilled spirits operational loss allowance; establishment of separate allowance for cordials, etc 21784

AMERICAN INDIAN POLICY REVIEW COMMISSION

Notices
Meeting:
Alaskan Natives; Congressional Seminar 21854

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules
Animal exports:
Newburgh, NY.; designation as airport 21759
Livestock and poultry quarantine:
Scabies in cattle 21759
Meat and non-meat protein products, standards for combination cured pieces 21760

Tuberculin PPD Bovis, Intradermic, change in standard requirements ---- 21759

Notices

Environmental statements; availability, etc.:
Citrus blackfly ---- 21834

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices

Competitive impact statements and proposed consent judgments, U.S. versus listed companies:
ARA Services, Inc., et al ---- 21811
Mid-America Dairymen, Inc ---- 21799

ARMY DEPARTMENT

See Engineers Corps.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1976; additions and deletions ---- 21855

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Health, Education, and Welfare Department ---- 21761
Small Business Administration ---- 21761

Notices

Meetings:
Federal Employees Pay Council ---- 21855

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COUNCIL ON ENVIRONMENTAL QUALITY

Notices

Environmental statements:
Availability, etc ---- 21856

CUSTOMS SERVICE

Rules

Liquidation of duties; countervailing duties:
Cheese, other than Jarlsberg, from Norway (2 documents) ---- 21766, 21767

DEFENSE DEPARTMENT

See Air Force Department; Engineers Corps; Navy Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Meetings:
Electronic Instrumentation Technical Advisory Committee ---- 21834
Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee ---- 21835

EDUCATION OFFICE

Notices

Meeting:
National Advisory Council on the Education of Disadvantaged Children ---- 21835

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Comprehensive Employment and Training Act programs:
Allocation of funds ---- 21945
Employment transfer and business competition determinations; financial assistance applications ---- 21864
Unemployment compensation, emergency; Federal supplemental benefits; ending periods in various States (2 documents) ---- 21863

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications and supersedeas decisions (2 documents) ---- 21860, 21971

ENGINEERS CORPS

Proposed Rules

Navigation regulations:
New York ---- 21786

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Motor vehicle fuel economy; 1977 model year; correction ---- 21791

Notices

Pesticide registration:
Octamethylpyrophosphoramide; cancellation ---- 21859

FEDERAL COMMUNICATIONS COMMISSION

Rules

FM broadcast stations; table of assignments:
Oregon ---- 21781

Proposed Rules

Television broadcast stations; use of automatic transmission systems; time extension ---- 21793

Notices

Meetings:
Joint Industry/Government Committee Working Groups (WARC-1977) ---- 21859
Hearings, etc.:
Holt, Albert S ---- 21859

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Notices

Meetings:
Higher Education Equal Employment Opportunity Programs, Federal Advisory Committee ---- 21864

FEDERAL ENERGY ADMINISTRATION

Rules

Rulings:
Naval Petroleum Reserves Production Act of 1976; interpretation ---- 21942
Production of "new" crude oil due to extra day in February 1976 ---- 21942

Proposed Rules

Petroleum allocation regulations, mandatory:
Naphtha feedstocks imported into Puerto Rico under entitlements program ---- 21936
Petroleum price regulations, mandatory:
Propane, non-Canadian imports, separate price computation and clarification of refiners price formulae ---- 21938
Separate inventories rule; retroactive application for certain resellers/retailers ---- 21935
Rationing contingency plan ---- 21918

Notices

Energy conservation contingency plans; hearings and opportunity for comment ---- 21908

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc.:
Compaignie Nationale Algerienne De Navigation and Lykes Bros. Steamship Co., Inc ---- 21860

FEDERAL PAPERWORK COMMISSION

Notices

Hearing ---- 21855

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Arkansas Louisiana Gas Co ---- 21836
Boston Edison Co ---- 21836
Coastal States Gas Producing Co ---- 21837
Distrigas Corp ---- 21838
East Tennessee Natural Gas Co. and Columbia Gas Transmission Corp ---- 21838
El Paso Natural Gas Co ---- 21839
Hauspurg, Arthur ---- 21836
Inter-City Minnesota Pipelines Ltd., Inc ---- 21839
Interstate Power Co ---- 21839
Louisiana-Nevada Transit Co ---- 21840
Luce, Charles Franklin ---- 21837
Martin, Lauman ---- 21840
Montana-Dakota Utilities Co ---- 21840
Pacific Gas and Electric Co ---- 21841
Sierra Pacific Power Co ---- 21841
Southern California Edison Co. ---- 21842
Texas Gas Transmission Corp ---- 21842
Transcontinental Gas Pipe Line Corps. (3 documents) ---- 21843, 21844
Transwestern Pipeline Co ---- 21844
Transwestern Pipeline Co., et al ---- 21845

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Crawford State Co 21845
Marshall & Ilsley Corp 21846

FEDERAL TRADE COMMISSION

Proposed Rules

Procedure and practice rules:
Adjudicative proceedings, discovery and compulsory process 21793

FISH AND WILDLIFE SERVICE

Proposed Rules

Hunting:
Big Stone National Wildlife Refuge, Minn 21786

Notices

Endangered species, permits and applications (6 documents) ... 21813–21824

FOOD AND DRUG ADMINISTRATION

Rules

Environmental impact; revocation of provision interpreting legal effect of agency action 21768
Fruits and fruit juices, canned; identity standards:
Pineapple 21768

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc 21846

GEOLOGICAL SURVEY

Notices

Oil and gas operations:
Proposed training standards 21825

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration, Education Office.

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

Notices

Applications, etc.:
Hite Preparation Co. (2 documents) 21829, 21830
North American Coal Corp 21830
Quarto Mining Co 21831

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules

Government National Mortgage Association, bylaws, appendix ... 21770

INDIAN AFFAIRS BUREAU

Notices

Alcoholic beverages, introduction, sale and possession; legalizing:
Pueblo of San Ildefonso, New Mexico; correction 21813

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Environmental statements; availability, etc.:
Sugar Pine Dam, Reservoir, and Conduit 21832
Marine Mammals moratorium; request to allow Alaska to resume management 21832

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 21871
Hearing assignments 21871
Motor carriers:
Temporary authority applications (2 documents) 21872, 21874
Transfer proceedings (2 documents) 21874, 21875

JUSTICE DEPARTMENT

See Antitrust Division.

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Labor Statistics Bureau; Occupational Safety and Health Administration.

Rules

Indian employment and training programs, changes of titles and nomenclature 21773
Vocational rehabilitation for migrant agricultural workers, provisions deleted 21773

Notices

Adjustment assistance:
Allivine Knitting Mills, Inc 21865
D. Seidmann's Sons, Inc 21865
General Industries Electronics, Inc 21866
GTE Sylvania, Inc 21866
Hart Schaffner and Marx Clothes 21867
International Shoe Co 21870
Melody Bra and Girdle Co 21867
Osgood & Sons, Inc 21867
RCA Corp 21868
Realform Girdle Corp 21869
Star Supporter Manufacturing Co., Inc 21870
Vulcan Corp 21871
Youthcraft Foundations Co 21869

LABOR STATISTICS BUREAU

Notices

Meetings:
Business Research Advisory Council 21860

LAND MANAGEMENT BUREAU

Rules

Coal leases, definitions of terms ... 21779

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests (2 documents) 21849

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
Space Program Advisory Council, Physical Sciences Committee 21847
Wage Committee 21847

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee 21835

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Marine mammals, taking and importing, regulations governing; status of general permit certificate holders 21782

NATIONAL PARK SERVICE

Notices

Concession permits, etc.:
Grand Canyon, Ariz.; extension 21829

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Advisory Group on Anticipated Advances in Science & Technology, Subgroup on Basic Research 21848
Advisory Group on Earthquake Prediction and Hazard Mitigation 21848
Advisory Panel for Developmental Biology 21848
Long Run Energy Demand Workshop 21848

NAVY DEPARTMENT

Rules

Relations with organizations and military personnel embarked for passage; rules for visits; correction 21775

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

State plans for enforcement of standards:
Kentucky 21774
South Carolina 21774

Proposed Rules

Health and safety standards:
Sulfur dioxide exposure 21790

PANAMA CANAL

Rules

Navigation regulations revision .. 21775

POSTAL RATE COMMISSION

Notices

Postal facilities; notice of visit ... 21849

SECURITIES AND EXCHANGE COMMISSION

Rules

Oil and gas reserves, standards for disclosure 21764

Proposed Rules

Incorporation by reference 21796
Investment company forms; withdrawal of proposals (3 documents) 21796, 21797

Notices

Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc 21849
Midwest Stock Exchange, Inc .. 21851
New York Stock Exchange, Inc. (5 documents) 21852–21854

Hearings, etc.:

Indiana & Michigan Power Co. 21850
National Propane Corp 21851
Northeast Utilities 21854

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Man-made textiles:
China, Republic of 21855

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau; Customs Service.

Notices

Antidumping:
Portland hydraulic cement from Mexico 21798

VETERANS ADMINISTRATION

Rules

Contract delivery terms, invoicing of transportation charges 21778

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:
4441 21753
4442 21755
4443 21757

EXECUTIVE ORDER:
11377 (See Proc. 4443) 21757

5 CFR

213 (2 documents) 21761

7 CFR

910 21761
930 21762
953 21763

PROPOSED RULES:
911 21786
1030 21787

9 CFR

73 21759
91 21759
113 21759
319 21760

10 CFR

212 21942

PROPOSED RULES:
211 21936
212 (2 documents) 21935, 21938
700 21938

16 CFR

PROPOSED RULES:
3 21793

17 CFR

239 21765
249 21766

PROPOSED RULES:
201 21796
239 (2 documents) 21796, 21797
240 21796
249 (2 documents) 21796, 21797
274 (3 documents) 21796, 21797

19 CFR

159 (2 documents) 21766, 21767

21 CFR

6 21768
27 21768

24 CFR

310 21770

27 CFR

240 21771

PROPOSED RULES:
201 21784

29 CFR

11 21773
97 21773
1952 (2 documents) 21774

PROPOSED RULES:
1910 21790

32 CFR

700 21775

33 CFR

PROPOSED RULES:
207 21786

35 CFR

103 21775
105 21776
107 21777
109 21777
111 21777
113 21777
115 21777
117 21777
123 21778

40 CFR

PROPOSED RULES:
600 21791

41 CFR

8–19 21778

43 CFR

3500 21779
3520 21779

47 CFR

73 21781

PROPOSED RULES:
73 21793

50 CFR

216 21782

PROPOSED RULES:
32 21786

CUMULATIVE LIST OF PARTS AFFECTED DURING MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

1 CFR

Ch. I 18283

3 CFR

PROCLAMATIONS:

4436 18397
4437 18643
4438 19193
4439 19927
4440 20643
4441 21753
4442 21755
4443 21757

EXECUTIVE ORDERS:

11827 (Amended by 11915) 19195
11915 19195
11377 (See Proc. 4443) 21757

LETTERS:

May 13, 1976 (2 documents) 20151, 20153

MEMORANDUMS:

January 2, 1973 (Amended by Memorandum of April 14, 1976) 18281
April 26, 1973 (See Memorandum of April 14, 1976) 18281
December 13, 1973 (See Memorandum of April 14, 1976) 18281
October 29, 1974 (See Memorandum of April 14, 1976) 18281
May 20, 1975 (See Memorandum of April 14, 1976) 18281
August 5, 1975 (See Memorandum of April 14, 1976) 18281
February 3, 1976 21167
February 17, 1976 21168
March 2, 1976 21169
April 14, 1976 18281
April 27, 1976 21170
April 30, 1976 ..... 18401, 18403
May 10, 1976 ..... 21171, 21172

5 CFR

213 ..... 18405, 19197, 20389, 20859, 21355, 21761

PROPOSED RULES:

890 21359
1410 19973

7 CFR

20 19950
26 ..... 18284, 19951
27 20680
28 ..... 20681, 21433
29 ..... 18425, 19951, 19959
51 21335
52 ..... 18673, 20389
61 20684
201 20155
210 ..... 18426, 19197
220 18761
270 18781
271 ..... 18781, 19200
301 ..... 19960, 21336
354 20389
401 21336
719 20390
724 20886
730 20390
905 ..... 18673, 19965
907 ..... 18674, 19647, 20158, 20684, 21173, 21643
908 20545
910 ..... 18286, 18428, 18805, 19200, 19966, 20391, 20887, 21761
911 19299
915 21336
916 ..... 18804, 20545
917 ..... 20547, 21173
918 ..... 19200, 19201
930 21762
944 ..... 18674, 19965, 21174
953 21763
1033 18806
1207 19101
1804 19966
1813 19966
1822 ..... 19966, 20391, 20392, 21643
1823 19966
1890o 19967
1901 19967
1980 20886
2021 21176

PROPOSED RULES:

Ch. X 19650
26 ..... 18310, 20688
29 18677
271 20414
330 21356
911 ..... 18678, 21786
932 18310
1004 18862
1006 21206
1012 21206
1013 21206
1030 21787
1099 20688
1207 18679
1430 19972
1701 ..... 18430, 21356
1802 19342
1816 18310
1822 18310
1861 18679
1871 18518
1890 18310
1901 18310

9 CFR

51 18806
73 ..... 20859, 21759
76 ..... 18807, 19929
78 ..... 19929, 21324
91 21759
113 21759
319 21760

PROPOSED RULES:

201 21646
319 19971

10 CFR

Chapter II 21177
9 20645
20 18301
30 18301
31 18302
32 18302
34 ..... 18302, 18645
40 ..... 18302, 21627
50 ..... 18303, 21177
55 18303
70 ..... 18303, 21177, 21627
115 18300
150 18304
205 19929
211 ..... 18646, 20158, 20392
212 ..... 18304, 18646, 18807, 19110, 21942
213 18306
790 21433

PROPOSED RULES:

20 18320
211 21936
212 ..... 18873, 21935, 21938
430 ..... 19977, 21368
700 21938

11 CFR

PROPOSED RULES:

Ch. 1 21652
100 21572
101 21576
102 21576
103 21578
104 21578
105 21581
106 21582
107 21583
108 21583
109 21584
110 21584
111 21589
112 21590
113 21591
114 21591
115 21596
120 21597
121 21598
122 21598
123 21599
124 21600
125 21600
130 21601
131 21602
132 21603
133 21604
134 21604

12 CFR

202 20576
207 21608
220 21608
221 21608
224 21608
226 20395
265 20395
337 ..... 18286, 18405
405 19299
501 18406
505a 18515
531 18516
545 ..... 18286, 18516, 20860, 21180, 21441
555 18516
556 18286
561 18516
571 20862

PROPOSED RULES:

217 ..... 18523, 20590
226 20421
329 ..... 18872, 20895
563 20895
721 19131

13 CFR

115 20646

PROPOSED RULES:

120 21653

14 CFR

39 ... 18289, 18647–18649, 19619, 19620, 20159, 20160, 20646, 20647, 21180–21182, 21627, 21628
71 ... 18289, 18650, 19620, 19621, 20160, 20648–20650, 21182, 21183, 21628–21630
73 ... 20651, 21630
75 ... 20651
97 ... 18651, 19621, 20652, 21630
159 ... 19622
378 ... 20160
378a ... 20161
384 ... 20652

PROPOSED RULES:

23 ... 19126
25 ... 19126
27 ... 19126
29 ... 19126
39 ... 18681, 18663, 18864, 19127, 19673, 19674, 20174, 20175, 20703, 21202
71 ... 18316, 18317, 18683, 18684, 18865, 19128, 19674, 20176, 20704, 21202, 21203, 21650
73 ... 20704
75 ... 18685
91 ... 19126
93 ... 19127
207 ... 19227, 20590
208 ... 19227, 20590
289 ... 19974
296 ... 19227, 20590
372a ... 20894

15 CFR

389 ... 19301

PROPOSED RULES:

10 ... 19227

16 CFR

4 ... 18407
13 ... 18407–18409, 18505, 18507, 19201–19206, 19301, 19624, 20161, 20653, 21442
1116 ... 18651
1512 ... 21631

PROPOSED RULES:

3 ... 21793
437 ... 21368
455 ... 20896
1202 ... 19229
1700 ... 18523

17 CFR

10 ... 19932
200 ... 20577, 20578, 20863, 21183
201 ... 21184
202 ... 18290
220 ... 18808
239 ... 21632, 21765
240 ... 18290, 18432, 18808, 19932, 20578
249 ... 21632, 21766
250 ... 21184

PROPOSED RULES:

201 ... 21796
210 ... 19132
230 ... 19982

17 CFR—Continued

PROPOSED RULES—Continued

239 ... 19982, 21796, 21797
240 ... 18879, 19229, 19982, 19983, 21653, 21796
241 ... 19986
249 ... 19982, 21796, 21797
274 ... 21796, 21797
275 ... 19988

18 CFR

1 ... 21184
2 ... 21184, 21442
3 ... 21442, 21443
260 ... 21443, 21636
701 ... 20548

PROPOSED RULES:

141 ... 18878
154 ... 20177

19 CFR

1 ... 21184
10 ... 21185
103 ... 21444
143 ... 21444
153 ... 18809, 21185
159 ... 21766, 21767
201 ... 18810

20 CFR

200 ... 20579
401 ... 21339
404 ... 21185
405 ... 20863, 21339
416 ... 20871
422
609 ... 18996, 20582

PROPOSED RULES:

725 ... 18868, 20894
901 ... 20424

21 CFR

2 ... 18291
6 ... 21768
25 ... 21444
27 ... 21768
51 ... 18411
121 ... 18810, 19207, 19933, 20874, 21447
123 ... 19210
431 ... 18291
436 ... 18509
510 ... 21186
540 ... 18652
558 ... 21186
561 ... 19210, 19301, 21186, 21345
610 ... 18292
620 ... 18292
640 ... 18292
1301 ... 21448
1308 ... 21346

PROPOSED RULES:

1 ... 20688
19 ... 20690
36 ... 19347
51 ... 18315
128e ... 19988
310 ... 20414
436 ... 19347, 19348, 20414
440 ... 19348
444 ... 20414
448 ... 19349
510 ... 19906
556 ... 19906
558 ... 19906

21 CFR—Continued

PROPOSED RULES—Continued

606 ... 19349, 21493
801 ... 18862
1000 ... 18863
1308 ... 19227

22 CFR

603 ... 19101
1003 ... 19211
1101 ... 19625

PROPOSED RULES:

6 ... 19649

23 CFR

650 ... 18297
661 ... 21636

PROPOSED RULES:

1204 ... 20705

24 CFR

58 ... 20522
207 ... 19935
300 ... 20874
310 ... 21770
570 ... 20523, 21750
700 ... 20396
865 ... 20276
882 ... 19880
1914 ... 18652, 20396–20398, 21187, 21325
1915 ... 18850, 20549, 20555, 21326
1916 ... 18509, 18510, 20162, 20571, 21187–21189
1920 ... 20571–20575
3282 ... 19846

PROPOSED RULES:

42 ... 18762
201 ... 19188
203 ... 21648
280 ... 19290
860 ... 18494
891 ... 18626
1917 ... 20691–20702, 20888–20893, 21478–21481

25 CFR

43m ... 19631
221 ... 18411

PROPOSED RULES:

221 ... 18676, 20688

26 CFR

1 ... 18811, 20654, 20874
31 ... 19632
301 ... 20874
601 ... 19214, 19936, 20878, 20884

PROPOSED RULES:

1 ... 18859, 19115, 19970, 20580
3 ... 20173
20 ... 19115
25 ... 19115

27 CFR

240 ... 21771

PROPOSED RULES:

201 ... 18676, 21784

28 CFR

0 ... 19220
2 ... 19326
16 ... 20163
30 ... 18653

28 CFR—Continued

PROPOSED RULES:

2 ... 19341

29 CFR

11 ... 21773
97 ... 19286, 21773
97a ... 20884
1952 ... 18834, 19935, 21774
2611 ... 18992, 20885

PROPOSED RULES:

1910 ... 18430, 18869, 19349, 19973, 21790

30 CFR

211 ... 20261
216 ... 20273

31 CFR

261 ... 19302

32 CFR

155 ... 19303
505 ... 19220
700 ... 21775
1286 ... 18836
1450 ... 21448
1472 ... 21449
1480 ... 21449
1901 ... 19104

PROPOSED RULES:

251 ... 20686
1008 ... 21478
2301 ... 18861
2302 ... 18862

33 CFR

117 ... 18298
203 ... 20163
208 ... 20400

PROPOSED RULES:

128 ... 20173
117 ... 21649
157 ... 19672
164 ... 18766, 18770, 18771, 19172, 19173
166 ... 21202
183 ... 18679, 20590, 21650
207 ... 18517, 21786
209 ... 19649

35 CFR

103 ... 21775
105 ... 21776
107 ... 21777
109 ... 21777
111 ... 21777
113 ... 21777
115 ... 21777
117 ... 21777
123 ... 21778

PROPOSED RULES:

133 ... 19981

36 CFR

7 ... 19220

PROPOSED RULES:

213 ... 21644
231 ... 21644
261 ... 21644
606 ... 21481

38 CFR

3 ... 18299, 18411, 20407, 21324
21 ... 21190

PROPOSED RULES:

3 ... 19353, 19354
21 ... 20425

39 CFR

601 ... 20408
956 ... 19309
957 ... 19309

PROPOSED RULES:

111 ... 21368

40 CFR

6 ... 20655
7 ... 20655
12 ... 20656
30 ... 20656
35 ... 20659
40 ... 20659
51 ... 18382, 18510, 21323
52 ... 18510, 18654, 19105, 19220, 19309, 19946, 21323, 21638
60 ... 18494, 19633, 20659, 21450
61 ... 19633, 21450
79 ... 21323
180 ... 18511, 19221, 20408, 20660, 21190
414 ... 19310, 20409
418 ... 20582
420 ... 21638
434 ... 19832
440 ... 21191
454 ... 20506
457 ... 20660
458 ... 20496
460 ... 18774

PROPOSED RULES:

52 ... 18431, 19131, 19670, 19975, 20707, 20895, 21360, 21651
55 ... 19651–19667
86 ... 21292
420 ... 21652
434 ... 19841
454 ... 20515
457 ... 20707
458 ... 20502
460 ... 18779
600 ... 21002, 21791

41 CFR

Ch. 1 ... 19312
1–3 ... 19312
1–6 ... 19313
1–7 ... 19313
1–20 ... 19317
3–1 ... 19634
3–3 ... 19634
3–16 ... 19106, 19634
3–50 ... 19635
4–1 ... 21450
Ch. 7 ... 21638
7–1 ... 21639
7–3 ... 21639
7–4 ... 21639
8–2 ... 19317
8–4 ... 19317
8–19 ... 21778
8–52 ... 19318
14–3 ... 19221, 20548

41 CFR—Continued

14–7 ... 19947
15–9 ... 19107
105–50 ... 21451

PROPOSED RULES:

101–7 ... 20708
51–3 ... 21359
51–4 ... 21359
51–5 ... 21359

43 CFR

2 ... 19109
7 ... 20409
9 ... 20409
23 ... 20273
1874 (Revoked in part by PLO 5583) ... 20169
2740 ... 21642
2810 ... 21642
3040 ... 20252
3500 ... 21779
3520 ... 18845, 21779
3860 ... 21642

PUBLIC LAND ORDERS:

5583 ... 20169
5584 ... 20885

PROPOSED RULES:

3500 ... 21203

45 CFR

100a ... 19635
144 ... 18660
154 ... 19949
155 ... 20076
157 ... 20086
159 ... 20095
160b ... 18660
160d ... 19635
160e ... 21191
162 ... 21453
175 ... 18660
176 ... 18660
177 ... 1830o
228 ... 20585
504 ... 19641
660 ... 19644
1221 ... 18848
1061 ... 20530
1068 ... 20410
1228 ... 21199
1600 ... 18511
1604 ... 18512, 19110
1605 ... 18512, 19110
1612 ... 18513, 19110

PROPOSED RULES:

81 ... 18394
84 ... 20296
100 ... 21491
182a ... 20416
250 ... 19988
1006 ... 18871
1224 ... 19671
1301 ... 18606
1302 ... 18611
1305 ... 18614
1451 ... 18518
1470 ... 18520
1606 ... 18524
1607 ... 18526
1608 ... 18527
1609 ... 18528
1610 ... 18528

46 CFR

4 ... 18655
167 ... 19646
294 ... 18849
502 ... 20585
521 ... 20589
536 ... 18655

PROPOSED RULES:

206 ... 19651
207 ... 19651
502 ... 20419

47 CFR

0 ... 20169, 21346, 21449
1 ... 19536
2 ... 18514, 19947
15 ... 19947
63 ... 20660
68 ... 18416
73 ... 18419, 19319, 19536, 19949, 20169, 20172, 20662, 20663, 21347, 21781
76 ... 20665, 21350
87 ... 21449
89 ... 19110, 19223
91 ... 18514, 19223
94 ... 20679

47 CFR—Continued

PROPOSED RULES:

2 ... 19349
15 ... 19349
18 ... 19349
73 ... 18431, 19229, 19976, 20176, 20707, 20708, 21361, 21363, 21364, 21365, 21366, 21367, 21793
76 ... 21652
83 ... 19349
95 ... 18872

49 CFR

1 ... 20172, 20680
171 ... 18656
173 ... 18412, 21475
178 ... 18412
179 ... 21475
216 ... 18656
571 ... 18659
1033 ... 18850, 19223, 19325, 19647, 21476, 21642
1241 ... 21354
1249 ... 21354
1250 ... 21354
1251 ... 21355

49 CFR—Continued

PROPOSED RULES:

215 ... 18685
218 ... 19675
231 ... 18317, 18868
391 ... 19972
571 ... 18687, 20706
1051 ... 19230
1111 ... 21481
1127 ... 20104
1306 ... 19353

50 CFR

17 ... 18618, 19224
28 ... 20680
32 ... 21642
33 ... 18416, 18659, 20589
216 ... 20589, 21782
240 ... 20885
285 ... 20411

PROPOSED RULES:

17 ... 21206, 21356
20 ... 19341, 20888
32 ... 18677, 21786
33 ... 19649
295 ... 19125

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
18279–18396	May 3	19299–19618	12	20643–20858	20
18397–18503	4	19619–19925	13	20859–21165	21
18505–18642	5	19927–20150	14	21167–21322	24
18643–18780	6	20151–20388	17	21323–21432	25
18781–19099	7	20389–20543	18	21433–21626	26
19101–19191	10	20545–20642	19	21627–21751	27
19193–19297	11			21753–22030	28

presidential documents

Title 3—The President

PROCLAMATION 4441

Father's Day, 1976

By the President of the United States of America

A Proclamation

On the third Sunday in June, 1976, Americans will observe Father's Day as they have most of this century.

Father's Day, 1976, should be of special significance in our Nation's Bicentennial Year. Through two centuries our American fathers have successfully and heroically defended the liberties of this Nation in war and in peace. American fathers have preserved the precious legacy of liberty and passed it, enhanced, to their children and future generations.

On this special day, at a time when more Americans live in greater freedom than ever before, let us honor our fathers not only for their loving counsel, guidance, protection and support, but also for their courage in assuming the challenges and responsibilities synonymous with fatherhood.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with a joint resolution of the Congress (36 U.S.C. 142a), do hereby request that Sunday, June 20, 1976, be observed as Father's Day, with appropriate public and private expressions of the love and gratitude we bear for our fathers. I call upon the appropriate Government officials to display the flag of the United States on all Government buildings on that day, and urge all citizens to do likewise at their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76–15912 Filed 5–27–76;11:14 am]

PROCLAMATION 4442

Flag Day and National Flag Week, 1976

By the President of the United States of America

A Proclamation

Less than a year after our forebears declared their independence, the Continental Congress chose a symbol of the new Nation they sought to bring into being and of the unity and resolve necessary to make that new Nation a reality. On June 14, 1777, the delegates voted:

> ". . . that the flag of the thirteen United States be thirteen stripes, alternate red and white: that the Union be thirteen stars, white in a blue field representing a new constellation."

With the addition of thirty-seven stars, our flag continues to symbolize a great and dynamic republic with the same commitment to liberty and justice.

In this Bicentennial Year, all of us will join with our families, friends and neighbors in public celebrations of our Nation's birth. As we approach the 4th of July, it is especially appropriate this year that, on the anniversary of the adoption of our flag, we publicly express our dedication and respect for the flag of our Republic and the principles for which it stands.

To commemorate the adoption of our flag, the Congress designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance (36 U.S.C. 157). The Congress also requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon all citizens of the United States to display the flag of the United States on those days (36 U.S.C. 157a).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning June 13, 1976, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during the week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76–15913 Filed 5–27–76;11:14 am]

Proclamation 4443 May 27, 1976

Modification of the Tariff-Rate Quota on Brooms Wholly or in Part of Broom Corn

By the President of the United States of America

A Proclamation

1. The Tariff Schedules of the United States (TSUS) provide in headnote 3 to subpart A, part 8, schedule 7 as follows: If the President determines that the estimated annual domestic consumption of whiskbrooms of a kind described in items 750.26 to 750.28 TSUS, inclusive, or of other brooms of a kind described in items 750.29 to 750.31, inclusive, has substantially changed since 1965 or since the date of the immediately preceding proclamation under this headnote (if any), the tariff-rate quota provided for in item 750.26 or 750.29, shall be modified by the percentage by which the President determines the estimated annual domestic consumption of the relevant brooms has changed in comparison with their estimated consumption in 1965 or at the time of such immediately preceding proclamation (if any).

2. On the basis of a report of the United States International Trade Commission submitted in accordance with Executive Order No. 11377, of October 23, 1967, I have determined that the estimated annual domestic consumption of brooms of a kind described in items 750.26 to 750.28 TSUS, inclusive, and of other brooms of a kind described in items 750.29 to 750.31 TSUS, inclusive, has substantially changed since 1965, that no proclamation has been issued previously under said headnote 3, and that the tariff-rate quotas set forth in items 750.26 and 750.29 should be modified, as provided below, to reflect the changes in the estimated annual domestic consumption of such whiskbrooms and other brooms in comparison with the estimated annual consumption in 1965.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including headnote 3 to subpart A, part 8, schedule 7 of the TSUS (79 Stat. 948; 19 U.S.C. 1202) do proclaim that—

(1) Items 750.26 and 750.29 of subpart A, part 8, schedule 7 of the TSUS, are modified by deleting the quantities 115,000 and 205,000 from the respective article descriptions, and substituting in lieu thereof 91,885 and 161,540, respectively.

(2) The modifications of subpart A, part 8, schedule 7 of the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 27, 1976.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.76-15914 Filed 5-27-76;11:15 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Title 9—Animals and Animal Products

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

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Fresno County in California because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

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

In § 73.1a, in paragraph (d) relating to the State of California a new paragraph (8) relating to Fresno County is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(d) * * *

(8) That portion of *Fresno County* bounded by a line beginning at the junction of State Highway 145 and Interstate Highway 5; thence, following Interstate 5 in a northwesterly direction to the Oakland Road extension; thence, following Oakland Road in an easterly direction to the California aqueduct; thence, following the California aqueduct in a southeasterly direction to State Highway 145; thence, following State Highway 145 in a southwesterly direction to its junction with Interstate Highway 5.

* * * * *

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

Effective date. The foregoing amendment shall become effective May 20, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies 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 20th day of May, 1976.

R. P. JONES,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76–15357 Filed 5–27–76;8:45 am]

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Ports of Export; Newburgh, New York, Added as Airport

● The purpose of this amendment is to add Newburgh, New York, to the list of airport ports of export for certain animals. ●

Statement of considerations. This amendment adds Newburgh, New York, to the list of designated airports in § 91.3(a)(1)(i) of Part 91, Title 9, Code of Federal Regulations.

The airport inspection facilities at Newburgh, New York, have been inspected by the Animal and Plant Health Inspection Service and were found to comply with the standards for approved export inspection facilities contained in § 91.3(c) of Part 91, Title 9, Code of Federal Regulations.

Accordingly, in § 91.3, paragraph (a)(1)(i) is amended to read:

§ 91.3 Ports of export.

(a) * * *

(1) *Airports.* (i) Chicago, Illinois; Harrisburg, Pennsylvania; Helena, Montana; Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; New Iberia, Louisiana; Brownsville and Houston, Texas; San Francisco, California; Moses Lake, Washington; and Newburgh, New York.

* * * * *

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended; 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613 614, 618); 49 U.S.C. 1509(d); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 25, 1976.

The amendment relieves certain restrictions by permitting the exportation of livestock through an additional port of export, and should be made effective promptly 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, unnecessary, 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, D.C., this 21st day of May 1976.

R. P. JONES,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76–15359 Filed 5–27–76;8:45 am]

PART 113—STANDARD REQUIREMENTS

Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

● *Purpose:* To change the Standard Requirements for Tuberculin PPD Bovis, Intradermic. ●

Statement of Considerations: The Cattle Diseases Staff of Veterinary Services has prepared and distributed to members of the biologics industry an invitation to bid on a quantity of Tuberculin PPD Bovis, Intradermic to be prepared in accordance with a standard protocol and tested in accordance with prescribed requirements. These procedures are at variance with the Standard Requirements for this product in § 113.203. Most differences are minor, but one requirement for purity is now considered unnecessary by the technicians responsible for evaluating the product.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by deleting the purity test in § 113.203(a)(2) and by making the following changes in test procedure:

The number of test animals in each sensitized group is increased from six to 10 in paragraph 113.203(c)(1). This change gives added validity to the test.

The words "used for tuberculin testing" is substituted in paragraph 113.203(c)(3) for "considered sensitized" to reduce the change of variable results by stating the exact time the sensitized animals can be used.

The prescribed point to inject the material being tested is changed to permit staggered sites as being more realistic and useful in paragraph 113.203(c)(4)(i). For the same reasons, the size of needle to be used is changed in paragraph 113.203(c)(4)(iii).

The words "anterior to posterior" are inserted in paragraph 113.203(c)(5) for completeness of directions. The word "inconclusive" is substituted for the word "questionable" in paragraph 113.203(c)(10) and 113.203(c)(11) for accuracy.

All words in the heading for section 113.203 are to be capitalized.

§ 113.203 (9 CFR 113.203) is amended by revising the introductory portion of paragraph (a) and deleting paragraphs (a)(1) and (2); by revising paragraphs (c)(1), (c)(3), (c)(4) (i) and (iii), (c)(5), (c)(10) and (c)(11) to read:

§ 113.203 Tuberculin—PPD Bovis, Intradermic.

(a) *Purity test.* Each serial shall be tested for viable bacteria and fungi as prescribed in § 113.26.

* * * * *

(c) * * *

(1) *Test animals.* White female guinea pigs from one source, which weigh 500 to 700 grams at the beginning of the test, and which have not been used in a previous test, shall be used in the specificity test. Twenty-three guinea pigs (10 sensitized with *M. bovis*, 10 sensitized with *M. avium* and three unsensitized) shall be required for each serial being tested, and 20 guinea pigs (10 sensitized with *M. bovis* and 10 sensitized with *M. avium*) shall be required for the Reference PPD Tuberculin. Allowance should be made for deaths during the sensitization period. * * *

(3) Thirty-five days post-injection, the guinea pigs shall be used for tuberculin testing.

(4) * * *

(i) Select four sites on each guinea pig for injection of PPD tuberculin. Two sites shall be on each side of the midline and spaced a sufficient distance from each other to avoid overlapping of skin reactions. * * *

(iii) Inject one dose of each dilution at the assigned site using a tuberculin syringe.

(5) *Measurement of skin reactions.* Measure the area of erythema produced at each site on each guinea pig 24 hours following injection of PPD tuberculin. Measurements in millimeters shall be made anterior to posterior across the greatest diameter and perpendicular to the first measurment. Calculate the area of erythema in square millimeters at each site by multiplying the two measurements. * * *

(10) *Interpretation of specificity index.* When a bioassay is valid and reactions are not observed in unsensitized guinea pigs, the following interpretation of the specificity index will be used for classifying each serial of PPD tuberculin:

Specificity Index	*Classification*
400 mm^2 or greater	Satisfactory.
Between 360 mm^2 and 440 mm^2.	Inconclusive.
Less than 360 mm^2	Unsatisfactory.

(11) *Second stage test.* If a serial is classified as inconclusive, it can be declared unsatisfactory or undergo a second stage test. The second stage shall be conducted in a manner identical to the first stage, except that unsensitized guinea pig controls are not necessary. The results are evaluated by combining the results obtained on all guinea pigs tested in stages one and two. Calculate the average response on the 20 *M. bovis* sensitized animals and on the 20 *M. avium* sensitized animals and determine the specificity index. An inconclusive serial is satisfactory after the second stage test, if its specificity index is 400 square millimeters or more, and unsatisfactory if its specificity index is less than 400 square millimeters.

* * * * *

(21 U.S.C. 151 and 154; 37 F.R. 28464, 28477; 38 F.R. 19141)

These amendments provide changes in the Standard Requirements to be met by producers of Tuberculin PD Bovis, Intradermic to be used in the National Tuberculosis Eradication Program. In order to be of maximum benefit, they must be made effective immediately.

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

The foregoing amendments shall become effective May 25, 1976.

Done at Washington, D.C., this 21st day of May, 1976.

R. P. JONES,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76-15358 Filed 5-27-76;8:45 am]

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

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Standards for Combination Cured Pieces of Meat and Non-Meat Protein Products

• *Purpose:* The purpose of this document is to set forth in the Federal inspection regulations, on an interim basis, standards for products made from traditional cured pieces of meat to which have been added non-meat protein-containing products. •

The Department intends to publish a proposed rulemaking document which if adopted would provide definitions and standards of identity or composition and labeling requirements for "Combination Meat Products."

In recent years, the use of non-meat protein products such as soy products, milk products, etc., in meat food products has reached significant proportions. Consumers have accepted these products not only for economic reasons, but also because technology has afforded products that are appealing to the taste. Technology, though in its infancy, has now developed to the stage where it is possible to produce combination meat and non-meat protein products from traditional pieces of meat; e.g., fresh hams, beef rounds, etc. Preliminary information indicates these products will gain consumer acceptance.

In view of the mounting concern over the world's food supply, the need to better utilize existing sources of protein, and the economic incentives to replace meat with less costly protein sources, the Department believes it is in the best interest of the consumer to provide standards for the marketing of these new products.

It is of vital importance that the products used to extend the meat be in themselves of high nutritive content so as not to substantially lessen the nutritive characteristics of such products compared to similar products not containing such non-meat extenders. Therefore, for the purposes of this interim rule, minimum nutritive requirements are being set for non-meat foods which are used as extenders in meat products. On the basis of information now available to the Department, it is placing upon the finished product a minimum protein content of 17 percent. The non-meat protein-containing products used must contain, on a per gram of protein basis, vitamins and minerals as specified in the interim regulation. Also the protein quality, including amino acids added, of the non-meat protein products must be at least 80 percent that of casein, or have an essential amino acid context (excluding tryptophan) of not less than 28 percent of the total protein. Furthermore, since the non-meat protein-containing products are added via aqueous slurries, it is being required that the combination products have moisture/protein ratios consistent with the traditional cooked, cured products.

Since these combinations are similar in appearance to the traditional products, it is also necessary that they be descriptively labeled so that the user or purchaser can identify the combination products in the market place. Many consumers would want to know the ingredient content because of dietary preference, economic reasons or allergenic considerations. It is essential that a clear, understandable labeling system be established that can effectively relate the unique characteristics of these products.

Therefore, the Department is hereby amending the regulations on an interim basis to require that such products be labeled as "Combinations _____ Product." The blank must be filled by the name of the traditional cured product—i.e., ham, corned beef, etc. Also, immediately following the standard name must be a statement declaring the minimum percentage by weight of the meat ingredient; e.g., "65 percent Ham," "80 percent Corned Beef," etc.

The regulation is being issued as an interim rule so that information may be collected to determine if the product shall continue to be marketed and if so whether additional or modified restrictions should be placed on the labeling or nutritional criteria set forth. This rule will remain in effect pending completion of the proposed rulemaking on "Combination Meat Products" unless rescinded prior thereto.

Therefore, Part 319 of the Federal Meat Inspection Regulations (9 CFR Part 319) is amended by adding to the table of contents the following:

Subpart V—Combination Meat and Non-Meat Protein Products

Sec.

319.900 Combination Cured Meats;

And by adding a new subpart to read as follows:

Subpart V—Combination Meat and Non-Meat Protein Products

§ 319.900 Combination cured meat cuts.

(a) (1) "Combination _____ Products" "are cured pieces of meat such as hams, pork loins, corned beef rounds, etc., which have been extended with non-meat protein products such as, but not limited to, isolated soy protein, wheat protein concentrate, yeast, nonfat dry milk, and dried whey. The blank in the product name shall be filled in as prescribed in paragraph (b). These products must be cooked and may be sectioned and formed.

(2) The non-meat protein products used must contain nutrients per gram of protein within the range prescribed below, except that levels of naturally occurring nutrients above the prescribed levels will be acceptable.

Nutrient	*Amount*
Vitamin A (I.U.)	13 to 20.
Thiamine (milligrams)	0.20 to 0.03.
Riboflavin (milligrams)	0.01 to 0.02.
Niacin (milligrams)	0.30 to 0.45.
Pantothenic acid (milligrams)	0.04 to 0.06.
Vitamin B_6 (milligrams)	0.02 to 0.03.
Vitamin B_{12} (micrograms)	0.10 to 0.15.
Iron (milligrams)	0.15 to 0.25.
Magnesium (milligrams)	1.15 to 1.75.
Zinc (milligrams)	0.50 to 0.75.
Copper (micrograms)	24 to 36.
Potassium (milligrams)	17 to 25.

The non-meat protein products must also have a biological quality of protein (including amino acids added) of not less than PER 2.0 (80 percent of casein) or an essential amino acid content (excluding trypotophan) of no less than 28 percent of total protein.

(3) The finished product must have a moisture/protein ratio of 4:1 or less.

(4) The finished product must contain at least 17 percent protein.

(b) The standard name of the product shall be "Combination _____ Product." The blank shall be filed in with the name of the meat; e.g., Ham. Immediately following the standard name of the product, in the same size and style of lettering, shall be a statement declaring the minimum percentage by weight of the meat ingredient; e.g., 60 percent Ham. This percentage is determined by dividing the weight of the fresh, boned and trimmed meat ingredient by the total weight of the finished product. If the products are sectioned and formed, information indicating this fact must also be included as a qualifying statement to the product name.

(c) In preparing product defined in this section, the establishment operator shall:

(1) Apply for label approval listing equipment and processing procedure.

(2) Develop a quality assurance system to control finished product compliance for total protein, moisture/protein ratio, and yield of product.

(3) Obtain approval of the quality assurance system from the Department prior to starting operations.[1]

(d) The Department will conduct sampling, analytical, and inspection procedures to confirm accuracy of establishment results and assure product compliance.

(Secs. 7(c), 21; 34 Stat. 1262, 1264, as amended; 21 U.S.C. 607(c), 621; 37 FR 28464, 28477.)

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or public rulemaking proceedings on these amendments are impractical and unnecessary, and that good cause is found for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment should become effective promptly in order to collect data in connection with the marketing, content, and labeling of combination cured meat and non-meat products, and to better utilize existing sources of protein.

This amendment shall become effective May 28, 1976.

Done at Washington, D.C., on May 25, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-15645 Filed 5-27-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Deputy Assistant Secretary (Policy Communication) is excepted under Schedule C.

Effective on May 28, 1976, § 213.3316 (r) (9) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare

* * * * *

(r) *Office of the Assistant Secretary for Education.* * * *

(9) Deputy Assistant Secretary (Policy Communications).

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-15430 Filed 5-27-76;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Confidential Assistant to the Assistant Administrator for Management Assistance is excepted under Schedule C.

Effective on May 28, 1976, § 213.3332 (v) is added as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(v) One Confidential Assistant to the Assistant Administrator for Management Assistance.

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

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-15349 Filed 5-27-76;8:45 am]

Title 7—Agriculture

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

[Lemon Regulation 41]

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 30–June 5, 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.

§ 910.341 Lemon Regulation 41.

(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

[1] Such approval may be requested from the Systems Development and Sanitation Staff, Technical Services, Meat and Poultry Inspection Program, 14th and Independence Avenue SW., Washington, D.C. 20250.

the demand for lemons is easing as this week progresses due to the upcoming holiday weekend and recent cool weather in many major markets. Average f.o.b. price was $6.29 per carton the week ended May 22, 1976, compared to $6.42 per carton the previous week. Track and rolling supplies at 191 cars were up 16 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 25, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 30, 1976 through June 5, 1976, is hereby fixed at 275,000 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 26, 1976.

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

[FR Doc.76–15910 Filed 5–27–76;11:11 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Rules and Regulations

This amendment of the rules and regulations under Marketing Order 930 deletes reference to Hartford, Michigan, as the Board office, and the date March 1 of each fiscal year as the deadline for producers to submit information to the Board in order to be eligible to divert cherries.

Notice was published in the FEDERAL REGISTER issued April 22, 1976 (41 FR 16818), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 930.101–930.161), currently in effect pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice invited interested persons to submit written data, views, or arguments with respect to the proposal not later than May 7, 1976. No such material was submitted.

The aforesaid amendment to the rules and regulations was unanimously recommended by the Cherry Administrative Board, established under said order as the agency to administer the terms and provisions thereof.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making the effective date hereof June 21, 1976, in that: (1) The acquiring and handling of cherries in the early producing areas may begin on or about June 21, 1976, and this amendment should be applicable, insofar as practicable, to all such cherries; (2) notice was given of the proposed amendment through publicity in the production area and publication in the April 22, 1976, issue of the FEDERAL REGISTER; and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

Order. The amendment is as follows:

1. Section 930.101 Diversion application is revised to read as follows:

§ 930.101 Diversion application.

(a) In order for a producer's application for diversion to be eligible for consideration by the Cherry Administrative Board for the forthcoming fiscal year, the producer shall submit to or have on file with the Board the following information:

(1) Name and address of the applicant.

(2) District or districts in which applicant's orchard sites are located.

(3) Age of trees, number of rows of trees, number of trees in each row, number of rows in each block and a diagram of each block referencing the compass points.

(4) (i) Total of applicant's acreage devoted to cherry production with a subtotal for each definable block included in this total.

(ii) Such information submitted as above shall not be considered as application for diversion.

(b) Each producer who elects to divert cherries into an outlet as the Board, with the approval of the Secretary may designate as specified in § 930.56, shall prior to such diversion, submit to the Cherry Administrative Board at its office, or such other location as may be specified by the Board, on forms provided by the Board, an application to divert cherries as required by § 930.56 (a)(1). Such application shall be filed with the Board not later than July 1 of the current fiscal year: *Provided*, That, such application for growers who will harvest cherries prior to July 1 of any fiscal year, shall be filed on such earlier date as may be specified by the Board or if not so specified, prior to harvest of such cherries.

2. Section 930.106 Pack report is revised to read as follows:

§ 930.106 Pack report.

Each handler, in accordance with § 930.62, shall submit to the Cherry Administrative Board at its office, or such other location as may be specified by the Board, within 30 days after date of pack completion, a written report of the total amount of cherries received for processing, showing separately the amount of cherries that were first handled.

Dated: May 24, 1976, to become effective June 21, 1976.

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

[FR Doc.76-15617 Filed 5-27-76;8:45 am]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Handling Regulation

This regulation requires potatoes grown in designated counties of Virginia and North Carolina to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 104 and Marketing Order No. 953, both as amended (7 CFR Part 953), regulating the handling of potatoes grown in the production area, was published in the April 29, 1976, FEDERAL REGISTER (41 FR 17922). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through May 14, 1976, to file written data, views or arguments pertaining to that proposal. None was filed.

The notice was based upon recommendations of the Southeastern Potato Committee, established pursuant to said marketing agreement and order. The recommendations are consistent with the marketing policy the committee unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

The grade and size requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undersirable size from being distributed to fresh market outlets. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed are so exempted because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are also exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act by setting the minimum standards of quality and maturity and the grading and inspection requirements which the Secretary has found should be maintained for orderly marketing.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by June 5, 1976.

The regulation is as follows:

§ 953.316 Handling regulation.

During the period June 5 through July 31, 1976, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further Provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing"

has the same meaning as the term appearing in the act as amended February 15, 1972 (Public Law 92-233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

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

Dated: May 24, 1976, to become effective June 5, 1976.

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

[FR Doc.76-15618 Filed 5-27-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5706, 34-12435, 35-19526]

STANDARDS FOR DISCLOSURE

Oil and Gas Reserve

The Commission today adopted amendments to Forms S-1 (17 CFR 239.11) and S-7 (17 CFR 239.26) under the Securities Act of 1933 ("Securities Act") and amendments to Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 ("Exchange Act") to require disclosure relating to oil and gas reserves and to provide definitions and classifications of the term "reserves."[1] The Commission also authorized the publication of an amendment to Guide 2 under the Exchange Act to make the guide applicable to reserve estimates disclosed under Form 10-K and an amendment to Guide 2 under the Exchange Act and Guide 28 under the Securities Act to clarify the existing disclosure requirements relating to market prices of oil and gas.[2] All of these amendments were published for public comment in Release No. 33-5588 (May 30, 1975) (40 FR 25230) and are adopted substantially as proposed. It should be noted that these requirements do not apply to filings by limited partnerships, or joint ventures that conduct, operate, manage or report upon oil and gas drilling or income programs.

BACKGROUND AND GENERAL DESCRIPTION

On May 30, 1975, the Commission published essentially identical proposed amendments to Forms S-1 and S-7 under the Securities Act and to Forms 10 and 10-K under the Exchange Act to make explicit the disclosure requirements developed by the Commission's staff in its review of the filings of enterprises with oil and gas production and reserves, and to require such disclosure on an annual basis in a report on Form 10-K (Release No. 33-5588). To facilitate an understanding of and compliance with these disclosure requirements, the proposed amendments included definitions and classifications of the term "reserves." Certain technical and clarifying amendments to Guide 2 under the Exchange Act and Guide 28 under the Securities Act were also published in Release No. 33-5588, including an amendment to make Guide 2 applicable to Form 10-K.

ADOPTION OF AMENDMENTS

The Commission has considered the approximately sixty letters of comment received on these proposals and has concluded to adopt the amendments to Forms S-1, S-7, 10 and 10-K substantially as proposed and to authorize the publication of the amendments to Guides 28 and 2 as proposed. The Commission is of the opinion that the required disclosure of estimates of oil and gas reserves will provide information of material importance to investors. Although no issues have been raised by the commentators that warrant major changes in the proposals, several modifications in the requirements should be noted. In this regard, the Commission believes that none of these modifications are of sufficient magnitude to necessitate a reproposal pursuant to the Administrative Procedure Act.

A. Filings with other federal, state or foreign agencies. The proposals contained a requirement to disclose reserve estimates filed with other federal, state, or foreign agencies and to explain any differences between such estimates and those included in the Commission filing. The release specifically invited comments on the need for a de minimis limitation on this requirement and on the appropriateness of the requirement as related to filings with foreign jurisdictions. In light of the comments received, the Commission is of the opinion that the requirement, as applied to the numerous reserve filings with state agencies, would impose a burden without a corresponding benefit to investors. Accordingly, the reference to state filings has been deleted.

The Commission also believes that it is appropriate to provide de minimis limitations on this requirement as applied to filings with foreign jurisdictions. Accordingly, two five percent tests related to the significance of the registrant's estimates of foreign reserves and to the size of the difference in estimates have been included in a new instruction to the requirement (Instruction 7). Another new instruction provides for situations where a foreign government restricts disclosure of estimates of reserves located within the foreign country involved (Instruction 3). It should be noted, however, that all reserve filings with federal agencies must be disclosed and all differences in these reserve estimates must be explained.[3]

B. Additional Definitions and Instructions. A number of commentators urged clarification of certain of the proposed requirements. Accordingly, the Commission has provided definitions or guidance with respect to the meaning of net production (Instruction 4), gross and net wells and acres (Instruction 5) and undeveloped acreage (Instruction 8). Additional guidance has also been provided with respect to the application of the requirements to estimates of foreign reserves (Instruction 3) and with respect to the requirement for disclosure of "present activities" (Instruction 9).

OPERATION OF AMENDMENTS

The Commission has considered the impact which the foregoing amendments would have upon competition and has concluded that the preparation and disclosure to the public, including registrants' competitors, of the required information relating to estimates of oil and gas reserves will not significantly burden competition. In any event, the Commission has determined that any possible resulting burden will be far outweighed by, and is necessary and appropriate to achieve, the benefits to investors referred to above.

The amendments to Forms S-1, S-7, and 10 are effective as of June 30, 1976 with respect to registration statements filed on or after that date and the amendments to Form 10-K are effective for annual reports for fiscal years ending on or after December 25, 1976. The staff will apply the amendment to Guide 2 that make it applicable to Form 10-K in accordance with the effective date of the amendments to Form 10-K noted above, and the other amendments to Guides 28 and 2 upon publication in the FEDERAL REGISTER.

The Commission hereby adopts amendments to Forms S-1 and S-7 and authorizes for publication an amendment to Guide 28 pursuant to Sections 6, 7, 10 and 19(a) of the Securities Act. The Commission adopts amendments to Forms 10 and 10-K and authorizes for publication the amendments to Guide 2 pursuant to Sections 12, 13, 15(d) and

---

[1] The amendments adopted in this release are not intended to meet the responsibilities the Commission may have under the Energy Policy and Conservation Act of 1975.

[2] The Guides are not rules of the Commission nor are they published as bearing the Commission's official approval; they represent policies and practices followed by the Commission's Division of Corporation Finance in administering the disclosure requirements of the federal securities laws.

[3] Explanations of differences in natural gas estimates filed with the Commission and other agencies are required under Release No. 33-5504 (June 14, 1974).

23(a) of the Exchange Act. The text of the amendments is attached hereto.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 12, 1976.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. Form S–1 is amended to read as follows:

NOTE.—Except as noted under the headings below, identical amendments are also adopted for Forms S–7, 10 and 10–K, but are not repeated to avoid unnecessary duplication.

§ 239.11 Form S–1, registration statement under the Securities Act of 1933.

* * * * *

Item 10. Description of Property.

(a) * * *

NOTE.—See paragraph (b) for disclosure requirements relating to oil and gas reserves.

(b) Where oil and gas operations are material to the registrant's business operations or financial position, disclose the following under appropriate captions:

NOTE.—This Item 10(b) shall not apply to filings by limited partnerships, or joint ventures that conduct, operate, manage, or report upon oil and gas drilling or income programs which acquire properties either for drilling and production, or for production of oil, gas, or geothermal steam or water.

(1) Estimates as of a reasonable current date of proved developed and proved undeveloped future net recoverable oil and gas by appropriate geographic area(s), such as by continent or by country, except that United States reserves shall be shown separately. (See Instruction 3 with respect to estimates of foreign reserves.)

(2) Net oil and gas production for oil in barrels and gas in MCF for each of the last five years, by areas no larger than the geographic areas used for estimated reserves in Item 10(b)(1) above. (See Instruction 4.)

(3) As of a reasonably current date, the total gross and net productive wells, expressed separately for oil and for gas, and the total gross and net producing acres. For purposes of this requirement, one or more completions in the same bore hole shall be counted as one well. A footnote shall disclose the number of wells with multiple completions. (See Instruction 5.)

(4) The availability of oil and gas from the present reserve or contract supply for at least one year from the "as of" date of the reserve estimate provided in Item 10(b)(1) above. (See Instruction 6.)

(5) Any oil or gas reserve estimates filed with or included in reports to any other federal, or foreign governmental, authority or agency within the twelve months prior to filing (or a statement that there were none), together with the name of the authority or agency and an explanation of the reasons for differences, if any, between such estimates and the estimates included in the registration statement. (See Instruction 7 with respect to filings with foreign authorities or agencies.)

(6) As of a reasonably current date, the amounts of undeveloped acreage, both leases and concessions, if any, expressed in both gross and net acres by state, country, or other appropriate geographic area, together with an indication of acreage concentrations, and, where material, the minimum remaining terms of leases and concessions. (See Instruction 8.)

(7) Present activities, such as the number of wells in process of drilling, waterfloods in process of installation, pressure maintenance operations, and any other related operations of material importance. (See Instruction 9.)

INSTRUCTIONS. 1. The required information shall be furnished in tabular form wherever applicable.

2. Estimates of future recoverable oil and gas shall be limited to proved developed and proved undeveloped future net recoverable reserves. For purposes of this instruction, "proved reserves" are defined to be those quantities of crude oil, natural gas, and natural gas liquids which, upon analysis of geologic and engineering data, appear with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Proved reserves are limited to those quantities of oil and gas which can be expected, with little doubt, to be recoverable commercially at current prices and costs, under existing regulatory practices and with existing conventional equipment and operating methods. Depending upon their status of development, such proved reserves shall be subdivided into the following classifications:

(a) Proved Developed Reserves. These are proved reserves which can be expected to be recovered through existing wells with existing equipment and operating methods. This classification shall include:

(i) Proved Developed Producing Reserves. These are proved developed reserves which are expected to be produced from existing completion interval(s) now open for production in existing wells; and

(ii) Proved Developed Non-Producing Reserves. These are proved developed reserves which exist behind the casing of existing wells, or at minor depths below the present bottom of such wells, which are expected to be produced through these wells in the predictable future, where the cost of making such oil and gas available for production should be relatively small compared to the cost of a new well.

Additional oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery should be included as "Proved Developed Reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

(b) Proved Undeveloped Reserves. These are proved reserves which are expected to be recovered from new wells on undrilled acreage, or from existing wells where a relatively major expenditure is required for recompletion. Reserves on undrilled acreage shall be limited to those drilling units offsetting productive units, which are reasonably certain of production when drilled. Proved reserves for other undrilled units can be claimed only where it can be demonstrated with certainty that there is continuity of production from the existing productive formation.

Under no circumstances should estimates for proved undeveloped reserves be attributable to any acreage for which an application of fluid injection or other improved recovery technique is contemplated, unless such techniques have been proved effective by actual tests in the area and in the same reservoir. If warranted, however, a narrative discussion can be provided to point out those areas where future drilling or other operations may develop oil and gas production which at the time of filing is considered too uncertain to be expressed as numerical estimates for proved reserves.

3. (a) Consideration should be given to the effect on ownership of reserves of any takeover or nationalization by foreign governments of properties owned by the registrant, including any possible change of a property interest into a long-term supply, purchase, or similar agreement.

(b) The amounts of oil and gas subject to purchase under long-term supply, purchase, or similar agreements with foreign governments or authorities should be disclosed separately under Item 10(b)(1) when such agreements cover all or part of the registrant's reserves under a previous equity interest, or when the registrant has invested monies in foreign prospects, or has some special arrangement.

(c) When any foreign government restricts the disclosure of estimated reserves for properties under their governmental authority, or amounts under long-term supply, purchase, or similar agreements to be disclosed pursuant to Instruction 3(b), the registrant need not disclose such estimates or amounts but should identify the country and state that the reported reserve estimates or amounts do not include figures for the named country.

4. (a) Generally, "net" production should include only that production which is owned by the registrant and produced to that party's interest. Such "net" production shall refer to production that is "net after royalty." However, in special situations (e.g., foreign production) "net before royalty" production figures may be provided if more practical and/or useful. If "net before royalty" production figures are furnished, the change from the common usage of "net" production should be noted.

(b) Production of oil, gas, condensate, and natural gas liquids should be reported separately. In addition, any part of the natural gas liquids production obtained through or from processing plant ownership, rather than through leasehold ownership, should be reported separately, where material.

(c) The amounts of oil and gas purchased under long-term supply, purchase, or similar agreements with foreign governments or authorities should be disclosed separately under Item 10(b)(2) when such purchases represent the registrant's production, or partial production, under a previous equity interest, or when the registrant has invested monies in foreign prospects or has some special arrangement.

(d) Any gas used to enhance production shall not be disclosed as produced until such time as it is sold.

5. Definition of gross and net for wells and acres.

(a) A gross well is a well in which an interest is owned. The number of gross wells is the total number of wells in which an interest is owned.

(b) A net well is deemed to exist when the sum of fractional ownership interests in gross wells equals one. The number of net

wells is the sum of the fractional interests owned in gross wells expressed as whole numbers and fractions thereof.

(c) A gross acre is an acre in which an interest is owned. The number of gross acres is the total number of acres in which an interest is owned.

(d) A net acre is deemed to exist when the sum of the fractional ownership interests in gross acres equals one. The number of net acres is the sum of the fractional interests owned in gross acres, expressed as whole numbers and fractions thereof.

NOTE.—For those unusual situations where gross and net data cannot be supplied, any alternative disclosure furnished should set forth adequately the registrant's position with respect to productive wells and producing acres.

6. The term "availability" is defined to be an estimate of that quantity of oil and gas which can be produced from current proved developed reserves using presently installed equipment under existing economic and operating conditions in a given future time period, such as a day, a month, or a year. Such estimate shall be based on past performance, and shall represent an estimate of the amount of oil and gas that can be produced for a future time period from existing proved developed reserves under normal operations with current prices and costs. Such estimates of available oil and gas should be stated for a minimum of one year, but for no more than five years.

NOTE.—See paragraph (b) of Guide 28 under the Act for the definition of "availability" which is to be used with respect to gas supplies of companies engaged in the gathering, transmission, or distribution of natural gas.

7. The requirements in Item 10(b)(5) relating to estimates filed with a foreign governmental authority or agency shall not apply if:

(a) The total foreign reserve estimate included in the Commission filing does not exceed 5 percent of the total reserve estimate; or

(b) The difference between the foreign reserve estimate included in the Commission filing and the reserve estimate filed with the governmental authority or agency does not exceed 5 percent.

NOTE.—1. A statement that the foreign reserve estimate or the difference, whichever is applicable, does not exceed 5 percent shall also be included. 2. See Instruction 3 when foreign governments restrict disclosure of estimated reserves.

8. For purposes of Item 10(b)(6), the term "undeveloped acreage" is considered to be those lease acres not now held by production. The term should not be confused with that acreage for which proved undeveloped reserves can be estimated.

9. (a) Present activities required to be disclosed pursuant to Item 10(b)(7) should be provided for an "as of" date as close to the date of filing as reasonably possible.

(b) The disclosure for wells in the process of being drilled should include only those wells actually being drilled at the "as of" date explained in Instruction 9(a), and should be expressed in terms of both gross and net wells.

(c) The disclosure should not include wells planned but not commenced, unless there are factors involved which make such information material.

2. Form S–7 is amended to read as follows:

§ 239.26 Form S–7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

* * * * *

Item 5. Business.
(a) * * *

NOTE.—See paragraph (f) for disclosure requirements relating to oil and gas reserves.

* * * * *

(f) [The same paragraph as adopted under Form S–1 is adopted here, except that the appropriate subparagraphs in new Item 5(f) replace the references to Item 10(b) contained in the Note to paragraph (b), subparagraph (b)(2) and (b)(4), and Instruction 3(b), 4(c), 7, 8 and 9(a).]

(g) [No change from existing paragraph (f).]

PART 249—FORMS, SECURITIES AND EXCHANGE ACT OF 1934

3. Form 10 is amended to read as follows:

§ 249.210 Form 10, general form for registration of securities pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934.

* * * * *

Item 3. Properties.
(a) * * *

NOTE.—See paragraph (b) for disclosure requirements relating to oil and gas reserves.

(b) [The same paragraph as adopted under Form S–1 is adopted here, except that (A) the appropriate subparagraphs in new Item 3(b) replace the references to Item 10(b) contained in the Note to paragraph (b), subparagraphs (b)(2) and (b)(4), and Instructions 3(b), 4(c), 7, 8, and 9(a), and (B) the Note to Instruction 6 refers to Guide 2 under the Exchange Act.]

4. Form 10–K is amended to read as follows:

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

Item 3 Properties.
(a) * * *

(b) [The same paragraph as adopted under Form S–1 is adopted here, except that (A) paragraph (b)(5) refers to "report" rather than "registration statement", (B) subparagraphs (b)(3) and (b)(6) begin with "as of end of the year being reported on", (C) Instruction 9(a) states that present activities should be provided "as of the end of the year being reported on", (D) the appropriate subparagraphs in new Item 3(b) replace the references to Item 10(b) contained in the Note to paragraph (b), subparagraphs (b)(2) and (b)(4), and Instructions 3(b), 4(c), 7, 8, and 9(a), and (E) the Note to Instruction 6 refers to Guide 2 under the Exchange Act.]

Guide 2 of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act of 1934 is amended to read as follows:

2. Disclosure of Extractive Reserves and Natural Gas Supplies.

(a) Items 1(b) and 3 of Form 10 and Item 3(b) of Form 10–K require that companies engaged in extractive operations include, where appropriate, the quantitative amount of their estimated reserves. If appropriate, the current average market value price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown, but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas, or tons of ore.

(b) * * *

Guide 28 of the Guides for Preparation and Filing of Registration Statements Under the Securities Act of 1933 is amended to read as follows:

28. Disclosure of Extractive Reserves and Natural Gas Supplies.

(a) Instruction 2 to Item 10 of Form S–1 and Item 5(a) of Form S–7 require that registrants engaged in extractive operations include in their prospectus, where appropriate, the quantitative amount of their estimated reserves. If appropriate, the current average market price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown, but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas, or tons of ore.

(b) * * *

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 205, 209, 48 Stat. 906, 908; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 6, 78 Stat. 565–568; 569, 570–574; sec. 1, 79 Stat. 1051; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; 15 U.S.C. 77f, 77g, 77j, 77s(a), 78*l*, 78m, 78*o*(d), 78w(a).)

[FR Doc.76–15559 Filed 5–27–76;8:45 am]

Title 19—Customs Duties

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

[T.D. 76–152]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Cheese, Other Than Jarlsberg, From Norway

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production or exportation of cheese, other than Jarlsberg, from Norway.

On November 26, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 54843). The notice stated that on the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination was made that bounties or grants are

being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of cheese from Norway. Measures preliminarily determined to constitute bounties or grants included a consumer subsidy, a basic support subsidy, and a freight rate subsidy made by the Government of Norway to the dairy farmers. Two other programs were determined preliminarily not to constitute bounties or grants.

The notice further stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing on or before June 28, 1976.

After consideration of all information received, it is hereby determined that bounties or grants are paid or bestowed, directly or indirectly, on exports of cheese, other than Jarlsberg, from Norway within the meaning of section 303 of the Act. The bounties or grants are in the form of a consumer subsidy, a basic support subsidy and a freight subsidy which are paid by the Government of Norway to the dairy farmers which have the effect of subsidizing exports as well as domestic dairy products. The regional support program and the agricultural development fund are determined not to be bounties or grants.

The bounties or grants noted also apply to Jarlsberg type cheese. However, on May 12, 1976, the Secretary was notified by the Government of Norway that it was adjusting prices so as to eliminate said bounties or grants. Prices and government supports paid on Jarlsberg will be reviewed periodically to ensure continued elimination of the bounties or grants.

Accordingly, notice is hereby given that cheese, other than Jarlsberg, imported directly or indirectly from Norway, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective on or after May 28, 1976 and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable cheese, other than Jarlsberg, imported directly or indirectly from Norway, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in amounts to be ascertained.

The liquidation of all entries for consumption or withdrawal from warehouse for consumption of such dutiable cheese, other than Jarlsberg, from Norway, which benefit from these bounties or grants and are subject to this order, shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers cheese, other than Jarlsberg, from Norway in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

It is also determined that no bounties or grants are paid or bestowed, directly or indirectly, on exports of Jarlsberg cheese from Norway within the meaning of section 303 of the Act. In view of the recent decision by the Government of Norway to increase prices on exports of Jarlsberg cheese to the United States by July 1, 1976, the bounties or grants which were determined preliminarily to exist have been eliminated. Should bounties or grants be reinstituted on exports of Jarlsberg cheese from Norway, the Treasury Department will reopen its investigation as to the existence of bounties or grants under section 303 of the Act.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47 (f)) is amended by inserting in the column headed "Country," the name "Norway." The column headed "Commodity" is amended by inserting the word "Cheese, other than Jarlsberg." The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action."

(Section 303 of the Act. (R.S. 251, sections 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).)

VERNON D. ACREE,
Commissioner of Customs.

Approved: May 21, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-15631 Filed 5-27-76;8:45 am]

[T.D. 76-153]

PART 159—LIQUIDATION OF DUTIES

Waiver of Countervailing Duties—Cheese, Other Than Jarlsberg, From Norway

Determination under section 303(d), Tariff Act of 1930, as amended, to waive countervailing duties.

In T.D. 76-152, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of cheese, other than Jarlsberg, from Norway.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultations with interested agencies, I have concluded that steps have been taken to reduce substantially the adverse effects, or potential adverse effects, of the bounty or grant. Primarily, bounties or grants have been eliminated on Jarlsberg, which accounts for 93% of Norwegian cheese imported into the U.S. In addition, the temporary waiver is conditioned on the absence of aggressive marketing of cheese other than Jarlsberg which would increase these exports substantially from historic levels.

After consulting with appropriate agencies, including the Department of State, the Office of Special Representative for Trade Negotiations, and the Department of Agriculture, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on cheese, other than Jarlsberg, from Norway would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303 (d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 76-152 on cheese, other than Jarlsberg, from Norway.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the FEDERAL REGISTER of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on cheese, other than Jarlsberg, imported directly or indirectly from Norway in accordance with T.D. 76-152 published concurrently with this determination.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Norway under the commodity heading "Cheese, other than Jarlsburg", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624)

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MAY 21, 1976.

[FR Doc.76-15632 Filed 5-27-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 76N-0206]

PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

Revocation of Impact Determination Regulation

The Food and Drug Administration is amending § 6.1 (21 CFR 6.1) by revoking paragraph (a)(3), which gives the Food and Drug Administration's interpretation of the legal effect of agency action when determination is made of an adverse environmental impact pursuant to the National Environmental Policy Act of 1969 (NEPA). Section 6.1(a)(3) was published in the FEDERAL REGISTER of April 14, 1975 (40 FR 16662). This revocation is effective May 24, 1976.

On October 31, 1975, the Environmental Defense Fund, Inc., brought suit in the United States District Court for the District of Columbia seeking to invalidate § 6.1(a)(3) on the ground that the regulation is contrary to NEPA (*Environmental Defense Fund, Inc.* v. *Mathews*, No. 75-1811 (D.D.C., March 26, 1976)). On March 26, 1976, the Honorable John H. Pratt, United States District Judge, issued a memorandum opinion and entered an order declaring the regulation to be contrary to and in violation of NEPA and requiring that the regulation be withdrawn.

Section 6.1(a)(3) was based on the agency's interpretation of the Supreme Court ruling that Congress did not intend NEPA to repeal by implication any other Federal statute (*United States* v. *SCRAP*, 412 U.S. 669, 694 (1973)). In addition, the Commissioner of Food and Drugs pointed out in the preamble to the regulation that no court had held that NEPA amends other Federal statutes to permit an agency to take action not authorized by its governing statute.

Judge Pratt's decision, however, represents a specific judicial ruling regarding the broad authority of the Food and Drug Administration under NEPA to act or to withhold action on the basis of a determination of an adverse environmental impact. The Court's decision holds that NEPA does not supersede the agency's other statutory duties nor require substantive agency decisions to favor environmental protection over other relevant factors, but does provide the agency with supplementary authority to base substantive decisions on all environmental considerations, including those not expressly identified in agency's basic statutory authority. The Commissioner has concluded that the Court's decision is consistent with the agency's statutory obligations and should not be appealed.

Therefore, pursuant to the order of the Honorable John H. Pratt, United States District Judge, entered March 26, 1976, in *Environmental Defense Fund, Inc.* v. *Mathews, supra*, the Commissioner is hereby amending § 6.1 Applicability by revoking paragraph (a)(3).

Effective date: This amendment is effective May 24, 1976.

Dated: May 24, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-15582 Filed 5-27-76;8:45 am]

[Docket No. 76P-0163]

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Pineapple Juice Standards of Identity and Quality

The Food and Drug Administration (FDA) is revising standards of identity and quality for canned pineapple juice. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 27, 1976 and all products initially introdudced into interstate commerce on or after January 1, 1978, shall fully comply; objections by June 28, 1976.

Specifically, FDA is amending §§ 27.54 and 27.55 (21 CFR 27.54 and 27.55) to (1) permit the use of concentrated pineapple juice in the preparation of the canned juice; (2) permit the use of liquid sweetener when concentrated juice is used in the preparation of the canned juice; (3) require the name "pineapple juice from concentrate" when the canned juice is prepared from concentrate; (4) permit the use of any safe and suitable dry nutritive carbohydrate sweetener rather than only sugar; (5) require the label declaration of all optional ingredients; and (6) establish, in the quality standard, a minimum pineapple juice soluble solids requirement of 13.5° Brix for the product made from concentrate.

The Commissioner of Foods and Drugs issued a proposal in the FEDERAL REGISTER of March 27, 1975 (40 FR 13517) to amend the standards of identity and quality for canned pineapple juice. The proposal was made in response to a petition from the Pineapple Growers Association of Hawaii; the association's proposed revision of §§ 27.54 and 27.55(a)(1) was published in the preamble of the proposal. The Commissioner also invited comments on the merits of providing for the optional use of liquid sweeteners in the preparation of pineapple juice when it is made from concentrate.

Four comments were received in response to the proposal. The comments came from the petitioner, a manufacturer of fruit juice products, an industry association of sweetener manufacturers, and a consumers association. One comment supported the proposal in its entirety. The remaining comments supported some of the provisions, opposed others, and suggested modifications for still others. No opposition was expressed to the provisions that would permit the use of concentrate and the use of dry sweeteners in addition to sugar.

1. One comment specifically supported the proposal to set the minimum requirement for pineapple juice soluble solids in juice prepared from concentrate at the 13.5° Brix level, but another comment opposed this level as too high and proposed a minimum of 12.0° to 12.5°. The comment in opposition asserted that taste studies of pineapple juice from concentrate indicated that a Brix level of 12.0° to 12.5° produced a product with the "most pleasant mouth feel" for the greatest number of potential consumers. Products having a higher Brix level were regarded as "too syrupy" by consumers in the studies, and products with lower Brix levels were described as "weak" or "watery." According to the comment, consumer acceptance would be lower for pineapple juice with a high Brix level when the juice is sold through commercial vending operations, refreshment stands, or via other circumstances when the consumer buys the juice to quench thirst. The comment claimed that the Brix level of 13.5° would increase the cost of the pineapple juice solids in a can of pineapple juice by 12.5 percent more than the 12.0° Brix level and by 8⅓ percent more than the 12.5° Brix level, without increasing consumer acceptance. The comment also criticized the 13.5° level as creating too great a disparity between concentrate and single strength juice, which is required to have a minimum Brix level of 10.5°. The comment argued that "most parties would agree that the Brix level to which a fruit concentrate is reconstituted should be that which most nearly approximates the Brix level in which the juice is found in its natural state." The comment pointed out that the minimum Brix requirement for orange juice from concentrate is 11.8°, while the minimum Brix

for canned orange juice is 10.5°. It asserted that the spread between the Brix of the orange juice products is only 1.3°, whereas for the pineapple juice products the spread is 3.0° Brix.

The Commissioner has no comparison studies on consumer acceptance of pineapple juice at various Brix levels or studies on the cost of manufacturing the products. Therefore, he cannot agree or disagree with the comment. However, a comment submitted by the petitioner, which is on file with the Hearing Clerk, Food and Drug Administration, indicates that the monthly Brix averages for single strength pineapple juice produced in Hawaii are 13.5° or higher, and that Hawaii is the source of all single strength pineapple juice consumed in the United States. The Commissioner is of the opinion that the pineapple juice soluble solids requirement for pineapple juice from concentrate should not be less than the soluble solids normally found in single strength pineapple juice sold in the United States. In addition, the 13.5° Brix level was adopted unanimously by the Codex Committee on Juices and Drinks as the minimum pineapple juice soluble solids requirement in the draft of the Codex Alimentarius Standard for pineapple juice at Step 8 (the next-to-last step before the standard is submitted to member countries for acceptance). The Commissioner finds it inappropriate to establish a lower Brix level in order to increase consumer acceptance of juices sold, as such, in commercial vending operations or in other outlets that dispense the product to quench thirst, even assuming that pineapple juice with a 13.5° Brix level would not meet with consumer acceptance in these circumstances. The Commissioner also concludes that the disparity between the minimum Brix level for single strength juice and juice from concentrate is justifiable because of the uncontrollable fluctuations in the Brix level of the natural juice.

Lastly, the Commissioner does not agree that the spread between the solids requirements of the two orange juice products mentioned in the comment is less than that proposed for the two pineapple juice products. The canned orange juice standard requires the finished product to have a minimum Brix of 10.0°. In this case, solids derived from both added sweeteners and the orange juice count toward meeting the Brix requirement. On the other hand, only the orange juice soluble solids may be counted toward meeting the 11.8 percent minimum requirement set out in the orange juice from concentrate standard. Since the orange juice soluble solids used for canned orange juice may be as low as 8.0 percent, as required by Chapter 601 of the Florida Citrus Code, the difference in solids between the two orange juice products could be as much as 3.8° as compared to the 3.0° Brix spread between the two pineapple juice products. The Commissioner concludes that the 13.5° Brix proposed as the soluble pineapple juice solids content for pineapple juice from concentrate is reasonable and is in the interest of consumers.

2. One comment suggested that the name of the person responsible for naming the pineapple variety referred to in § 27.54(a), "L. Merrill," should be included in the botanical name of the fruit to be consistent with the most recent draft standard for pineapple juice developed by the Codex Alimentarius Commission.

The Commissioner agrees with the suggestion and is adding the words "L. Merrill" to the botanical name of the pineapple in § 27.54(a).

3. Three comments supported the use of liquid sweetener in the process of reconstituting concentrated pineapple juice. One of the comments suggested, however, that it be emphasized that liquid sweetener made by the addition of water may be used only when the pineapple juice has been prepared from concentrate that has been diluted with water. Another comment supported the use of sweeteners added as liquid or solid, provided the Brix of the finished juice meets the requirement for density exclusive of any added sweetener.

Accordingly, the Commissioner is providing in § 27.54(a) for the use of liquid sweeteners, but only to sweeten pineapple juice prepared from concentrate.

4. Two of the comments discussed the provision for the optional use of vitamin C. One of the comments suggested that the vitamin C provision should be updated to reflect the serving size that is generally recognized and accepted for pineapple juice, namely, 6 fluid ounces. It also suggested that the amount of vitamin C permitted should be expressed in terms of 100 percent of the U.S. RDA (Recommended Daily Allowance) so that the standard is readily adaptable to possible changes in the U.S. RDA for vitamin C. The other comment agreed with the proposal to add vitamin C to pineapple juice up to a level that would allow 4 fluid ounces of pineapple juice to contain the approximate "human requirement" for vitamin C.

The Commissioner issued in the FEDERAL REGISTER of June 14, 1974 (39 FR 20895) a proposal to establish a nutritional quality guideline for breakfast beverage products. The guideline proposed 10 milligrams per fluid ounce as the fortification level for vitamin C. The Commissioner is of the opinion that the vitamin C level in canned pineapple juice should be consistent with whatever level is adopted in the final nutritional quality guideline regulation. Therefore, he concludes that the vitamin C provision set forth in the current canned pineapple juice standard should not be revised until such time as the nutritional quality guideline for breakfast beverage products regulation is issued.

5. One comment opposed the use of dimethylpolysiloxane (methyl silicone) as a defoaming agent in canned pineapple juice until such time as it can be shown that the substance is not metabolized or that it is nontoxic to higher animals or humans. The comment asserted that "it is our understanding that the extent to which methyl silicone is metabolized in humans has not been determined and that chronic toxicity tests have only been performed on rodents." The comment recognized that the existing standard of identity provides for the use of the silicone product as a defoaming agent, but it urged that the standard be revised to eliminate this use until further data are available.

The Commissioner concludes that the suggested revision is not a proper course of action. The safety of dimethylpolysiloxane has already been considered in § 121.1099 (21 CFR 121.1099), promulgated in accordance with section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), and § 121.6 (21 CFR 121.6). No data were submitted indicating that dimethylpolysiloxane cannot be safely used in food under the conditions set out in § 121.1099. If such data are available, they should be submitted with a petition to have the food additive status of the substance changed.

6. One comment, while supporting use of "Pineapple Juice from Concentrate" as the name of the product, asserted that "a minimum type size should be specified and it should be made explicit that the words 'from Concentrate' are to appear in the same size type as the words "Pineapple Juice'."

The Commissioner concludes that compliance with the current requirements of 21 CFR Part 1 will ensure that the name of the food will be declared prominently and conspicuously on the label and in a manner such that it can be readily discerned that the pineapple juice has been prepared from concentrate.

7. One comment stated that the words "Sweetener added" should be included on the "main label" and should be printed in the same size used for the name "Pineapple Juice." In addition, it asserted that consumers must be made aware of the nature of the sweetener used. It suggested that the specific name of the sweetener used should be declared in the list of ingredients, except that if sucrose is used the term "sugar added" may be declared.

The Commissioner concludes that the regulation already includes requirements that will adequately inform consumers in regard to the presence of sweeteners in the food. The words "Sweetener added" are part of the statement of identity of the food and, as such, are subject to the same requirements for prominence and conspicuousness required under 21 CFR Part 1 as are the words "Pineapple Juice from Concentrate." This will serve to alert the consumer that the product has been sweetened. Furthermore, the specific name of the sweetener used must appear in the ingredient statement in accordance with other requirements of 21 CFR Part 1.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in 21 CFR 6.1(d)(4) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this final regulation. The Commissioner has also considered the inflation impact of this final regulation

and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and the Guidelines issued by the Department of Health, Education, and Welfare. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919, as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 27 is amended as follows:

1. By revising § 27.54 to read as follows:

§ 27.54 Canned pineapple juice; identity; label statement of optional ingredients.

(a) Canned pineapple juice is the juice, intended for direct consumption, obtained by mechanical process, which may include centrifuging but not filtering, from the flesh or parts thereof, with or without core material, of sound, ripe pineapple (*Ananas comosus L. Merrill*). The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining essential composition and quality factors of the juice. Canned pineapple juice contains finely divided insoluble solids, but it does not contain pieces of shell, seeds, or other coarse or hard substances. It may be sweetened with any suitable dry nutritive carbohydrate sweetener. However, if the pineapple juice is prepared from concentrate, such sweeteners, in liquid form, also may be used. It may contain added vitamin C in a quantity such that the total vitamin C in each 4 fluid ounces of the finished food amounts to not less than 30 milligrams and not more than 60 milligrams. In the canning of pineapple juice, dimethylpolysiloxane complying with the requirements of § 121.1099 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food. Before or after sealing in the container, canned pineapple juice is so processed by heat as to prevent spoilage.

(b) The name of the food is "Pineapple Juice" if the juice from which it is prepared has not been concentrated and/or diluted with water. The name of the food is "Pineapple Juice from Concentrate" if the finished juice has been made from pineapple juice concentrate as specified in paragraph (a) of this section. If a nutritive sweetener is added, the label shall bear the statement "Sweetener added." If no sweetener is added, the word "Unsweetened" may immediately precede or follow the words "Pineapple Juice" or "Pineapple Juice from Concentrate."

(c) Each of the optional ingredients shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. By revising paragraph (a)(1) of § 27.55 to read as follows:

§ 27.55 Canned pineapple juice; quality; label statement of substandard quality.

(a) * * *

(1) The soluble solids content of pineapple juice (exclusive of added sugars) without added water shall not be less than 10.5° Brix as determined by refractometer at 20° C uncorrected for acidity and read as Brix on International Sucrose Scales. Where the juice has been obtained ushing concentrated juice with addition of water, the soluble pineapple juice solids content (exclusive of added sugars) shall be not less than 13.5° Brix, uncorrected for acidity and read as °Brix on the International Sucrose Scales.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 28, 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 in 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. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 27, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack theerof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 (21 U.S.C. 341, 371(e)).)

Dated: May 24, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76–15583 Filed 5–27–76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INTRODUCTION

[Docket No. R–76–392]

PART 310—BYLAWS OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Appendix

GNMA employs a variety of methods to sell the large volume of mortgages that it purchases: in some cases, the mortgages are sold using various auction techniques in which the sales price is determined on the basis of competitive offers; in other instances, the sales price is set administratively or negotiated. Regardless of the technique used, it is in the public interest to adopt a formal procedure for (1) establishing a minimum price to be received by the Association in any proposed sale of mortgages with remaining principal outstanding in excess of some threshold amount, and (2) approving the type and timing of such a sale.

The Government National Mortgage Association, therefore, is amending its By-Laws to establish a three member Mortgage Disposition Board. The President of GNMA will serve as Chairman of the Board. The Secretary of the Department of Housing and Urban Development will appoint the two remaining members. The Mortgage Disposition Board will determine the maximum in original principal amount of mortgages that can be the subject of a sale by the Association without Board approval and may also consider such other matters as may be brought before it by the Chairman. In any proposed sale of mortgages in excess of that amount, the type and timing of the sale and the minimum sales price to be received by the Association must be approved by the unanimous vote of the Board or the Secretary of Housing and Urban Development.

It is the general policy of the Department of Housing and Urban Development to allow time for interested parties to take part in the rulemaking process This amendment, however, is entirely administrative and pertains only to interal procedures. The rulemaking process, therefore, is waived and this amendment will become effective upon publication.

Accordingly, Article 2 of the Appendix of Part 310 is amended by inserting "section 2.01 general policy." before the first paragraph thereof, and by adding a new Sec. 2.0 as follows:

SEC. 2.02. *Mortgage Disposition Board.* There is established a Mortgage Disposition Board which shall consist of three members. The President of the Association shall serve as Chairman of the Board. The Secretary of Housing and Urban Development shall appoint the two remaining members of the

Board, who shall serve at the pleasure of the Secretary. The Board, from time to time, shall establish the maximum in original principal amount of mortgages that can be the subject of a sale by the Association without Board approval and may also consider such other matters as may be brought before it by the Chairman. With respect to any sale exceeding such maximum, the Board, in a meeting called by the Chairman at which at least two members are present, shall establish the minimum price to be received by the Association and approve the type and timing of the sale. If unanimous approval is not provided by the Board, the proposed sale must be approved by the Secretary.

(Sec. 308, National Housing Act, 12. U.S.C. 1723)

Issued at Washington, D.C., May 24, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

CARLA A. HILLS,
Secretary, U.S. Department of Housing and Urban Development.

[FR Doc.76-15693 Filed 5-27-76;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-26]

PART 240—WINE

Records and Tax Determination for Metric Containers

● The Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate, is prescribing regulations concerning the bottling and tax determination of wine in order to conform these regulations to the new metric standards of fill for wine. ●

BACKGROUND

Treasury Decision ATF-12, effective January 1, 1975, authorized bottlers of wine to use the metric system of measure for bottling and labeling of wine. This Treasury decision established seven standards of fill ranging in size from 100 milliliters to 3 liters, and imposed these fill standards upon foreign bottled wine for the first time. Use of the metric standards of fill became optional on January 1, 1975. Bottlers have four years to convert to the metric system and beginning January 1, 1979, all wine, either domestic or foreign, must be bottled in the standard metric sizes.

Although metric standards of fill were prescribed for bottling and labeling of wine, Treasury Decision ATF-12 did not make conforming amendments to regulations governing the production, taxpayment, case marking, or recordkeeping requirements for wine. Present regulations in 27 CFR Part 240, Wine, require that records related to such operations be maintained in gallon quantities. This has necessitated conversion of the finished bottled output of wine from liters to gallons for recordkeeping and tax purposes. One result of this conversion is a slight overpayment of the wine tax due to rounding of figures. Therefore, the Bureau is prescribing uniform requirements for case markings, new methods of recordkeeping to conform to metric bottling, and a more equitable tax determination procedure for wine in metric containers.

CONTAINER MARKING REQUIREMENTS

At the present time, some cases of wine are being packed with bottles filled according to the new metric standards of fill. Under current regulations, these metric cases must be marked with either the number and size of bottles within the case, or the total content expressed in wine gallons. This quantity, expressed to the nearest one-tenth gallon, does not accurately reflect the contents of metric cases since rounding makes the liter-to-gallon conversion imprecise and this results in less than completely accurate tax determination for these cases. For this reason the Bureau is amending § 240.562 to require that cases containing metric bottles be marked with their content in liters and that the gallonage not be marked on such cases. The provision that cases may alternatively be marked with the number and size of bottles therein is continued.

In addition to the change in required marks for metric cases, § 240.562 is amended to recognize that other containers (e.g., casks, kegs, tanks, etc.) used to remove wine from bond may be marked in liters if they are filled according to metric measure. These containers may also continue to be filled according to U.S. measure, in which case their content must be marked in gallons.

A second change to our case marking provisions is the addition of an optional "REPLACES" statement to the Government side of a metric case to indicate the former bottle size replaced by the metric bottles within the case. For example, a case of 750 milliliter (25.4 fl. oz.) bottles could be marked "REPLACES FIFTH" to indicate the comparable U.S. bottle size if the proprietor desired to do this. This provision is intended to enable wholesalers and retailers who deal with full wine cases to determine the approximate bottle size even if they are unfamiliar with the metric system. The "REPLACES" statement will be optional, rather than required, information permitted on the Government side of a case.

RECORDKEEPING AND TAXPAYMENT

As noted above, cases and other containers filled and labeled according to the metric system of measure will be marked with their content in liters rather than in gallons.

Current regulations at §§ 240.567 and 240.597 require that the content of cases and other containers be marked in gallons and tenths of gallons, and that this amount be used to compute taxable removals of wine. However, metric cases of wine do not convert to even tenths of a gallon; for example, a case of 12 750-milliliter bottles contains 2.37753 wine gallons which, when rounded, becomes 2.4 wine gallons. The result is an overstatement of the contents for recordkeeping purposes. Accordingly, taxable removable of wine would be overstated and winery proprietors would pay slightly more wine excise tax than required by 26 U.S.C. 5041. The Bureau is, therefore, prescribing two methods of maintaining basic records and determining the quantity of wine removed subject to tax.

The first option permits proprietors to maintain their basic records for bottled wine in liters. On a daily basis, liters of wine removed subject to tax are totaled and converted to gallons by using a gallon per liter conversion factor. This quantity, rounded to the nearest one-tenth gallon, is then added together with any taxable removals of containers filled and labeled in wine gallons to arrive at the daily taxable removals in each tax class. This same procedure may also be utilized for arriving at daily totals for other transactions involving metric wine containers when a proprietor maintains basic winery records in liters.

The second procedure permits proprietors to maintain their basic records for bottled wine in gallons accurate to 5 decimal places. A new section, § 240.907, prescribes equivalent gallonage for standard metric cases. At the end of each day, the proprietor will total the gallons of wine removed subject to tax and reduce this quantity to gallons accurate to one decimal place. This same procedure may also be utilized for arriving at daily totals for other transactions involving metric wine containers when a proprietor maintains basic winery records in gallons.

New §§ 240.906 through 240.907 outline the above procedures for recordkeeping and taxpayment. Section 240.906 gives each winery proprietor the option of maintaining basic and commercial records in liters or in gallons (including Forms 2621. Record of Bottled Wine; 2056, Record of Still Wine; 2057, Record of Effervescent Wine; 2058, Special Natural Wine Production Record; 2059, Record of Distilling Material or Vinegar Stock; and any other prescribed records maintained at the winery). Forms which must be submitted to regional directors, including tax returns, inventories, transaction forms and monthly reports, will continue to be prepared showing quantities in gallons since it would be extremely difficult for each regional office to compile and audit these forms if some were submitted in gallons and some in liters. Section 240.912 is being amended to permit the execution of Form 2621, Record of Bottled Wine, using either liters or gallons rather than in gallons as now required.

Sections 240.597, Tax on wine, and 240.920, Record of taxpaid removals from bond, are being amended to reflect the modified methods of determining taxes upon metric containers removed from bond as described in the paragraphs above.

DEFINITION OF THE LITER

Part 240 will make several references to a liter with respect to case markings, bottled wine, and recordkeeping. Therefore, a new section, 240.33a, adds "liter" or "litre" to the list of defined terms. The liter will be defined as a metric unit of capacity equal to 1000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1000 milliliters (ml).

REGULATORY CHANGES

In view of the foregoing, 27 CFR Part 240 is amended as follows:

Paragraph 1. A new section, 240.33a, is added immediately following § 240.33, and provides the definition of a liter or litre. Section 240.33a reads as follows:

§ 240.33a Liter or litre.

"Liter" or "litre" shall mean a metric unit of capacity equal to 1000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1000 milliliters (ml).

Par. 2. Section 240.562 is completely revised, and the requirement to mark each container with the net contents in wine gallons is changed to require that containers filled according to metric measure be marked with the net contents in liters instead. As revised, § 240.562 reads as follows:

§ 240.562 Marks.

(a) *Required marks.* Each cask, keg, tank, tank truck, railroad tank car, case, or other approved container used to remove wine from bond shall be marked in a plain and durable manner with the following information:

(1) The serial number or alternate marks in lieu of a serial number as provided in § 240.561. If recased in the tax-paid room, the marks authorized in § 240.561 shall be applied in lieu of the serial number.

(2) The name (or trade name) of the proprietor, the registry number, and location (by State, or by city or town and State) of the wine cellar.

(3) The kind (class and type) and the alcohol content of the wine. The kind of wine shall be stated in accordance with 27 CFR Part 4. The formula number shall be marked on bulk containers of special natural wine.

(4) The cotnents of the container in wine gallons or, for containers filled according to metric measure, the contents in liters. If wine is removed in cases, the cases may be marked to show the number and size of bottles in each case in lieu of the net contents of the case.

(5) Except for cases, the date of removal or shipment.

(b) *Application of marks.* Required marks may be cut, printed, or otherwise legibly and durably marked upon the container, or placed on a label or tag securely affixed to the container.

(c) *Location of marks.* (1) *General.* Required marks shall be placed upon the head of the package or on the side of the case, or on the prescribed route board attached to the tank truck, tank car, tank ship, barge, or deep tank of a vessel, where they may be readily examined by alcohol, tobacco and firearms officers.

(2) *Exception for serial numbers.* The serial number, or the alternate marks in lieu of a serial number, may be placed on a side other than a Government side as described in § 240.564, when such other side bears no marks in conflict with such serial number or alternate marks.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, 1387, 1407 (26 U.S.C. 5368, 5388, 5662).)

Par. 3. Section 240.564 is amended by adding a new paragraph which allows a proprietor to place a "REPLACES" statement on the Government side of a case of metric bottles, and by dividing the section into lettered paragraphs. As amended, § 240.564 reads as follows:

§ 240.564 Other marks.

(a) *General restrictions.* The head of the package, or the side of the case, bearing the prescribed marks shall be known as the "Government head", and "government side," respectively, and shall contain no other marks except those authorized or required by Federal law or regulations.

(b) *Exceptions.* The name and address of the consignee, brand name, bottle label, and other related data, including identifying marks such as lot numbers, which do not conflict with or detract from the prescribed marks, may be shown on the Government head or side of the container.

(c) *Metric cases.* For cases containing bottles filled and labeled according to the metric system of measure, the term "REPLACES" followed by an appropriate designation of the bottle size replaced (i.e., "REPLACES FIFTH", "REPLACES QUART", etc.) may be shown on the Government side of the case.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381 (26 U.S.C. 5368).)

Par. 4. Section 240.567 is revised to delete the requirement that metric packages and demijohns be marked with the net contents in wine gallons. As revised, § 240.567 reads as follows:

§ 240.567 Fractional parts of a gallon.

(a) *Bulk conveyances.* The wine gallon content of tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, shall be marked on the container in whole gallons. Fractions of a gallon shall be converted to the nearest whole gallon, five-tenths gallon being converted to the next full gallon.

(b) *Non-metric packages and demijohns.* The wine gallon content of casks, barrels, kegs, cases, or demijohns, which are filled and labeled according to the U.S. system of measures, shall be marked on the container in gallons and tenths of a gallon. Fractions of less than one-tenth gallon shall be converted to the nearest one-tenth gallon, five-hundredths gallon being converted to the next full one-tenth gallon.

(c) *Bottles.* Contents of bottles shall be stated on the bottle labels in the manner prescribed by 27 CFR Part 4.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1331, as amended, 1381 (26 U.S.C. 5041, 5368).)

Par. 5. Section 240.597 is amended by adding a provision requiring that the tax on wine in metric containers be determined on the total gallonage removed as prescribed in §§ 240.906-240.907 rather than on the gallonage marked on each container. As amended, § 240.597 reads as follows:

§ 240.597 Tax on wine.

Section 5041 of Title 26 United States Code, imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid:

(a) For containers filled according to U.S. measure, on the quantity of wine required to be marked on the containers as provided in §§ 240.562 and 240.567, or when cases are marked to show the number and size of bottles in each case, on the quantity of wine that would have been required to be marked on each such case had such cases been so marked;

(b) In case of pipeline removals, on the quantity of wine determined as provided in § 240.600; or

(c) for containers (including cases) filled according to metric measure, on the quantity of wine in U.S. wine gallons determined as provided in §§ 240.906 and 240.907.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1331, as amended (26 U.S.C. 5041).)

Par. 6. A new section, 240.906, is added which prescribes procedures for maintaining basic records for containers filled according to metric measure, and for converting liters to wine gallons for the purpose of completing required records, reports and tax returns. Section 240.906 reads as follows:

§ 240.906 Records and reports under the metric system.

(a) *Recordkeeping option.* Proprietors of wineries may maintain their basic records and commercial papers in wine gallons or in liters. Required reports, tax returns, and transaction records submitted to the regional director. Forms 275, 702, 702-C, 703, 2050, 2052, 2629, and 2630 must be executed using gallons. Forms 2056, 2057, 2058, 2059 and 2621 may be executed using either gallons or liters.

(b) *Records maintained in gallons.* When basic records and commercial papers are maintained in gallons, the gallonage of metric containers which has been determined by using the conversion factors prescribed in § 240.907 must reflect 5 decimal places. When gallons are totaled for entry onto prescribed records or reports or for determining the quantity of wine removed subject to tax each day, gallonage will be rounded to

one decimal place, five-hundredths or more being increased to the next full one-tenth gallon.

(c) *Records maintained in liters.* When basic records and commercial papers are maintained in liters, conversion to wine gallons for entry onto prescribed records or reports or for determining the quantity of wine removed subject to tax each day, will be accomplished on a daily basis. The total liters of wine will be multiplied by the conversion factor prescribed in § 240.907 and rounded to one decimal place, five-hundredths or more being increased to the next full one-tenth gallon. The resultant quantity will be added to any quantity of wine in containers of U.S. measure to attain the total gallonage in each applicable category.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1381 (26 U.S.C. 5367).)

Par. 7. A new section, 240.907, is added which prescribes gallons per case and gallons per liter conversion factors to be used for determining the gallonage of metric containers of wine. Section 240.907 reads as follows:

§ 240.907 Gallonage equivalents for metric wine containers.

The gallonage equivalent of wine bottled or packed in containers filled and labeled according to metric measure shall be determined using the following conversion factors:

(a) *Per case.* Gallonage equivalents may be determined using the following conversion factors for cases of metric bottles:

Bottles per case	Net content each bottle	Gallon equivalent
60	100 ml	1.58502
48	187 ml	2.37119
24	375 ml	2.37753
12	750 ml	2.37753
12	1 liter	3.17004
6	1.5 liter	2.37753
4	3 liter	3.17004

(b) *Per liter.* Gallonage equivalents may be determined by multiplying total liters by a conversion factor of 0.26417 gallons per liter.

Par. 8. Section 240.912 is amended by changing the reference on Form 2621 from "gallons" to "quantity" to allow the execution of this form in liters. As amended, § 240.912 reads as follows:

§ 240.912 Form 2621, record of bottled wine.

Each proprietor who bottles wine or receives bottled wine, in bond, shall keep Form 2621, record of bottled wine, showing the quantity of wine bottled, the quantity of bottled wine received in bond, and the quantity of bottled wine removed each day.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1381 (26 U.S.C. 5367).)

Par 9. Section 240.920 is amended to permit winery proprietors to record taxable removals of wine in metric containers in liters or in gallons, and to summarize such removals daily in gallons using the procedure outlined in § 240.906.

As amended, § 240.920 reads as follows:

§ 240.920 Record of taxpaid removals from bond.

Proprietors of bonded wine cellars removing wine from bond for consumption or sale on determination of tax shall keep a separate record of wine so removed and make entries therein at the time of removal either to the taxpaid room or for direct shipment. The record shall show the date of removal, the name and address of the person to whom shipped, the kind (class and type) and quantity of wine, alcohol content (taxable grade), and serial numbers of containers other than cases. For wine removed in metric containers, gallonage shall be determined on a daily basis using the procedure outlined in §§ 240.906–240.907. If the wine is not sold for resale or shipped for sale, the name and address of the person to whom sold or shipped may be omitted from the record. On sales of one case or demijohn the name and address of the consignee need not be shown. Where the proprietor keeps copies of invoices or other commercial records covering shipments as provided above, and they are kept in chronological order available for inspection and in such manner that the required information may be readily ascertained therefrom by alcohol, tobacco and firearms officers, the separate record may show the total quantity shipped each day in lieu of the details of each shipment.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1381 (26 U.S.C. 5367).)

Because the amendment made by this Treasury decision corrects an inequity in the determination of tax, is both liberalizing and clarifying in nature, and operates to the benefit of regulated taxpayers, it is found that it is unnecessary to issue this Treasury decision with the notice and public procedure thereon under 5 U.S.C. 553(b).

This Treasury decision shall become effective on July 1, 1976. This Treasury decision issued under the authority contained in 26 U.S.C. 7805 (68 A Stat. 917).

Signed: April 22, 1976.

REX D. DAVIS,
Director.

Approved: May 24, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–15696 Filed 5–27–76;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 11—VOCATIONAL REHABILITATION FOR MIGRANT AGRICULTURAL WORKERS

Deletion of Part

Notice is hereby given that the Department of Labor is deleting from Title 29 of the Code of Federal Regulations Part 11—Vocational rehabilitation for migrant agricultural workers.

Part 11—Vocational rehabilitation for migrant agricultural workers was issued to define the term "migratory agricultural worker" as required of the Secretary of Labor by the Vocational Rehabilitation Amendments of 1967, Pub. L. 90–99; 29 U.S.C. 31, 35, 42b.

Sec. 500(a) of Pub. L. 93–112, 87 Stat. 390 (1973), however, repealed the Vocational Rehabilitation Amendments of 1967. The regulations at Part 11, therefore, are no longer effective and are hereby deleted.

Since this document is merely deleting ineffective regulations, the deletions will take effect immediately on May 28, 1976.

Signed at Washington, D.C. this 20th day of May 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–15496 Filed 5–27–76;8:45 am]

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Indian Employment and Training Programs Changes of Titles and Nomenclature

Notice is hereby given that the Department of Labor, Employment and Training Administration, is amending 29 CFR Part 97, Subpart B—Indian Manpower Programs, to change the names of titles and nomenclature as required by Secretary's Order 14–75 (40 FR 54485). In addition, 29 CFR 97.132(d) is being amended to delete the reference to the Lummi, Menominee and Oklahoma Indians as examples of non-Federally recognized tribes. The Department has learned that these tribes are, in fact, Federally recognized tribes.

Since the amendments being made are not substantive, proposed rule-making is not required by the Administrative Procedures Act. Therefore, the regulation amendments made by this document shall become effective thirty days after the publication of this document in the FEDERAL REGISTER.

Accordingly, the following changes are made to 29 CFR Subpart B:

1. The title of the subpart is changed to read:

Subpart B—Indian Employment and Training Program

2. Throughout the subpart, the title "Division of Indian Manpower Programs" is changed to "Division of Indian and Native American Programs".

3. Throughout the subpart, the acronym "MA" is changed to "ETA".

§ 97.102 [Amended]

4. In § 97.102 *Scope and purpose of this subpart.*, paragraph (a), the phrase "Indian Manpower Programs" is changed to "Indian Employment and Training Programs".

5. In § 97.103 *Definitions.*, the definition of Division of Indian Manpower Programs (DIMP) is changed to read:

§ 97.103 Definitions.

* * * * *

"Division of Indian and Native American Programs (DINAP)". The Department of Labor, Employment and Training Administration division which is in charge of Indian and Native American programs.

§ 97.114 [Amended]

6. In § 97.114 *Content and description of grant application.*, paragraph (b)(2)(vi)(T), the word "manpower" is changed to "employment and training".

§ 97.117 [Amended]

7. In § 97.117 *Standards for reviewing grant application*, paragraph (b)(15), the phrase "manpower and manpower-related" is changed to "employment and training".

§ 97.118 [Amended]

8. In § 97.118 *Application approval; grant agreement*, paragraph (a), the title "Director of Indian Manpower Programs" is changed to "Director of Indian and Native American Programs".

9. In § 97.118 *Application approval; grant agreement*, paragraph (b), the title "Director of Indian Programs" is changed to "Director of Indian and Native American Programs".

§ 97.132 [Amended]

10. In § 97.132 *Eligibility for participation in a title III, section 302, program*, paragraph (d), the phrases "the Lummis in Washington, the Menominees in Wisconsin" and "the Oklahoma Indians" are deleted.

§ 97.155 [Amended]

11. In § 97.155 *Audit and evaluation*, paragraph (c), the title "Manpower Administration" is changed to "Employment and Training Administration".

12. In § 97.155 *Audit and evaluation*, paragraph (e)(1), the title "Assistant Secretary for Manpower" is changed to "Assistant Secretary for Employment and Training".

AUTHORITY: Sec. 702(a) of the Comprehensive Employment and Training Act, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), S.O. 14-75 (40 FR 54485).

Signed at Washington, D.C. this 20th day of May, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-15497 Filed 5-27-76;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Kentucky State Poster

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 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 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER of the approval of the Kentucky Plan and the adoption of Subpart Q of Part 1952 containing the decision and describing the plan (38 FR 20322). On March 16, 1976, Kentucky submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the Kentucky Safety and Health Poster for private and public employees which is to be posted at all covered workplaces in the State.

2. *Description of the poster.* The Kentucky Safety and Health Poster for private and public (State and local government) employees contains, among other things, provisions notifying employees of their obligations and protection under the Kentucky Occupational Safety and Health legislation (KRS Chapter 338); their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State law (public employees are covered only by State law); and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this 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, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Kentucky 40601.

4. *Public participation.* Under § 1953.2(c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called 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 Kentucky Safety and Health Poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the Kentucky Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the Kentucky poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. Further, Subpart Q of 29 CFR Part 1952 is hereby amended to reflect completion of a developmental step by adding a new § 1952.234, as follows:

§ 1952.234 Completed developmental step.

In accordance with the requirements of § 1952.10 the Kentucky Safety and Health Poster for private and public employees was approved by the Assistant Secretary on May 20, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 20th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-15668 Filed 5-27-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of South Carolina Plan Supplement

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 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 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. On October 10, 1975, South Carolina submitted a supplement to the plan involving implementation of its commitment to develop the basis for an on-going affirmative action plan. The supplement was evaluated by the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) in conjunction with regional Civil Service Commission officials, and revised and re-submitted on February 6, 1976. Under this evaluation the revised version was accepted as meeting at this time the State's commitment and forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether it should be approved as meeting this commitment. The supplement is described below.

2. *Description of the supplement.* Affirmative Action Plan. The South Carolina Department of Labor has developed an Affirmative Action Plan outlining its policy of equal employment opportunity and establishing practice and procedures

for the recruiting and hiring of minority and women employees, to assure its commitment to an on-going program that provides equal employment opportunity to all persons on the basis of individual merit.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this 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, Occupational Safety and Health Administration, Room N3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor 3600 Forest Drive, Columbia, South Carolina 29206.

4. *Public Participation.* Under § 1953.2 (c) of this chapter, 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 South Carolina plan supplement described above is consistent at this time with commitments, previously made available for public comment, contained in the approved plan, State of South Carolina personnel policies, and the overall goals of the State's occupational safety and health program. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After consideration, the South Carolina plan change outlined herein is approved under Part 1953. In addition 29 CFR 1952.104 is hereby amended to reflect completion of a developmental step.

§ 1952.104 Completed developmental step.

* * * * *

(k) The State plan has been amended to include an Affirmative Action Plan in which the State outlines its policy of equal employment opportunity.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 19th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-15667 Filed 5-27-76;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 700—UNITED STATES NAVY REGULATIONS

Correction

In FR Doc. 74-4193, appearing at 39 FR 7135, February 25, 1974, the last two paragraphs of 32 CFR § 700.712, and the heading and first two paragraphs of 32 CFR § 700.713, and the heading and first two paragraphs of 32 CFR § 700.713, were inadvertently omitted. 32 CFR §§ 700.712 and 700.713 are therefore corrected as follows:

Section 700.712 (c) and (d) are redesignated as § 700.713 (c) and (d) and new § 700.712 (c) and (d) are added as set forth below. The section heading for § 700.713 and paragraphs (a) and (b) are added to the newly redesignated § 700.-713 (c) and (d) as set forth below.

§ 700.712 Relations with organizations and military personnel embarked for passage.

* * * * *

(c) The foregoing provisions of this part also apply to the Commanding Officer, Military Department, of an in-service ship of the Military Sealift Command, who is authorized to exercise the powers conferred thereby, subject to the paramount authority of the master.

(d) When an organized unit is embarked for transportation only in a ship of the Navy, the officer in command of such organized unit shall retain the authority which he possessed over such unit prior to embarkation, including the power to order special or summary courts-martial upon enlisted persons under his command; but nothing in this paragraph shall be construed as impairing the paramount authority of the commanding officer of the ship over all persons embarked therein.

§ 700.713 Person found under incriminating circumstances.

(a) The commanding officer shall keep under restraint or surveillance, as necessary, any person not in the armed services of the United States who is found under incriminating or irregular circumstances within the command, and shall immediately initiate an investigation.

(b) Should an investigation indicate that such person is not a fugitive from justice or has not committed or attempted to commit an offense, he shall be released at the earliest opportunity, except:

(1) If not a citizen of the United States, and the place of release is under the jurisdiction of the United States, the nearest federal immigration authorities shall be notified as to the time and place of release sufficiently in advance to permit them to take such steps as they deem appropriate.

(2) Such persons shall not be released in territory not under the jurisdiction of the United States without first obtaining the consent of the proper foreign authorities, except where the investigation shows that he entered the command from territory of the foreign state, or that he is a citizen or subject of that state.

* * * * *

Dated: May 21, 1976.

LARRY G. PARKS,
JAGC, U.S. Navy Assistant Judge Advocate General (Civil Law).

[FR Doc.76-15636 Filed 5-27-76;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

Revision of Navigation Regulations

This document revises a variety of regulations concerning vessels navigating on Canal Zone waters. A detailed statement of the nature of the changes made in each particular part is given in the preambles applicable to each part.

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

EQUIPMENT REQUIREMENTS, SAFETY PRECAUTIONS & RECORDKEEPING

These rule changes require that all vessels meet prescribed standards for pilot ladders and hoists, that all vessels have safety nets rigged beneath gangways, that certain vessels have data concerning their maneuvering characteristics posted, and that vessels with variable pitch propellors have propellor pitch indicators. Vessels equipped with acceptable automatic equipment for recording engine orders are relieved from the requirement of keeping bell books. Vessels engaged in welding or similar hot-work must obtain authorization before doing such work and must adhere to certain safety precautions.

35 CFR Part 103 is amended as follows:

1. Section 103.10 is amended by changing the section heading and by adding new paragraphs (c) through (e) as follows:

§ 103.10 Vessels required to be equipped with certain indicators.

* * * * *

(c) All vessels in excess of 150 feet in length which are equipped with variable pitch propellors shall have properly operating pitch indicators in the wheelhouse so located and illuminated as to be readily visible to a pilot.

(d) All vessels with beams in excess of 80 feet which are equipped with variable pitch propellors shall have properly operating pitch indicators in the wheelhouse and on each bridge wing so located and illuminated as to be readily visible to a pilot.

(e) Any vessel which fails to meet the requirements of this section may be denied transit. If the Canal authorities decide that the vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, the vessel may be allowed to transit after the Master thereof, in the presence of the pilot, signs an undertaking for the vessel, her owners, operators or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against any loss, damage or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297 of Title 2 of the Canal Zone Code, 76A Stat. 23-25.

(2) Panama Canal Company or Canal Zone Government property; and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act, 5

U.S.C. §§ 8101 et seq., to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages.

2. Section 103.18 is revised to read as follows:

§ 103.18 Pilot ladders.

(a) A vessel shall, weather permitting, have both an accommodation ladder and a pilot ladder rigged and ready for use upon arrival in Canal Zone waters.

(b) The pilot ladder shall be constructed and rigged in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1960, except that:

(1) Any battens fitted to the pilot ladder shall be at the steps; and

(2) Whenever the distance from the waterline to the point of access to the vessel is more than 30 feet, access from the pilot ladder to the vessel shall be by means of an accommodation ladder.

(c) Whenever the distance from the waterline to the point of access to the vessel is 30 feet or less, the accommodation ladder may be turned in and secured after the pilot has boarded. If the distance exceeds 30 feet, the accommodation ladder shall not be turned in and secured until all Panama Canal linehandlers have boarded the vessel.

3. Section 103.19 is revised to read as follows:

§ 103.19 Pilot hoists and side ports.

(a) A mechanical pilot hoist may be used for Boarding Officers and pilots only at their discretion, and provided that the design and construction of the hoist and ancillary equipment are in accordance with Regulation 17, Chapter V, International Convention for Safety of Life at Sea, 1960.

(b) When a mechanical pilot hoist is used, a ring buoy fitted with a lifeline and self-igniting light shall be available and ready for immediate use. The pilot ladder required by § 103.18 shall be in close proximity to the pilot hoist, ready for immediate use but lashed up so as not to interfere with the pilot hoist.

(c) When side ports are used for boarding, the minimum vertical distance between the waterline and the bottom of the side port at any draft shall be six feet.

4. Section 103.21 is revised to read as follows:

§ 103.21 Precautions against emission of sparks, smoke or noxious gases; permission required for riveting, welding or metal cutting operations.

(a) Vessels in Canal Zone waters shall take all necessary precautions to avoid the issuance of sparks, excessive smoke, or noxious gases.

(b) Riveting, welding, burning, metal cutting or similar operations requiring the use of heat, may be performed aboard vessels in Canal Zone waters only if performed in accordance with the provisions of the current revision of the pamphlet entitled "The Panama Canal: Safety Precautions to be Followed in Firework on Vessels and other Marine Equipment."

5. Section 103.23 is amended by adding a sentence to the end of the text, reading as follows:

§ 103.23 Vessels at wharves; fire watch; gangways.

* * * In addition, a safety net shall be properly rigged beneath each gangway.

6. Section 103.32 is revised to read as follows:

§ 103.32 Engine orders to be recorded.

(a) Except as provided in paragraph (b) of this section, every power-driven vessel over 250 feet in length, while navigating on Canal Zone waters under the control of a Panama Canal pilot, shall maintain a bridge bell book and an engine room bell book. The bridge bell book shall consist of a contemporaneous record of each engine order and the time it is transmitted from the bridge to the engine room. The engine room bell book shall consist of a contemporaneous record of each engine order and the time it is received in the engine room.

(b) No vessel is required to maintain any bell books if equipped with a serviceable automatic device which produces a permanent, legible record of every engine order transmitted from the bridge and the time of every transmission, plus the response and time of the response of the engine room to the engine order.

(c) The bell books and automatic recording referred to in paragraphs (a) and (b) of this section must be surrendered, upon request, to the pilot or to the Board of Local Inspectors or other Canal authorities for the purposes of inspection and reproduction.

§ 103.34 [Amended]

7. Section 103.34 is amended by deleting the term "Port Captain, Balboa" from the heading and text of the section, and substituting therefor the term "Chief, Transit Operations Division".

8. 35 CFR Part 103 is amended by adding between the existing §§ 103.41 and 103.42 a new section 103.41a, reading as follows:

§ 103.41a Maneuvering characteristics; data required.

(a) Each vessel of 1,600 gross tons or over shall have the following maneuvering information prominently displayed in the wheelhouse on a fact sheet:

(1) For full and half speed, a turning circle diagram to port and starboard that shows the time and the distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings.

(2) The time and distance required to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder.

(3) For each vessel with a fixed propellor, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propellor, a table of control settings for a representative range of speeds.

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, a table of vessel speeds at which the auxiliary device is effective in maneuvering the vessel.

(b) For tankships, the maneuvering information referred to in paragraph (a) of this section shall be provided for the normal load and normal ballast condition. For all other vessels, it shall be provided for the normal load and normal light condition with normal trim for a particular condition of loading. All the maneuvering information for all vessels which must be provided is to be based on the following:

(1) Calm weather—wind 10 knots or less, calm sea;

(2) No current;

(3) Deep water conditions—water depth twice the vessel's draft or greater; and

(4) Clean hull.

(c) The information on the fact sheet shall be:

(1) Verified six months after the vessel is placed into service; or

(2) Modified six months after the vessel is placed into service and verified within three months thereafter.

(d) The information that appears on the fact sheet may be obtained from:

(1) Trial trip observations;

(2) Model tests;

(3) Analytical calculations;

(4) Simulations;

(5) Information established from another vessel of similar hull form, power, rudder and propeller; or

(6) Any combination of the above.

The accuracy of the information in the fact sheet required is that attainable by ordinary shipboard navigation equipment.

PART 105—PILOTAGE

WHEN PILOTS SHALL RELINQUISH CONTROL OF VESSEL; WAIVER OF COMPULSORY PILOTAGE RULE

This rule change requires vessels which intend to anchor in Limon Bay, after completing northbound transits (that is to say, from the Pacific Ocean to the Caribbean Sea), to be anchored by a Panama Canal pilot. It also authorizes the Governor, under certain circumstances and subject to certain conditions, to waive the compulsory pilotage rule and to allow designated vessels to navigate in the Canal Zone without a licensed Panama Canal pilot aboard.

1. 35 CFR Part 105 is amended by revising paragraph (c) of § 105.1 and by adding a new paragraph (d) thereto to read as follows:

§ 105.1 Pilots required.

* * * * *

(c) Normally a pilot will relinquish control of the navigation and movement of a vessel proceeding seaward when the vessel passes the Mole Beacon, Atlantic entrance, or Buoys 1 and 2, Pacific entrance. A pilot shall not, however, relinquish control at the Mole Beacon of a northbound vessel which is to anchor

in Limon Bay, but shall take the vessel to anchor.

(d) Whenever the Governor of the Canal Zone finds there is a critical shortage of licensed Panama Canal pilots available for movement of vessels in Canal Zone waters, he may suspend the rule on compulsory pilotage set out in paragraph (a) of this section. The Governor shall impose such conditions upon the suspension of the rule, with respect to any given vessel, as are reasonable and appropriate to protect human life and property and to safeguard the facilities of the Panama Canal.

PART 107—MANNING OF VESSELS: REQUIREMENTS CONCERNING OFFICERS AND CREW

SEAMAN TO STAND BY THE GROUND TACKLE

This rule change requires that a vessel under way in Canal Zone waters with a Panama Canal pilot aboard have a seaman stationed on the forecastle who is capable of operating the ground tackle.

1. 35 CFR Part 107 is amended by changing the heading of § 107.5 and by adding a new paragraph (c), reading as follows:

§ 107.5 When particular deck officers and seamen must be on duty.

* * * * *

(c) Every vessel with a Panama Canal pilot aboard shall, in addition to meeting the requirements of paragraphs (a) and (b) of this section, have a seaman stationed on the forecastle who is capable of and ready to operate the ground tackle.

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

REQUIREMENTS FOR CHOCKS AND BITTS

This rule change modifies the requirements concerning the construction, number and location of chocks and bitts for vessels transiting the Panama Canal necessitated by modernization of lockage procedures.

1. 35 CFR Part 109 is amended by deleting paragraphs (h) through (p) from § 109.6 and substituting therefor paragraphs (h) through (m), reading as follows:

§ 109.6 Construction, number, and location of chocks and bitts.

* * * * *

(h) All vessels, except a vessel using her own lines in accordance with § 109.7 (a) (1) and (2), shall be fitted with a double chock set athwartships right in the stem and another double chock set athwartships right in the stern. Two single chocks may be substituted for either of the double chocks required by this paragraph. If a substitution is made, however, the single chocks shall be placed, port and starboard, not more than 10 feet abaft the stem nor more than 10 feet forward of the stern, and in no case more than 10 feet from the centerline of the vessel.

(i) Vessels over 600 feet but not more than 850 feet in length or vessels which displace more than 30,000 tons when loaded to tropical loadline marks, shall have, in addition to the chocks required by paragraph (h) of this section, double chocks, port and starboard, 40 to 50 feet abaft the stem.

(j) Vessels over 850 feet in length shall have, in addition to the chocks required by paragraphs (h) and (i) of this section, double chocks, port and starboard, 80 to 90 feet forward of stern.

(k) Notwithstanding paragraphs (h), (i) and (j) of this section, on vessels over 90 feet in beam, in order to obtain efficient lateral control from locomotives and to prevent the towing wires from fouling wall coping and miter gates, all chocks shall be placed on the raised sections of the ship (forecastle and poop deck) even though the distance of the chocks from the bow and the stern may be less than specified in this section.

(l) A vessel using her own lines, in accordance with § 109.7(a) (1) and (2), shall have a chock arrangement similar to that described in paragraph (i) of this section, except that the chocks need only be single chocks or, if approved by the Canal authorities, of lesser strength.

(m) Any vessel which fails to meet the requirements of this section may be denied transit. If the Canal authorities decide that the vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, the vessel may be allowed to transit after the Master thereof, in the presence of the pilot, signs an undertaking for the vessel, her owners, operators, or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against any loss, damage, or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297 of Title 2 of the Canal Zone Code, 76A Stat. 23-25;

(2) Panama Canal Company or Canal Zone Government property; and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act, 5 U.S.C. §§ 8101, et seq., to the extent and in the proportion that such failure to meet the requirements of this section proximately causes or contributes to the casualty and resulting damages.

PART 111—RULES FOR THE PREVENTION OF COLLISIONS

MAXIMUM SPEEDS FOR TRANSITING SHIPS

This rule change updates the present regulation relating to vessel speeds by deleting references to 300-foot channels, inasmuch as the minimum channel width is now 500 feet, and by adding a provision concerning vessels using a tug astern.

1. 35 CFR Part 111 is amended by revising paragraph (a) of § 111.162 to read as follows:

§ 111.162 Maximum speeds.

(a) A vessel shall not exceed the speeds designated below, except in an emergency:

	Knots
Atlantic entrance to Gatun Locks	12
Gatun Lake in a 1,000-ft channel	18
Gatun Lake in a 800-ft channel	15
Gatun Lake in a 500-ft channel	12
When rounding Buoy No. 17 in Gatun Reach northbound	10
Gaillard Cut, in the straight reaches	8
Gamboa: When passing reserve fleet basin, concrete dock, or floating crane berth; and when entering Gaillard Cut	6
When using a tug astern	6
Miraflores Locks to Buoy No. 14	6
Buoy No. 14 to Pacific entrance	12

* * * * *

PART 113—HAZARDOUS CARGOES

FIRE FIGHTING EQUIPMENT REQUIREMENTS

This rule change updates the requirements for fire fighting equipment by permitting deck foam systems to be used as an alternative to steam smothering, flue gas or carbon dioxide systems.

1. 35 CFR Part 113 is amended by revising paragraph (a) of § 113.104 to read as follows:

§ 113.104 Fire fighting requirements.

(a) Fire fighting equipment shall be adequate and in good operating condition, and shall include the following:

(1) A fixed or deck foam system, or a steam-smothering, flue gas or carbon dioxide system, capable of being applied to the cargo tanks;

(2) A water service system for use in conjunction with any of the systems listed in paragraph (1), as may be required; and

(3) Fire hoses and portable extinguishers.

* * * * *

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

COMPOSITION OF THE BOARD

This rule amendment reflects a change in the title of one of the officials who can be designated to serve as a member of the Board of Local Inspectors, ex officio.

§ 115.2 [Amended]

1. 35 CFR Part 115 is amended by deleting the term "Superintendent, Terminals Division" from paragraph (b) of § 115.2 and substituting therefor the term "General Manager, Terminals Division."

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL; RESPONSIBILITY

CHANGE IN DEFINITION OF SERIOUS MARINE ACCIDENTS

This rule change eliminates the present requirement that the Canal Zone Government Board of Local Inspectors investigate all marine accidents involving death or serious personal injury. Mandatory investigations are hereby limited to those accidents where the apparent involvement of Canal agencies' personnel or equipment gives rise to the possibility of Government liability for

damages, indemnification, or compensation benefits.

35 CFR Part 117 is amended by changing the heading of section 117.1 and by revising paragraph (d)(1) to read as follows:

§ 117.1 Investigation of marine accidents.

* * * * *

(d) * * *

(1) Any accident, involving death or resulting in personal injury that requires admission of a person to a hospital as a bed patient, in which the Supervising Inspector or his designee has reason to believe that personnel or equipment of the Panama Canal Company or the Canal Zone Government were then aboard or were being used to assist the vessel involved in the accident or were situated (aboard another vessel, ashore or otherwise) so as to have been a factor in the accident.

* * * * *

PART 123—RADIO COMMUNICATION

RADIOTELEPHONE EQUIPMENT AND ADVANCE INFORMATION REQUIRED FOR CERTAIN APPROACHING VESSELS

These rule changes add a requirement that, after April 1, 1978, vessels of certain sizes and types be equipped with radiotelephones capable of operating on certain channels in the 156–162 MHz frequency band. Further, they require that additional information be sent by vessels approaching the Canal regarding petroleum, liquified gas and noxious chemical cargoes.

35 CFR Part 123 is amended as follows:

1. Section 123.3 is revised to read as follows:

§ 123.3 Radiotelephones required.

(a) Except for vessels operated by the Panama Canal Company or another agency of the United States, the following vessels shall comply with the requirements of this section after April 1, 1978:

(1) Every power-driven vessel of 300 gross tons or over;

(2) Every power-driven vessel of 100 gross tons or over, carrying one or more passengers for hire; and

(3) Every commercial towing vessel of 26 feet in length or over.

(b) A vessel of a type described in paragraph (a) of this section shall, after April 1, 1978, be equipped with a radiotelephone which can be operated from the navigation bridge and which can be used to communicate on the following channels in the 156–162 MHz frequency band:

(1) Channel 12, 156.600 MHz;

(2) Channel 13, 156.650 MHz; and

(3) Channel 16, 156.800 MHz.

(c) A vessel of a type described in paragraph (a) of this section, which has notified the Canal authorities that it is ready to transit or otherwise navigate in Canal Zone waters and requires a Panama Canal pilot, shall, until a pilot boards the vessel, maintain a continuous watch on Channel 12. Channel 12 will be used for notification to vessels of their transit times and for advisory harbor control communication in Limon Bay.

(d) A vessel of a type described in paragraph (a) of this section shall maintain a continuous watch on Channel 13 when underway in Canal Zone waters without a Panama Canal pilot aboard, and shall use Channel 13 only for ship-to-ship or ship-to-coast navigational communications. When such vessels have a Panama Canal pilot aboard, Channel 13 may be used only by the pilot or at his direction for navigational communications.

(e) The signal stations on Flamenco Island and in Cristobal may be called on Channels 12 and 16. Channel 16 may also be used by all vessels for ship-to-coast communications with steamship agents or other commercial businesses.

2. Section 123.4 is amended as follows:

§ 123.4 Advance information required by radio from vessels approaching the Canal.

(a) Vessels approaching the Panama Canal shall communicate by radio to the Port Captain through the Balboa Radio Station (call letters NBA), not less than 48 hours in advance of arrival in the Canal Zone (or earlier if radio communication is practicable at an earlier time), the information required by this section unless this information has been previously communicated to the Canal authorities by other means. Symbols of the phonetic alphabet shall be used to identify each item and the word "NEGAT" shall be used after the items that can be answered "no", "none" or "not applicable". The following items of information shall be provided:

* * * * *

GOLF	If the vessel is carrying petroleum products, liquefied gas or toxic, corrosive, inflammable or explosive chemicals in quantities of more than five long tons, state the type, grade and quantity of each such cargo including the scientific and trade name of each chemical. If the vessel is a tanker or bulk liquid carrier and any empty cargo space is not certified gas free, state the type and grade of cargo last carried in each empty space including the scientific and trade name of each chemical.

* * * * *

Effective Date. These amendments become effective on June 1, 1976.

(2 C.Z.C. § 1331, 76A Stat. 46; 35 CFR 3.1(a)(1))

Dated: May 24, 1976.

MARTIN R. HOFFMAN,
Secretary of the Army.

[FR Doc.76-15658 Filed 5-27-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8–19—TRANSPORTATION

Contract Delivery Terms

INVOICING OF TRANSPORTATION CHARGES

On page 15877 of the FEDERAL REGISTER of April 15, 1976, there was published a notice of proposed regulatory development to amend Part 8–19, Title 41, Code of Federal Regulations, to liberalize the documentation necessary to support the invoicing of transportation charges; incorporate certain regulations into a new section; and reference the location of certain shipping instructions.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations are effective May 28, 1976.

Approved: May 24, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 8–19.302, paragraph (b) is revised to read as follows:

§ 8–19.302 F.o.b. origin.

* * * * *

(b) The vendor will be instructed to forward the merchandise by parcel post utilizing VA Form 07–3017a as an address label and postage. He/she will also be instructed to have Postal Service Form 3817 receipted by the sending post office and returned to the contracting officer as evidence that shipment was mailed. Orders issued on VA Form 07–2138, Order for Supplies or Services, will direct the vendor's attention to Shipping Instruction No. 2 on the reverse of the form.

* * * * *

2. Section 8–19.305 is renumbered § 8–19.350, the title is changed and paragraph (b)(2) is revised to read as follows:

§ 8–19.350 F.o.b. origin, transportation prepaid, with transportation charges to be included on the invoice.

* * * * *

(b) Orders issued on VA Form 07–2138 will direct the vendor's attention to Shipping Instructions No. 1 on the reverse of the form. When VA Form 07–2138 is not used, the vendor will be instructed as follows:

* * * * *

(2) Add transportation charges as a separate item on your invoice. Insurance charges will not be paid unless the order specifically requires that the shipment be insured. If shipment is made by other

than parcel post, the invoice must bear the following certification: "The invoiced transportation charg(have been paid and evidence of such payment will be furnished upon the Government's request."

[FR Doc.76-15657 Filed 5-27-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2394]

PART 3500—LEASING OF MINERALS OTHER THAN OIL AND GAS; GENERAL

PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

Coal Leases; Diligent Development and Continuous Operations

On page 60070 of the FEDERAL REGISTER of December 31, 1975, there were published a notice and text of a proposed amendment to Chapter II, Subchapter C, Parts 3500 and 3520 of Title 43, Code of Federal Regulations. The purpose of these proposed regulations was to provide definitions of terms relating to coal leases. Interested persons were granted an opportunity until February 15, 1976, which period was extended until March 15, 1976, in page 9353 of the FEDERAL REGISTER of March 4, 1976, to submit comments, suggestions, or objections to the proposed regulations. Comments from approximately 40 different sources were received and given consideration as part of the rulemaking process. Some changes have been made in the proposed regulations as a result of the comments.

The preamble to the proposed regulations of December 31 set out in detail the purpose of this amendment of the regulations. The preamble to these final regulations discusses comments and specific provisions.

A number of comments were general in nature. A number of commenters questioned the extension of these proposed regulations to existing leases. The Mineral Leasing Act of 1920 requires diligent development and continuous operation on all leases issued pursuant to its authority and does not allow the exclusion of existing leases. Existing lessees are given sufficient time to adjust to the requirements in the new regulations.

Questions were raised as to the legality of provisions in the proposed regulations that establish production levels as a requirement for maintaining a Federal coal lease. It is believed that the establishment of a rate of production appropriate to the size of the leased reserves and a time within which that rate must be achieved, as is done in the proposed regulations, is the best standard for judging whether or not the diligent development and continuous operation standards of the Mineral Leasing Act of 1920 have been met.

One comment was directed at what was conceived as failure of the proposed regulations to make it clear at which point diligent development ends and continuous operations begin. Under the regulations the requirement of diligent development ceases when there has been production in the amount and within the time period specified in the definition of "diligent development." Thereafter, continuous operation is required on leases which do not contain an advance royalty requirement. On other leases, the advance royalty requirement is imposed in lieu of continuous operation and begins with the sixth year.

A governmental agency expressed the opinion that the proposed regulations failed to provide a method for consultation with the appropriate State agencies having jurisdiction over non-Federal leases in a Logical Mining Unit (LMU) of mixed lands. There are already procedures for coordination with State and private groups.

A number of comments were received concerning the definition of a "Logical Mining Unit" as set out in paragraph (d) of § 3500.0–5.

One commenter was concerned that the definition appeared to require the inclusion of non-Federal coal resources in an LMU without the consent of the operator. The regulations have been revised so that the establishment of an LMU including more than one lease may not be required by the Mining Supervisor. It may be established only with the consent of the lessees and owners or operators controlling non-Federal coal resources within the LMU.

Another commenter recommended that the definition of LMU should not consider a single lease as an LMU but should only consider the entire area of operation as an LMU. The definition does provide for a single lease to be considered as an LMU, but it also provides for the inclusion of several leases, both Federal and non-Federal, in an LMU.

Several commenters pointed out that an LMU can be changed with the approval of the Mining Supervisor or authorized officer alone and felt that it would be better if the lessee participated in any such changes. As stated above, the regulations have been revised so that the Mining Supervisor may not require the establishment of an LMU including more than one lease. Similarly, they have been revised so that he may not change the boundaries of an LMU without the consent of the lessee(s).

Another comment suggested that it should be made clear in the definition of LMU that the federal coal leaseholds in an LMU need not be contiguous. The proposed regulations allow for intervening land ownership in the formation of an LMU and no change is required.

Two comments suggested that the Environmental Protection Agency should have a role in the establishment and modification of an LMU. This responsibility is vested in the Department of the Interior, but the Department of the Interior will, in carrying out its responsibility, give full and careful consideration to the environmental impacts.

Paragraph (e) of § 3500.0–5 which contains the definition of Logical Mining Unit was also the subject of a number of comments. Several commenters pointed out that the definition did not include a description of the method used to determine recoverable reserves and who makes that determination. There was also a comment that suggested that the Bureau of Land Management should participate in this decision. They felt that the proposed regulation should contain the methodology to be used and the administrative and reporting procedures should be spelled out. The reserves will be determined by the Mining Supervisor under procedures used by the Geological Survey and this is provided for in the proposed regulations.

One commenter was concerned about the failure of the proposed regulations to include a procedure for resolving differences between the lessee and the Mining Supervisor as to a redetermination of reserves and felt that the proposed regulations should so provide. We feel that real differences would be rare and that they could be handled on an individual basis by the area mining supervisor at the time of the approval of a mining plan. Furthermore, there are appeal procedures in the regulations if differences are not resolved, 30 CFR 290.

One commenter felt that deep underground coal should not be included in the estimated recoverable reserves. We believe that the proposed regulations provide for the consideration, with respect to each lease and LMU, of whether deep coal should or should not be included in the estimated recoverable reserves.

One commenter felt that the Bureau of Land Management should have approval authority over any adjustment made by the area mining supervisor in the estimated recoverable reserves. The Geological Survey has the responsibility for making such determinations and the Bureau of Land Management need have no participation.

The definition of diligent development contained in paragraph (f) of § 3500.0–5 drew a large number of comments, most of which were critical of the rigid requirement that the diligent development be completed in a ten-year period and questioned what constituted diligent development. Consideration of these comments led to a change in the proposed rules that allows one extension of not more than five years for diligent development if the lessee can show that an extension is necessary because of (1) the need to develop advanced technology, (2) the magnitude of the mining operation; or (3) a contract or its equivalent which calls for the sale or use of the first one-fortieth of the coal by the end of the extension of the ten-year period.

A number of commenters wanted the inclusion of additional extensions of the time for achieving diligent development, with one commenter wanting any good faith activity that is undertaken as part of the development of the coal reserves constituting diligent development. The final regulation gives sufficient flexibility to grant additional time in those cases where it is justified and makes it clear what actions constitute diligent development.

It should be understood that, while the Department has provided a definition of diligent development for the future, it reserves the right to sue for cancellation of existing leases where lessees have not made a reasonable effort heretofore to develop the coal resources.

The definition of continuous operation contained in paragraph (g) of § 3500.0–5 of the proposed regulations was the subject of several comments. One of the principal concerns was the 1 percent requirement for continuous operation and the confusion over how it is coordinated with the advance royalty requirement. For this reason we added two new provisions to the regulations appearing as 43 CFR 3503.3–2(b)(1) and 43 CFR 3520.-2–5.

The two new sections explain that section 7 of the Mineral Leasing Act of 1920, 30 U.S.C. 207, authorizes the Secretary to require either continuous operation or advance royalties. The regulations announce a policy of requiring advance royalty in lieu of continuous operation in all leases issued or readjusted hereafter. The definition of continuous operation will therefore be immaterial as to those leases until such time as the advance royalty obligation ceases. The advance royalty requirement is a strong economic inducement to produce the reserves in a lease within 40 years. It is not, however, a legal requirement to produce.

Several commenters confused the 40-year schedule used in connection with the computation of advance royalty with the longer schedule for continuous operation. As explained above, continuous operation and advance royalties will not be required of a lessee at the same time and, for all leases issued or readjusted hereafter, advance royalties will be required until the lessee has paid royalties, in the form of either advance royalties or production royalties, for all the reserves within the lease. Thereafter he will be required to meet the continuous operation requirement of producing one percent of the reserves annually.

We received several comments on the proposed revision of § 3522.2–1, which governs the readjustment of leases. The first comment suggested that the section provide a procedure to be used when an objection is raised to the proposed readjusted lease terms. We anticipate that most differences will be resolved by negotiation and those which are not can be settled through the appeals procedures in 43 CFR 3000.4.

The second comment on this section stated that the proposed regulations should provide a schedule for the payment of advance royalties. The proposed regulations provide that the payment of advance royalties will be computed on a schedule so that royalties will be paid on reserves in a lease within 40 years. This requirement has been clarified in our revision of 43 CFR 3503.3–2(b)(1).

Another comment on § 3522.2–1 was a reiteration of the complaint that a 40-year period for exhaustion of estimated recoverable reserves in a coal lease is too short. As stated earlier, the 40 years is the basis for computing the advance royalty and not a required period within which the estimated recoverable reserves of a coal lease must be exhausted.

Another comment made with reference to § 3522.2–1 was that advanced royalties should be creditable against future production royalties paid in advance of the 40-year schedule against subsequent advance royalties.

Some comments on advance royalties suggested changing the 40-year period used for computing the advance royalty requirement and several suggested different ways of computing the advanced royalty as well as applying the advance royalty to other payments required pursuant to the proposed regulations. We considered their suggestions and decided not to change the advance royalty requirement as proposed.

We received one comment on § 3523.2–1 which governs lease cancellations. The comment questioned the legality of stating the conditions that the Secretary will not consider in making his determination whether to cancel a lease. We believe the Secretary has the discretion to establish standards such as these for lease cancellation. The standard described in § 3523.2–1 clarifies those conditions that would not be considered when a lessee applies for an extension to avoid lease cancellation.

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

Therefore, under the authority granted under section 32 of the Mineral Leasing Act, 30 U.S.C. 189, 43 CFR Parts 3500, 3503, 3520, 3522 and 3523 are hereby amended, effective June 1, 1976, as follows:

1. 43 CFR 3500.0–5 is amended by the addition of the following new paragraphs (d), (e), (f), and (g):

§ 3500.0–5 Definitions.

* * * * *

(d) *Logical Mining Unit (LMU).* A Logical Mining Unit or LMU is an area of coal land that can be developed and mined in an efficient, economical and orderly manner with due regard to the conservation of coal reserves and other resources. An LMU may consist of one or more Federal leaseholds, and may include intervening or adjacent non-Federal lands, but all lands in an LMU must be under the effective control of a single operator and capable of being developed and operated as a unified mine. Every Federal lease will automatically be considered by itself an LMU as of the effective date of the lease or (the effective date of these regulations), whichever is later. Any other LMU will become effective only upon its approval by the Mining Supervisor where it is requested by the lessee(s). The boundaries of an LMU may later be changed upon application by the lessee(s) and with the approval of the Mining Supervisor and after consultation with the authorized officer.

(e) *Logical Mining Unit (LMU) Reserves.* LMU Reserves are defined as being equal to the sum of (1) estimated recoverable reserves under Federal lease in the LMU, and (2) estimated non-Federal recoverable reserves in the LMU which will be mined prior to the extraction of all estimated Federal reserves in the LMU. The LMU reserves associated with a Federal lease are the estimated LMU reserves as of the effective date of the approval of the LMU, of which that lease is a part, except that the estimate of LMU reserves under both (1) and (2) above may be adjusted by the Mining Supervisor whenever he approves a modification of the LMU boundaries or whenever significant new information becomes available about the amount of such reserves, including the time at which a mining plan is approved.

(f) *Diligent Development.* Diligent Development of a Federal lease means the timely preparation for and initiation of production of coal from the LMU of which the lease is a part so that one fortieth of the LMU reserves associated with that lease are extracted within a period of ten years (or such longer period as may be prescribed under paragraphs (1) or (2) below) from (the effective date of these regulations) or from the date of the lease, whichever is later.

(1) Upon application by the lessee, the period by the end of which diligent development must have been achieved, shall be increased by an amount of time equal to the period during which diligent development is, in the opinion of the Secretary, significantly impaired by (i) a strike, the elements, or casualties not attributable to the lessee, (ii) an administrative delay in the Department which is not caused by the lessee's action, or (iii) extraordinary circumstances not attributable to the lessee and not foreseeable by a reasonably prudent operator. In the determination of whether any of the conditions listed in (i)–(iii) above occurred and whether one or more of those conditions did in fact significantly impair diligent development, the Secretary's finding shall be final. The Secretary shall, however, not find to be an extraordinary circumstance under (iii) any condition arising out of normally foreseeable business risks such as: fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales.

(2) Upon application by the lessee, the Secretary may grant one extension, not exceeding five years, of the ten-year period within which diligent development must be achieved. An extension to the satisfaction of the Secretary that may be granted when the lessee shows diligent development cannot be achieved within the ten-year period because of (i) time needed to complete development of advanced technology, e.g., in-situ, gasification or liquefaction processes; (ii) the large magnitude of the project (ordinarily large magnitude means a mine in which the production in the first year after the end of the extended

period for diligent development is expected to be at least two million tons if an underground mining operation or five million tons if a surface mining operation); or (iii) a contract or its equivalent which is a firm commitment for the sale or use of the first one-fortieth of the LMU reserves after the ten-year period. Irrespective of the reason for granting an extension, the lessee must produce the first one-fortieth of the LMU reserves before the end of the extension.

(3) At the time when the Secretary grants any extension of time for achieving diligent development under subparagraphs (1) or (2) of this paragraph, he shall notify the lessee of the revised date by which diligent development must be achieved.

(g) *Continuous Operation.* Continuous operation means the extraction, processing, and marketing of coal in the annual average amount of one percent or more of the LMU reserves; the annual average amount shall be computed on a three year basis, and the three year period for which the average shall be computed shall consist of the year in question and the two preceding years.

2. 43 CFR 3503.3–2(b)(1) is amended to read as follows:

§ 3503.3–2 General statement royalties.

* * * * *

(b) * * *

(1) In accordance with the Secretary's determination in 43 CFR 3520.2–5, each lease issued or readjusted after (the effective date of these regulations) shall contain a requirement for an annual advance royalty based on a minimum number of tons of coal; the minimum number of tons shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from the date of issuance of the lease or (the effective date of these regulations), whichever is later. Advance royalties shall begin (i) for each lease issued after (the effective date of these regulations) with the sixth year after issuance of the lease and (ii) for each lease issued prior to (the effective date of these regulations) with the first year following the next readjustment of terms or with the sixth year after (the effective date of these regulations), whichever is later.

The requirement for advance royalties shall cease when royalties have been paid for all the leased reserves.

3. 43 CFR Subpart 3520 is amended by adding the following:

§ 3520.2–5 Coal: diligent development and continuous operation.

Section 7 of the Mineral Leasing Act (30 U.S.C. § 207) provides that each coal lease shall require:

(a) Diligent development; and

(b) Either continuous operation or an annual advance royalty on a minimum number of tons. The Secretary has determined that the public interest will be subserved by the requirement of an annual advance royalty in lieu of continuous operation. The requirement for advance royalties is described in 43 CFR 3503.3–2(b)(1). After the requirement for advance royalties has ceased, the lease shall be subject to the requirement of continuous operation. All leases which do not provide for advance royalties shall be subject to the condition of continuous operation beginning with the first year after diligent development is achieved and ending with the next year in which the terms of the leases are readjusted.

4. 43 CFR 3522.2–1 is amended to read as follows:

§ 3522.2–1 Terms and conditions.

(a) *General.* The terms and conditions of coal, potassium, and phosphate leases are subject to readjustment at the end of each 20-year period succeeding the effective date of the lease unless otherwise provided by law at the time of the expiration of such periods. Before the expiration of each 20-year period, whenever feasible, the lessee will be notified of the proposed readjustment of terms or notified that no readjustment is to be made. Within 30 days after receipt of the notice, unless the lessee files his objection to the proposed readjusted terms, or the lessee files a relinquishment of the lease, he will be deemed to have agreed to such readjusted terms.

(b) *Coal.* All coal leases will be readjusted, if necessary, at the end of the next scheduled adjustment of terms and conditions under paragraph (a) above by the addition of provisions consistent with 43 CFR 3503.3–2(b)(1) so that they require advance royalties. The percentages of reserves on which the advance royalty for the years following the readjustment of terms will be based will be the same percentages as those appropriate for a lease dated (the effective date of these regulations). Lessees will be allowed to credit against the advance royalties due under that schedule any production royalties paid in lease years prior to the readjustment of terms, which production royalties are in excess of advance royalties that would have been due had advance royalties been in effect from June 1, 1976.

§ 3523.2–1 [Amended]

5. 43 CFR 3523.2–1(b)(1) is amended by the insertion of "(i)" after the word "Coal" and by adding the following paragraphs (b) (ii) and (iii):

(ii) Any coal lease on which the lessee does not meet diligent development and either continuous operation or advance royalty requirements will be subject to cancellation in whole or in part. In deciding whether to cancel a lease under this paragraph (b)(ii), the Secretary will not consider adverse circumstances which arise out of normally foreseeable business risks, such as fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales. The requirements as to notice included in paragraph (b)(i) are applicable to cancellations under this paragraph also.

(iii) Should a lease be canceled or relinquished for any reason, all rentals and royalties, including advance royalties already paid or due, will be forfeited to the United States.

Effective: June 1, 1976.

Approved: May 25, 1976.

KENT FRIZZELL,
Secretary of the Interior.

[FR Doc.76–15690 Filed 5–27–76;8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20566, RM–2479]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations (Albany, Eugene, and Grants Pass, Oregon)

By the Chief, Broadcast Bureau: 1. The Commission herein considers its Notice of Proposed Rule Making[1] in the above-captioned proceeding issued in response to a "Petition for Rule Making" filed with the Commission by MATTCO, Inc., licensee of AM station KBDF, Eugene, Oregon. The petition proposed the reassignment of unoccupied and unapplied for Channel 260 from Grants Pass, Oregon, to Eugene and the substitution of Channel 262 at Grants Pass in lieu of the deletion. Comments opposing the proposed assignment were filed by Pacific Northwest Broadcasting Corporation ("Pacific"), licensee of stations KPNW and KPNW–FM, Eugene. Comments and a counterproposal to assign Channel 260 to Albany, Oregon, instead of Eugene were filed by Linn-Benton Broadcasters, Inc. ("LBB"), licensee of daytime-only AM station KRKT, Albany. In its comments, LBB asserted that such an assignment at Albany would be more consistent with the Commission's FM channel assignment priorities than would the proposed assignment at Eugene. LBB placed special emphasis on the importance of a Channel 260 assignment in providing a second local FM service and easing what it said was a serious competitive disadvantage in the Albany market.[2]

2. In its reply comments, MATTCO indicated agreement with the earlier comments of LBB that the community of Albany was entitled to a second FM channel. It submitted an alternative suggestion under which Channel 264 could be reassigned from Bend, Oregon, to Albany, thus preserving Channel 260 for Eugene while satisfying Albany's need. Noting the submission of new arguments and evidence at the reply comments

[1] 40 FR 33686, August 11, 1975.

[2] LBB asserts that a "serious competitive disadvantage" exists since its 250 watt daytime-only AM facility (operating on Canadian clear channel 990 kHz) must compete with a co-owned 1 kilowatt unlimited timestation and a class C FM station, both of which are located in Albany.

stage, LBB submitted a "Petition for Acceptance of Additional Pleadings," asserting that certain of the information provided by MATTCO was misleading. In light of the nature of our disposition of this proceeding, we will deny LBB's request that additional pleadings be accepted.

3. On March 5, 1976, a "Motion of MATTCO, Inc. to Withdraw Comments and Reply Comments" was filed with the Commission in which MATTCO, citing what it said were "material changes in the economic and investment factors affecting MATTCO's FM plans," indicated that it no longer wished to pursue its rulemaking proposal. Since with MATTCO's withdrawal, there is no longer any expression of continuing interest in the assignment of Channel 260 to Eugene, the petition to assign Channel 260 to that community will be denied. Next, we direct our attention to LBB's counterproposal.

4. Albany (pop. 18,181 [3]), the county seat of Linn County (pop. 71,914), is located 70 miles south of Portland, Oregon, and 42 miles north of Eugene. LBB says Albany has experienced a 41% increase in population from 1960 to 1970. Albany presently receives local aural service from two AM stations (one of which is the petitioner's daytime-only facility) and one FM station (KHPE, Channel 300, Albany, licensed to Albany Radio Corporation, the licensee of the other AM station). Two newspapers, one a daily, the other a weekly, are published in the community. Albany's economy is based primarily on agricultural production and manufacturing.

5. We believe the record adequately demonstrates the public interest benefits to be derived by assigning Channel 260 to Albany. First, the assignment conforms with the Commission's FM channel assignment priorities in that it would provide a second local FM station to Albany, a community located outside of an urbanized area.[4] Secondly, the information supplied by LBB clearly suggests that Albany is of sufficient size in terms of population to warrant the assignment of an additional broadcast facility.[5] Further, the assignment to Albany and the operation of the station on that channel would provide an additional outlet for local expression and discussion of community needs and concerns.

6. Inasmuch as Channel 262 will be substituted for the presently unoccupied and unapplied for Channel 260 at Grants Pass (which we are reassigning to Albany), the potential for future service at Grants Pass will be preserved.

7. Three Oregon communities, Madras, Florence, and Veneta, are located in the area of preclusion created by the assignment of Channel 260 to Albany, however, a staff engineering analysis indicates that alternative FM channels are available for assignment to each. The assignment of Channel 262 to Grants Pass will result in preclusion over large, sparsely populated land areas, however, the communities located in the preclusion areas either have an FM assignment or receive FM service from nearby communities.

8. The transmitter site for any station operating on Channel 260 at Albany must be located at least 2.5 miles south of Albany in order to avoid short-spacing to KJIB, Channel 258, and KQFA, Channel 262, both of which operate from a common transmitter site in Portland.

9. Canadian concurrence in the assignment to Albany, which is located less than 250 miles from the U.S.-Canadian border, has been obtained.

10. Accordingly, *It Is ordered*, That effective July 1, 1976, the FM Table Assignments (§ 73.202 (b) of the Commission's rules and regulations) IS AMENDED with respect to the following enumerated communities:

City:	Channel No.
Albany, Oreg	260, 300
Grants Pass, Oreg	262

11. *It is further ordered*, That the "Petition for Rule Making" submitted by MATTCO, Inc. IS DENIED.

12. *It is further ordered*, That the counterproposal submitted by Linn-Benton Broadcasters, Inc. IS GRANTED.

13. Authority for the actions herein is found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and in § 0.281 of the Commission's rules.

14. *It is further ordered*, That this proceeding IS TERMINATED.

Adopted: May 18, 1976.

Released: May 24, 1976.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 156, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-15664 Filed 5-27-76;8:45 am]

[3] Unless otherwise cited, all population statistics are from the 1970 U.S. Census. LBB cites a July, 1975, study by the Portland State University Center for Population Research and Census which estimates Albany's current population at 21,930.

[4] See Further Notice of Proposed Rule Making in Docket No. 14185, incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747 (1963).

[5] Id.

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—MARINE MAMMALS

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

On December 5, 1975, the Director promulgated amendments to regulations governing the issuance of general permits to allow the taking of marine mammals incidental to commercial fishing operations (40 FR 56899–56907); pursuant to the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1407 (the Act). Under those regulations a general permit was issued for Category 2, Encircling Gear, Yellowfin Tuna Purse Seining, to the American Tunaboat Association, on December 20, 1975. The permit was to be valid for the period January 1, 1976 through December 31, 1976. Subsequent to the issuance of the general permit, 135 certificates of inclusion were issued to persons in charge of and actually conducting fishing operations on vessels engaged in commercial fishing operations under this general permit.

On May 11, 1976, Federal District Court Judge Charles R. Richey in the cases of *Committee For Humane Legislation Inc. v. Elliot L. Richardson et al.*[1] (C.A. No. 74–1465, U.S. District Court for the District of Columbia) and *Fund for Animals, et al. v. Elliot L. Richardson et al.*[1] (C.A. No. 75–0227, U.S. District Court for the District of Columbia) ordered, among other things, "that the current regulations, general permit, and certificates of inclusion authorizing the taking of marine mammals incidental to commercial fishing activities be, and the same hereby are, declared void as contrary to the Marine Mammal Protection Act of 1972." The effective date of the Order was stayed until May 31, 1976. The purpose of this notice is (a) to inform the appropriate general permit and certificate holders of the status of their general permit and certificates of inclusion as of May 31, 1976 and (b) to amend the regulations in part 216 to conform to the Court's order and the plan submitted to

[1] Defendants to these actions are: Elliot L. Richardson, Secretary, Department of Commerce, Robert M. White, Administrator, National Oceanic and Atmospheric Administration, Robert W. Schoning, Director, National Marine Fisheries Service. Defendant-Intervenors are: American Tunaboat Association, Tuna Research Foundation, Fishermen's Union of America, Pacific and Caribbean area, Local 33, Fishermen and Allied Workers' Union, I.L.W.U. and United Cannery and Industrial Workers of the Pacific.

the Court by the federal defendants which sets forth methods for supervising compliance with the Court's Order.

General permits (and certificates of inclusion) for gear categories: Towed or Dragged gear, § 216.24(d)(1); Encircling Gear, Seining other than Yellowfin Tuna, § 216.24(d)(3); Stationary gear, § 216.24(d)(4); and Other gear, § 216.24(d)(5) are not affected by the Court's Order nor are permits for research or public display. Consequently such permits remain valid.

By this publication the American Tunaboat Association is hereby notified that effective 0001 hours May 31, 1976, the general permit issued to it on December 20, 1975 for the gear category Encircling Gear; Yellowfin Tuna Purse Seining is void. Although all holders of certificates of inclusion under this general permit are not parties to the above law suits, their rights are derived from the general permit; therefore, all certificates of inclusion under this general permit are void as of 0001 hours May 31, 1976.

In accordance with the Court's Order the following provisions of part 216 are void as of 0001 hours May 31, 1976: §§ 216.24(b)(1)(ii), 216.24(c)(6)(i)(B), 216.24(c)(6)(ii)(B), 216.24(d)(2) and 216.24(f).

As a result of the Court finding that § 216.24(d)(2) and the general permit and certificates of inclusion issued thereunder are void, in accordance with section 102 of the Act and § 216.11 of this part 216, it is unlawful for any person, vessel or conveyance subject to the jurisdiction of the United States and fishing for yellowfin tuna to set on porpoise with a purse seine.

It is requested that all daily log sheets required by 50 CFR 216.24(d)(2)(i)(B)(iii) outstanding as of May 20, 1976, be mailed or delivered to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731 on May 31, 1976, or as soon thereafter as practicable.

National Marine Fisheries Service scientific observers and gear technicians on board purse seine vessels at sea on May 31, 1976, may be returned immediately to the port of departure, any U.S. port, or any of the following ports: Mazatlan, Mexico; Acapulco, Mexico; Puntarenas, Costa Rica; Balboa, Canal Zone at no cost to the Federal government; or may be returned at the end of the voyage, at the pleasure of the vessel captain.

All gear research which involves taking porpoise in the course of commercial fishing will terminate effective May 31, 1976.

In light of the Court's holding, yellowfin tuna caught in association with marine mammals after May 30, 1976, may not be imported into the United States. Section 216.24(e)(3)(v) is amended to reflect this change. It should be noted, however, that yellowfin tuna not caught in association with marine mammals may continue to be imported under the provisions of paragraph (e).

The conditions under which other species of fish may be imported are NOT affected by this amendment.

The amendments to part 216 are effective May 31, 1976.

Dated: May 26, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

§ 216.24 [Amended]

1. Accordingly, 50 CFR Chapter II, Part 216 is amended by revoking paragraphs (b)(1)(ii), (c)(6)(i)(B), (c)(6)(ii)(B), (d)(2) and (f). The numerical designations of the provisions revoked are reserved.

2. In addition § 216.24(e)(3)(v) is amended by deleting the period from the sentence ending with ("1974") and adding in lieu thereof: " ", or (3) if the yellowfin tuna was caught subsequent to October 20, 1974, and prior to May 31, 1976, that the yellowfin tuna was caught in conformance with the regulations pertaining to purse seining in effect for that period of time."

[FR Doc.76-15734 Filed 5-27-76;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

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 201]

[Notice No. 297]

DISTILLED SPIRITS

Operational Loss Allowance

The Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate, is considering amendment of 27 CFR Part 201, Distilled Spirits Plants, to provide a separate operational loss allowance for the production of cordials, liqueurs, cocktails and similar compounds. The proposed amendments are intended to more nearly provide for the actual losses sustained during the processing and bottling of these products.

BACKGROUND

At the time distilled spirits are removed from the bonded premises of a distilled spirits plant and released to the proprietor for processing and bottling, the tax liability is determined by a gauge of the bulk spirits. In order to collect tax commensurate with the contents of the finished product, the Excise Tax Technical Changes Act of 1958 added a provision (26 U.S.C. 5008(c)) for the credit of tax on normal operating losses occurring after payment or determination of tax and before the completion of bottling, casing, or other packaging. A schedule of limitations on allowable losses was provided in order to facilitate the maintenance of protection against the possibility of excess (fraudulent) credit without imposing an expensive custodial type of supervision over rectifying and bottling operations. The schedule of maximum allowable losses was based on historical losses as reported by plant proprietors and recognizes the fact that the percentage of losses, generally, is greater for small operations than for larger ones. The schedule was designed to allow the total net losses of most of the plants in each size bracket and a large proportion of the losses of all plants. Provisions were made in the law for the Secretary to make increases in the schedule, within limits, when found consistent with protection of the revenue and justifiable on the basis of actual losses, and for decreases, if found necessary, for revenue protection.

Bottlers of cordials, liqueurs, cocktails and similar compounds have requested that a higher loss allowance be provided for these products to more nearly provide for actual losses. They feel that these products deserve special consideration in this regard since normal operating losses experienced during processing and bottling are higher than for other products; and, as a result they tend to suffer heavier non-refundable losses than do bottlers of other products. The reasons most often given for the higher losses in cordial, liqueur and cocktail operations are as follows:

(1) *Processing.* The manufacture of cordials, etc. requires vigorous mixing, heavy filtration, standing time, and often includes percolation and distillation processes, all of which result in losses of spirits not experienced in the processing of other products such as vodka, bourbon, blended whiskey, and brandy.

(2) *Viscosity.* Cordials, liqueurs, cocktails and similar compounds are much more viscous than other products which do not contain the sugar and blending and flavoring materials which are normally added to the cordial and liqueur-type products. Residue losses in tanks, lines and bottling equipment are greater for these more viscous, sticky type products. Filtration losses are also higher as numerous filter changes are required to prevent flavor or color carryover from these products which cannot be washed out of filters by flushing with water.

(3) *Batch Size.* Batch sizes for cordials and liqueurs are much smaller than for other spirits. The operation is typically low volume per item with a large variety of products as opposed to a whiskey or vodka operation where individual product volume is large and product variety minimal. Due to the limited volume in individual products, it is not feasible to make long runs of any one product and this results in additional losses from multiple filter changes and equipment washout and draining.

In response to industry requests, the Bureau conducted a study of operating losses during fiscal 1973 at distilled spirits bottling plants. The study substantiated claims that losses sustained during the production of cordials, liqueurs, cocktails and similar compounds are higher than for other "straight" products; and, as a result bottlers of these products are much more likely to exceed the maximum loss allowable. Therefore, the Bureau now proposes to amend the regulations to provide a separate loss allowance for cordials, liqueurs, cocktails and similar compounds, which is intended to allow the total net losses on these products for most proprietors and a large proportion of the losses on these products for all proprietors. The proposed loss allowance is based on the losses experienced in the production of cordials, liqueurs, cocktails and similar compounds by the proprietors surveyed for fiscal 1973. The existing overall loss allowance schedule will remain unchanged; and the separate loss schedule for cordials, liqueurs, cocktails and similar compounds will be provided as an option for those proprietors who find it beneficial to use it. Any bottler who desires to take advantage of the separate allowance will be required to maintain the records necessary to prepare a statement of losses for cordials, liqueurs, cocktails and similar compounds, which will be attached to each claim for refund or credit. During on-site audits, ATF inspectors will verify these statments of loss.

PUBLIC PARTICIPATION

Interested persons who wish to participate in the making of the proposed rule are invited to submit written comments or suggestions, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (Attn: Chief, Regulations and Procedures Division) within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any interested person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director within the 30 day period.

The proposed regulations are to be issued under the authority contained in section 26 U.S.C. 7805.

PROPOSED REGULATIONS

On the basis of the foregoing, it is proposed that Part 201 of Chapter I of Title 27 of the Code of Federal Regulations be amended as follows:

1. Section 201.45 is amended by changing the reference to § 201.485 in paragraph (d)(2) to § 201.485a. As amended, § 201.45 reads as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

* * * * *

(d) * * *

(2) In the case of loss by reason of authorized rectifying, packaging, bottling,

or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485a;

* * * * *

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

2. Section 201.485 is amended by deleting the loss allowance schedule. As amended, § 201.485 reads as folows:

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis; the proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature. Losses of spirits under this section (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth in section 201.485a. Accidental losses of less than 10 proof gallons in respect of any one accident, occurring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations, are includable in losses under this section subject to the same limitations. Accidental losses of 10 proof gallons or more in respect of any one acident if claimed under the provisions of § 201.45(c), shall not be included as operating losses under this section.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

3. A new section, § 201.485a, providing the maximum allowable loss schedules, is added immediately following § 201.485. As added § 201.485a reads as follows:

§ 201.485a Maximum allowable losses.

(a) *General.* The proprietor has the option of computing and claiming operating losses collectively for all spirits, using the general schedule of maximum allowable losses provided in paragraph (b)(1) of this section; or, computing and claiming operating losses separately for cordials, liqueurs, cocktails and similar compounds, using the optional schedule of maximum allowable losses provided for those products in paragraph (b)(2) of this section and the general schedule (paragraph (b)(1) of this section) for all other products. Maximum allowable losses shall be computed in the same manner for all claims (tentative and final) during a fiscal year; and if a proprietor finds it necessary to change schedules during the year, he will be required to amend all claims previously filed.

(b) *Maximum loss schedules.* (1) General schedule. The following maximum allowable losses apply to all products not claimed under paragraph (b)(2) of this section:

If total completions during the fiscal year in proof gallons are—	*The maximum allowable loss in proof gallons is—*
Not over 24,000	2 pct of completions.
Over 24,000 but not over 120,000.	480 proof gallons plus 1 pct of excess over 24,000.
Over 120,000 but not over 600,000.	1,440 proof gallons plus 0.6 pct of excess over 120,000.
Over 600,000 but not over 2,400,000.	4,320 proof gallons plus 0.3 pct of excess over 600,000.
Over 2,400,000	9,720 proof gallons plus 0.2 pct of excess over 2,400,000.

(2) Cordials, liqueurs, cocktails and similar compounds. The following may be used to compute a separate allowance for cordials, liqueurs, cocktails, mixed drinks, and specialties (including flavored rums, flavored whiskies, flavored gins, flavored vodkas, and flavored brandies):

If completions during the fiscal year in proof gallons are—	*The maximum allowable loss in proof gallons is—*
Not over 24,000	2 percent of completions.
Over 24,000 but not over 600,000.	480 proof gallons plus 1.5 percent of completions over 24,000.
Over 600,000	9,120 proof gallons plus 1 percent of excess over 600,000.

(Sec. 201 Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

4. Section 201.486 is amended to include instructions concerning ineligible ingredients when a proprietor is computing allowable loss under both loss allowance schedules. As amended, § 201.486 reads as follows:

§ 201.486 Ineligible ingredients.

(a) *General.* When alcoholic ingredients (such as spirits and wines and alcoholic flavoring and blending materials) other than spirits withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax for removal to his premises for rectification or bottling, are used by him in the manufacture of spirits products, the loss otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of such other alcoholic ingredients used, to the total proof gallons of all alcoholic ingredients used in the finished products.

(b) *Split claim.* Where the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)) and the loss allowance schedule for cordials, liqueurs, cocktails and similar compounds (§ 201.485a(b)(2)), the allowable loss provided under each schedule shall be reduced by the ratio of proof gallons of ineligible ingredients to total proof gallons in each category.

(c) *Closed system.* When ineligible spirits (spirits not withdrawn directly from bond on payment or determination of tax by the proprietor of bottling premises) are used in the manufacture of gin and vodka in a closed system, as provided in § 201.487, the loss from the closed system otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of the ineligible spirits entered into the closed system, to the total proof gallons of all spirits entered into such system.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

5. Section 201.488 is amended to include instructions concerning tentative allowances when a proprietor is computing allowable loss under both loss allowable schedules. As amended, § 201.488 reads as follows:

§ 201.488 Tentative allowances.

The proprietor may at any time during a fiscal year make claim for tentative allowance of his operating losses, as described in §§ 201.485 and 201.487, from the beginning of the fiscal year through the close of any calendar month thereof, except June. In order to determine the maximum tentative allowable operating loss through the end of any month (within the limitations of § 201.485a), (a) the total completions from the beginning of the fiscal year to the end of such month shall be projected at that rate for the full year, (b) the loss which would be allowable for the fiscal year on the basis of the projected completions shall be computed, and (c) such loss shall then be reduced by a quantity attributable to the fractional part of the fiscal year remaining. Where the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1) and the loss allowance schedule for cordials, liqueurs, cocktails and similar compounds (§ 201.485a(b)(2)), the maximum tentative allowable operating loss shall be determined separately for each of the two categories in the manner described above. No claim for tentative allowance shall include any amount previously claimed. Each claim for tentative allowance filed, as provided in this section, shall be plainly marked, "Tentative Claim." Any proprietor who has filed a tentative claim for allowance of loss for any part of a fiscal year is required to file a final claim for that fiscal year or the portion of that fiscal year that he was qualified to operate the plant.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

6. Section 201.491 is amended to include instructions concerning supporting data when a proprietor is computing allowable loss under both loss allowance schedules. As amended, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

Any claim filed under § 201.45(d) shall be accompanied and supported by Form 2611 to cover the computation of the losses described in §§ 201.485 and 201.487, as applicable. Page 2 of Form 2611 shall also be required where the proprie-

tor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)) and the loss allowance schedule for cordials, liqueurs, cocktails and similar compounds (§ 201.485a(b)(2)). The final claim for operational losses, as described in §§ 201.485 and 201.487, shall be filed within 6 months from the close of the fiscal year. Any claim filed under § 201.45(c) to cover losses described in § 201.484, shall be filed within 6 months from the date of the loss.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

Signed: May 11, 1976.

REX D. DAVIS,
Director.

Approved: May 24, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-15717 Filed 5-27-76;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 207]

NAVIGATION REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to revise 33 CFR 207.590 which regulates the use, administration and navigation of the Black Rock Canal and Lock, Buffalo, New York. The proposed revisions reflect current operating procedures for the lock with regard to a change in radio equipment for ship-shore communication and lockage of pleasure craft.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of The Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before June 28, 1976.

§ 207.590 is amended to read as follows:

§ 207.590 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.

* * * * *

(l) Radio Control of vessel movement in Black Rock Canal

(1) * * *

(2) * * *

(3) The Black Rock Lock radio communication equipment operates on VHF(FM) frequencies as follows: VHF—156.8 Mcs—Channel 16—Safety and Calling, VHF—156.7 Mcs—Channel 14—Working; VHF—156.6 Mcs—Channel 12—Working. A listening watch is maintained on VHF Channel 16.

(4) * * *

(i) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone approximately 15 minutes before the estimated time of arrival at Buffalo Harbor Traffic Lighted Bell Buoy 1 located at latitude N. 42°50.1′ and longitude W. 78°55.4′. Information to be furnished the Black Rock Lock Operator should include the name of the vessel, position, destination, length, draft (forward and aft) and the type of cargo. A second call shall be made to the lock when the vessel is abreast of the Buffalo Harbor Light on the southerly end of the detached West Breakwater. Information furnished the vessel by the Lock Operator will assure the vessel operator of the proper time to enter the Black Rock Canal with a view to safety and minimum delay.

(ii) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone to 876-5454 immediately before departing a dock and again when abreast of the North Breakwater South End Light on the southerly end of the North Breakwater.

(iii) In any radio communication from a vessel to the Black Rock Lock, the VHF(FM) frequencies will be utilized.

* * * * *

(m) Black Rock Lock: All vessels and boats desiring to use the lock shall signal by two long and two short whistle blasts.

(1) * * *

(2) * * *

(3) Commercial vessels will receive preference in passage through the locks. Small vessels such as row, sail, and motor boats, bent on pleasure only, will be passed through the lock in company with commercial vessels when small vessels can be safely accommodated or in the absence of commercial vessels may be passed through the lock individually or together in one lockage on the hour if northbound, and on the half hour if southbound. However, commercial vessels will receive preference which could delay the passage of pleasure craft. Pleasure craft will not be permitted to pass through the lock with vessels carrying inflammable cargo. Vessels and other large boats when in the lock shall fasten one head line and one spring line to the snubbing posts on the lock walls, and the lines shall not be cast off until the signal is given by the lockmaster for the boats to leave the lock.

Dated: May 17, 1976.

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.76-15573 Filed 5-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Proposed Opening of Big Stone National Wildlife Refuge

Notice is hereby given that it is proposed that 50 CFR Part 32 be amended by the addition of the Big Stone National Wildlife Refuge, Ortonville, Minnesota, to the lists of refuge areas open for the hunting of (migratory game birds, upland game, and/or big game), which are published at 50 CFR § 32.21 and § 32.31.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at D.M. 242.1.1, the Director may open refuge areas to public hunting upon a determination that it would be in accordance with provisions of all laws applicable to the area, would be compatible with the principles of sound wildlife management and would otherwise be in the public interest. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation. It is the purpose of this proposed rulemaking to allow the hunting of upland game, and big game on the Big Stone National Wildlife Refuge, which is presently prohibited.

Furthermore, pursuant to the requirements of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)), an environmental assessment has been prepared on this proposal which will help determine whether this rulemaking constitutes a major Federal action significantly affecting the human environment. A copy of this assessment is available at the address below.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 by June 30, 1976.

Accordingly, it is proposed to amend § 32.21 and § 32.31 in Title 50 of the Code of Federal Regulations by the addition of

MINNESOTA

Big Stone National Wildlife Refuge

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

MAY 25, 1976.

[FR Doc.76-15586 Filed 5-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Proposed Rulemaking With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1976-77 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $150,000, a rate of assessment of $0.175 per bushel of limes, and the carryover as a reserve of unexpended funds to sup-

port the activities of the Lime Administrative Committee for the 1976–77 fiscal year under Marketing Order No. 911.

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1976, through March 31, 1977, will amount to $150,000;

(2) That there be fixed, at $0.175 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order; and

(3) That unexpended assessment funds in the amount of approximately $76,199, which are in excess of expenses incurred during the fiscal year ended March 31, 1976, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of said amended marketing agreement and order.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 12, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 24, 1976.

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

[FR Doc.76–15619 Filed 5–27–76;8:45 am]

[7 CFR Part 1030]

[Docket No. AO–361–A17]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Quality Inn, 4916 East Broadway, Madison, Wisconsin, beginning at 9:00 a.m., on June 15, 1976, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional 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 FARMERS UNION MILK MARKETING COOPERATIVE

PROPOSAL NO. 1

Revise paragraph (b) of § 1030.7 as follows:

§ 1030.7 Pool plant.

* * * * *

(a) * * *

(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b)(1) and (2) of this section is not less than the percentages specified in paragraph (b)(4) of this section subject to paragraph (b)(5), (6), (7), and (8) of this section of the volume of Grade A milk received from dairy farmers and handlers described in § 1030.9(c), including producer milk diverted under § 1030.13. Such receipts shall be reduced by the disposition of packaged fluid milk products described in paragraph (b)(3) of this section.

(1) Shipped or transshipped as fluid milk products to and physically unloaded into:

(i) Pool plant pursuant to paragraph (a) of this section;

(ii) Plants of producer-handlers;

(iii) Partially regulated distributing plants and assigned to Class I;

(iv) Distributing plants fully regulated under an other Federal order; and

(v) Any additional plant not specified above but defined in §1030.8 that subsequently received a Class I classification.

(2) * * *

(3) * * *

(4) Such percentage shall be not less than 30 for September, 35 for each of the months October and November, 25 for December, and 20 for all other months except that a plant that was a pool plant pursuant to this paragraph during each of the months August through March shall be a pool plant for each of the following months of April through July, subject to the following conditions:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area;

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–July) requesting the plant be designated a nonpool plant for such months and any subsequent month through July, provided it does not otherwise qualify as a pool plant;

(iii) For supply plants located outside the marketing area of this order, such performance requirements shall include physical receipt of one load at a pool plant described under paragraph (a) of this section each month; and

(iv) Any plant that was a supply plant under this order shall be a pool plant under this order during the following month regardless of the volume of shipments made to other order distributing plants.

* * * * *

Proposed by:

Associated Milk Producers, Inc.
Consolidated Badger Cooperative
Alto Cooperative Creamery
Golden Guernsey Dairy Coop.
Hampshire Milk Producers, Assn.
Independent Milk Producers Coop.
Lake-to-Lake Dairy Coop.
Manitowoc Milk Producers Coop.
Milwaukee Coop Milk Producers
Mid-West Dairymen's Company
Outagamie Producers Coop.
Wisconsin Dairies Coop.
Woodstock Progressive Milk Producers Assn.
Hiawatha Valley Dairies Coop.

PROPOSAL NO. 2

Amend § 1030.7 as follows:

§ 1030.7 Pool plant.

* * * * *

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in paragraph (a) (2) and (3) of this section of the receipts specified in paragraph (a)(1) of this section: *Provided,* That any plant that qualified as a distributing plant under this order in each of the immediately preceding 3 months may remain qualified during the current month, unless the operator of such plant requests nonpool plant status for such month. Two or more distributing plants of a handler shall be considered a unit for the purpose of paragraph (a)(3) of this section in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) * * *

(2) * * *

(3) Not less than 45 percent in each of the months of September, October, November, and December and 35 percent in each of the months of January, February, March and August, and 30 percent in all other months of such receipts is disposed of in the form of packaged fluid milk products and packaged fluid cream products, except filled milk, either as route disposition or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which the quantity of fluid milk products (except other source milk and filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b)(1) and (2) of this section is not less than the percentages specified in paragraph (b)(4) of this section subject to paragraph (b)(5), (6), and (7) of this section of the volume of

Grade A milk received from dairy farmers and handlers described in § 1030.9(c), including producer milk diverted under § 1030.13. Such receipts shall be reduced by the disposition of packaged fluid milk products described in paragraph (b)(3) of this section.

(1) * * *

* * * * *

(iv) Distributing plants fully regulated under an other Federal order, provided that the total quantity so transferred to pool distributing plants under this order exceeds in the case of each other order the total quantity so transferred to other order distributing plants.

(2) * * *

(3) The receipts of Grade A milk required to be included pursuant to this paragraph shall be reduced by the amount of packaged fluid milk products and packaged fluid cream products (except filled milk) that are disposed of from such plants as route disposition or moved to a nonpool plant from which they are disposed of as route disposition outside the marketing area.

(4) Such percentage shall be not less than 30 for September, 35 for each of the months of October and November, and 25 for December and 20 for all other months: *Provided*, That in the event a disaster prohibits the plant from meeting the specified performance requirements during any month, such plant, upon verification by the market administrator, will remain qualified pursuant to this paragraph. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

* * * * *

(7) * * *

* * * * *

(iii) Each plant in a unit would not be required to ship or transship milk to plants specified in subparagraph (b)(1) of this section unless a requirement is effectuated per subparagraph (b)(6) of this section.

PROPOSAL NO. 3

Add a new § 1030.11, Dairy farmer for other market, as follows:

§ 1030.11 Dairy farmer for other market.

"Dairy farmer for other market" means any dairy farmer described in this section. For the purposes of this section, the acts of any person who is an affiliate of, controls, or is controlled by, a handler described in § 1030.9 shall be considered as having been performed by such handler.

(a) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during any of the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year of an other order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year: *Provided*, That any handler may for each of his plants that are pool plants under this order during the months of January through July count as producer milk the production of any 3 such dairy farmers described in paragraph (a) of this section if such dairy farmer's production otherwise meets the provisions of § 1030.13.

(b) A producer under the order will be deemed to meet the definition of this paragraph during any month in which any production of such farm is disassociated with pool plants regulated under this order and is subsequently sold as Class I by a handler in an unregulated marketing area. Any dairy farmer who becomes a dairy farmer for other markets pursuant to this paragraph shall not achieve producer status under this order until the following August.

PROPOSAL NO. 4

Amend § 1030.52, Plant location adjustments for handlers, by adding a new subparagraph (6) under paragraph (a) as follows:

§ 1030.52 Plant location adjustments for handlers.

* * * * *

(a) * * *

(6) Adjustment to prices pursuant to this section shall not result in a price less than the Class III price for the month.

PROPOSAL NO. 5

Amend § 1030.75(a) to read:

§ 1030.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1030.61 for producer milk received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1030.52(a), except that the adjusted uniform price shall not be less than the Class III price.

PROPOSAL BY THE NATIONAL FARMER'S ORGANIZATION

PROPOSAL NO. 6

§ 1030.7 [Amended]

Amend § 1030.7(b) by replacing the following language in the first paragraph of (b):

"(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b) (1) and (2) of this section—"

with the following phrase:

"(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b) (1) and (2) of this section and diverted during the month pursuant to § 1030.9(h) and § 1030.13(e)—"

PROPOSAL NO. 7

§ 1030.7 [Amended]

Amend § 1030.7(b)(1)(iii) by replacing the following phrase:

"—in the marketing area from such plants pursuant to § 1030.42(d)(2)(ii)(a) and (c)."

with the following:

"—from such plants; in the case of each such plant pro rata to receipts of packaged fluid milk products at such partially regulated distributing plant from pool plants, and pro rata to receipts of bulk fluid milk products at such partially regulated distributing plant from pool plants."

PROPOSAL NO. 8

§ 1030.7 [Amended]

Add a paragraph (iv) after § 1030.7(b)(1)(iii), as follows:

"(iv) Distributing plants fully regulated under another Federal order, excluding those shipments or transshipments for which classification is assigned pursuant to § 1030.42(b)(3)."

PROPOSAL NO. 9

§ 1030.7 [Amended]

Amend § 1030.7(b)(4) by adding two new paragraphs, (iii) and (iv), as follows:

"(iii) For supply plants located outside the marketing area of Order 30, such performance requirements shall include delivery each month to a pool plant described under paragraph (a) of this section of at least one tank load of Grade A fluid milk products (not less than 45,000 pounds);

(iv) Any plant that was a pool supply plant under Order 30 during the preceding month shall be a pool plant for the current month regardless of the volume of shipments made to pool distributing plants under other orders."

PROPOSAL NO. 10

§ 1030.7 [Amended]

Amend § 1030.7(b)(6) by deleting the following language:

"—except that the percentages specified in paragraph (b)(7)(iii) of this section shall not exceed 50 percent of those specified in paragraph (b)(4) of this section."

PROPOSAL NO. 11

§ 1030.7 [Amended]

Amend § 1030.7(b)(7) by deleting the subparagraph (iii) therein, in its entirety.

Renumber the present § 1030.7(b)(7)(vi), as § 1030.7(b)(7)(iii).

PROPOSAL NO. 12

§ 1030.9 [Amended]

Amend § 1030.9(h) by:

Replacing the phrase in the first paragraph "any person who is a handler operating a pool distributing plant—" with the phrase "any person who is a handler operating a pool plant—"

Replacing the phrase in subparagraph (2) "handler's pool distributing plant to another pool distributing plant—" with the phrase "handler's pool plant to a pool distributing plant—"

PROPOSAL NO. 13

§ 1030.9 [Amended]

Replace the language in the first paragraph of the present § 1030.13(e) and in subparagraph (1) under said paragraph (e) with the following:

"(e) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant or to a distributing pool plant subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at the plant to which diverted, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.7, milk so diverted shall be considered as received in the pool plant from which diverted. The location price adjustments pursuant to § 1030.75 shall be based on the zone location of the plant to which diverted where such milk is physically received, except that in the case of milk diverted from a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) With respect to diversions to a nonpool plant, the milk of a producer that has been physically received at a pool plant during the month for at least one day's production may be otherwise diverted without limit during the month; except that no diversion limit shall apply during the months of April through July if the milk of the producer was physically received for at least one day's production during any of the preceding months of August-December and such producer subsequently maintained producer status without interruption extending through one calendar month.

With respect to diversion to a pool distributing plant, the milk of the producer involved must be physically received for one day's production during the month at the plant from which diverted."

PROPOSAL NO. 14

§ 1030.75 [Amended]

Amend § 1030.75 by replacing the language in the present paragraph (a) with the following:

"(a) The uniform price pursuant to § 1030.61 for producer milk received at a plant shall be adjusted according to the location of the plant at the rate set forth in § 1030.52(a), except that such adjusted uniform price at any location shall not be less than the Class III price."

PROPOSAL NO. 15

§ 1030.7 [Amended]

If the final decision on this docket is not to be made effective on or before July 15, 1976, amend § 1030.7(b)(7)(ii) by providing additional language in subparagraph (ii) to the effect that the latest date for giving such notice during the year 1976 will not be earlier than 15 days after the effective date of the decision in this docket.

PROPOSED BY LAKESHORE FEDERATED DAIRY COOPERATIVE

PROPOSAL NO. 16

§§ 1030.7, 1030.13, 1030.42 [Amended]

Amend §§ 1030.7, 1030.13, and 1030.42 to provide that shipments made directly from supply plant producer's farms to pool distributing plants count for qualification of the supply plant where such producer's milk is associated.

PROPOSAL NO. 17

Amend § 1030.7(b)(6) as follows:

§ 1030.7 Pool plant.

* * * * *

(b) * * *

(6) The percentages specified in paragraph (b)(4) and/or in paragraph (b)(7)(iii) of this section applicable during August-March or the ratios specified in § 1030.13(e)(1) shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments except that the percentages specified in paragraph (b)(7)(iii) of this section shall not exceed 50 percent of those specified in paragraph (b)(4) of this section. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided,* That if a plant which would not otherwise qualify as a pool plant during the month pursuant to paragraph (b)(4) or (7)(iii) of this section would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

The ratio of diversions to nonpool plants to receipts specified in § 1030.13(e)(1) during the month may be increased or decreased at the same percentage rate specified for pool supply plants as a result of this subparagraph.

* * * * *

PROPOSED BY THE SOUTHLAND CORPORATION

PROPOSAL NO. 18

(a) Add a definition of "Asociated Fluid Milk Product" as follows: "Associated fluid milk product" means a fluid cream product, cottage cheese, yogurt and eggnog.

(b) Add in § 1030.5 after the words "fluid milk product," the words "or an associated fluid milk product made from Grade A milk."

(c) Add in § 1030.7(a)(2) after the words "fluid milk products," the words "and associated fluid milk products."

(d) Change the period at the end of the first sentence in § 1030.7(a)(2) to a colon and add the following: *"Provided,* That for a plant located in the marketing area, such qualification shall be the lesser of 5 percent of a daily average of 1,000 pounds."

(e) Change the period at the end of the second sentence in § 1030.7(a) to a colon and add the following: *"Provided,* That in the event of a natural disaster or work stoppage beyond the control of the operator that results in the discontinuance of operation of one or more of the plants in the unit, the remaining plant(s) shall remain a pool plant(s) for a maximum of 12 months if the operator provides evidence satisfactory to the market administrator within 3 months of the intent to resume operations and if the operations resume within 12 months. Failure to meet either of these requirements will discontinue the automatic pool status.

PROPOSED BY THE TRADE ASSOCIATION OF PROPRIETARY PLANTS, INC.

PROPOSAL NO. 19

Amend § 1030.73(a)(1) to read as follows:

§ 1030.73 Payments to producers and to cooperative associations.

* * * * *

(a) * * *

(1) On or before the third day after the end of each month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month, less proper deductions authorized in writing by such producer which may be retained by the handler until the payment required by § 1030.73(a)(2) to the extent the retained authorized deduction does not exceed one-half of the total authorized monthly deductions of such producer; and

* * * * *

PROPOSAL NO. 20

Amend § 1030.13(e)(1) to read as follows:

§ 1030.13 Producer milk.

* * * * *

(e) * * *

(1) Milk of a producer diverted for the account of the operator of a pool plant,

or handler described in § 1030.9(b), that does not exceed twice the quantity of such producer's milk received in the pool plant from which it was diverted during each of the months of September, October, and November, and during each of the months of December through August does not exceed four times such quantity received. No diversion limit shall apply during the months of April through August for a producer who delivered to a pool plant any time during the prior September–March period and subsequently maintained producer status without interruption of more than 30 consecutive days;

* * * * *

PROPOSAL NO. 21

Amend § 1030.30(a) to read as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

* * * * *

PROPOSED BY DEAN FOODS COMPANY

PROPOSAL NO. 22

Amend the order to allow handler maximum shrinkage allowance in Class III with verification by the market administrator of total Class II and Class III utilization and total receipts and the balance will be Class I utilization.

PROPOSAL NO. 23

Amend the order that yogurt be classified on a use to produce basis rather than on a sales basis.

PROPOSAL NO. 24

Amend the order that Class II items received and disposed of in the same package need not be accounted for by the receiving handler and will be considered as a pass thru product.

PROPOSED BY BIRDSEYE DAIRY; CRYSTAL FOUNTAIN DAIRY; HANSEN DAIRY; LAMERS DAIRY, INC.; OBERWEIS DAIRY; STOER DAIRY; AND UTSCHIG DAIRY

PROPOSAL NO. 25

Amend § 1030.50(a) to read:

§ 1030.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $0.40.

PROPOSED BY OBERWEIS DAIRY

PROPOSAL NO. 26

§ 1030.52 [Amended]

Amend § 1030.52 to reflect an increase in zoning allowance from the present 2 cents per hundredweight to 3 cents per hundredweight with mileage conditions remaining as presently in effect.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 27

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, Robert G. Thomas, Room 800, 72 West Adams Street, Chicago, Illinois 60603, 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 25, 1976.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc.76-15741 Filed 5-27-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H–039]

OCCUPATIONAL EXPOSURE TO SULFUR DIOXIDE

Notice of Proposed Rulemaking; Corrections

On Monday, November 24, 1975, a notice of proposed rulemaking regarding an occupational safety and health standard for exposure to sulfur dioxide was published in the FEDERAL REGISTER (40 FR 54520, FR Doc. 75–31379). The following corrections should be made to this notice:

1. On page 54520, second column, the parenthetical sentence at the end of the first full, unnumbered paragraph is corrected to read as follows: "(See reference section of this Notice for listing of sources.)"

2. On page 54522, first column, first paragraph, the sixth line is corrected to read as follows: "workers. According to the Lee and Frau-".

3. On page 54522, second column, the third line of the second full paragraph is corrected by adding the word "above" immediately after the word "author".

4. On page 54528, first column, the following corrections are made:

(a) in reference (5), "Cincinnati, (1957)" is corrected to read "Chicago (1946)";

(b) in reference (6), "Cincinnati, 1958" is corrected to read "Cincinnati (1957)";

(c) in reference (7), "Cincinnati, 1958" is corrected to read "Atlantic City (1958)";

(d) in reference (8), the year should be changed from "1968" to "1966".

5. On Page 54530, the respirator table is corrected to read as follows:

REQUIREMENTS FOR RESPIRATOR USAGE

Concentration of sulfur dioxide	*Permissible respirator protection*
Less than or equal to 10 ppm	Chemical cartridge respirator for acid-gases with quarter or half facepiece.
Less than or equal to 50 ppm	Chemical cartridge respirator for acid-gases with full facepiece, hood or helmet.
Less than or equal to 100 ppm	Supplied-air respirator with full facepiece, hood, or helmet.
	Gas mask with chin-style canister for acid gases.
	Gas mask with front or back-mounted canister for acid gases.
	Self-contained breathing apparatus with a full facepiece.
Less than or equal to 400 ppm	Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode or with a full facepiece, helmet or hood operated in continuous flow mode.
Greater than 400 ppm or entry and escape into unknown concentrations.	Self-contained breathing apparatus with a full facepiece operated in pressure-demand or other positive pressure mode.
	A combination respirator which includes a type C supplied-air respirator operated in the pressure demand or other positive pressure or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in the pressure-demand or other positive pressure mode.
Escape	Gas mask with sulfur dioxide canister or acid-gas.
	Any escape self-contained breathing apparatus.

6. On page 54531, second column, proposed § 1910.1030(k)(2)(ii) is corrected to read: "* * * for at least two years."

Since some of the above corrections are significant, interested persons are invited to comment on the corrections to the proposed standard on or before June 28, 1976. Written data, views, and arguments concerning corrections to the proposal must be submitted in quadruplicate to the Docket Officer, Docket No. H–039, Room N–3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Telephone 202/523–3076). Written submissions must clearly identify the provision of the proposal addressed and the position taken with respect to each such provision. The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911).

Signed at Washington, D.C. this 21st day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-15699 Filed 5-27-76;8:45 am]

EVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 600]

[FRL-540-1]

FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Regulations and Test Procedures for 1977 and Later Model Automobiles

Correction

In FR Doc. 76-14856 appearing on page 21002 in the FEDERAL REGISTER of Firday, May 21, 1976 Appendix IV on page 21019 is being republished. Appendix IV should appear as set forth below:

IV-I

GENERAL LABEL
WITH RANGE

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped

10 MILES PER GALLON FOR CITY DRIVING
16 MILES PER GALLON FOR HIGHWAY DRIVING
AND
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon.

Based on $ .65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is $464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

IV-2
GENERAL LABEL
WITHOUT RANGE

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped

10 MILES PER GALLON FOR CITY DRIVING
16 MILES PER GALLON FOR HIGHWAY DRIVING
AND
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING

As of the date this vehicle was built (or imported), a range of combined city and highway fuel economy for Class A vehicles was not available.

Based on $ .65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is $464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

IV-3
GENERAL LABEL
CALIFORNIA

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, California emission control system.

10 MILES PER GALLON FOR CITY DRIVING
16 MILES PER GALLON FOR HIGHWAY DRIVING
AND
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon.

Based on $ .65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is $464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

IV-4

SPECIFIC LABEL
WITH RANGE



Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:



Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, 4,000 pounds test weight, 3.02 axle ratio.

10 MILES PER GALLON FOR CITY DRIVING
16 MILES PER GALLON FOR HIGHWAY DRIVING
AND
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING

THESE FUEL ECONOMY NUMBERS ARE FROM TESTS OF THIS VEHICLE CONFIGURATION AND MAY NOT BE IN THE EPA/FEA BUYER's GUIDE.

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon. The range on this label is based upon average fuel economy results, and does not reflect the range of tests of specific vehicle configurations.

Based on $ .65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is $464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20403]

[47 CFR Part 73]

AUTOMATIC TRANSMISSION SYSTEMS AT AM, FM AND TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

By the Chief, Broadcast Bureau: 1. On April 8, 1976, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding (41 F.R. 15711). The dates for filing comments and reply comments are presently June 11 and July 12, 1976, respectively.

2. On May 6, 1976, counsel for the National Association of Broadcasters (NAB) requested that the time for filing comments and reply comments be extended to and including August 11 and September 13, 1976, respectively. Counsel states that the instant proceeding contains public questions which are applicable to the entire broadcasting industry so NAB has appointed a special engineering subcommittee to study and advise it on these matters. Counsel adds that the Notice of Proposed Rule Making contains issues which need to be discussed at the June meetings of the NAB Board of Directors and its Engineering Advisory Committee. He further states that the evaluation and guidance of these committees will be extremely helpful in preparation of comments in this proceeding.

3. We are of the opinion that the requested additional time is warranted and would serve the public interest. Accordingly, *It is ordered*, That the dates for filing comments and reply comments are extended to and including August 11 and September 13, 1976, respectively.

4. 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 §0.281 of the Commission's rules.

Adopted: May 20, 1976.

Released: May 24, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-15663 Filed 5-27-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES GOVERNING DISCOVERY AND COMPULSORY PROCESS IN ADJUDICATIVE PROCEEDINGS

Proposed Rule Changes

The Federal Trade Commission previously published for comment (40 FR 15239) a proposed general revision of its rules governing discovery and compulsory process in adjudicative proceedings, modeled on the Federal Rules of Civil Procedure. On the basis of the comment received, a number of problems with the proposal became apparent. These problems related both to differences in structure and authority between the Commission and the federal courts which could not be fully accommodated to the proposed rules, and to concerns that adoption of the rules would not yield the desired results. While it had been the Commission's intention that the proposal facilitate and expedite discovery, much of the comment received tended to suggest the opposite result.

Accordingly, the Commission now proposes a less sweeping amendment of its discovery rules, designed to broaden somewhat the scope of permissible discovery, allow discovery from classes of persons to be authorized on a single application, and explicitly define the rules for use of depositions and other collateral matters.

The new proposal is also designed to continue past Commission practice of assuring firm control by administrative law judges of the pace and scope of adjudicative proceedings.

The proposed rules are promulgated under the authority granted by the Federal Trade Commission Act, (15 U.S.C. § 41 et seq.).

Written comments on the proposed rules will be received by the Commission on or before June 28, 1976. Comments should be filed in duplicate and addressed to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, N.W., Washington, D.C. 20580.

Comments from the Commission's administrative law judges, operating bureaus, and regional offices will be received in the same manner as comments from members of the public.

All such comments filed with the Commission, including those received from the Commission's staff, will be available for public inspection during normal business hours at the Division of Legal and Public Records, Room 130, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, N.W., Washington, D.C.

The proposed changes are set forth below.

It is proposed to amend 16 CFR Part 3 as follows:

Subpart D—Discovery; Compulsory Process

1. A new section designated § 3.32 is adopted and §§ 3.33, 3.34, 3.35, 3.36(b), 3.37(b) and 3.38(b) are revised as set forth below.

§ 3.32 Stipulations regarding discovery procedures.

Unless the Administrative Law Judge orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery; provided, that no such stipulation shall vary the procedures set out in § 3.36 or 3.37.

§ 3.33 Depositions.

(a) *When justified.* At any time during the course of a proceeding, whether or not issue has been joined, the Administrative Law Judge may authorize the taking of a deposition or depositions of a named person or of a person or class of persons described with reasonable particularity. Such authorization may be granted upon a satisfactory showing that it is necessary for the discovery of any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, whether it relates to the allegations of the complaint or to the defense of any respondent, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of any discoverable matter, whether or not the information sought will be admissible at the hearing, if that information appears reasonably calculated to lead to the discovery of admissible evidence. Where authorization is sought as to a class of persons, a showing shall also be made that the depositions of members of such class may reasonably be expected to yield testimony or material of the same general category and that dealing with these persons as a class is thus appropriate. Where a person sought to be deposed is not a party to the proceeding or an officer or agent of a party, a further showing shall be made that the information sought cannot reasonably be obtained by other means. Such authorization may also be granted to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence would not otherwise be available for presentation at the hearing. Insofar as consistent with considerations of fairness and the requirements of due process and the rules in this part, a deposition should not be authorized when it appears that it will result in undue burden to any other party or any person or in undue delay of the proceeding. Depositions may be taken, orally or upon written questions and cross-questions, before any person having power to administer oaths who may be designated by the party seeking the deposition, provided that such person shall have no interest in the outcome of the proceeding. If such authorization is granted, the party seeking the deposition shall serve upon each person whose deposition is sought and each party to the proceeding reasonable notice in writing of the time and place at which it will be taken, and the name and address of each person to be examined, if known, and if the name is not known, a description sufficient to identify him or the particular class to which he belongs. If the party seeking the deposition will simultaneously seek the production of documents or other material by the deponent, the notice shall also include a description thereof.

(b) *Form of application.* Any party desiring to take a deposition or depositions shall make application in writing to the Administrative Law Judge making the showing required by paragraph (a) of this section and including, if necessary, application or motion for subpoenas under § 3.34, 3.36, or 3.37, as appropriate.

(c) *Notice to corporation or other organizations.* A party may in his notice and in a subpoena name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which he will testify. A subpoena shall advise a nonparty organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection does not preclude taking a deposition by any other procedure authorized in these rules.

(d) *Motion for protective order.* After notice is served of the taking of a deposition, upon motion timely made by any party or by the person to be deposed and for good cause shown, the Administrative Law Judge may order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written questions, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that trade secrets or names of customers need not be disclosed; or the Administrative Law Judge may make any other order which justice requires to protect the party or deponent from annoyance, embarrassment, or oppression, or to prevent the unnecessary disclosure or publication of information which will cause substantial harm to the competitive position of the person from whom the information is obtained or is contrary to the public interest and beyond the requirements of justice in the particular proceeding.

(e) *Motion for order compelling deponent to appear at deposition and testify.* If a deponent who is a party or an officer or managing agent of a party fails to appear at the time and place noticed for his deposition, or if any deponent, having appeared, declines to answer a question propounded or submitted to him, the party seeking discovery may by motion and upon reasonable notice to other parties apply to the Administrative Law Judge for an order compelling such appearance or such answer. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before applying for an order. If the Administrative Law Judge denies the motion in whole or in part, he may make such protective order as he would have been empowered to make on a motion under paragraph (d) of this section.

(f) *Taking of deposition.* Each deponent shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate), shall be reduced to writing and certified by the officer before whom the deposition was taken. Thereafter, the officer shall forward the deposition and one (1) copy thereof to the party at whose instance the deposition was taken, and shall forward one (1) copy thereof to the representative of each other party who was present or represented at the taking of the deposition.

(g) *Correction of deposition.* A deposition may be corrected in the manner provided by § 3.44(b). Any such deposition shall, in addition to the other required procedures, be read to or by the deponent and subscribed by him. Further to and not in lieu of the procedure for formal correction of the record, the deponent may enter in the record at the time of signing a list of objections to the transcription of his remarks.

(h)(1) *Use of depositions in hearings.* At the hearing on the complaint or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying,

may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof in accordance with any of the following provisions:

(i) Any deposition may be used for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(ii) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated to testify on behalf of a public or private corporation, partnership or association which is a party, or an official or employee of the Commission, may be used by an adverse party for any purpose.

(iii) A deposition may be used by any party for any purpose if the Administrative Law Judge finds: (A) that the deponent is dead; or (B) that the deponent is out of the United States or is located at such a distance that his attendance would be impractical, unless it appears that the absence of the deponent was procured by the party offering the deposition; or (C) that the deponent is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (D) that the party offering he deposition has been unable to procure the attendance of the deponent by subpoena; or (E) that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(iv) If only part of a deposition is offered in evidence by a party, and adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

(2) *Objections to admissibility.* Subject to the provisions of paragraph (h)(3) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(3) *Effect of errors and irregularities in depositions.* (i) As to notice. All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(ii) As to disqualification of officer. Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(iii) As to taking of deposition.

(A) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(B) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the depostion.

(C) Objections to the form of written questions are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within 5 days after service of the last questions authorized.

(iv) As to Completion and Return of Deposition. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, endorsed, or otherwise dealt with by the officer are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been ascertained.

§ 3.34 Subpoenas.

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at an adjudicative hearing shall be made to the Administrative Law Judge. If for the purpose of discovery, such subpoena shall be issued upon the same showing of necessity required for depositions under § 3.33(a). If for testimony at an adjudicative hearing, such subpoena shall be issued upon a showing of the general relevancy of the expected testimony.

(b) *Subpoenas duces tecum.* (1) Application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specified documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at an adjudicative hearing shall be made in writing to the Administrative Law Judge, and shall specify as exactly as possible the material to be produced, showing that the material sought is reasonable in scope and, if for the purpose of discovery, falls within the limits of permissible discovery prescribed for the taking of a deposition in § 3.33(a), or, if for an adjudicative hearing, is generally relevant.

(2) Subpoenas duces tecum may be used by any party for purposes of discovery or for obtaining documents, papers, books, or other physical exhibits for use in evidence, or for both purposes. When used for discovery purposes, a subpoena may require a person to produce and permit the inspection and copying of nonprivileged documents, papers, books, or other physical exhibits which constitute or contain evidence within the limits of permissible discovery under § 3.33(a) and which are in the possession, custody, or control of such person.

(c) *Subpoenas-in blank.* Subpoenas ad testificandum and duces tecum for the purpose of discovery may be issued by the Administrative Law Judge in appropriate numbers, signed and sealed but otherwise in blank, upon application of a party, for service upon members of a class of persons described with reasonable particularity, upon the same showing of necessity and appropriateness of treatment as a class required for depositions under § 3.33(a). Each such subpoena shall be filled in by the party obtaining it, before service.

(d) *Motion to quash subpoena.* Any motion to limit or quash a subpoena shall be filed within ten (10) days after service thereof, or within such other time as the Administrative Law Judge may allow.

§ 3.35 Rulings on applications for compulsory process.

Applications for authorization to take depositions pursuant to the provisions of § 3.33, and applications for the issuance of subpoenas pursuant to the provisions of § 3.34 (other than as provided in §§ 3.36 and 3.37) may be made ex parte, and, if so made, such applications and rulings thereon shall remain ex parte unless otherwise ordered by the Administrative Law Judge or the Commission. Such applications, and motions under § 3.33 (d) and (e) and § 3.34(d), shall be ruled upon by the Administrative Law Judge or, in the event the Administrative Law Judge is not available, by the Chief Administrative Law Judge or such other Administrative Law Judge as the Chief Administrative Law Judge may designate.

§ 3.36 Form of and rulings on applications for subpoenas for records of the Commission and for appearance of Commission employees.

* * * * *

(b) *Content.* The motion shall make the same showing required to obtain a subpoena under § 3.34, including specifically a showing that the information or material sought cannot reasonably be obtained by other means, and, if subpoenas-in-blank are sought for a class of such officials or employees, the showing required by § 3.34(c).

* * * * *

§ 3.37 Applications for appearance of other government employees.

* * * * *

(b) *Content and disposition.* The motion shall make the same showing required by § 3.36(b) for subpoenas directed to the Federal Trade Commission or its officials or employees, and shall be ruled upon in the same fashion as provided by § 3.36(c) for such motions.

§ 3.38 Consequences of failure to comply with orders.

* * * * *

(b) Any such action may be taken by written or oral order issued in the course of the proceeding or by inclusion in an initial decision of the Administrative Law Judge or an order or opinion of the Commission. It shall be the duty of parties to seek and Administrative Law Judges to grant such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, doc-

uments, or other evidence. If in the Administrative Law Judge's opinion such relief would not be sufficient, he shall so certify to the Commission and request of the Commission that court enforcement of the subpoena or order be sought.

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions

2. Section 3.21(b) is revised to conform to the proposed changes in Subpart D.

§ 3.21 Prehearing conferences.

* * * * *

(b) *Subpoenas.* Prehearing conferences may be convened for the purpose of accepting returns on subpoenas duces tecum issued pursuant to the provisions of § 3.34 (b) or (c).

* * * * *

By direction of the Commission dated May 18, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-15787 Filed 5-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 201, 240]

[Release Nos. 33-5711, 34-12472, 35-19541, 39-435, IC-9297, IA-517; File No. S7-633]

INCORPORATION BY REFERENCE

Proposed Amendment of Rules of Practice and Revocation of Related Rule Classifying Basic Documents

The Securities and Exchange Commission today invited public comments on amendments to its rules allowing incorporation by reference in current documents of documents previously filed.

Since 1934, the year the Securities and Exchange Commission came into being, literally millions of documents have been filed with it under the various federal acts it administers.[1] The Commission has kept the originals of all documents filed with it. The Commission however can no longer do so. The cost of storage outweighs the usefulness to the Commission and to the public of many if not most of these records.

Under Rule 24 of the Rules of Practice, 17 CFR 201.24, to the extent authorized by the other rules or regulations [2] or forms of the Commission, a person filing a document with the Commission my incorporate by reference in a current filing documents on file with the Commission less than 10 years and documents designated as "basic documents." Basic documents as defined in the Rule may be incorporated in a current filing no matter when filed. Moreover, Rule 12b-34 under the Securities Exchange Act classifies as basic documents certain categories of documents.

The Commission's original purpose was to adopt rules permitting incorporation by reference to make it possible for companies to reduce repetition in their filings. It appears that, unless changed, references to previous documents raise the the question whether any documents may be disposed of.

The proposed rule essentially makes three changes in the present Rule:

1. No document can be incorporated by reference more than three years after it was filed unless it is a basic document, as newly defined in paragraph b. The reason for the three-year period is that records are generally kept in the Commission's headquarters for about three years before they are sent to the Federal Records Center.

2. A person may designate as a basic document one which he has filed with the Commission not more than 10 years before the date of designation and which he reasonably expects to incorporate in a later filing. But in order to do so, he must send a copy to the Commission with the application that it be regarded as a basic document. This will enable members of the public to have ready access to basic documents which will separately be kept at the Commission's headquarters but will not prevent the Commission from discarding them when they are more than 20 years old.

3. No document may be incorporated by reference which itself incorporates another document by reference.

Classification of documents as basic documents prior to the adoption of a new rule will be rescinded and be of no effect.

All other Commission rules relating to incorporation by reference will be subject to the limitations in proposed Rule 24 of the Rules of Practice. In addition, it is proposed that Rule 12b-34 under the Securities Exchange Act, 17 CFR 240.-12b-34, will be rescinded.

Rule 24 of the Rules of Practice is proposed to be amended to read as follows:

§ 201.24 **Incorporation by reference.**

(a) *Generally.* Where rules, regulations or instructions to forms of the Commission permit incorporation by reference, a document may be so incorporated only by reference to a specific document and to a prior filing in which it was physically filed. Reference may not be made to another file which incorporates the document by reference or to any document which incorporates another document by reference. No document on file with the Commission for a period of more than three years as of the date of filing may be incorporated by reference unless it is a basic document as defined and to the extent set out in paragraph (b) of this Rule.

(b) *Basic documents.* A person may designate as a basic document a document he has filed with the Commission no more than 10 years prior to the date of designation and which he reasonably expects to incorporate by reference in a filing. A copy of such document must be sent to the Commission with an application that it be regarded as a basic document. The application must specify the file in which the document is physically filed. Copies of basic documents will be retained in a separate file by the Commission.

(1) No basic document, however, may be incorporated by reference in a current filing if filed more than 20 years prior to a current filing.

(c) *Related Rules, Regulations or Forms.* Rules, regulations or forms of the Commission permitting incorporation by reference shall be governed by the provisions of this Rule.

All interested persons are invited to submit their views and comments on the proposal in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 21, 1976. All such communications should be filed in triplicate and should refer to File No. S7-633 and will be available for public inspection.

(Sec. 19, 48 Stat. 85, sec. 23, 48 Stat. 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855 (15 U.S.C. 77s, 78w, 79c, 77sss, 80a-37, 80b-11).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 21, 1976.

[FR Doc.76-15558 Filed 5-27-76;8:45 am]

[17 CFR Parts 239, 249, 274]

[Release 33-5710, 34-12462, IC-9295]

INVESTMENT COMPANY FORMS

Withdrawal of Proposal

Notice is hereby given that the Securities and Exchange Commission hereby withdraws its proposal to amend Forms N-8B-1, N-8B-3, N-8B-4, N-5, and N-1Q (17 CFR 274.11, 17 CFR 274.13, 17 CFR 274.14, 17 CFR 274.5, 239.24, 17 CFR 274.106, 249.331) under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.) which would have required registered investment companies to disclose with greater specificity their policies on involvement in the affairs of their portfolio companies.

A notice of the proposal was released for public comment on December 1, 1971.[1] Thirteen letters of comment were received on the proposal. The majority of comments received were critical of the proposed form amendments stressing that, as a rule, investment companies do not form general policies with respect to involvement in portfolio companies which could be meaningfully articulated in form responses. After reevaluating the comments received and in light of a re-

[1] The Federal Records Center as of 1975 held almost 40,000 cubic feet of Commission records.

[2] These rules include Rules 411, 412 and 447 under the Securities Act, 17 CFR 230.411, 230.412 and 230.447; Rules 12b-24 and 12b-34 under the Securities Exchange Act, 17 CFR 240.12b-24 and 240.12b-34; Rule 22(b) under the Public Utility Holding Company Act of 1935, 17 CFR 250.22(b); Rules 7a-28 and 7a-29 under the Trust Indenture Act of 1939, 17 CFR 260.7a-28 and 260.7a-29; and Rules 8b-23, 8b-24 and 8b-32 under the Investment Company Act of 1940, 17 CFR 270,8b-23, 270.8b-24, and 270.8b-32.

[1] Securities Act Release No. 5214, Securities Exchange Act Release No. 9403, Investment Company Act Release No. 6853 (December 1, 1971), 36 FR 25434 (December 31, 1971).

view of the reporting and disclosure requirements for investment companies currently in progress, it is deemed appropriate to withdraw this proposal at this time.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1976.

[FR Doc.76-15556 Filed 5-27-76;8:45 am]

[17 CFR Parts 274 and 239]

[Release 33-5709 and IC-9294]

INVESTMENT COMPANY FORMS

Withdrawal of Proposal

Notice is hereby given that the Securities and Exchange Commission hereby withdraws its proposal to revise the instructions to items relating to investment policies in Forms N-8B-1 and N-5 (17 CFR 274.11, 17 CFR 239.24, and 274.5) for registration statements of management investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.) ("Act"). The proposed revisions would have amended the Instructions to Items 4 and 5 of Form N-8B-1 and Items 2 and 3 of Form N-5 so as to make them consistent with a Commission interpretation of the terms "fundamental" as used in Sections 8(b) and 13(a)(3) of the Act (15 U.S.C. 80a-8(b) and 80a-13(a)(3)).

A notice of the proposal was released for public comment on December 20, 1968.[1] The Commission's files show no record of any comments having been received. Since the entire area of investment company reporting and disclosure requirements, including the point covered by the proposed revisions, is currently under study, it is deemed appropriate at this time to withdraw this proposal.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1976.

[FR Doc.76-15557 Filed 5-27-76;8:45 am]

[1] Investment Company Act Release No. 5565, Securities Act Release No. 4939 (December 20, 1968) 34 FR 1180 (January 24, 1969).

[17 CFR Parts 249, 274]

[Release 34-12467, IC-9296]

INVESTMENT COMPANY FORMS

Withdrawal of Proposal

Notice is hereby given that the Securities and Exchange Commission has withdrawn the proposed amendments to Forms N-1Q, N-1R, and X-17a-9 (17 CFR 274.106, 249.331, 17 CFR 274.101, 249.330, 17 CFR 249.917) published for comment in Investment Company Act Release No. 6349 (February 16, 1971), 36 FR 4070 (March 3, 1971).[1]

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1976

[FR Doc.76-15649 Filed 5-27-76;8:45 am]

[1] It should be noted that the proposed amendment to Form N-1R was subsequently implemented in Investment Company Act Release No. 6620 (July 15, 1971), 36 FR 15430 (August 14, 1971). The Commission may in the future consider amendments to Forms N-1Q and X-17a-9 similar to those proposed in Investment Company Act Release No. 6349 but believes that the current proposal should be withdrawn in view of the time which has elapsed since its issuance.

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

Office of the Secretary

PORTLAND HYDRAULIC CEMENT, OTHER THAN WHITE NON-STAINING CEMENT, FROM MEXICO

Antidumping: Withholding of Appraisement Notice

On October 16, 1975, information was received in proper form from Southwestern Portland Cement Company of El Paso, Texas, alleging that portland hydraulic cement, other than white non-staining cement, from Mexico, was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. However, the evidence on record, as set forth in the proceeding notice, was such that the Secretary of the Treasury concluded that substantial doubt existed as to whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c) of the Act (19 U.S.C. 160(c)(2)).

On December 18, 1975, the United States International Trade Commission notified the Secretary of the Treasury that, on the basis of its inquiry it did not determine that there was no reasonable indication that an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of the subject merchandise from Mexico. Accordingly, the Customs investigation in this proceeding was not terminated.

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of portland hydraulic cement, other than white non-staining cement, from Mexico is less, or is likely to be less, than the fair value, and thereby the foreign market value (section 205 of the Act; 19 U.S.C. 164) of such or similar merchandise.

STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that approximately 95 percent of imports of the subject merchandise was manufactured by three plants in Mexico during the representative period. They were Cementos Anahuac, Mexico, D.F., Cementos de Chihuahua, S.A., Ciudad Juarez, Chihuahua, and Cementos Mexicanos de Monterrey, S.A., Monterrey, Nuevo Leon. Therefore, the investigation was limited to these three manufacturers.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162) was used since all export sales appear to be made to non-related distributors or commercial consumers in the United States. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3) was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of portland hydraulic cement, other than white non-staining cement, from Mexico during the period July 1 through December 31, 1975, for two manufacturers. For Cementos Mexicanos, the period of investigation was January 1–December 31, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. With respect to merchandise by Cementos Anahuac, the purchase price has been calculated on the basis of the C.I.F. price, Tampa, Florida, with deductions for inland freight, ocean freight and insurance. With respect to merchandise sold by Cementos de Chihuahua, the purchase price has been calculated on the basis of delivered, f.o.b. El Paso, Texas price with deductions for U.S. brokerage charges, inland freight, consumption entry bond, and Texas state use tax, as applicable. With respect to merchandise sold by Cementos Mexicanos de Monterrey, the purchase price has been calculated on the basis of the C.I.F., Texas border price with deductions for prompt payment discounts, U.S. brokerage charges, transportation permit and insurance, and inland freight. Additions tentatively have been made to all prices, as applicable, for a 5 percent Mexican production tax not collected on exports, and an 11 percent rebate of indirect taxes on exports.

d. *Home Market Price.* The home market price for Cementos Anahuac has been calculated on the basis of the packed, weighted average price to Mexican distributors. For Cementos de Chihuahua and Cementos Mexicanos, the home market price has been calculated on the basis of f.o.b. plant price.

Adjustments have been made to the home market price for Cementos Anahuac for packing, rail freight, maritime freight, and terminal and plant handling costs. No adjustments have been made to the home market price of Cementos de Chihuahua. An adjustment for prompt payment discounts has been made to the home market price of Cementos Mexicanos.

Counsel for Cementos Anahuac has claimed additional adjustments for fixed operating costs of the plant and terminal, for depreciation costs on the plant and terminal, and for trade association fees. These expenses do not bear a direct relation to the sales under consideration and no adjustment has been allowed for these expenses. Additionally, counsel for Cementos Anahuac has claimed adjustments for advertising, sales promotion, and marketing and sales expenses. These expenses may be allowed if sufficient documentation is submitted to indicate that these expenses are directly related to the sales under consideration, within the meaning of § 153.8, Customs Regulations (19 CFR 153.8).

e. *Result of Fair Value Comparison.* Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise with respect to Cementos Anahuac del Golfo, S.A. Comparisons were made on approximately 90 percent of sales of the subject merchandise by this plant during the period of investigation. Margins were tentatively found ranging from 9 percent to 19 percent on the sales compared.

Accordingly, Customs officers are being directed to withhold appraisement of portland hydraulic cement, other than white non-staining cement, from Mexico, in accordance with section 153.48(a), Customs Regulations (19 CFR 153.48(a)).

One hundred percent of sales by Cementos Mexicanos, S.A., and Cementos de Chihuahua to the U.S. in the period under consideration was examined and these two companies are excluded from

this withholding of appraisement. The home market price of the former was considerably lower than the purchase price in every instance (these sales were made prior to April, 1975) and in the few sales in which margins were determined to exist in respect of the latter, such margins were deemed to be de minimis in relation to the total volume of sales.

In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before June 7, 1976. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views likewise should be addressed to the Commissioner in time to be received in his office on or before June 28, 1976.

This notice of withholding of appraisement and the statement of reasons therefor are published pursuant to sections 153.34(b) Customs Regulations (19 CFR 153.34(b)). This notice of withholding of appraisement shall become effective May 28, 1976 and shall cease to be effective at the expiration of 6 months from that date, unless previously revoked.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

MAY 21, 1976.

[FR Doc.76-15575 Filed 5-27-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ESTABLISHMENT OF MILITARY OPERATING AREA, NEW YORK

Availability of Draft Environmental Statement; Public Hearing

MAY 24, 1976.

An informal Public Hearing will be held for the purpose of soliciting comments from the public regarding the proposed establishment of a Military Operating Area (MOA) designated "FALCON" over an area of Upstate New York as described in the Draft Environmental Statement. The hearing will be held on Wednesday, June 16, 1976 at 10 a.m. at the Army Reserve Training Center, 90 North Main Avenue, Albany, New York. The presiding officer will be Capt. Ronald Schumann, Staff Judge Advocate, Headquarters 21st Air Division, Hancock Field, New York 13225, Telephone (315) 458-9427.

The proposed MOA, based on recommendations of the National Transportation Safety Board, is to provide air traffic controlled, assigned airspace in which to conduct low level interceptor training. It would cover a 3,500 square mile area and encompass the airspace between altitudes of 6,000 and 18,000 feet above sea level. The same general airspace has been used by the Air Force as an uncontrolled airspace for interceptor training for the past 17 years. Other Air Force flying activities conducted over Upstate New York are addressed in the statement.

The following procedures will apply during the Public Hearing. Individual speakers will be limited to five minutes and group spokesmen, ten minutes. There will be no relinquishment 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 23, 1976. Submit written communications to the presiding officer.

Copies of the Draft Environmental Statement can be obtained at no cost by writing to the Office of Information, Headquarters 21st Air Division, Hancock Field, New York 13225. Supply is limited. Copies are available locally for public reference at the following locations:

Albany Public Library, Harmanns Bleecker Building, 17 Dove Street, Albany, New York 12210.
Binghamton Public Library, 78 Exchange Street, Binghamton, NY 13901.
Caldwell-Lake George Public Library, Lake George, NY 12845.
Guernsey Memorial Library, 3 Court Street, Norwich, NY 13815.
Plattsburgh Public Library, 15 Oak Street, Box 570, Plattsburgh, NY 12901.
Potsdam Public Library, Civic Center, Potsdam, NY 13676.
Rochester Public Library, 115 South Avenue, Rochester, NY 14604.
Jervis Public Library, 613 North Washington Street, Rome, NY 13440.
Saranac Lake Free Library, 100 Main Street, Saranac Lake, NY 12983.
Schenectady County Public Library, Liberty and Clinton Streets, Schenectady, NY 12305.
Syracuse Public Library, 335 Montgomery Street, Syracuse, NY 13202.
State University of New York, College of Environmental Science and Forestry, F. Franklin Moon Library, Syracuse, NY 13201.
Utica Public Library, 303 Genesee Street, Utica, NY 13501.
Roswell P. Flower Memorial Library, 229 Washington Street, Watertown, NY 13601.

For further information, contact the Environmental Planning Division, Directorate of Engineering & Services, (202) 695-1422.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.76-15735 Filed 5-27-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. MID-AMERICA DAIRYMEN, INC.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C § 16(b)-(h), that a proposed consent judgment (the "Judgment") and a competitive impact statement have been filed with the United States District Court for the Western District of Missouri in the above-referenced litigation (Civil Action No. 73 CV 681-W-1). The Judgment becomes final when approved by the Court.

Comments regarding the Judgment are invited from members of the public. Comments must be mailed on or before July 27, 1976 and shall be addressed to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. It is requested that a copy of any comment also be sent to Wayne H. Hoecker, Esquire, Gage & Tucker, 1102 Grand Avenue, Kansas City, Missouri 64106, counsel for Mid-Am. Comments must be legible, preferably typewritten, and should not contain any material unsuitable for black and white reproduction. All comments and the Government's responses thereto will be published in the FEDERAL REGISTER and filed with the Court, as provided by the Antitrust Procedures and Penalties Act.

The Court has ordered that any person may also request a hearing or participation in proceedings before the Court on any aspect of the Judgment. Any such request must be filed with the Clerk, United States District Court, Western District of Missouri, 811 Grand Avenue, Kansas City, Missouri 64106, on or before July 27, 1976. Such motion shall state the reasons for the request, shall identify any documentary evidence the movant may wish to present at a hearing, shall identify and summarize the testimony of any witness the movant may wish to call at a hearing and shall state whether the movant supports or opposes entry of the Judgment. If the movant opposes entry of the Judgment, he shall designate the particular provisions of the Judgment upon which the objection is based.

Dated: May 28 ,1976.

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v. Mid-America Dairymen, Inc., Defendant. Civil Action No. 73 CV 681-W-1.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16 (b)-(h), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

(2) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, Jill Nickerson, Gerald A. Connell, Attorneys, Department of Justice. Daniel I. Booker, Eliot Norman, Michael Milner, Larry Gangnes, Attorneys, Department of Justice, Antitrust Division, Department of Justice, Washington, D.C. 20530.

For the defendant: Gage & Tucker and Wayne H. Hoecker.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v. Mid-America Dairymen, Inc., Defendant. Civil Action No. 73 CV 681–W–1.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on December 27, 1973, and defendant, Mid-America Dairymen, Inc., having appeared by its attorneys and having filed its Answer, by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial of adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by either party as to any issue of fact or law herein:

Now, therefore, prior to the taking of any testimony, and without trial or adjudication of any issue of law or fact herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I. This Court has jurisdiction over the subject matter of this action, and of the parties hereto. The Compalint states claims upon which relief may be granted under Sections 1 and 2 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. §§ 1 and 2), commonly known as the Sherman Act.

II. As used in this Final Judgment:

(A) "Ascertainable quantity" means a percentage of the normal requirements of milk processed in an identified plant or the milk production of an identified producer or group of producers;

(B) "Base" means an allocation by defendant, expressed in pounds of milk per delivery period, possessed by a member under a Class I Base Plan;

(C) "Class I Base Plan" means a procedure or plan for the distribution of marketing proceeds to defendant's members, or a group thereof, whereby each such member is assigned or otherwise acquires a stated Base that entitles the member to receive a higher return for quantities of milk produced and marketed through defendant within the Base than for quantities in excess of the Base;

(D) "Competitor of defendant" means a person selling or offering to sell milk or other dairy products, including, but not limited to, an individual producer, a group of producers, a cooperative or a proprietary firm;

(E) "Federal milk marketing order" means the regulations, rules of practice and procedures issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. § 601 et seq.), regulating the handling of milk;

(F) "Member' means a producer who has a membership and marketing agreement with defendant and whose milk production is marketed by defendant;

(G) "Milk" means raw Grade A milk produced by cows;

(H) "Milk hauler" means a person, not an employee of defendant, who owns or operates a truck and transports milk;

(I) "Milk Sales Agreement" means a contract between defendant and a person operating a fluid milk processing and packaging plant wherein the buyer agrees to purchase from defendant a specified or ascertainable quantity of milk;

(J) "Person" means any corporation, partnership, association, individual, cooperative, or other business or legal entity;

(K) "Plant" means the land, buildings, facilities and equipment constituting a single operating unit or establishment in which milk is or has been received, transferred, reloaded, processed, or manufactured;

(L) "Producer" means any person engaged in the production of milk.

III. The provisions of this Final Judgment shall apply to defendant and to each of its directors, officers, agents, employees, subsidiaries, successors, assigns and their subsidiaries, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV. Defendant is hereby enjoined and restrained from:

(A) Using threats or coercion to induce any producer to execute or refrain from terminating a membership and marketing agreement with defendant or to deliver milk to defendant;

(B) Asserting or threatening to assert any claim or cause of action against a member or former member based upon the actual or proposed termination by such member or former member, individually or jointly with other producers, of a membership and marketing agreement with defendant after written notice within the time specified in the membership and marketing agreement;

(C) Qualifying milk for participation in federal milk marketing order pools with a purpose of suppressing the uniform price paid to producers participating in a federal milk marketing order pool in order to force, coerce or induce such producers who are not members of defendant to join defendant or to cease selling milk in competition with defendant;

(D) Entering into or enforcing any contract or agreement with another cooperative or association of producers to qualify milk for participation in federal milk marketing order pools with a purpose of suppressing the uniform price paid to producers particlpating in a federal milk marketintg order pool in order to force, coerce or induce such producers who are not members of defendant to join defendant or such other coperative or association or to cease selling milk in competition with defendant or such other cooperative or association;

(E) Maintaining or entering into any agreement with another person, except an employee or milk hauler performing services for defendant, that restrict in any way:

(1) The solicitation by such other person of any member of defendant to terminate its membership and marketing agreement with defendant;

(2) The solicitation by defendant of any producer to become a member of defendant;

(3) The territory in which defendant or such other person seeks to obtain supplies of milk;

(F) Requiring as part of a Class I Base Plan that a member or former member who transfers Base not compete in the sale of milk unless such requirement is limited to competition with the transferee of Base and to a period not exceeding two (2) years following the transfer of Base.

V. (A) Defendant is hereby ordered for one (1) year from the entry of this Final Judgment to allow any member to terminate its membership and marketing agreement at any time by giving defendant at least thirty (30) days written notice.

(B) Defendant is hereby enjoined and restrained, after one year from the entry of this Final Judgment, from entering into or enforcing any membership and marketing agreement with any member unless such agreement can be terminated upon written notice by the member at least thirty (30) days prior to such agreement's anniversary date.

(C) If, following the expiration of the time period provided in Paragraph V(A), the anniversary date of a membership and marketing agreement becomes the date prior to which thirty (30) days written notice for the termination of such agreement must be given, defendant is hereby ordered within ninety (90) days of the date the change in procedure becomes effective to notify each member who is a party to such an agreement of the anniversary date thereof; this Paragraph V(C) of this Final Judgment shall expire after five years from the entry thereof.

(D) If, following the expiration of the time period provided in Paragraph V(A), the anniversary date of a membership and marketing agreement becomes the date prior to which thirty (30) days written notice for the termination of such agreement must be given, defendant is hereby ordered for five (5) years from the entry of this Final Judgment to:

(1) Allow a producer upon entering into a membership and marketing agreement with defendant or upon executing a new membership and marketing agreement with defendant at the proper time for termination of an existing agreement to select any anniversary date desired by the producer notwithstanding the date upon which the membership and marketing agreement is executed. Defendant shall only be required to allow a producer to select an anniversary date once under this Paragraph V(D)(1);

(2) Allow a producer, following a proper notice of termination of a membership and marketing agreement, to extend the membership and marketing agreement to any date, within one (1) year, selected by the withdrawing producer, and market on a nondiscriminatory basis the milk production of such producer; provided, however, defendant shall not be required to grant such an extension if defendant has terminated the membership and marketing agreement for reasons of defendant's inability or difficulty in performing its marketing duties under the membership and marketing agreement.

VI. Defendant is hereby enjoined and restrained from:

(A) Entering into or enforcing any contract or agreement with any milk hauler that requires the milk hauler to transport milk exclusively for defendant or its members;

(B) Requiring as a condition for the approval of an assignment of a hauling contract or other conveyance of the business of a milk hauler that any milk hauler not transport milk in competition with any other milk hauler or with defendant.

VII. Defendant is hereby enjoined and restrained from:

(A) Entering into or enforcing any Milk Sales Agreement containing a term in excess of one (1) year;

(B) Entering into or enforcing any Milk Sales Agreement unless the buyer had the opportunity to agree to purchase from defendant under such Agreement any lesser specified or ascertainable quantity of milk than was offered for sale by defendant; provided, however, defendant may require the buyer to receive milk in truckload quantities;

(C) Entering into or enforcing any Milk Sales Agreement unless such Agreement provides that in the event defendant, during the term of such Agreement, increases the price of milk or changes the formula or procedure for ascertaining the price of milk sold under such Agreement resulting in an increase in the price, the buyer may discharge such Agreement on or after the effective date of the price increase by giving written notice to defendant at any time within twenty (20) days after the announcement of such price increase or five (5) days prior to the effective date of such price increase, whichever is later;

(D) Discriminating or threatening to discriminate against any buyer of milk on account of its actual or proposed purchase of milk from a competitor of defendant;

Provided, however, nothing in this Paragraph VII shall be construed to limit or affect the application of the antitrust laws to Milk Sales Agreements.

VIII. (A) Within two (2) years of the entry of this final judgment, defendant is hereby ordered to sell to any qualified buyer the assets presently located at its plants in Aurora, Missouri, Ottawa, Kansas, and Bethany, Missouri, described in Exhibit A attached hereto. For purposes of this Paragraph, a "qualified buyer" shall be any person who seeks to purchase as a unit the assets at any of the aforementioned plants and who intends after such purchase to operate a receiving or transfer station for milk or a milk manufacturing plant.

(B) The sale of any of the plants described in this Paragraph VIII shall require the prior approval of plaintiff. In the event plaintiff objects to the proposed sale, the sale shall not be consummated until a showing that the buyer meets the requirements of this Paragraph VIII has been made to this Court.

(C) Until divestiture is completed, defendant will maintain in good condition and repair the assets located at each of the plants in Aurora, Missouri, Ottawa, Kansas, and Bethany, Missouri, and replace any asset removed from any of the plants following the entry of this Final Judgment with comparable assets prior to the closing of any sale.

(D) Beginning ninety (90) days after the entry of this Final Judgment and continuing every six (6) months until all the assets described in this Paragraph VIII are divested, defendant shall furnish a written report to plaintiff describing the steps taken to accomplish divestiture, the assets sold and remaining to be divested, the assets removed from any of the plants, and the terms and conditions of any offers for the purchase of such assets.

IX. (A) For five (5) years from the entry of this Final Judgment, defendant shall give notice to plaintiff at least thirty (30) days prior to the closing date of any transaction for the purchase, consolidation, acquisition of control, or lease (except for the renewal of an existing lease) of any plant, and such notice shall fully describe the present and projected operation of the plant to be acquired and the terms and conditions of the proposed transaction.

(B) For five (5) years from the entry of this Final Judgment, defendant is enjoined and restrained from purchasing, consolidating with, acquiring control of, or leasing (except for the renewal of an existing lease) any plant where the effect of such transaction may be substantially to lessen competition, or to tend to create a monopoly.

(C) For one (1) year following the purchase, consolidation, acquisition of control, or lease (except for the renewal of an existing lease) of any plant, defendant is hereby ordered to continue to receive the milk of any competitor of defendant who is delivering milk to such plant on or within sixty (60) days prior to such transaction and who desires to continue such delivery; provided, however, defendant may require such competitor to execute a marketing agreement terminable by the competitor upon at least thirty (30) days written notice at any time.

X. Defendant is hereby enjoined and restrained, for a period of nine (9) years from the entry of this Final Judgment, from participating in any cooperative, association of producers or organization of cooperatives whose business activities include acquiring an option to purchase milk received at a milk manufacturing plant not regulated by a federal milk marketing order, or to purchase milk from any producer or group of producers shipping milk to such a plant, unless such cooperative, association of producers or organization of cooperatives meets the following conditions:

(A) That any person operating a milk manufacturing plant not regulated by a federal milk marketing order may enter into a contract, on a non-discriminatory basis, to grant an option to purchase milk to establish or maintain a reserve supply of milk if—

(1) The milk received at the manufacturing plant meets similar standards of quality and quantity as are prescribed for other quanties of milk subject to such a purchase option; and

(2) Said person is in competition for the procurement of raw milk with a person that has a contract to supply milk to said cooperative, association of producers or organization of cooperatives;

(B) That there shall be no discrimination against any person that receives milk from a competitor of defendant;

(C) That any person shall be permitted to dispose of any milk subject to the purchase option if the purchase option is not exercised at least twenty-four (24) hours prior to the time the milk is picked up from the farm to whomever, wherever and upon whatever terms and conditions it chooses, and the cooperative, association of producers or organization of cooperatives shall not discriminate against any person that resells milk subject to a purchase option not exercised;

(D) That any cooperative or association of producers whose business activities are within the provisions of section 1 of the Capper-Volstead Act, 7 U.S.C. § 291, or section 6 of the Clayton Act, 7 U.S.C. § 17, may participate in said cooperative, association of producers or organization of cooperatives on an equivalent and non-discriminatory basis;

(E) That any participating cooperative shall be permitted to resell milk obtained through said cooperative, association of producers or organization of cooperatives to whomever, wherever and on whatever terms and conditions it chooses;

(F) That no contract or agreement entered into with said cooperative, association of producers or organization of cooperatives may exceed a term of one (1) year;

(G) That said cooperative, association of producers or organization of cooperatives shall obtain the option for the purpose of establishing and maintaining a reserve supply of milk to fulfill the requirements of participating cooperatives and for that purpose exclusively;

(H) That the persons receiving orders from participating cooperatives and directing the shipment of milk upon which a purchase option has been exercised shall be independent of and shall not be employed by any participating person; and all reports of shipments of milk will not be made until the completion of the month, and shall be made at the same time to all participating persons;

Provided, however, the terms of this Paragraph X shall not be applicable to any marketing agreement with the Secretary of Agriculture entered into under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. § 601 et seq.).

XI. Defendant is enjoined and restrained from joining, contributing anything of value to, or participating in, any organization or association which directly or indirectly engages in or enforces any act which defendent is prohibited by this Final Judgment from engaging in, or enforcing, or which is contrary to or inconsistent with any provision of this Final Judgment.

XII. (A) Defendant is enjoined and restrained from adopting, adhering to, enforcing, or claiming any rights under any by-law, rule or regulation which is contrary to or inconsistent with any of the provisions of this Final Judgment.

(B) Defendant is ordered to file with plaintiff annually for a period of ten (10) years, on or before June 30, a report setting forth the steps taken by its board of directors to advise its officers, directors, employees, members and all appropriate committees of its and their obligations under this Final Judgment.

XIII. (A) Defendant is ordered to mail or otherwise furnish within ninety (90) days after the entry of this Final Judgment a copy thereof (excluding Exhibit A) to each of its members and employees, to each milk hauler transporting milk for defendant, and to each person purchasing milk from or selling milk to defendant or any organization for which defendant acts as marketing agent, and within one hundred fifty (150) days from the aforesaid date of entry to file with the Clerk of this Court an affidavit setting forth the fact and manner of compliance with Paragraph XIII.

(B) Defendant is further ordered and directed to publish, in a publication circulated to all its members, a copy of this Final Judgment once each year for four (4) years on or about the anniverscary date of entry of this Final Judgment, and to furnish a copy of this Final Judgment (except that Exhibit A need not be furnished unless specifically requested) to any person upon request.

XIV. For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted (1) access, during the office hours of defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or in the control of defendant relating to any of the matters contained in this Final Judgment, and (2) subject to the reasonable convenience of defendant without restraint or interference from defendant, to interview officers, or employees of defendant, each of whom may have counsel present, regarding any such matters;

(B) Defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing to the Department of Justice with respect to matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Paragraph XIV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of plaintiff, except in the course of

legal proceedings to which the United States of America is party, or for the purpose of determining or securing compliance with this Final Judgment or as otherwise required by law.

XV. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for further orders and direction as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XVI. This Court finds that the entry of this Final Judgment is in the public interest.

Aurora assets

[Real estate leases, O. E. Moore & Sons, lessor, expire Mar. 31, 1978]

Asset control	Equipment No.	Description
410111	3946	Grade A transfer station.
410111	20296	Doors and windows on rec shed.
410501	3947	Dial scale 1,000 by 1 lb.
410501	3948	Welder S"8BW-3935.
410501	3949	Jet cleaner.
410501	3950	Plastic cream cooler.
410501	3952	Milk cooler Mojonnier SMCO.
410501	3953	Vacuum dump, NASU 220 v.
410501	3954	Vacu-Therm, Delaval.
410501	3955	Controller, Taylor.
410501	3956	6-air-valve cluster, 2 55 sanitary.
410501	18661	Insect electrocuting unit (2).
410501	18740	Insect electrocuitng unit.
410501	18950	Silo tank.
410501	19107	Light fixtures, flourescent.
410501	19127	Oil system.
410501	19274	Starters for pump and agitator silo.
410501	19275	Circuits for outside lighting.
410501	19276	Balance lighting circuits on panels.
410501	19967	Oil tank installation.
410501	20123	Insect electrocuting unit, AG-160.
410501	20124	Do.
410501	20351	Barrel loading and unloading dock.
410504	3958	Tank S" 3138 6000G.
410504	3959	Milk storage tank, 7000G.
410504	3960	Do.
410504	3961	Milk storage tank SMCO.
410504	3962	Conveyor system SMCO.
410504	3963	Dump tank weigh can and blendor.
410504	3964	Dial house housing and printer.
410504	3965	Receiving tank.
410504	3966	Can washer S"4950, Rice & Adams.
410504	3967	Transport tank washer, Girton.
410504	3968	Auto clean cent. clean system S"177.
410504	3969	Compo cooler SMCO.
410504	3970	SS centrifugal pump S"8-4981.
410504	3971	SS centrifugal pump SMCO.
410504	3972	SS centrifugal pump S"5922.
410504	3973	SS centrifugal pump 220 V.
410504	3974	Frigidare unit S"28DA068 GM.
410504	3975	Air intake filter.
410504	18562	Truck ramp.
410504	22103	Air eliminator model No. P-240.
410504	22104	2" Tayor magnetic flowmeter and transmit.
410504	22105	SP-MDL-W-310 flow totalizer, flowmeters.
410508	4065	Evaporator S"TR22-16.
410508	4067	Crescent whey heater.
410508	4068	Tank 5,000 lb.
410508	4072	Condensate pump, 220-440 V.
410508	4074	Tank S"35219 1000G.
410508	18390	New whey project.
410508	18674	Cooling tower.
410508	19277	Pilots for starters for evaporator.
410508	21391	Evaporator condensor.
410516	21804	Holding tank.
410523	4058	Whey chute, Mueller.
410523	4059	Drier, American.
410523	4060	Drier, America S No. 531.
410523	4061	Drum hood stack base drum pan.
410523	4062	Hood stack and drum pan.
410523	4063	Portable conveyor.
410523	4069	Agitator.
410523	4070	Do.
410523	4071	Air valve S"162A52.
410523	4083	Separator 392 AH S"3701764.
410523	4084	Whey separator 392 AH S"3702857.
410523	4085	Whey separator S"3702858.
410523	7325	Fine saver.
410523	7326	Separator, Delaval MRPX-214.
410524	4020	Cheese vat, 22,000 lb.
410524	4021	Do.
410524	4022	Do.
401524	4023	Do.
410524	4024	Cheese vat, 22,000 lb, S"CH5BR-10216.
410524	4025	Curd table S"CHTB-10016, 22,000 lb.

Auroro assets—Continued

Asset control	Equipment No.	Description
410524	4026	Curd table S"CHTB-10116, 22,000 lb.
410524	4027	Curd table S"CHTB-10216, 22,000 lb.
410524	4028	Curd table S"CHTB-10316, 22,000 lb.
410524	4029	Curd table S"84538, 22,000 lb.
410524	4030	Agitator, 22,000 lb.
410524	4031	Do.
410524	4032	Do.
410524	4033	Do.
410524	4034	Agitator S"CH25-10116, 22,000 lb.
410524	4039	Agitator S"265823.
410524	4042	Syncrogear motor, 220-440V.
410524	4043	Rotary pump S"6R718.
410524	4044	Rotary pump S"6R3133.
410524	4064	Clarifier S-#3525950.
410524	4075	Milk Preheater, 40,000 lb.
410524	4076	Clarifier 295A S"3681661.
410524	4077	Clarifier 292A.
410524	4078	Stainless cresent plate.
410524	4079	Balance tank.
410524	4080	Liquid level control assembly 80G.
410524	4081	Trottling valve.
410524	4082	Air operator valve.
410524	4086	ICM tank 350G.
415024	4087	Do.
410524	4089	Tank 2000 G.
410524	4090	Marstar culture freezer S"8778222.
410524	4091	Santiary piping.
410524	4093	Agitators S"37010790.
410524	4094	Agitators S"37010800.
410524	4095	Agitators S"37010810.
410524	4096	Agitators S"37010820.
410524	4097	Vac tank and carts.
410524	4098	Lid press.
410524	4100	Hand tank.
410524	4101	Do.
410524	4103	30,000 G Tank S"110102, silo.
410524	4104	Knives and glides.
410524	4105	C. B. processor S"2278.
410524	4106	Mixer.
410524	4107	Tank 5000G C/B S"43250.
410524	4108	Pasteurizer 200G Ammann.
410524	4109	Pasteurizer 200G Sterline.
410524	4110	Multiprocess tank 200G.
410524	4111	HTST controls S 352RV168.
410524	4112	S.S.F/O diversion value.
410524	4113	Tema controller S"192RV123, Taylor.
410524	4114	Separator parts washer and rinser.
410524	4115	Floor crane ruger.
410524	4116	Centrifugal sanitary pump.
410524	4117	Rotary pump S"6R3703.
410524	4118	Centrifugal pupp, 200 V. 60 cycle.
410524	4119	Centrifugal pump, 200 V. S"8-5947.
410524	4120	Variable drive pump, 2 hp.
410524	4121	Crescent pasteurizer SC3136, 2,000 lb.
410524	4122	Float tank S"6430 20G.
410524	4123	Nested molding tube, 2,000 lb.
410524	4124	Strainer tank, Mueller.
410524	4125	APA air sanitary value 2.
410524	4126	Wash vats.
410524	4127	Centrifugal pump S"8-23548.
410524	4128	Vat unload blade.
410524	4130	Electric scale unit.
410524	4131	Hot water makers.
410524	4132	New starter room.
410524	19270	Insect electrocuting unit AG-860.
410524	19271	Insect electrocuting unit AG-260.
410524	19278	Install control and remote st. and pilot.
410524	19280	Install process piping CIP linesmaker.
410524	19333	1 2,500gal cream tank, agitator, speedrd.
410524	19?54	Freight on transfer of tank.
410524	20249	Ampco pump.
410524	20276	Pasteurizer STHT "SBS-150-47-148.
410524	22128	12 HR carts.
410524	22129	18 SS probes.
410524	22130	Heat exchanger CB super 2005B553-1588C.
410525	4008	Boiler No. 250 S"34049.
410525	4009	Boiler No. 250 S"35021.
410525	4010	Two comb gas and oil burners.
410525	4011	Do.
410525	4012	Draft fan.
410525	4013	Breeching for boilers.
410525	4016	Dearator SMCO.
410525	4017	Boiler controls.
410525	4019	Boiler pump.
410525	18949	Tank 20,000G.
410525	20354	Ultradyne pump, model CTB-6L-South.
410525	20355	Ultradyne pump, model CTB-6L-North.
410526	21315	Condensor, evaporative type, size 12003.
410526	3976	Ammonia compressor S"20938.
410526	3977	Condensor SMCO.
410526	3979	King Zeero ice builder S"43322.
410526	3980	Water softener Zeolite.
410526	3981	Air filter king.
410526	3982	Weathermaker carrier horz.
410526	3983	Do.
410526	3984	36" roof ventilator, Armo.
410526	3985	Air handling unit.
410526	3986	Super air van.
410526	3987	Air handling unit, Bush.

Auroro assets—Continued

Asset control	Equipment No.	Description
410526	3988	Exhanster W motor, Gallagher.
410526	3989	Air fan SMCO.
410526	3990	Grid heater SMCO.
410526	3993	Refrigeration piping.
410526	18673	Refrigeration conversion.
410527	3994	Power wiring SMCO.
410527	3995	Transformers, Aton-Luce.
410529	4005	Laundry tumbler, Huebsch.
410529	4006	Extractor.
410529	4007	Laundette cook.
410530	3996	SS lab work table W sink, Mueller.
410530	3997	SS lab work table SMCO.
410530	3999	Moisture tester SMCO.
410530	4001	Sterilizer autoclave, clinic lab.
410530	4002	Precision scientific waterbath.
410530	4003	Oven.
410530	4004	Water bath.
420105	19108	30,000-gal silo tank.

OTTAWA ASSETS

Equipment No.	*Description*
	Land, brick and metal building.
OEHLO 4848	Philco refrigerator.
74576OL	Air compressor tank.
	Overhead fan.
740436631	Eaton Cordley water cooler.
	Shaefer freezer.
51313	Frick 6 by 6 compressor.
6841B	Frick 4 by 4 compressor.
M9347	Kewanee boiler size 3R7FGO.
R35331	Frick condensing tower, size 15003.
	220 volt arc welder
	Cutting torch and tanks.
4AC7P	Water pump.
	Do.
AV302950	Fire extinguisher 10 lb.
BG2186	Do.
AV305355	Do.
AV313856	Do.
AV303359	Do.
	5,000 gal Mojonnier vat.
	2 motorized tank wash heads.
20AB4	Thelco model 2 incubator.
5829	Centrifuge.
125	Bottle shaker.
M536	SS water bath.
	Frigidaire refrigerator.
S2250	Autoclave.
1769	Losee reduction incubator.
	Test bottle washer.
UB3017	Microscope and light.
724043	Cincinnati time recorder time clock model 1276.
3465	20,000 gal CP silo.
3895	30,000 gal CP Silo.
8-20637	No. 8 CP 10 hp "A" unloading pump.
678-07	Chem-O-Feeder.
8-5446	No. 8 CP 10 hp pump.
2Y246922A	Reliance 7½ hp water pump.
075JR125-1792	Taylor recorder.
76JR1251268	Do.
2Y252089A4	Reliance 7½ hp water pump.
	3 compartment wash vat.
R56G132 1N	Reliance 1 hp pump.
	50 gal SS vat.
	2 wizard silo gauges.
	Universal 2 compartment wash tank.
	1¼ hp electric fan, on stand.
20710	SS cheese cooler.
	5 Lumenier level controls.
2303	4,000 gal CP vat.
271N9990	7½ hp Cherry-Burrell milk pump.

Equipment No.	*Description*
6-7248	CP 7½ hp milk pump.
6-1069	CP 5 hp milk pump.
	25 gal SS wash vat.
	2 compartment wash vat.
680703F00429	100 gal hot water heater.
086290736733	Do.
BN3931	Ice O Matic ice machine.
BN8499	Do.

BETHANY ASSETS

Description: Land, concrete block factory building attached metal warehouse and garage.

CP Pump—1 hp
Wash Tank—Bulk Room
Carrier Ceiling Heaters
CP Pump—3 hp Gear Reduction
CP Pump—10 hp
CP Pastuerizer Hot Water Tank
CP Pump—7.5 hp
CP Vac Heat
CP Pump—5 hp
CP Pump—5 hp
Water Cooler
20 ft. Cheese Press Table
12 gal. Heater
3 pcs. Curned Roller Track
L. C. Thomas Pump 11/1 hp
Platform Scales
Black Lounge Brake Room
CP Pump Size RS2
G and H Pump Model ABR Serial No. 689-6360
Specialty Brass Co. Pump No. 1020683
Separator Model MM 9004—No. 1610702
Separator Model MM 9004—No. 1611925
Barrel Lift for Lift Truck
Dayton Hot Water Heater, 30 gal.
Kansas City Pneumatic 10 hp Air Compressor and Tank
80 gal. Upright Air Tank
G and H Pump Model PBR—No. 614P-1342 (3 hp)
CP Pump—No. 4-73, 314 H.P.
5 hp Compressor—No Tank
30" Fan—Boiler Room Wall
Akrofil Acid Dispenser
Torsion Balance (Style DB-5) (No. 46390)
Air Sediment Gun
Precision Scientific Sample Mixer
Shrink Pak Sealer
Frame Steam Heater
Meyer-Blanke 5 gal. Hot Water Tank
4 can Master-Bilt Cooler
11ft. SS Table Double Sink and Water Bath
10 ft. SS Table
5 ft. SS Table
4½ ft. SS Table
Punham-Bush Cooler—3 hp
2 Stools
Pump CP on Vac Heat (No. 11951), 1.5 H.P. Motor
Pump Vac on Vac Heat (No. 68-672), 1.5 H.P. Motor
(2) King Unit Fly Blowers
(2) Conveyor Doors
(2) ½ hp Fans
Carrier Steam Heater
3' by 5' by 12" deep water tank
½ Round Wash Vat 4 ft. Long
15 gal. SS Tank
Carrier Steam Heater
Old Starter Tank Used for Salt
32" Wall Exhaust Fan
(3) Dunham-Bush Coolers
18" Wall Fan
2 Comp. Wash Vat
40 gal. Vac Tank, Boiler Room
(6) Barrel Fill Hoops
(5) Presslids Holes for Probes
Small Steam Heater
CP Pump—Reliance 3hp—3050 RPM
GE Motor—3 hp
Dayton Motor—1 hp
Sta-Rite Water Pump, A.O. Smith Motor
CP Pump and ¾ motor
Tri-Clover Pump—no motor
Newman Motor—5 hp
Westinghouse Motor for CIP Washer
Dayton Motor—3½ hp
Baldor Motor—1½ hp
Aurora Turbine Pump R-57BF
Marathon Motor 1.2 hp
(3) Sanitary Pumps
Waukesha 5 hp Motor—Belt Drive
Waukesha Size 2
Delco Motor—5 hp
CP Pump less SS Head—7½ hp
Delaval Vac Pump
Speedaire Air Compressor, Dayton Motor, 2 H.P.
Miller Arc Welder
Blackhawk 10 ton Jack
(2) Blackhawk Safety Stands
Purex type wool gages and bottles
(2) Jackall Jacks
(2) Fire Extinguishers
(3) Carrier Steam Heaters
Waukesha Pump Size 55P
Rosco Brake Band Riveter
(2) Ohio Motors, 12 Volt, D.C.
Ashland Bench Grinder
Bench Grinder
2 Cyl. Air Compressor, pump only
6 ft. Belt Conveyor, Motor Driven
(2) pc. Metzgar Conveyor
(7) Cheese Barrel Press Lids
(11) 60-lb. Press Weights
(3) 40-lb. Press Box Fill Hoops
(2) SS Cheese Rakes
Howe Richardson Scales, Scale Stand
(15) Cheese Probes
No. 73 Delaval Vac Pump and Motor
Hansen Oven
40-lb. Hand Cheese Slicer
16-door Locker with Coat Rack
4 shelf Locker
3 door Coat Locker
1 door Coat Locker
Nutting Hand Truck
Red Cap Super D Fire Extinguishers (5)
2 wheel Barrel Truck
(3) 3-way SS 2" Valves
10 gal. Milk Can Truck
(6) 3-way SS 2" Valves
2 Cheese Rakes
(2) 24" Cheese Squeezers
12" Cheese Squeezer
4' by 1' by 40" SS Tank
(2) 3-Way SS Valves 2"
Air Compressor on 30-gal Tank
Losee Reduction Incubator
Marshall Blue Test Incubator
Leland Motor—3 hp.
Worthington Rotary Pump
Marathon Motor
Continental Motor
GE Motor, ½ H.P.
(2" Water Pump Motor) Westinghouse, 2 H.P.
Louis Allis Motor, 2 H.P.
Ingersoll Rand Pump
Continental Motor 7½ hp
3 hp Gear Red. for Cald Wall Storage Tank
Louis Allis Motor, 1½ H.P.
GE Motor Frame 324, 10 H.P.
Continental Motor—5 hp.
1½ Pump, Master Motor, ¼ H.P.
Crane Pump Size 2
McDonnell No. 150 pump Control and Low Water Cut-off
Taylor Control Valve (2)
Waukesha 55P Pump
3 door Foot Locker
(2) 4 shelf Lockers 3' by 6½'
(2) Metal Shelving 2' by 5' by 7'
Gott 6½ gal. Ins. Sample Cooler
Cornado Window Fan
Old 24' Window Fan
SS Pasteurizer Ballence Tank
SS Bult Truck Sample Case
Reel and Seal Crimp for Steel Strapping
CP Pump Serial No. 1111, 3 H.P.
Ingersoll-Rand Pump Type K
Marathon Motor, 7½ H.P.
Waukesha Serial No. 58541 Size 25
(4) Artic Air Circulators
(2) Dayton 18" Spray Booth Fans
(2) 3-way SS 2" Valves
Marschall Blue Test Culture Incubator
Kimax Nafis Automatic Acidity Test
400 K3 Sealed Test Bottles and Racks
Hand Sediment Gun
(2) 2200 gal. Whey Tanks

Asset control	Equipment No.	Description
410101	20508	Improvements, wall tile.
410101	20509	Improvements, culture room.
410101	20510	Improvement, boiler room.
410101	20511	Improvements, cooler room.
410101	20512	Improvements, storeroom.
410101	20513	Improvements, cooler, CL and RR concrete building.
410101	20514	Improvements, bulk tank and recreation room and shower.
410101	20515	Improvements, cheese-storage cooler.
410101	20516	Warehouse addition.
410101	20524	New boilerroom.
410101	20811	New office addition and lounge room.
410101	20814	Shed on roof for compressor.
410501	20805	150-gal milk-keeper bulk tank.
410501	20527	Pump and 2 motors.
410501	20528	Pump and motor.
410501	20529	Lab scales, plates, and weights.
410501	20530	Sanitary pump.
410501	20531	Thelco moisture oven.
410501	20532	Westphalia separator.
410501	20533	Plastic-wrap sealer.
410501	20537	Carrier steam heater.
410501	20538	Hoist and talley.
410501	20539	Stainless steel test light and stand.
410501	20540	Heat recirculator (shower room).
410501	20541	Unit heater.
410501	20542	Do.
410501	20547	New boiler.
410501	20549	Sediment tester.
410501	20550	Water heater (shower room).
410501	20551	Pasteurizer.
410501	20552	Pipe washing.
410501	20554	36, bottle shaker and tray.
410501	20556	Converter dry oven.
410501	20557	Milk pump.
410501	20559	No. 5246 certified mower.
410501	20560	Carveryor unit, 2 power units.
410501	20562	Budgit hoist and No. 82 trolley.
410501	20563	300-gal Dari Kool.
410501	20564	Washing machine.
410501	20565	Do.
410501	20567	Valve.
410501	20568	Do.
410501	20569	Do.
410501	20570	Do.
410501	20571	Do.
410501	20572	Do.
410501	20573	Centrifugal pump and impeller.
410501	20577	Cheese vat.
410501	20578	Do.
410501	20579	Do.
410051	20580	Do.
410501	20581	Do.
410501	20583	Separator.
410501	20585	Ice builder vacheat.
410501	20588	Steam lines.
410501	20589	Roller conveyor.
410501	20590	Do.
410501	20591	Do.
410501	20592	Do.
410501	20593	Do.
410501	20594	Do.
410501	20595	Do.
410501	20596	Do.
410501	20597	Do.
410501	20598	Do.
410501	20599	Henke air dryer.
410501	20600	Roller conveyor.
410501	20601	Do.
410501	20602	Do.
410501	20603	Do.
410501	20604	18-ft hydra cheese press without heads.
410501	20605	Do.
410501	20606	Mueller cream bulk tank cooler.
410501	20607	Milk pump.
410501	20608	Separator overhaul.
410501	20609	Clark electric lift.
410501	20616	Stainless curd mill.
410501	20620	Starter tanks, 200- and 300-gal.
410501	20622	Kramer cooler unit (3 units).
410501	20624	Sample bottle cabinet.
410501	20625	Hobart scale.
410501	20626	Pump No. 1330.
410501	20630	Canadian lids.
410501	20631	Do.
410501	20632	Do.
410501	20633	Do.
410501	20634	Do.
410501	20635	Do.
410501	20636	Do.
410501	20637	Do.
410501	20638	Do.

Asset control	Equipment No.	Description
410501	20639	Dock cover.
410501	20641	Pump.
410501	20643	Space heater.
410501	20645	Milk tester.
410501	20650	Gasoline pump.
410501	20651	Air grease gun.
410501	20652	Brake bleeder.
410501	20656	4-wheel trailer.
410501	20657	Voltmaster tester.
410501	20660	Pullman vaucum cleaner.
410501	20661	Hydraulic jack.
410501	20662	Damrow cheese press.
410501	20665	15-bbl carts.
410501	20667	Used can washer.
410501	20676	Steam unit heater.
410501	20677	Do.
410501	20678	Vacuum tank.
410501	20679	Vacuum pump.
410501	20681	Used B.D. metal shear.
410501	20682	Nash vacuum pump and accessories.
410501	20688	Artic cir mod B-2132EVAP CLR 16000CCM.
410501	20694	Drain table and equipment.
410501	20695	Jerome 3G SZ, 8 pct milk test bottle washer.
410501	20696	MW EXO-DYNE SEP and adc pump and valve fght.
410501	20697	GP-25 water bath.
410501	20698	Toledo portable dial scale.
410501	20699	Roller conveyor.
410501	20702	Dairy Kool, 400-gal tank, serial No. V24-842.
410501	20705	Model GP 25, water bath.
410501	20706	11 5-lb fire extinguishers—2 10-lb fire extinguishers.
410501	20707	Liffel boiler.
410501	20709	3-B100 7N Masco mk spl. refrigerator raks dprs.
410501	20711	Mo Jonnier 500 G processors, serial No. 2467.
410501	20713	Mo Jonnier 500 G processor, serial No. P3008.
410501	20714	Mo Jonnier 500 G processor, serial No. P3009.
410501	20715	40 G state electric tabletop water heater.
410501	20718	250 gal. John Wood bulk tank, serial No. 1420.
410501	20722	Model No. 10, liftomatic hand truck.
410501	20723	Do.
410501	20806	Control panel.
410501	20807	Refrigerator HHO92.
410501	20808	Repairs to power conveyor.
410501	20810	Air blower.
410501	20812	Rebuilt Champion.
410501	20813	Wiring on NEW equipment—SP chute, fitting.
410501	20815	15 probes.
410501	21637	12 SS barrel sleeves and 12 SS drum plat.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v. Mid-America Dairymen, Inc., Defendant. Civil Action No. 73 CV 681-W-1.

COMPETITIVE IMPACT STATEMENT

This Competitive Impact Statement relates to the proposed consent judgment submitted for entry in this civil antitrust proceeding and is filed by the United States pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

I. THE NATURE AND PURPOSE OF THE PROCEEDING

Mid-America Dairymen, Inc. ("Mid-Am"), is a cooperative whose members are individual dairy farmers. In this lawsuit, filed December 27, 1973, the United States charges that Mid-Am violated section 2 of the Sherman Act, 15 U.S.C. § 2, by attempting to monopolize the procurement and sale of raw Grade A milk in portions of the territory where it has sold Grade A milk produced by its members. The principal areas affected are Missouri and Iowa and parts of Kansas, Nebraska and Minnesota. The Complaint does not allege that Mid-Am monopolized the procurement and sale of milk in any market.

The United States also claims in this proceeding that Mid-Am agreed with milk haulers to restrain trade in the transportation of Grade A milk and with other cooperatives to restrain competition for the membership of dairy farmers. We contend that these agreements violated section 1 of the Sherman Act, 15 U.S.C. § 1, and were part of Mid-Am's attempt to achieve monopoly power in violation of section 2.

The Complaint seeks injunctive relief designed to eliminate any continuing anticompetitive effects of Mid-Am's alleged unlawful conduct and to prevent any recurrence of an attempt to monopolize or of unlawful agreements in restraint of trade. The principal purpose of this lawsuit is to preserve in the areas where Mid-Am operates the conditions necessary to insure that raw Grade A milk is sold at the lowest price consistent with federal regulation of milk prices.

II. THE PRACTICES AND EVENTS THAT GIVE RISE TO THE ALLEGED VIOLATIONS OF THE ANTITRUST LAWS

The proposed consent judgment (the "Judgment") is based upon the state of the facts in this case at the time (February 1976) settlement discussions began.[1] The Government had identified a number of practices that it believes support the attempt to monopolize claim against Mid-Am. But it had also discovered that some of the practices relied upon in filing the Complaint had no significant anticompetitive effect, while others were abandoned or repudiated by Mid-Am either before or after the Complaint was filed in December 1973.

A. BACKGROUND

1. *The Production and Marketing of Milk.* Raw milk is designated either Grade A or manufacturing grade.[2] Grade A milk satisfies more stringent sanitation requirements and, consequently, is more expensive to produce. Only Grade A milk may be used for bottled products, such as pasteurized and homogenized whole milk, skim milk, cream and buttermilk. Both Grade A and manufacturing grade milk may be used (with a few exceptions not important here) in the manufacture of all other dairy products—for example, cheese, notfat dry milk, butter. When used in manufactured products Grade A milk and manufacturing grade milk are interchangeable.

The price of Grade A milk, but not of manufacturing grade milk, is regulated in the area where Mid-Am sells milk by marketing orders issued by the United States Department of Agriculture ("USDA").[3] Each federal milk marketing order requires that any buyer regulated by the order pay one price for Grade A milk it uses in manufactured products (the "Class II price") and another, higher price for Grade A milk it uses in bottled products (the "Class I price"). Because Grade A milk is fungible with manufacturing grade milk when used in manufactured products and because the seller of manufactured products must compete with sellers whose products are made from manufacturing grade milk, the Class II price approximates the market price for manufacturing grade milk. The higher Class I price reflects in part the greater cost of producing Grade A milk; the USDA seeks to establish this price at a level high enough to assure that farmers maintain an adequate supply of milk to fulfill the bottled milk demand in the regulated market.

One result of maintaining an adequate supply of milk to meet the bottling needs of federal milk marketing order areas has been that some amount of milk qualified under marketing orders goes into manufactured products during most of the year. There are several reasons for this. Cows normally produce substantially more milk in the Spring and early Summer than in the Fall and Winter. Demand for fluid milk, on the other hand, peaks in the Fall, tapers off in the Spring and is lowest in the Summer. Thus, in order for a market to have an adequate supply of milk to meet its needs at the Class I price in the Fall, there is necessarily production of milk in excess of the market's Class I requirements in the Spring. Similarly, cows produce milk fairly evenly on each of the seven days of a week, while consumer demand varies, peaking on Friday and Saturday. Partly because of this variation in consumer demand, many bottlers receive milk only four or five days a week. Thus many Grade A dairy farmers may produce "surplus" milk on any given day.

In all important marketing order areas where Mid-Am sells Grade A milk, the amount of surplus milk is substantial. On an annual basis from thirty to fifty percent of the milk in these areas goes into manufactured (Class II) products. There is no month of the year in those areas when more than eighty percent of the regulated milk goes into bottled (Class I) products.[4]

The farmers who sell milk to buyers regulated by a federal milk marketing order receive neither the Class II price nor the Class I price for their milk. Rather, all farmers whose milk is qualified[5] on a particular order receive the same "uniform" price, whether or not the particular farmers Grade A milk was actually used in bottled products or in manufactured products. The uniform price is calculated monthly on the basis of the Class I and Class II prices and the percentage of milk in the market that was used in bottled products. To illustrate. Assume that 60 percent of all the milk sold in a market is used in Class I products, that the Class I price is $5 and that the Class II price is $4. Each farmer will receive a uniform price per hundredweight ($4.60) equal to 60 percent of the Class I price ($3.00) plus 40 percent of the Class II price ($1.60). Any action that lowers the percentage of milk in a market that goes into Class I products will by definition result in a lower uniform price to all farmers.

[1] Discovery was scheduled to close in mid-March 1976. Pretrial Order No. 3, entered December 18, 1975.

[2] In some locations manufacturing grade milk is referred to as Grade B, Grade C or "ungraded" milk.

[3] The authority for marketing orders is the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. § 601 et seq.

[4] U.S. Department of Agriculture, Federal Milk Order Market Statistics—1974, 44-45 (1975).

[5] In rough terms, a farmer's milk is qualified on a federal milk marketing order if it is received with some regularity at a milk processing (bottling or manufacturing) plant that is regulated by the order.

When a farmer belongs to a cooperative such as Mid-Am, the uniform price is paid to the cooperative. The cooperative may, in turn, remit an amount different than the uniform price to its members. If a farmer doesn't belong to a cooperative, he receives the uniform price directly from the buyer of his milk.

The prices established by federal milk marketing orders are generally considered to be minimum prices. Sellers of raw milk, particularly cooperatives, frequently try to charge prices in excess of the federal order prices. Any difference between an order price and an actual price is called a premium. Because, as explained above, Grade A milk going into manufactured products is usually sold at the competitively established [6] price for manufacturing grade milk, premiums on Class II milk are rare. Premiums on milk used in bottled (Class I) products are, however, more common. Federal milk marketing orders do not regulate the charging or collection of premiums or the way that premiums are distributed to farmers.

2. *Mid-America Dairymen, Inc.* Mid-Am is a cooperative operating under the antitrust exemption afforded by the Capper-Volstead Act, 7 U.S.C. § 291.[7] It procures and sells milk chiefly in Minnesota, Iowa, Nebraska, Kansas, Missouri and Texas. Its major metropolitan marketing areas are St. Louis, Kansas City, Omaha, Des Moines and Minneapolis-St. Paul. Mid-Am accounts for about 25 percent of the total milk in all areas where it has since its formation sold milk and for about 55 percent of the milk sold in what the Government contends is its principal marketing area.[8] In particular metropolitan regions regulated by federal marketing orders Mid-Am has a notably high share of sales: St. Louis-Ozarks, about 90 percent; Kansas City, about 80 percent; and Nebraska-Western Iowa, about 75 percent.

Mergers among local and regional cooperatives in July 1968, when Mid-Am was originally formed, and in April 1970 gave Mid-Am its present market shares. These mergers gave Mid-Am, at its peak, about 20,600 Grade A and manufacturing grade members. In early 1975, Mid-Am had about 14,500 members, 9,900 of whom were Grade A producers. Total milk production by members of Mid-Am has not declined proportionately, but Mid-Am's share of sales in most areas in 1975 was 5–10 percent lower than at the peak.

Mid-Am operates cheese and butter and nonfat dry milk plants throughout its marketing area. The largest of these are in Mid-Am's northern region. Nearly all produced by members of Mid-Am goes into these plants. Mid-Am also operates one bottling plant, the Home Town Dairies, located in Cedar Rapids, Iowa.

3. *The Allegations in the Complaint.* The Complaint charges that during the period 1968–1973 Mid-Am carried out its attempted monopolization of milk procurement and marketing by various means and methods including, among others:

(A) Unreasonably restricting the ability of its members to withdraw from Mid-Am and market milk in competition with it;

(B) Agreeing with other cooperatives to flood local milk markets with milk not needed for bottling purposes in order to depress the uniform price received by dairy farmers who were not Mid-Am members;

(C) Agreeing with other cooperatives and other sellers of milk to restrict shipments of milk into Mid-Am's marketing areas;

(D) Requiring as a condition of the sale of milk that processors purchase all or substantially all of their needs for milk from Mid-Am;

(E) Inducing processors to purchase their full requirements of milk from Mid-Am by requiring processors to pay a higher price for milk if they also purchase milk from another seller;

(F) Acquiring the business and assets of processors that purchased milk from competitors of Mid-Am; and,

(G) Agreeing with milk haulers in violation of section 1 of the Sherman Act to restrain unreasonably the right of independent milk haulers to transport the milk of competitors of Mid-Am.

The Government subsequently limited these allegations to the procurement and sale of Grade A milk.[9]

B. Mid-Am's Alleged Unlawful Conduct

1. *Direct Restraints on Producer Mobility.* The Government challenges several Mid-Am policies and practices as direct restrictions on the ability of members to get out of Mid-Am or of other farmers to market milk in competition with Mid-Am.

During 1968–1973 Mid-Am used staggered termination dates in its membership and marketing agreements with Grade A dairy farmers.[10] These agreements provided for termination of membership only upon written notice at some specified time before or after the anniversary of the date the producer became a Mid-Am member. Because producers joined Mid-Am on different anniversary dates, this policy made it impossible for a group of producers, without breaching their membership contracts, to leave at the same time and enter into competition with Mid-Am.

Anniversary date termination provisions are common among dairy cooperatives and are not unreasonably restrictive per se. However, the Government claims that Mid-Am followed this practice for the express purpose of preventing the development of rump cooperatives, and that the practice was effective on a number of occasions to prevent farmers from leaving Mid-Am.

The United States would have argued as well that the anniversary date termination provisions in certain membership contracts unreasonably restricted producer exit, even apart from the staggering effect. Under these contracts, termination could occur only by written notice within ten days after the anniversary date. Ten days is an unusually short period in cooperative contracts. The Government contends that it bears no relation to legitimate business purpose of the cooperative.

In mid-1974, after the Complaint was filed, Mid-Am amended its bylaws to suspend the anniversary date termination provision in contracts and to permit membership termination at any time upon thirty days notice. This amendment appears to end contractual restraints on departure by producers, but Mid-Am may at any time repeal the amendment so that the pre-1974 termination provisions again become effective.

A further direct restraint on producer mobility was Mid-Am's alleged policy of refusing to honor even properly given termination notices when such notices were part of an effort by a group of producers to leave Mid-Am. Mid-Am insisted, whether or not a particular termination notice was timely, that each producer in a group continue to market under his membership agreement or face unspecified legal claims.

Certain agreements with other cooperatives were also challenged as unduly restraining competition from non-Mid-Am producers.

During 1970 Mid-Am, pursuant to an agreement with another cooperative, Associated Milk Producers, Inc. ("AMPI"), qualified milk produced by its Nebraska members on the Oklahoma Metropolitan federal milk marketing order. The Government claims that the purpose of this was action to suppress the uniform price paid to producers qualified on that order and force independent producers shipping to a Carnation Company bottling plant in Tulsa to join AMPI. The Nebraska milk was not needed by bottlers in Oklahoma, nor did it represent an essential reserve supply of milk for that market. The effect of qualifying the Nebraska milk was to drive down the uniform price paid to the Carnation farmers, while AMPI allegedly kept the return to its own producers in Oklahoma high by using revenues from sales of milk in other market areas.

By making milk available to one buyer on the market at no premium, these independent producers threatened the premium charged by AMPI to its customers in Oklahoma. The Government argues that Mid-Am assisted AMPI in this "flooding" or "pressure pooling" because it was concerned that the absence of a premium in Oklahoma would prevent Mid-Am from charging a premium in its neighboring markets.

It is also alleged that Mid-Am approved the use of milk controlled by the standby pool [11] to flood the Oklahoma and Nashville federal milk marketing orders in aid of the efforts of AMPI and Dairymen, Inc., respectively, to eliminate other producers as competitors.

In addition, the United States alleges that on one occasion Mid-Am threatened to flood the Wichita federal milk marketing order if a group of Mid-Am producers left the cooperative to begin shipping their milk to a handler regulated on the Wichita order. In this instance none of the producers left Mid-Am. The United States has no evidence that Mid-Am in fact flooded any federal milk marketing order in which it was the dominant cooperative.

Other alleged intercooperative agreements prohibited or limited solicitation of Mid-Am members by other cooperatives, and vice versa. The Government contends that these agreements unreasonably restricted the marketing options of dairy farmers by substantially limiting the opportunity to transfer to or to obtain information about competing associations. The non-solicitation accords also tended to preserve or stabilize the market share of the participating cooperatives, thereby furthering Mid-Am's alleged attempt to monopolize in areas where it already had achieved a dominant share of milk sales.

A final direct restraint on producer mobility was the non-compete covenant in base plans. During the years covered by the

[6] For the purpose of this Impact Statement, we assume the price is competitively determined. On occasion, federal price support programs in effect provide a floor under the manufacturing grade milk price.

[7] The Capper-Volstead Act is reproduced in Appendix A.

[8] This principal marketing area includes all of Missouri and Iowa, Eastern Kansas, Central and Eastern Nebraska and Minnesota around and south of Minneapolis-St. Paul. Approximately 85 percent of the Grade A milk produced by Mid-Am's members is sold in this area.

[9] Plaintiff's Answers to Defendant's Interrogatories (Set II), No. 34, filed October 24, 1975.

[10] Staggered termination dates were not used, however, in Mid-Am's Northern Division (Minnesota, Wisconsin, and part of the Dakotas) and in parts of Nebraska.

[11] See part II.B.5. infra.

Complaint, Mid-Am operated Class I base plans for its members in parts of Kansas and Texas. Under these plans each member was initially allocated at no cost to him a "base" equal to a specified number of pounds of milk per delivery period. Mid-Am paid the member a substantially higher price for milk deliveries within the base amount than for quantities in excess of the base. Base was transferable to persons subject to the base plan. However, a member desiring to withdraw from Mid-Am and transfer his base was required in effect to forfeit all or part of his investment [12] in base unless he agreed for five years not to compete with Mid-Am in the sale of Grade A milk. This non-compete covenant, we contend, was overly broad in scope and duration.

2. *Restraints Operating on Haulers.* Most dairy farmers do not produce sufficient quantities of milk to make it economically feasible to transport the milk themselves from the farm to the buyer. Mid-Am members usually rely on independent milk haulers to perform this service. Haulers typically own their trucks and other equipment, although they may lease the pick up tanks mounted on their trucks from Mid-Am.

Prior to 1972 Mid-Am's hauling contracts and pick up tank lease agreements in some areas required prior Mid-Am approval of any hauling performed for producers who were not Mid-Am members. The Government claims that Mid-Am followed a practice of refusing to consent to the hauling of non-member milk.

On one occasion, Mid-Am refused to permit the assignment by a hauler of his hauling contract unless he agreed for five years not to haul milk for any competitor of Mid-Am in the county and adjoining counties where the hauler was located. The alleged specific purpose of this insistence on a non-compete agreement was to keep the hauler from transporting milk in that area for a particular competitor of Mid-Am.

3. *Restraints Operating on Processors and Competitors.* The Complaint charges that Mid-Am required as a condition of sale that buyers purchase all or substantially all of their milk from it and that Mid-Am required partial supply customers to pay a higher price for milk than full supply customers. Plaintiff's discovery does not fully support these allegations.

This much, the Government contends, is true: Representatives of Mid-Am or predecessors on several occasions stated to buyers in its principal marketing area that it would not sell milk to a processor who purchased a portion of his needs for milk from another source. Its board of directors also approved a full service supply program that contemplated differential pricing to full and partial supply customers. Prior to 1972, Mid-Am, or its predecessors, had written full supply agreements with a few of the bottlers in certain markets (Omaha and Minneapolis-St. Paul); and in 1972 Mid-Am insisted upon written supply agreements with all of its bottling customers in Minneapolis-St. Paul. Finally, although there are few contracts, Mid-Am has in fact supplied a majority of the bottlers to whom its sells with all or substantially all of their purchases of Grade A milk.

Other facts, however, indicate that Mid-Am never actually charged higher prices to partial supply customers. The full service supply program was never implemented. Nor did Mid-Am refuse to sell milk to those buyers who purchased from others. Mid-Am has not required, and does not have, written contracts with most of its customers outside Minneapolis-St. Paul. The contracts Mid-Am has had since 1972 have a one year term and permit the buyer at the time the contract is executed to designate the amount to be taken under the contract. Many buyers who have contracts designate 95 percent of their needs, but other contract buyers in the same markets designate less, even far less.

In Minneapolis-St. Paul, where Mid-Am required a written contract from its customers, the effect of the contracts in foreclosing customers to competitors is open to question. Some cooperative and proprietary bottlers [13] in that locality do not buy from Mid-Am. Some buyers who have contracts also purchase large amounts of milk from other sellers. Since it began to require written contracts, Mid-Am's share of sales in the Twin Cities federal order has fallen from about 50 percent to about 40 percent. Mid-Am maintains that it insisted upon written contracts in the Twin Cities because it can only efficiently operate its large cheese plants in that region if it knows how much of its members' milk will be required in fluid uses.

4. *Acquisitions of Processing Plants.* The Government charges that on several occasions Mid-Am acquired — by cooperative merger or by purchase—milk processing plants in order to eliminate potential competitors that threatened the ability to charge premiums for milk used in bottling.

In 1969 Mid-Am acquired two proprietary cheese plants in Southwest Missouri, the Standard Milk Company and the Major Cheese Company. Both plants received Grade A milk and were the only proprietary manufacturing plants regulated by the St. Louis-Ozarks federal marketing order. Mid-Am was concerned, the Government contends, that the owners of these plants might themselves try to market to bottlers the Grade A milk received at the plants or that the plants could be the nucleus for the development of a competing association of producers.[14]

In 1971 Mid-Am purchased the assets of Home Town Dairies, Inc., a bottling plant in Cedar Rapids, Iowa. Home Town received most of its milk supply from Mid-Am, but about 25 percent of its milk came from dairy farmers who were not members of any cooperative. These farmers charged only the minimum order price for their milk. Since Home Town was receiving milk without a premium, Mid-Am was unable to charge other bottlers in Eastern Iowa a premium.

Also, because these farmers did not contribute to the operating and marketing expenses of a large cooperative, their net return after deducting for hauling and other expenses was greater than the net proceeds received by Mid-Am members whose milk was sold to Home Town. Consequently, Mid-Am had to transfer proceeds from sales in other, more profitable marketing areas to supplement the pay prices of its members in the Home Town procurement area.

The Government contends that Mid-Am bought Home Town to eliminate these problems. After the acquisition, Mid-Am required the independent producers to join defendant or stop shipping milk to the plant. About 75 percent of the producers joined Mid-Am; the rest joined other cooperatives. Mid-Am no longer had to subsidize the pay price to its members in Eastern Iowa. However, it was not able as a result of the acquisition to charge substantial consistent premiums to Eastern Iowa buyers.

The Government also claims that Mid-Am acquired a number of plants in the Kansas City area to forestall potential competition from manufacturing grade producers who were shipping to the plants. A possible motive for such acquisitions is that if Mid-Am charged premiums in Kansas City, the returns to Grade A farmers would be so high as to induce manufacturing grade producers to convert to Grade A production, compete with Mid-Am and erode the premium.

5. *The Standby Pool—Agreements with Other Cooperatives and Processors to Restrict the Shipment of Milk into Mid-Am's Marketing Areas.* Perhaps the most important source of potential competition throughout Mid-Am principal marketing area is the large supply of surplus Grade A milk in Minnesota and Wisconsin, the leading dairy states. This milk is not qualified on any federal milk marketing order. In all the areas where Mid-Am sells milk, this northern milk could meet short term needs of bottlers. Such short term needs may arise, for example, when the producers who usually service a market fail to produce enough milk to meet the demands of bottlers. This northern milk might also serve as a transitional supply to a buyer who wants to change his milk supplier but whose new supplier does not yet have enough locally produced milk to meet the buyer's needs. In Mid-Am's principal marketing area, there is a third competitive threat from this milk. The main Mid-Am markets are close enough to this large northern supply that it can serve not only as a short term or transitional supply, but also as a regular or consistently reliable supply to bottlers.

The Government claims that the standby pool was designed to eliminate this potential competition.

Mid-Am was an early promoter and founding member of the Associated Dairymen, Inc. ("ADI", standby pool and its successor, the Associated Reserve Standby Pool Cooperative ("ARSPC"). Mid-Am withdrew from participation in the standby pool in early 1974.

Roughly speaking, the standby pool operated as follows: A number of cooperatives (of which Mid-Am was one) paid money into a fund maintained by the standby pool organization (ADI or ARSPC). This organization obtained from plants receiving Grade A milk or from the producers shipping milk to these plants an option to purchase the milk. The option, in effect, prevented the plants or producers from selling the milk to anyone else. In consideration for the option, the organization made payments to the plants or producers out of the fund established by the cooperatives.

At its height, the standby pool obtained effective control over the Grade A milk received by as many as 24 cheese plants, including substantially all of the plants with enough milk to fill a long haul tank truck on a daily basis. These plants accounted for over 90 percent of the unregulated Grade A milk available for reshipment to Midwestern and Southern markets. Standby pool payments to plants or producers ranged between $200,000 and $300,000 per month.

[12] A member could obtain base after the initial allotment either by purchase from other members or by producing milk at the lower excess price for a specified number of years. Thus, the producer's investment was the amount paid for purchased base or the amount of the loss from producing excess milk over the period necessary to qualify for additional base.

[13] "Proprietary" is used here to refer to a milk plant that is not owned or operated by a cooperative.

[14] A local cheese plant owned by a non-dominant cooperative or by a proprietary firm lends security to farmers who wish to form a new association of producers by: (1) providing an outlet for the members' milk until the association has enough members economically to service a bottler; or (2) assuring the association during the weekends and spring months of an outlet for milk of its members not needed by bottling customers.

The Government contends that the standby pool unreasonably restrained the shipment of competing supplies of milk into Mid-Am's marketing areas. Two characteristics of the standby pool were particularly restrictive.

First, the standby pool absolutely prevented direct sales to Mid-Am's bottling customers by the northern plants and producers. The standby pool could have accomplished the purpose of providing a mechanism for contributing cooperatives to get emergency supplies of surplus milk during periods of shortage in local markets without precluding direct sales of northern milk to buyers in the Midwest and South.

Second, Mid-Am was the only cooperative in Missouri, Iowa, Nebraska, and Minnesota that had access to standby pool milk. Thus, any time milk moved into these areas from a standby pool plant, it was only at Mid-Am's sufferance and at Mid-Am's price.

These and other restraints neutralized the threat to Mid-Am of northern milk. This was not enough by itself to give Mid-Am the power to charge substantial premiums. But for Mid-Am it was a prerequisite to that power. Moreover, since, as has been noted, the northern milk could serve as a regular supply to many Mid-Am markets, the standby pool not only fostered premiums, but also protected the uniform price paid under federal orders in these markets. If the northern milk had been qualified on any of Mid-Am's federal order markets, the uniform price under the orders would have fallen. Mid-Am calculated, for example, that absent the standby pool the uniform price in Minneapolis-St. Paul would have been seven cents per hundredweight less than it was during Fall 1969.

III. DESCRIPTION OF THE JUDGMENT AND ITS COMPETITIVE EFFECT

The Judgment seeks two ends. First, to the extent Mid-Am's past conduct resulted in less than competitive market conditions, the Judgment is remedial. Its aim is to cure continuing anticompetitive effects of the alleged unlawful conduct. Second, the Judgment removes tools necessary to any future attempts to monopolize. The specific tools denied Mid-Am by the Judgment are in the main those that the Government contends were used by it in the past. In this respect, the relief is limited by the evidence the Government might have presented at trial.

A. THE PROVISIONS OF THE PROPOSED JUDGMENT

In describing the conduct that gives rise to the allegations against Mid-Am and again here in describing the provisions of the Judgment, we have organized the case against Mid-Am into certain general categories. These categories should ease the tasks of understanding the Judgment and of relating particular alleged unlawful conduct to the Judgment provisions dealing with that conduct. But a word of caution is in order.

The categories do not signify hard and fast distinctions. All the alleged conduct can be viewed as restraints on producer mobility. For example, threats to buyers of discriminatory treatment if they buy milk from another source restrains producer mobility by making it difficult for competing farmers or farmers who would otherwise leave Mid-Am to find customers. Similarly, the standby pool and acquisitions are subspecies of restraints operating on processors and competitors. The various forms of challenged conduct occurred simultaneously and, we contend, shared the common end of achieving the power to control prices and keep rivals out of markets. The various forms of relief also will operate simultaneously. They overlap somewhat and together determine the effect of the Judgment.

1. *Paragraphs IV & V—Direct Restraints on Producer Mobility.* It is essential to the maintenance of competitive conditions in milk marketing that the members of a cooperative be able to leave the cooperative and effectively market milk in competition with it. Paragraphs IV and V of the Judgment require remedial action to overcome the effects of past restrictions on members and forbid perpetually the forms of conduct that the Government contens were aimed directly at farmers who sought to compete against Mid-Am.

a. *Paragraph V* contains the principal remedial provisions relating to producer mobility.

For the first year after entry of the Judgment, Mid-Am is ordered to permit producers to leave Mid-Am on thirty days notice at any time. Paragraph V(A). This provision eliminates any significant contractual restraint on producers. It continues a policy followed by Mid-Am since mid-1974.

In the second and succeeding years after entry of the Judgment, Mid-Am may enforce one year membership contracts. If it does so, it must permit termination by the producer upon written notice thirty or more days before the anniversary date of the agreement. Paragraph V(B). Mid-Am has many contracts that (but for the bylaw provision for termination at any time on thirty days notice) permit termination upon notice given ten days after the anniversary date, effective two months after the anniversary date. The termination provisions of these contracts will no longer be enforceable, both because the termination period is only ten days and because the effective term of the contracts (fourteen months) is longer than one year.

Paragraph V(B) is a recognition that a one year term in membership contracts in the milk industry is not in itself unreasonable and may promote efficiencies in the operation of a cooperative. Many cooperatives—large and small—use one year membership contracts.

If after one year from entry of the Judgment Mid-Am begins to use one year membership contracts, Paragraphs V(C) and (D) provide procedures sufficient to insure that members of Mid-Am who become subject to one year contracts not only can leave individually, but also can organize and accomplish simultaneous departure in groups.

Paragraph V(C) puts an affirmative obligation on Mid-Am to notify any member who becomes subject to a one year contract of his anniversary date. This should guarantee that every member knows or has a record of the proper date for termination of his contract. This provision meets the problem that many farmers may be unaware of the anniversary date of their contracts as a result of the use since 1974 of thirty day contracts.

Paragraph V(D) provides two devices for effective group departure by members in the event Mid-Am uses a one-year contract within five years of entry of the Judgment. The first device is a requirement that any new or existing producers be allowed to choose any date as an anniversary date, regardless of the date on which the membership contract is executed. Although this option may be exercised by any member, the principal beneficiaries of this provision will be groups of Mid-Am producers who have no present intention to terminate their marketing agreements with Mid-Am but who have an existing common interest that might at a future time make it desirable for them to leave Mid-Am as a group. Examples of such groups are farmers whose herds are of a particular breed (Jersey or Guernsey, for instance), farmers who share historical ties to a cooperative that merges with Mid-Am, or farmers who are on the same hauling route or whose milk is delivered to a particular processor. If all the farmers in such a group select the same anniversary date, they will be able any time in the future (even after five years from entry of the Judgment) to leave Mid-Am as a group.

The second device in Paragraph V(D) for group departure is a requirement that Mid-Am permit a terminating farmer to pick any date within one year after the contractual termination date as the date on which he will actually stop marketing milk through Mid-Am. To illustrate: if a farmer's anniversary date is April 30, 1979, he may give notice to Mid-Am anytime before April 1, 1979, that he intends to stop marketing through Mid-Am on a specified date between April 30, 1979, and April 30, 1980. Until the time he actually stops marketing with Mid-Am, Mid-Am is required to market the terminating producer's milk on the same basis as it markets milk of non-terminating members. A group of farmers with different anniversary dates can, therefore, arrange to leave Mid-Am at the same time by jointly or separately giving notice of the same termination date.

The proviso to Paragraph V(D)(2) deals with a narrow circumstance that arises when Mid-Am decides for reasons of excessive costs not to continue marketing milk produced in a particular geographic area. This will typically occur when a few members are isolated from other members and are associated with a federal order market (for example, Chicago, Louisville or Paducah) to which Mid-Am sells negligible amounts of milk. In this situation Mid-Am, rather than the producer, may wish to terminate the marketing agreement. and the producer could not compel Mid-Am to continue marketing his milk beyond the anniversary date of the contract.

Note that P ragraphs V (C) and (D) will only operate if Mid-Am abandons its present termination practice in the next five years. Whatever termination procedure is in effect, Mid-Am's membership contracts will not impede members in organizing new marketing groups or in deciding individually to market milk through another cooperative or directly to a handler.

b. *Paragraph IV* forbids particular conduct that has the direct effect of limiting producer mobility. Any action to stop free movement of producers would not likely occur without violation of at least one of the provisions in Paragraph IV.

IV(A) prohibits threats or coercion, in whatever form, to induce a producer to begin to market or continue to market his milk through Mid-Am.

IV(B) precludes any threat or assertion of a claim against a member based on his termination of a membership contract in the proper manner. For example, Mid-Am would violate the Judgment if it told a farmer that his decision to join with others to leave Mid-Am could be the basis of any liability to Mid-Am under the antitrust laws or any other state or federal law. This assumes the farmer gives notice of termination in the manner specified in his marketing agreement. This provision is not intended to deal with assertion of claims that are not based upon the contract termination or as to which termination is only an incidental fact. Threats to assert such claims, if made discriminatorily (that is, only to producers who have given notice of termination), would violate paragraph IV(A).

IV (C) and (D) forbid flooding or pressure pooling, either by Mid-Am alone or in agreement with other cooperatives.

IV(E) forbids certain agreements with others—most pointedly, with other cooperatives—that limit competition for the patronage of dairy farmers. Mid-Am may not

agree with another cooperative to allocate territories in which each will seek members or to limit efforts to persuade producers to leave Mid-Am and join the other cooperative.

IV(F) is a narrow provision applicable now only to a small number of Mid-Am members located in Southeast Kansas who participate in a base plan administered by Mid-Am. Under this plan, the "base" allotted to each producer can be transferred among the participants in the plan. Paragraph IV(F) forbids any action by Mid-Am in connection with a base plan that would have the effect of requiring that a farmer who sells base stay out of production in any market in which the buyer of base is not a competitor or that he stay out of production in any market, whether or not the buyer is a competitor there, for more than two years.

2. *Paragraph VI—Restraints Operating on Haulers.* Paragraph VI(A) bars any contractual requirement that a hauler transport milk exclusively for Mid-Arm. This abrogates provisions in certain older hauling contracts and bulk tank leases that preclude or that require Mid-Am's approval of hauling for a non-member.

Paragraph VI(B) forbids any action by Mid-Am that has the effect of requiring a milk hauler who sells his hauling business to stay out of the hauling business in any area for any period of time.

3. *Paragraph VII—Restraints Operating on Processors and Competitors.* Paragraph VII deals with two general forms of conduct that may limit the discretion of a buyer to purchase milk from others and foreclose markets to competitors of Mid-Am. First is actual or threatened differential treatment of any buyer who purchases or intends to purchase milk from another seller. A practice by Mid-Am of refusing to sell milk, of charging a different price for milk, or of delivering milk on an unfavorable basis to a buyer who purchases a portion of his needs for milk from another supplier may cause buyers to forego purchases from alternative suppliers. Second is entering into supply agreements that may unreasonably foreclose access by competitors to buyers of milk.

Actual or threatened discriminatory treatment on account of purchases from other suppliers is forbidden in Paragraph VII(D). Sales of milk to partial supply customers on less favorable terms and conditions than are offered to full supply customers are prohibited by this provision. Even if Mid-Am has no full supply customers in a market, it would violate this provision if any act or threat of discrimination against a buyer occurs in response to a buyer's plans to increase the amount of his purchases from other sellers.

It is not the intent of Paragraph VII(D) to require Mid-Am to sell milk to all comers. However, Mid-Am may not make purchase of any minimum amount of milk[15] a prerequisite to the extension of discriminatorily favorable terms or conditions of sale. Assume, for example, that Mid-Am is able under the Robinson-Patman Act, 15 U.S.C. § 13, to sell milk at one price to customers who execute a written supply agreement and at a higher price to sellers who buy milk without a written supply agreement. This Judgment is not violated as long as the option to purchase milk under a supply agreement is available to both the full supply customer and the partial supply customer. The provision is also satisfied if Mid-Am refuses to sell milk except under written contract, yet permits buyers of any amount of milk to execute a contract.

Supply agreements are the subject of the remainder of Paragraph VII. Subparagraph (A) forbids supply agreements of more than one year duration. Subparagraph (B) requires that any buyer be allowed to specify the amount of milk he will be committed to take under a supply agreement.[16] Subparagraph (C) requires that Mid-Am permit any buyer without penalty to get out a supply agreement if Mid-Am increases the price of milk during the term of the agreement.

These three mandated features of supply contracts have been used by Mid-Am in its Milk Sales Agreements since at least 1974. There were no markets where Mid-Am supply agreements with these features substantially foreclosed sales by competitors. There is some evidence, in fact, that buyers freely and without reprisals by Mid-Am refused to execute such agreements; that certain processors under contract took milk from other sources; and that Mid-Am increased prices during the term of contracts, thus rendering the effective duration of the contract even less than one year.

We recognize that supply agreements meeting the conditions of Paragraph VII (A), (B) and (C) might in some circumstances have the effect of substantially lessening competition or otherwise supporting an attempt to monopolize. If Mid-Am secured supply contracts representing a substantial portion of the purchases in any market, for example, such contracts might frustrate the efforts of a competitor to make sales into the market. This Judgment will not bar future enforcement action by the Antitrust Division against Mid-Am if it develops that such agreements come to have an illegal anticompetitive effect. The proviso to Paragraph VII is intended to bar any defense in a future enforcement action that these contracts are specifically authorized by and immune from attack because of the Judgment.

4. *Paragraph VIII—Divestiture of Plants.* Paragraph VIII requires Mid-Am to sell three of its plants within two years of entry of the Judgment. The buyer must purchase any one of the plants as a unit and must intend to operate the plant after the purchase either for manufacturing milk or as a receiving or transfer station. Any sale of a plant must receive the prior approval of the Antitrust Division or of the Court, upon a showing that the buyer is "qualified." Mid-Am must periodically report the status of its divestiture efforts. Because some of the equipment in the plants will deteriorate as fast when the plants are not in use as they would if removed and used elsewhere, Mid-Am may remove equipment from the plants prior to sale. Any such equipment must be replaced prior to consummation of a sale of any plant.

The plants to be divested are not alike. The Aurora plant is a currently operating cheese manufacturing plant regulated by the St. Louis-Ozarks federal milk marketing order. It was acquired from the Standard Milk Company, a proprietary firm, in 1969. The Ottawa plant is a receiving station regulated by the Kansas City federal milk marketing order. Ottawa has no milk manufacturing equipment, but only the silo tanks and plumbing necessary to operate a receiving station. The Bethany plant is closed but contains certain equipment necessary to make cheese curd.

Divestiture of these particular plants provides appropriate relief not specifically requested in the Complaint. Mid-Am member milk has been qualified and sold in a total of twenty federal order markets, and in ten or eleven principal federal order markets. However, the St. Louis-Ozarks and Kansas City federal milk marketing orders account for more than a third of the Mid-Am's sales of Grade A milk. These are the two federal order markets in which Mid-Am has had the highest percentage share of the total milk associated with the market. The milk sheds of these two federal order markets are also the areas with the fewest number of alternative (i.e. non-Mid-Am) outlets for surplus milk. In other areas where Mid-Am is the dominant cooperative, there are numerous outlets for surplus milk. There are also some alternative outlets in the St. Louis and Kansas City areas. But the Government contends that Mid-Am's acquisitions of cheese plants in these two markets were made with the specific intent to eliminate and did eliminate important outlets for surplus milk and that these acquisitions contributed significantly to Mid-Am's continued maintenance of an 80 percent plus share of the sales in these federal order markets.

Although any person may be a qualified buyer, the Government believes that the most likely purchaser of any of these plants would be a cooperative that desires to enter or expand its operations in the milk producing areas serving the St. Louis-Ozarks and Kansas City federal order markets. The ownership of a cheese plant would have two advantages to any group of producers that wished to compete with Mid-Am in these markets. First, by operating such a plant, the producers have an assured outlet for their surplus milk. Second, as a cooperative seeks to enter a market and develop milk supplies by signing new members it needs sales outlets to dispose of its members' milk. One way to provide a sales outlet is for the cooperative to operate a manufacturing plant. The cooperative may then take on new members (up to the capacity of the cheese plant) while it develops outlets with bottlers.

5. *Paragraph IX—Future Acquisitions.* This paragraph provides preventive relief against anticompetitive acquisitions by Mid-Am.

Subparagraph (B) requires that Mid-Am not make any plant acquisition in the next five years that would violate the standards of section 7 of the Clayton Act, that is, when the acquisition may substantially lessen competition or tend to create a monopoly. It applies whether the plant is acquired through purchase or through merger with another cooperative.

Subparagraph (A) requires Mid-Am in the five years after entry of the Judgment to give the United States thirty days notice of any plant acquisition. The notice must fully describe the proposed acquisition. Also, Paragraph XIV requires Mid-Am to supply the United States with any other information the Division may request concerning an acquisition. The five year period provided in IX (A) and (B) is sufficient to prevent the use of acquisitions to frustrate the effective operation of the other provisions of this Judgment.

Subparagraph (C) applies perpetually. It orders Mid-Am for one year after any plant acquisition to continue to receive milk at that plant from persons who supplied milk to the plant before the acquisition. The persons previously supplying the plant may be individual farmers, cooperative organizations, proprietary plants or any other entity that has milk for sale and that sold milk to the plant within sixty days of the acquisition. Mid-Am may require any such supplier to execute a marketing agreement, but any such agreement must be terminable by the supplier at any time on thirty days written notice. This provision strikes a balance between assuring that no supplier is forced into membership in Mid-Am by a threat that Mid-Am would otherwise refuse to take his milk and permitting Mid-Am some notice

[15] Mid-Am may require that milk be received in truckload quantities. Paragraph VII(B).

[16] Mid-Am may specify a maximum amount that it will commit itself to supply under contract. Paragraph VII(B).

that a supplier of an acquired plant intends to sell its milk elsewhere.

After one year from the consummation of any acquisition, Mid-Am may refuse to accept non-member milk at an acquired plant. The one year, post-acquisition grace period for previous suppliers will be adequate to permit the suppliers to identify alternative outlets for their milk and to choose freely whether to continue deliveries to that plant or to switch outlets. When a cooperative that operates a plant is acquired, all the members of the cooperative will be able on thirty days notice to begin deliveries to a different cooperative or to a proprietary processor directly. Moreover, during that year, a marketing agreement with Mid-Am will not impair the efforts of any cooperative to induce previous suppliers to ship to it rather than to Mid-Am.

6. *Paragraph X—The Standby Pool.* In the main, the relief ordered in *United States* v. *AMPI*, 394 F. Supp. 29 (W.D. Mo. 1975), in connection with the operation of a standby pool determined the form of relief here. The differences in language between Paragraph X of the Judgment and Paragraph X of the AMPI decree do not reflect any different conditions for participation by the dependent in a standby pool program. Since Mid-Am competes in numerous areas with AMPI and might be disadvantaged if it were excluded from a standby pool in which AMPI participated, the term of standby pool relief in this Judgment is shortened to nine years, a period approximating the expiration of the standby pool relief in the *AMPI* case.

Paragraph X permits participation by Mid-Am in a standby pool that can serve as a mechanism for making milk of the surplus producing regions of Minnesota and Wisconsin available to cooperatives in markets where not enough local milk is produced to supply the needs of the market. But the Judgment eliminates restrictive elements that allegedly made the standby pool an important prop in the maintenance of market power by Mid-Am.

A standby pool in which Mid-Am may participate must allow participation by any cooperative [subparagraph X(D)] and by any qualified plant that competes in the procurement of milk with a participating plant [subparagraph X(A) and (B)]. A participating plant must be free to dispose of milk unless an order for the milk is placed at least 24 hours before the milk is received at the plant [subparagraph X (C)]. Cooperatives may not allocate territories in which standby pool milk may be sold or in any other way restrict resale of standby pool milk by a participating cooperative [subparagraph X(E)]. No contract related to a standby pool may be more than one year in duration [subparagraph X(F)], and the persons who administer the standby pool must be independent of any specific participant in the standby pool [subparagraph X(H)]. Even if all these conditions are satisfied, a standby pool arrangement will violate the Judgment if it does anything other than insure a reserve supply of milk to meet requirements of the participating cooperatives [subparagraph X(G)].

Paragraph X does not apply to any standby pool established pursuant to a marketing agreement with the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. § 601 et seq.

7. *Remaining Provisions of the Judgment.* Paragraph I states that the Court has subject matter jurisdiction and jurisdiction over the parties in this case.

Paragraph II sets forth definitions of terms used in the Judgment. Words or phrases not defined were considered to be sufficiently definite intrinsically not to require elaboration.

Paragraph III identifies the persons subject to the Judgment and includes any successor of Mid-Am and any person who has knowledge of the Judgment and who acts in concert with Mid-Am to violate the Judgment.

Paragraph XI forbids participation by Mid-Am in any way in any organization that engages in acts Mid-Am is prohibited by the Judgment from doing.

Paragraph XII provides that Mid-Am may not avoid the requirements of this Judgment by claiming that any bylaw, any private or public regulation or any other rule of law excuses compliance with the Judgment. This paragraph also compels an annual report for ten years after entry of the Judgment on the steps taken by Mid-Am to advise its responsible officials and all members and employees of their obligations under the Judgment.

Paragraph XIII requires Mid-Am within ninety days after entry of the Judgment to provide a copy of the Judgment to all its members and to all milk haulers and processors with whom it does business. In the second through fifth years after entry of the Judgment, Mid-Am must publish the Judgment in a publication that is circulated to all its members.

Paragraph XIV gives the Antitrust Division access to any documents or data necessary to monitor or to enforce compliance with the Judgment. The Antitrust Division may also require that Mid-Am prepare any written reports that may be requested to determine or to secure compliance with the Judgment.

Paragraph XV preserves the jurisdiction of the Court for purposes of allowing the parties to apply to the Court for enforcement, construction or modification of the Judgment.

Paragraph XVI is a finding by the Court—prerequisite to entry of any antitrust consent judgment[17]—that entry of the Judgment is in the public interest.

B. The Anticipated Competitive Effect of the Judgment

The United States expects that after entry of the Judgment Mid-Am members will have effective opportunities to choose to market milk through other existing cooperatives, to form new cooperatives or to market milk directly to handlers. Non-members will not be forced to join or to market milk through Mid-Am. Other cooperatives will have access to buyers, and buyers will be free to search out alternate sources of supply. And, Mid-Am will not be able to support barriers to access to surplus supplies of milk in Minnesota and Wisconsin.

Some of these specific effects may be more important than others. Free mobility of producers in local, Mid-Am dominated markets, for example, goes a long way by itself to assuring that milk in such markets is sold at competitive prices. Since farmers rather than the cooperative own the productive resources (cows, pasture, barns, milking equipment and so on), each farmer—absent artificial barriers—can act as an independent seller in competition with the cooperative. Indeed, when a dominant cooperative charges premiums for milk, the individual farmer and small groups of farmers have a strong incentive to leave the cooperative. If the individual or group sells directly to a bottler at a lower premium than the dominant cooperative, it can still receive a higher net return than if it had remained in the dominant cooperative.[18]

Apart from the unique aspects of a cooperative that its members are its potential competitors and that it does not control the level of production, cooperative monopoly can be analyzed much like any industrial monopoly. Mid-Am faces potential competition from a number of sources other than its own members. To achieve and maintain a monopoly, it must be able to exclude these other competitors. Like an industrial firm, it can do this by maintaining full supply arrangements with all or nearly all buyers in a market; by acquiring the competitor; by agreeing with the competitor to allocate markets; or by engaging in predatory pratcices designed to drive the competitor out of the market or to force the competitor to merge with it.

The adversaries of Mid-Am on this second front include other existing cooperatives, farmers in the market who are not members of any cooperative, owners of plants that receive milk from independent farmers and others.

If there were only a few farmers, or if the volume of milk produced was no more than the amount of milk demanded for bottled use, or if milk was too expensive to transport, a cooperative that had or that wanted a local or regional monopoly would be in a strong position to exclude its competitors. In the area where Mid-Am operates, there are a multitude of dairy farmers, they produce far more milk than is demanded for fluid use, and milk can be shipped economically throughout the area. Thus, competition manifests itself in numerous and ever changing ways. To maintain or achieve a monopoly, Mid-Am not only must control its own members, it must have in its arsenal the weapons necessary to suppress competition from these other sources.

Against this background the Judgment will promote—to the extent consistent with federal regulation of dairying—competitive determination of prices in the interest of consumers and free access by competitors to markets where Mid-Am operates.

As to present market conditions, the evidence adduced by the Government through discovery is not conclusive that past unlawful conduct by Mid-Am left it a legacy of monopoly power. In negotiating relief to cure persisting effects of past conduct, the United States, keeping in mind the above described aspects of cooperative monopoly, considered not only market shares, but also whether and in what way Mid-Am had power to control prices or to exclude competitors.

---

[17] Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e).

[18] This will occur for two reasons. First, premiums are usually collected only on milk used for Class I purposes, but the dominant cooperative will have many members who produced milk that went to Class II purposes. The dominant cooperative has to distribute any income from Class I premiums to all Grade A members, regardless of the use of an individual member's milk. This would substantially dilute the return from premiums received by individual farmers. If the farmer can make sales direct to a bottler and collect even a lower premium than is charged by the dominant cooperative, his return from premiums may still be more than the diluted return received by the members of the dominant cooperative. The same will be true if the individual farmer belongs to a group of producers, so long as that group has a higher percentage of its milk going into Class I products than has the dominant cooperative. Second, the individual farmer or the small group of farmers may be able to realize a higher return from premium prices than the dominant cooperative because it would not have to bear the higher administrative costs incurred by many large cooperatives.

The Government also took into account evidence that since mid-1974 members have been free to leave Mid-Am, individually or with others, at any time on thirty days notice; that Mid-Am had been unable to secure milk supply agreements with many processors; that certain Mid-Am customers, well before this lawsuit was filed, did purchase a portion of their milk requirements from others without reprisal from Mid-Am; that there were several alternative surplus outlets for milk even in areas where Mid-Am is strongest; and that Mid-Am withdrew from the standby pool in early 1974.

Two continuing effects of Mid-Am's alleged unlawful conduct seem to be important.

First, because of practices allegedly designed unreasonably to restrict the ability of members to leave Mid-Am certain members may never have had an opportunity, free of concern about retaliation from Mid-Am, to choose to get out of Mid-Am. Preservation for one year of thirty day membership contracts and contingent procedures for group departure in the event one year contracts are again used to remove any contractual barriers to freedom of choice of a farmer to stay in or to leave the cooperative. Other provisions help to assure that the contractual freedom to leave Mid-Am translates into real freedom. Mid-Am may not use threats or coercion to keep any member [Paragraph IV (A)]; it may not threaten legal action against any terminating farmer because of termination [Paragraph IV(B)]; it can't agree with another cooperative that the cooperative won't seek to persuade Mid-Am members to leave the cooperative [Paragraph IV(E)]; it can't prevent haulers from agreeing to haul the farmer's milk after he leaves Mid-Am [Paragraph VI(A)].

Second, if producers get out of Mid-Am, or if any existing cooperative or other milk seller tries to sell in a Mid-Am market, they may be unable to make sales. The Government's concern is that Mid-Am's alleged threats of discriminatory treatment of partial supply customers continue to have a chilling effect on the decision of processors to buy from other sources. Also, acquisitions of plants in certain areas may have eliminated surplus outlets needed by independent producers and small cooperatives or by processors who buy milk from them.

The ban on discrimination against a partial supply buyer [Paragraph VII(D)] is the chief remedy for the presumed lingering fear of Mid-Am among processors. The concern about surplus outlets is only significant in the Kansas City and St. Louis-Ozarks markets, where, although there are some non-Mid-Am surplus outlets, the number of such outlets is considerably less than in most Mid-Am areas. The divestiture ordered by Paragraph VIII is intended to make available to anyone else who desires to market milk in those two markets surplus outlets that had been acquired by Mid-Am.

Again, these principal provisions are supported by other relief. The form of supply contract permitted to Mid-Am requires that the buyer be able to choose the amount of milk to be taken under contract. Paragraph VII(B). Moreover, the term of supply contracts is a maximum of one year. Paragraph VII(A). It is anticipated that Mid-Am will find it necessary to change its price several times during the year, so that—through operation of Paragraph VII(C)—the effective duration of any supply agreement will be less than one year. Mid-Am will not be able to exclude competitors from a market by flooding [Paragraph IV (C) and (D)], by acquiring buyers or surplus outlets (Paragraph IX), or by entering into retsrictive agreements that foreclose access by competitors to northern supplies of milk (Paragraph X). This relief gets to all unlawful conduct Mid-Am allegedly used in its past attempt to monopolize.

The Government believes that, just as all provisions of the Judgment contribute to eliminating the continuing effects of past conduct, they all contribute to prevention of any future acquisition of monopoly power. The same provisions that guarantee freedom of choice for past captive producers insure that Mid-Am will not in the future be able to hold members except by technical, service or managerial superiority.

Similarly, by eliminating important weapons for defeating entry by other sellers of milk, the Judgment protects numerous rivals that would be attracted if Mid-Am in the future sought to charge any price higher than the competitive price.

IV. ALTERNATIVE PROPOSALS ACTUALLY CONSIDERED

The principal alternative to the Judgment is, of course, going to trial. Given the evidence adduced in discovery, the anticipated effectiveness of the Judgment, and the risks inherent in seeking further relief at trial, the Government believes entry of the Judgment is decidedly in the public interest. The sure and immediate application of the relief supplied in the Judgment is strongly to be preferred to the possibly weaker and certainly more distant relief continued litigation may bring.

In its Complaint initiating this lawsuit, the United States sought to enjoin and restrain Mid-Am from:

(1) Enforcing membership agreements that unreasonably restrain the right of dairy farmers to withdraw from Mid-Am and market milk in competition with Mid-Am;

(2) Refusing to allow any dairy farmer, pursuant to the terms of his membership agreement, to withdraw from membership in Mid-Am;

(3) Requiring that processors purchase all or substantially all of their milk supply from Mid-Am;

(4) Charging any processor a higher price for milk when the processor fails to purchase his full milk supply from Mid-Am;

(5) Purchasing or acquiring control of any processors that have purchased milk from independent producers for the purpose or with the effect of eliminating the processor as a customer of dairy farmers who are not members of Mid-Am;

(6) Importing milk into marketing areas for the purpose of depressing the prices that farmers who are not members of Mid-Am receive for their milk;

(7) Requiring that any Mid-Am member forfeit the value of his production base under any Class I base plan when the farmer terminates his membership in Mid-Am pursuant to his membership agreement and markets milk in competition with Mid-Am; and,

(8) Requiring any milk hauler to transport milk exclusively for Mid-Am or for farmers approved by Mid-Am.

With one exception, relief as to each prayer in the Complaint, consistent with the facts adduced in discovery, is contained in the Judgment. But the Judgment does not contain every form of relief that might have been encompassed by each prayer. Nevertheless, as explained in part III above, the Judgment is sufficient to cure the ill effects of Mid-Am's past practices and reinstate competitive conditions to the business of milk marketing in Mid-Am's area of operation.

Elimination of the base forfeiture requirement (number (7), above) was considered unnecessary primarily because discovery indicated that this requirement did not prevent Mid-Am's member-producers from terminating their membership agreements, leaving the cooperative and marketing their milk competitively. Mid-Am eliminated its Texas base plan by vote of the participating farmers. Less than two percent of Mid-Am's members are presently participating in a base plan.

Based upon its limited pre-filing investigation, the prayer for relief in the complaint and the settlement then under discussion in *United States* v. *AMPI* 394 F. Supp. 29 (W. D. Mo. 1975), the United States, at Mid-Am's request, proposed a consent decree in February 1974. That proposal, containing several forms of relief not found in the Judgment, was rejected by Mid-Am.

In January 1976, after extensive discovery and trial preparation, the Government's trial staff sent Mid-Am a second proposed consent decree. This second proposal was not solicited by Mid-Am. It was prepared with a view toward negotiation over a final form of relief. Thus, it differed in several respects from the Judgment now submitted to the Court. It would have required perpetual retention of thirty day membership contracts, rather than mandatory one year retention with four additional years of contingent membership termination provisions. It would have forbidden Mid-Am to require that any buyer enter into a written supply contract. It would have required prior notice of acquisitions for ten years, rather than five. It would have required Mid-Am to take non-member milk in its plants for five years, rather than require divestiture of particular plants.

The reasons for abandoning the earlier forms of relief differ. Some provisions were not supported by proof in the case, seemed unreasonably inflexible, or were replaced by more effective relief. A major reason for the differences between the proposal and the Judgment is, of course, that the Judgment was negotiated, not dictated. However, the Government did not compromise its purpose to obtain relief sufficient to cure the effects and remove the threat of Mid-Am's attempt to monopolize. Several forms of judgment could have done this job. We are of the view that the Judgment is one such form that will accomplish the objectives of this litigation.

Dissolution of Mid-Am was rejected as unnecessary to restore competition to milk marketing in Mid-Am's territory. The Complaint did not seek dissolution nor did the United States ever propose dissolution to Mid-Am. A judgment that permits processors to purchase any amount of milk at the best available price and service, that frees producers to sell milk in whatever manner brings the greatest return, and that compels Mid-Am to engage solely in legitimate, non-predatory activities will insure a climate of competitive milk marketing and reform defendant into a viable, voluntary cooperative, without incurring the unavoidable economic costs of dissolution.

V. EFFECT OF THE JUDGMENT ON REMEDIES AVAILABLE TO THIRD PARTIES

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal district court to recover three times his actual damages as well as costs and reasonable attorney's fees. Under section 5(a) of that Act, 15 U.S.C. § 16(a), a consent judgment is not *prima facie* evidence of illegality. Thus, the Judgment will have no effect on the determination of Mid-Am's liability in lawsuits against it by third parties.

Mid-Am is presently defending allegations of antitrust violations in two private cases consolidated in the Midwest Milk Monopolization Litigation, J.P.M.L. Doc. No. 83,

now pending in the Western District of Missouri. Other antitrust litigation against Mid-Am has been settled. Discovery in these cases, a number of which are grounded at least in part on facts and events that served as a basis for the Government's suit, was largely completed at or shortly after the time the Complaint here was filed. The Government's case, which postdated its private counterparts by two and a half years, almost certainly could not be tried before trial in the private cases is concluded. Therefore, continued litigation of the case, even to a favorable judgment, will not provide these parties with the advantage of a *prima facie* showing of illegal conduct.

VI. PROCEDURES FOR MODIFICATION AND ENFORCEMENT OF THE JUDGMENT

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), any person who believes that the Judgment should not be entered in the form proposed may within the sixty-day period specified by the Act submit written comments to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Such comments and the Government's responses thereto will be filed with the Court and published in the FEDERAL REGISTER. All comments will be considered under procedures established by the Department of Justice, 40 Fed. Reg. No. 158 (August 14, 1975). The United States remains free to withdraw its consent to the Judgment at any time prior to entry if it should determine as a result of comments or otherwise that some modification of the Judgment is necessary.

After entry of the Judgment, it may be modified by the Court upon motion of the parties. Any private person not a party to this litigation who believes the Judgment should be modified after entry may suggest such modification by writing to the Chief, Judgments and Judgment Enforcement Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. After entry, the Judgment may be enforced by the Court *sua sponte*, or upon motion of the United States.

VII. DETERMINATIVE DOCUMENTS

In respect of the standby pool, the consent judgment in *United States* v. *AMPI*, 394 F. Supp. 29 (W.D. Mo. 1975), was determinative of the form of relief contained in the Judgment. There were no other documents that the Government considered to be determinative in formulating the Judgment.

Dated: May 28, 1976.

DANIEL I. BOOKER,
ELIOT NORMAN,
MICHAEL M. MILNER,
LARRY S. GANGNES,
Attorneys, United States Department of Justice.

APPENDIX A

CAPPER-VOLSTEAD ACT

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

SEC. 2. That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be prima facie evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof.

[FR Doc.76-15483 Filed 5-27-76;8:45 am]

UNITED STATES V. ARA SERVICES, INC., ET AL., CIVIL NO. 18756

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Georgia in Civil Action No. 18756, *United States of America* v. *ARA Services, Inc., et al.* The complaint in this case alleged that Sands and Company, Incorporated and ARA Services, Inc., companies which sell vended products in the Atlanta, Georgia metropolitan area, engaged in a conspiracy with other vending companies and a trade association made up of these companies to fix the prices of merchandise sold through vending machines in that area. The proposed consent judgment enjoins continuation or renewal of the conspiracy either with other vending companies or through a trade association. Defendants are further required to notify their officers and pertinent employees of the terms of the judgment for the next 10 years. Public comment is invited on or before July 30, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309.

Dated: May 20, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

United States of America, plaintiff, v. ARA Services, Inc.; and Sands and Company, Incorporated, defendants. (Civil No. 18756; filed: May 20, 1976.)

STIPULATION

It is stipulated, by and between the undersigned parties and their attorneys, that:

(1) A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party, or upon the Court's own motion, at any time after compliance with requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. 516], and without further notice to any party or other proceedings.

(2) The plaintiff may withdraw its consent hereto at any time before entry of the proposed Final Judgment by serving notice thereof upon the Defendants and by filing that notice with the Court.

(3) In the event plaintiff withdraws its consent hereto, this Stipulation shall be of no effect whatever in this or any other proceeding and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceedings.

Dated: May 20, 1976.

For the plaintiff: Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Barry J. Kaplan, Donald A. Kinkaid, J. Albert Kroemer, and Jack C. Williamson, Attorneys, Antitrust Division, U.S. Dept. of Justice, 1776 Peachtree St., N.W., Suite 420, Atlanta, Georgia 30309. Tele: (404) 526-3820.

For the defendants: John Train, Counsel for Sands and Company, Incorporated, and John T. Longhim, Counsel for ARA Services, Inc.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

United States of America, plaintiff, v. ARA Services, Inc.; and Sands and Company, Incorporated, defendants. (Civil No. 18756; filed: May 20, 1976.)

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on August 8, 1973, and Plaintiff and the Defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without adjudication of any issue of fact or law herein and upon the consent of the parties hereto, it is hereby,

Ordered, adjudged and decreed as follows:

I. This Court has jurisdiction over the subject matter herein and the parties hereto. The Complaint states a claim against the Defendants upon which relief may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act. (15 U.S.C. Section 1.)

II. As used in this Final Judgment:

(A) "Atlanta area" means the Counties of Fulton, De Kalb, Cobb, Douglas and Gwinnett in the State of Georgia;

(B) "Vending Machine" means any machine or device in the Atlanta area which, when appropriate coins are inserted therein, automatically dispenses merchandise;

(C) "Operator" means any person owning vending machines which are in operation in locations other than the operator's place of business;

(D) "Person" means any individual, partnership, firm, association, corporation, or other business or legal entity;

(E) "Control" means at least a fifty percent ownership interest in the controlled person by the controlling person; and

(F) "Defendants" shall mean Sands and Company, Incorporated and ARA Services, Inc. and each of them.

III. The provisions of this Final Judgment applicable to any Defendant shall also apply to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Each Defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan or program with any other operator to fix, determine, maintain, stabilize or adhere to the prices of merchandise sold through vending machines to any third person; and

(B) Discussing, advocating, suggesting, urging, inducing, threatening, coercing, intimidating, or compelling the adoption of or adherence to uniform or specific prices of merchandise sold through vending machines by any other operator.

V. Each Defendant is enjoined and restrained from organizing, joining, furthering, supporting, or participating in any activites of a trade association with knowledge that the purpose, conduct or activities of the same are inconsistent with the prohibitions contained in Section IV of this Final Judgment.

VI. (A) Each Defendant is ordered and directed to furnish within ninety (90) days after the date of the entry of this Final Judgment a copy thereof to each of its officers and directors, and to each of its agents and employees having sales and/or pricing responsibility for merchandise sold through vending machines.

(B) Each Defendant is ordered and directed to furnish for a period of ten (10) years after the date of the entry of this Final Judgment, a copy thereof upon each successor to those officers, directors, agents and employees described in Subsection (A) of this Section VI, within thirty (30) days after each such successor is employed by or becomes associated with the Defendant.

(C) Each Defendant is ordered and directed to file with this Court and serve upon the Plaintiff within one hundred and twenty (120) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Subsection (A) of this Section VI.

VII. For a period of ten (10) years from the date of entry of this Final Judgment each Defendant is ordered to file with the Plaintiff, on each anniversary date of this Final Judgment, a report setting forth the steps it has taken during the prior year to advise the appropriate officers; directors, agents and employees having sales and/or pricing responsibilities for merchandise sold through vending machines, of its and their obligation under this Final Judgment.

VIII. The injunctions contained in Section IV of this Final Judgment shall not apply to relations between the Defendant and a parent or subsidiary of, or corporation under common control with, the Defendant.

IX. For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any Defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(A) Access, during office hours of such Defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the Defendant relating to any matters contained in this Final Judgment; and

(B) Subject to the reasonable convenience of the Defendant, and without restraint or interference from it, to interview officers, directors, employees or agents of the Defendant who may have counsel present, regarding any such matters.

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, each Defendant shall submit such reports in writing with respect to matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means permitted in this Section IX shall be divulged by any representative of the Department of Justice to any person, other than a duly authorized representative of the Executive Branch of Plaintiff, except in the course of legal proceedings in which the United States is a party, or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

X. Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgement to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of or carrying out of this Final Judgment or for the modification of any of the provisions herein and for the enforcement of compliance therewith and the punishment of the violation of any of the provisions contained herein.

XI. Entry of this Final Judgment is in the public interest.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA

United States of America, plaintiff, v. ARA Services, Inc.; and Sands and Company, Incorporated, defendants. (Civil No. 18756; filed: May 20, 1976.)

PROPOSED CONSENT DECREE: COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and Purpose of the Proceedings.* This action alleged that seven companies and a trade association engaged in a conspiracy to fix prices of hot and cold drinks sold through vending machines in the Atlanta, Georgia metropolitan area ["Atlanta"]. Sands and Company, Inc. ["Sands"] and ARA Services, Inc. [ARA] were two of the companies named as defendants. The complaint sought an injunction against continuation or renewal of the conspiracy and against engaging in any other conspiracy with similar purpose or effect.

On August 8, 1973, the Department of Justice filed a civil antitrust suit alleging that the defendants, from at least as early as 1970, had engaged in a conspiracy to raise the price of hot and cold drinks sold through vending machines in Atlanta. The Government would have contended at trial that the officers of Sands and ARA engaged in discussions and meetings with officers of other vending companies for the purpose of increasing the price of hot and cold drinks sold through vending machines, and that an agreement was reached among the participants to raise the price from 10 to 15 cents.

Description of the proposed judgment. On September 23, 1974, the Court entered a Consent Judgment against the trade association and five of the seven defendant companies. This proposed Consent Judgment contains virtually the same injunctive provisions. It prohibits Sands and ARA from entering into any agreements or engaging in any discussions with any other vending company or companies to affect or manipulate the price of any merchandise sold through vending machines in the Atlanta area. These same prohibitions apply with respect to participating in activities of any trade association which have as their purpose the affecting or manipulating of prices of merchandise sold through such vending machines.

In order to assure compliance with the Consent Judgment, Sands and ARA, upon written request of the plaintiff, must each allow attorneys of the plaintiff to inspect its business records and interview its employees. Also upon written request, both companies must submit written reports respecting matters contained in the Judgment. Furthermore, the proposed Consent Judgment requires that for ten (10) years the defendants furnish copies of the Judgment to all of their employees who are responsible for

the sale of merchandise through vending machines in the Atlanta area. For each of these ten years, each of the defendants is required to report to the Antitrust Division of the Department of Justice the steps it has taken to effect this notification of its employees.

III. *Remedies Available to Potential Private Plaintiffs.* Any potential private plaintiff who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered. However, this Judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).)

IV. *Alternative Relief Proposals Actually Considered by the United States.* The relief provided for in the proposed Consent Judgment is essentially that sought in the Complaint. At the outset of negotiations for a consent judgment, the Government insisted that any relief should apply nation-wide rather than only in the Atlanta area. This demand was in line with an Antitrust Division policy, in effect since the decision in *"United States* v. *Ward Baking Company,"* 376 U.S. 327 (1964). This policy called for nation-wide relief in all cases involving per se offenses even though the offense charged in the complaint may have been local in character.

The trial judge advised the parties that he would not grant nation-wide relief even if the Government proved the allegations of the complaint. Consequently, the United States has decided to drop its demand for nation-wide relief in this case. Proceeding to trial on the merits solely because of the lack of agreement on the issue of nation-wide relief was not worth the resources such a trial would call for.

V. *Procedures Available for Modification of Consent Judgment.* The proposed Consent Judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Consent Judgment until the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Judgment should be modified may, for a 60-day period, submit written comments to Donald A. Kinkaid, United States Department of Justice, Antitrust Division, Atlanta, Georgia 30309, who will file with the Court and publish in the FEDERAL REGISTER such comments and responses to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed Consent Judgment.

There are no materials or documents which were determinative in formulating this proposed Consent Judgment; consequently, none are being filed by the Plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)).

Dated: May 20, 1976.

JACK C. WILLIAMS,
Attorney, U.S. Department of Justice, Antitrust Division.

[FR Doc.76-15637 Filed 5-27-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PUEBLO OF SAN ILDEFONSO, MEXICO

Ordinance Legalizing the Introduction, Possession, and Sale of Intoxicants

Correction

In FR Doc. 76-1917 appearing on page 3326 in the FEDERAL REGISTER of Thursday, January 22, 1976 the thirteenth line up from the signature, now reading, "beverages SHALL BE LAWFUL within that", should read:

"BE IT FURTHER ENACTED, that remain—".

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Wilmer Grainger Hunt, Ph. D., Chihuahuan Desert Research Institute, Box 1334, Alpine, Texas 79830.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
See attached letter and reports.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Wilmer Grainger Hunt
Chihuahuan Desert Research Institute
Box 1334
Alpine, Texas 79830

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
XX MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 6'6" WEIGHT: 230
DATE OF BIRTH: 7-23-40
COLOR HAIR: brown COLOR EYES: blue
PHONE NUMBER WHERE EMPLOYED: 915-837-2475
SOCIAL SECURITY NUMBER: 452-70-3540
OCCUPATION: Research Scientist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Chihuahuan Desert Research Institute

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Dwight E. Deal, Ph.D., Manager, 837-2475, 837-3767
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Chihuahuan Desert, Texas, Louisiana, Mexico, New Mexico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
20250-A - I have been banding migrant
20675- Master banding permit

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? XX YES ☐ NO
(If yes, list jurisdictions and type of documents)
Scientific Collecting Permit
State of Texas, application for Mexican

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: June 1975

11. DURATION NEEDED: Three years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): W. Grainger Hunt
DATE: Jan 15, '76

3-200 (6/74)

peregrines for several years under this permit. permits in progress

JANUARY 16, 1976.

SPECIAL AGENT IN CHARGE,
U.S. Fish and Wildlife Service,
P.O. Box 329,
Albuquerque, New Mexico 87103

DEAR SIR: Please find attached my permit application concerning my work with the American Peregrine Falcon (*Falco peregrinus anatum*). I have been studying this species off and on since the late 1950's but principally in connection with the Arctic migrants. I enclose a reprint on those studies. During the last two years however, I have been concerned with the nesting population in the Chihuahuan Desert, located in Texas, New Mexico, and Mexico. I enclose my most recent report to the National Park Service which will explain to you in more detail than this letter permits, the scope of my work. I also have two papers in press and

will send reprints of those when I receive them or manuscripts should you want them now. I anticipate two more years of work, that is through the summer of 1977 and will require permits from the Fish and Wildlife Service and an amendment to my federal banding permit #20675 as approved through your office.

Briefly, I have found what appears to be a substantial population of breeding Peregrines in the Chihuahuan Desert. I studied 11 active eyries during 1974–1975. Six of seven eyries located in mountains produced young while none of the four river nests was successful. There is good evidence that the failure of the river eyries is due to organochlorine contamination of the aquatic ecosystem. During the next two years of study beginning February 22, 1976, I will attempt to obtain further evidence on the organochlorine issue as well as to search for further eyries. Specifically, I need permission to collect eggshell fragments, addled eggs, and prey remains in the Peregrine nests. All of this can be done, either after the young fledge, or before, if I am sure that the nesting attempt has failed. I anticipate no disturbance to the birds. In addition, I would like to collect some of the Peregrines' prey species for organochlorine residue analysis (a total of 40 individuals). These species may include the Mourning Dove (*Zenaidura macroura*), White-winged Dove (*Zenaida asiatica*), Whippoorwill (*Caprimulgus vociferous*), Lesser Night Hawk (*Chordeiles acutipennis*), Band-tailed Pigeon (*Columba fasciata*), Acorn Woodpecker (*Melanerpes formicivorous*), Mexican Jay (*Aphelocoma ultramarina*), Scrub Jay (*Aphelocoma coerulescens*), Cliff Swallow (*Petrochelidon phrrhonota*), water fowl (sps.), Killdeer (*Charadrius vocifeus*), Spotted Sandpiper (*Actitis macularia*), flycatchers (sps.), miscellaneous common passerines (sps.), and bats (sps.). The analysis will be performed by the Patuxent Wildlife Research Center, Laurel, Maryland.

I enclose a copy of a research proposal I am submitting to Patuxent. If you need further information, please write or call 915–837–2475.

Sincerely,

W. GRAINGER HUNT, *Ph. D.*

MARCH 24, 1976.

DIRECTOR, (*FWS/LE*),
U.S. Fish and Wildlife Service,
P.O. Box 19183,
Washington, D.C. 20030.

DEAR SIR: In connection with my work, now in its third season, with nesting populations of the Peregrine Falcon (*Falcon peregrinus*) in the Chihuahuan Desert and surrounding mountain ranges in Texas and New Mexico, I will need permission from your office for the following:

1. To collect Peregrine Falcon eggshell fragments for the purpose of measurement.

2. Collection of addled eggs, should they be found for pesticide residue analysis to be performed at Patuxent Wildlife Research Center.

3. Collection of prey remains in and around Falcon eyries.

4. To band Peregrine Falcons using USFWS bands, both at the nest and on the migratory and wintering range.

In reference to 50 CFR 17.22, I submit the following information: (a) Apparently form 3–200 was not enclosed in the materials sent to me from your office around March 1.

(1) The endangered species to be covered under this permit is the American Peregrine Falcon (*F. p. anatum*). Banding on the migratory and wintering range may also include the Arctic Peregrine Falcon (*F. p. tundrius*). I wish to collect eggshell fragments, addled eggs, and prey remains in Peregrine Falcon nests in Texas, Mexico, and New Mexico. I also wish to band Peregrines both at the nest and in the migratory and wintering range. I will need permission to import from Mexico both eggshell fragments and addled eggs as well as prey remains and prey species (dead).

(2) Material requested to be covered in this permit is presently in the wild.

(3) All procedures will be carried out with an absolute minimum of disturbance to the Falcons. No work will be performed if there is the slightest hint of danger to the Peregrines. Nests will not be visited until the young are at least two weeks old or if there is strong indication that the nesting attempt has failed, e.g., egg spoilage.

(4) N/A.

(5) Residue analysis to be performed by the Patuxent Wildlife Research Center and possibly by Dr. Steven G. Herman, Evergreen College, Olympia, Washington. Specimens may be later placed at either the Chihuahuan Desert Research Institute, Alpine, Texas, or at Sul Ross State University, Alpine, Texas.

(6) N/A

(7) Enclosures

(8) There is strong evidence that the nesting population of Peregrine Falcons (13 pairs found as of 20 March 1976) is being adversely affected by DDT or similar compounds. This is especially true along the Rio Grande River and in certain areas of Mexico. It is vital to the survival of the population to obtain hard data on the rate of pesticide contamination. Please see the enclosed copies of my reports and proopsal for further justification. It is my intention to monitor the status of all the eyries through the spring. If it is clearly evident that a clutch has failed, I will climb into the nest, determine whether the eggs are viable by candling, and collect all but one for pesticide analysis as described above. I will collect all prey remains which are not emminently useful to hte falcons and eggshell fragments, if any. If there are young at least three weeks old in the nest, I proposed to band them, using USFWS bands. Where materials are collected in Mexico, I will require an important permit for bringing them into the United States. Lastly, I will be collecting specimens of the Peregrines' common prey species. These will be taken at least one mile from any Peregrine nest and will be obtained by mist-netting or shooting.

I hope this letter and the enclosed materials are sufficient in the absence of the please call (915)–837–2475.

Respectfully,

W. GRAINGER HUNT, *Ph.D.*

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–15651 Filed 5–27–76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant: Noah's Ark, Noah Bowman, 212 No. Gay Street, Auburn, Alabama 36830.

OMB NO. 42-R1572

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check one) ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Transport 1.2 captive breed Timber Wolves, Canis lupus lycaon from Overton Park Zoo to Auburn, Ala. for future breeding program to preserve this species

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Noah Bowman 205-321-3993
Noah's Ark
212 Nc Gray St.
Auburn, Alabama
36830

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY OR INSTITUTION
Noah's Ark
USDA Approved Zoo
State licensed Zoo
~~Privately~~ set up for breeding rather than exhibition
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Noah Bowman, Director
IF "APPLICANT" IS A CORPORATION, STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
If granted wolves will be place at our farm
Rt. 2 Box 307AA
Opelika, Alabama
36801

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 2-95 AT

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
State licensed Zoo thru Dept. of Conservation and Natural Resources

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: June 30, 1976

11. DURATION NEEDED: indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
supplemental information as required in 50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Noah Bowman DATE April 26, 1976

3-200
(6-74)

APRIL 26, 1976.

DEAR SIRS: We would like to conduct interstate transportation of 1.2 of the Eastern Timberwolf, Canis lupus lycaon. The male was born on April 6, 1975. The two females were born on March 26, 1976. All three wolves were born at the Overton Park Zoo in Memphis, Tenn.

Wildlife will be maintained at our breeding farm at Rt. 2, Box 307 AA, Opelika, Alabama 36830. The enclosure would be a 40' x 60' pen with natural landscaping including such things as underground den, rock outcropping, trees, etc.

We have had experience in the raising and caring of other canines. We have never had a Timberwolf. We at present have only singles in most of our canines and are looking for mates. Most of them have been rejects from wildlife experiments.

We are willing to cooperate with the USDI and any other agency concerning the propagation of these canines.

If permit is granted these animals will be placed in sky kennels and be driven from the Overton Park Zoo in my personal vehicle by me. The trip from Memphis to Opelika will take approximately eight hours.

The male Timberwolf was bottle-raised by the staff of Overton Park Zoo and the staff has been repeatedly unsuccessful in introducing it into the pack. Both females are now being bottle-raised and I feel the same situation will arise. Our intentions are to place these three wolves together hopefully obtaining a social pack which would be compatible. With your permission the offspring will be distributed to other zoos. Hopefully in later years a restocking program will be practical. If permit is granted we will owe the Overton Park Zoo $125.00 in trade credit for the male and $300.00 in trade credit for the two females. Let me stress that no money will change hands. The amount of $425.00 was set as a trade value only.

Sincerely,

NOAH BOWMAN.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by sumitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-15652 Filed 5-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P. L. 93-205).

Applicant: Ila Loetscher, Earl W. Lippoldt, P.O. Box 2049, South Padre Island, Texas 78578.

OMB NO. 42-R1573

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

APPLICATION FOR (Indicate only one)

[ ] IMPORT OR EXPORT LICENSE [XX] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

1. Protect and promote the nesting of sea turtles on South Padre Island, Texas.
2. Provide treatment and rehabilitation for sick or injured sea turtles.
3. Maintain and display sea turtles for educational purposes.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Ila Loetscher

Earl W. Lippoldt
Complete information for 3&4 on attached page.

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING

[ ] MR. [ ] MRS. [ ] MISS [ ] MS.

HEIGHT	WEIGHT

DATE OF BIRTH	COLOR HAIR	COLOR EYES

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER

OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED

South Padre Island, Texas

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdiction and type of document)

Texas Parks and Wildlife Department
Special Scientific Permit No. 81

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: A.S.A.P.

11. DURATION NEEDED: Minimum 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Ila M. Loetscher / Earl W. Lippoldt — DATE: April 8, 1976

3-200
(6/74)

GPO 898-942

INFORMATION FOR ITEM 3 AND 4, FORM 3-200

The two applicants listed in item 3 share equally in the duties and responsibilities required for the activities described in this application.

Mrs. Ila Loetscher, P.O. Box 2049, South Padre Island, Texas 78578, Phone number: 512-943-2544, Date of birth: Oct. 30, 1904, Height: 5 ft.-3 in., Weight: 118 lb., Color of hair: Gray, Color of eyes: Brown, Social Security number: 212-20-0304, Occupation: retired.

Mr. Earl W. Lippoldt, P.O. Box 2067, South Padre Island, Texas 78578, Phone number: 512-943-2778, Date of birth: Dec. 26, 1923, Height: 5 ft.-9½ in., Weight: 200 lb., Color of hair: Gray, Color of eyes: Green, Social security number: 524-42-7308, Occupation: retired.

ITEM 12, FORM 3-200, ATTACHMENTS

This attachment is provided for section 50 CFR 17.22.

17.22, item 1. Permit application is to cover three species of sea turtles:
Atlantic Ridley Turtle (Lepidochelys Kempi).
Hawksbill Turtle (Eretmochelys Imbricata).
Leatherback Turtle (Dermochelys Coriacea).

Of the above endangered species the following are in captivity at the time this application is made:

Species, Number, Age, and Sex

Atlantic Ridley Turtle, 1, 4 years, F.
Atlantic Ridley Turtle, 3, 1 year Undetermined.
Hawksbill Turtle, 1, 3 yr. app. M.

The activities sought to be covered by this permit are:

A. To provide for the protection and promote the propagation of sea turtles which nest on Padre Island, Texas.

B. The handling and confinement of sick or injured sea turtles which may be found in the Padre Island area for the purpose of treatment, rehabilitation and return to the wild when healthy enough for survival in the wild.

C. To maintain and display sea turtles for non-profit educational purposes which inform the public of the endangered and threatened status of sea turtles and to gain public awareness and support for the above activities.

These activities and justifications for permit will be described in detail in item 8.

17.22, item 2. At the time of application all sea turtles covered by the permit are in the wild except for four (4) Atlantic Ridley turtles which were hatched in artificial nest on South Padre Island, Texas and raised in captivity for purposes described in item 8 and one (1) Hawksbill turtle which was found washed ashore sick and is in captivity for recovery and support activities as described in item 8.

17.22, item 3. Sea turtles covered by this permit will be removed from the wild and maintained in captivity only if sick or injured to the extent that their survival in the wild is threaten without treatment and rehabilitation, or if the turles are hatchlings which require protection, or if the turtles support activities as described in item 8.

17.22, item 4. Origin of the five sea turtles described in this application as being in captivity is:

Three (3) Atlantic Ridley turtles were hatchlings from artificial nest on South Padre Island, Texas, USA, from eggs transported from the Atlantic Ridley nesting beach at Rancho Neuvo, Tamp., Mexico.

One (1) Atlantic Ridley turtle was a hatchling from artificial nest from eggs from a natural nesting on South Padre Island, Texas, USA.

One (1) Hawksbill turtle found washed ashore sick on South Padre Island, Texas, USA.

17.22, item 5. The Atlantic Ridley nesting beach on South Padre Island, Texas consists of a stretch of beach on the Gulf of Mexico starting at the last access road to the beach on Texas Highway 100 (approximately 10 miles north of the Queen Isabella Causeway) northward for 12.5 miles to the Willacy County-Cameron County line.

Turtles maintained in captivity are kept in barrels or tanks located on Laguna Circle South, South Padre Island, Texas. Small turtles of less than approximately two years of age are kept in indoor pools located at 5808 Gulf Blvd., South Padre Island, Texas.

17.22, item 6-i. The attached photographs show the facilities in which sea turtles are maintained and displayed. A description of these facilities is given with each of the four photographs which are included on Attachments, pages 9-12.

17.22, item 6-ii. The experience of the applicants is:

Mrs. Ila Loetscher, Ten (10) years experience with sea turtles including the feeding and maintaining of sea turtles in captivity and the treatment of sick and injured sea turtles. Assisted in the project to protect and propagate Atlantic Ridley turtles on South Padre Island, Texas including the hatching of Atlantic Ridley turtles in artificial nest and raising hatchlings in captivity. Conducts a very extensive and successful public education program to promote conservation of sea turtles.

Mr. Earl W. Lippoldt; Assisting with all activities described in this application for two (2) years.

Loetscher and Lippoldt donate and devote almost full time to these activities, pay all of their own expenses plus pay for any other incidental expenses required for the maintenance and protection of the sea turtles described in this application.

The following people provide assistance, technical consultation, medical treatment and advice as required for support of the activities described in this application:

Mr. Dearl Adams; Building Contractor, Brownsville, Texas. Started the Atlantic Ridley turtle conservation project on South Padre Island, Texas, 13 years ago. Has directed or assisted in all the activities related to the propagation and protection of At-

lantic Ridley turtles each year during the nesting season. Health reasons have recently limited Mr. Adams' active participation in this project to consulting. Mr. Adams has provided advice and been an observer of the Mexican government's Atlantic Ridley turtle conservation project since its beginning.

Dr. Don Farst, DVM, Director of the Gladys Porter Zoo, Brownsville, Texas.

Dr. Stewart Porter, DVM, Veterinarian, Gladys Porter Zoo.

Mr. Pat Byrchfield, Herpetologist, Gladys Porter Zoo.

Mr. David Thompson, Curator, Gladys Porter Zoo.

Dr. Lazern O. Sorensen, PhD, Dean of Math and Science, Pan American University, Edinburg, Texas.

Mr. Paul Leonard, Marine Biologist, Pan American University, Marine Laboratory, South Padre Island, Texas.

Dr. R. H. McCoy, DVM, Professor of Biology, Texas A & I University, Kingsville, Texas.

Dr. Henry H. Hildebrand, PhD, Professor of Marine Biology, Texas A & I University, Kingsville, Texas. Dr. Hildebrand has been interested in and studing the sea turtles of the Gulf of Mexico for over twenty years. He helped find and reported the exact location of the Atlantic Ridley nesting beach in Tamp., Mexico.

Mr. Joe P. Breuer, Marine Biologist, Texas Parks and Wildlife, Rio Hondo, Texas. During the past ten years has assisted in transplanting Atlantic Ridley turtle eggs from Mexico to South Padre Island.

Mr. Kavanaugh Francis, Consulting Engineer. Has been assisting with all activities for two years.

Mr. Ray Curtis, Retired, South Padre Island, Texas. Has been assisting with all activities for ten years.

In addition, many local people volunteer time and effort to helping various activities such as patroling the beach during nesting season and conducting educational programs. Most of the food requirements for the turtles in captivity is donated by local commercial and charter fishermen and sport fishermen.

17.22, item 6–iii. The scope of activities covered by this permit application does not include maintaining mature adult sea turtles in captivity for extended periods (see item 8–iv) other than may be necessary for treatment. Therefore, no attempts at breeding in captivity will be tried. Complete records and a tagging program for nesting Atlantic Ridley turtles will be maintained. The applicant is willing to cooperate and provide data as may be requested by the Director for any breeding or nesting programs attempted by others.

17.22, item 6–iv. Sea turtles and the activities covered by this permit will require only occasional transporting in the local area of South Padre Island, Texas and such transporting will be of very short duration. Therefore, no special containers or arrangements for feeding and watering are required for transporting.

17.22, item 6–v. The following information concerns all mortalities of sea turtles kept in captivity during the past five years.

A small sick Green turtle was found in a shrimp trawl in the summer of 1971. The turtle was estimated to be two years of age and its right eye was missing and appeared to be a birth defect. The turtle was found dead in the karrels in the fall of 1973. Cause of death is unknown although since the turtle weighed less than twenty pounds, Dr. Hildebrand suggested that the poor health and slow growth rate could have been caused by internal birth defect.

On May 18, 1975, a blind and partially paralyzed three year old Atlantic Ridley turtle was found washed ashore on South Padre Island. The turtle was taken to the Gladys Porter Zoo for examination by Dr. James Oosterhuin, zoo veterinarian. X-rays showed no broken bones or unusal condition therefore, the paralysis and blindness was diagnosed as being caused by some type of toxic condition. The turtle was treated with antibiotics and was forced fed. After six weeks the turtle died without any significant change in its condition.

On July 8, 1975, two sea turtles in captivity in the turtle karris showed the same symptoms as the above turtle. The turtles afflicted were a two year old Green and a four year old Atlantic Ridley turtle. Both turtles were treated as above but both died after several weeks without making any significant recovery. After an autopsy on the Green turtle, Dr. Don Farst, Director of the Gladys Porter Zoo, suspected cause of illness was a contagious virus but could not identify the type. This four year old Atlantic Ridley was from an artificial nest and raised in captivity. To prevent the reoccurrence of this type situation all sick turtles or turtles when first brought in from the wild are kept in isolation until they are found to be in safe health.

In the fall of 1975 a Loggerhead approximately four years old was found washed ashore on South Padre Island. The turtle was almost blind and behaved similar to the sea turtles above. After the turtle did not respond to treatment in a couple of weeks the turtle was turned over to Dr. R. H. McCoy, animal disease specialist, Department of Biology, Texas A & I University. At death, Dr. McCoy performed an autopsy in his laboratory. Although a complete autopsy report is not available yet, Dr. McCoy found blocking of the intestines by a crusty paint like substance.

17.22, item 7. No contracts or agreements exist between the applicant and other parties which will concern or effect the activities covered by this permit. The applicant does have a permit issued by the Texas Parks and Wildlife Department which covers all species of sea turtles. A copy of this permit is attached.

17.22, item 8–i & ii. This section describes in detail the activities for which this application is made and how these activities are carried out.

A. To provide for the protection and promote the propagation of sea turtles which nest on South Padre Island, Texas. This is primarily concerned with the Atlantic Ridley conservation project started on South Padre Island 13 years ago. For many years eggs were transported from the Atlantic Ridley nesting beach in Mexico, placed in artificial nest on South Padre Island, and the hatchlings released to the Gulf of Mexico. Thousands of hatchlings have been released with the most successful year being 1967 when 2000 eggs were flown from Mexico and from these eggs 1102 hatchlings released. It has been two years since any eggs were transported from Mexico. In 1974 the first known natural nesting of an Atlantic Riddley occurred at the nesting site on South Padre Island, Texas. During the nesting season from about April 15 until July the nesting beach on South Padre Island is patroled in order to sight nesting turtles or nest sites. After nesting the turtle is measured and tagged. The nest site is protected or if it is determined that the nest site is unsuitable for any reason the eggs are moved to an artificial nest in a suitable protected area. When the eggs hatch the hatchlings are protected until they are safely in the water. Any hatchlings which are too weak or injured to survive are kept in captivity until they are strong enough that their chances for survival are improved. In support of this activity it has been desirable to keep several Atlantic Ridley hatchlings to study growth rates, their adaptability to captivity, diet and feeding habits, and to help study and estimate maturity so that an estimate as to how many years it will take before hatchlings released to the Gulf will start returning to nest. Although this activity has primarily been concerned with Atlantic Ridley turtles, one and two year old Green turtles which were hatched and raised in captivity have been released on this nesting beach.

B. In the South Padre Island area occasionally a sick or injured sea turtle will be found washed ashore on the beach. Also, fishermen and shrimp trawlers may find or catch a sea turtle which is sick or injured to the extent that the turtle's chances of survival in the wild is threatened. When such a turtle is reported to the applicants they go get the turtle; determine the condition and extent of injury; if necessary, transport the turtle to the medical facilities at the Gladys Porter Zoo for diagnoses and treatment; if required, maintain the turtle in captivity for treatment and rehabilitation until such time that the turtle is healthy enough for survival in the wild; finally, tag, measure and release these turtles. In the past five years approximately 50 turtles have been saved and returned to the wild by the applicants. The species of sea turtle most often encountered in this activity are the Green turtle (Chelonia mydas) and the Loggerhead turtle (Caretta caretta). Occasionally an Atlantic Ridley or Hawksbill turtle is found that requires treatment. A Leatherback turtle has never been reported to the applicants, this species is included in this permit only to cover such an event that if a Leatherback is found and reported to the applicants, the applicants will be permitted to handle and treat the turtle. It is not anticipated to try to keep any such Leatherback turtle in captivity, only to handle and treat as required and insure the prompt release of the turtle. When any of the three endangered species of sea turtles are found sick or injured a full report will be made promptly to the Director.

C. The educational activities are very important to the support and success of the above two primary activities. The turtles in captivity are shown to the public in order to inform the public of the endangered and threatened status of sea turtles. Several thousand people each year attend these turtle programs. These programs are conducted free as a service to the public to inform as many people as possible of these turtle conservation projects. To support this educational activity it is very useful to have sea turtles to display. It has been desirable to keep at least one each of the four species; Green, Loggerhead, Atlantic Ridley and Hawksbill.

Due to these activities the public in this area is very aware and concerned about sea turtles. One result is that many of the turtles that are washed ashore dead are reported to the applicants. As a normal procedure, anytime a dead turtle is found and reported the applicants investigate in order to document information such as species, size and probable cause of death. The applicant then disposes of the carcass, this is usually by burying them but on occasion if the carcass is fresh or of special interest the carcass is saved and given for scientific study. For example, several carcass have been given to Texas A & I University for study by Dr. R. H. McCoy, wildlife disease researcher. Also, several carcass have been given to Pan American University Marine Laboratory for mounting, display and study. In the future, anytime a species covered by this permit is found dead and reported to the applicants, the applicants will insure the preservation of the carcass if practical and possible and will inform the Director of all information concerned.

17.22, item 8–iii. The objectives of these activities for enhancing the survival and

propagation of sea turtles has been described above.

17.22, item 8-iv. All sea turtles will be returned to the wild upon approval from the Director when the sick or injured turtle has been successfully rehabilitated, or when the turtle is approaching the age of maturity, or when the health and welfare of the turtle may be endangered by continuing captivity, or when a smaller specimen of a species becomes available for support of the activities as described in this application or when a turtle is no longer required for support of the activities as described.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-15654 Filed 5-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Museum of Natural History, University of Kansas, Lawrence, Kansas 66045, Philip S. Humphrey, Director.

OMB NO. 42-R1575

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of cheetah skeleton from Nairobi.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Museum of Natural History

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, P.S.A., AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
State University

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Philip S. Humphrey, Director 864-4540
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Nairobi, Kenya - Lawrence, Kansas

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 6-59-I

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
None required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
15 April 1976

11. DURATION NEEDED
1 September 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Philip S. Humphrey DATE 1 Apr. 1976

RECEIVED
MAY 19 1976

2-200
10/70

MARCH 24, 1976.

CHARLES R. HAYES,
Special Agent in Charge, United States Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Law Enforcement District No. 5, P.O. Box 1038, Independence, Missouri 64051.

DEAR MR. HAYES: As Ruth White explained in her telephone conversation with you Thursday, March 18, we have been promised the skeleton of a cheetah by Dr. Aggundey of the National Museums of Kenya. We received a letter from him Thursday saying that he was mailing it soon. Mrs. White cabled him immediately to ask him to hold onto it until we notify him that we have received the proper permits. If we are lucky, he will receive the wire before he ships it. At this point, we will go on the assumption that we have been successful and proceed with obtaining the permit.

As required by Federal regulation 50 CFR 17.23, we, by this letter, apply for permission to import the above mentioned skeleton and offer the following information:

1. Common and scientific names of the species or sub-species, number, age, and sex of the wildlife to be covered in the permit.—
   a. Common name: Cheetah
   b. Scientific name: *Acinonyx jubatus*
   c. Number: One
   d. Age: Not known
   e. Sex: Not known

2. Copy of the contract or other agreement under which such wildlife is to be imported showing the country of origin, name and address of the seller or consigner, date of the contract, number and weight (if available), and description of the wildlife.—
   a. Copy of contract: letter of 11 March 1976 from I. Aggundey, Curator of Mammals, National Museums of Kenya, to the Director, University of Kansas Museum of Natural History, is attached herewith.
   b. Description of the wildlife: one skeleton.

3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in relation to . . . scientific . . . purposes as appropriate and a plan for disposition of the wildlife upon termination of the project.
   a. Scientific purposes: The skeleton will be used for comparative purposes in a study by Professor Larry Martin of fossil cheetah-like cats recently excavated from the Natural Trap deposits in Wyoming.
   b. Plan for disposition of the wildlife upon termination of the project: Professor Martin, Curator of Vertebrate Paleontology at the University of Kansas Museum of Natural History, is a student of the evolution of fossil cats and undoubtedly will continue his studies for some time to come. The cheetah skeleton, if and when it is received here at the University of Kansas, will become a permanent part of the osteological collections of the Division of Mammals at the University of Kansas Museum of Natural History. The Division of Mammals at this Museum is a center of national and international importance in its field.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained. The cheetah skeleton will be maintained in the permanent collections of the University of Kansas Museum of Natural History where it will be available to qualified scientists for research purposes. The University of Kansas Museum of Natural History specializes in recent and fossil vertebrates and has nationally important collections of recent and fossil vertebrates along with a permanent staff of fifteen curators and technicians. The collections are maintained and utilized according to the highest standards of the profession.

5. A statement that at the time of application the wildlife to be imported is still in he wild, was born in captivity, or has been removed from the wild.—I have written to Mr. I. Aggundey, Curator of Mammals, National Museums of Kenya (copy attached), requesting information concerning the circumstances of capture of the cheetah which was prepared as an osteological specimen.

If you need additional information concerning any matter related to the proposed importation of the skeleton of the cheetah from the National Museums of Kenya, please do not hesitate to let me know.

I will very much appreciate your assistance in obtaining the necessary permit for this importation.

Sincerely yours,

PHILIP S. HUMPHREY,
Director.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Services, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–15655 Filed 5–27–76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant: Miguel A. Feliciano-Ortiz, Box 644, Anasco, Puerto Rico 00610.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check only one)

☒ IMPORT OR EXPORT LICENSE ☐ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.

import from L+L Pheasantry, East Mountain Road, Hegins, RD.2 Pennsylvania 17938; 2 pairs of Lumes Pheasants (Syrmaticus humiae) and 2 pairs of Swinhoe Pheasants (Lophura swinhoei) (endangered species) - for breeding in captivity and public Display and propagation

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)

Feliciano-Ortiz, Miguel. A.
Box 644
Añasco P.R. 00610

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING

☒ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
63"	160 lbs

DATE OF BIRTH	COLOR HAIR	COLOR EYES
3-23-1946	D. Brown	D. Brown

PHONE NUMBER WHERE EMPLOYED

SOCIAL SECURITY NUMBER: 096-36-2869

OCCUPATION: University Student

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NONE

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

zoological exhibition and propagation of endangered species

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

NONE

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED.

import from Pennsylvania
Direct to P.R.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

IN Process to be approved

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

$

10. DESIRED EFFECTIVE DATE: June 1, 1976

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED *(See 50 CFR 13.12(b))* MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

(1) - Certification 13.12(a) 7
(2) - zoological, educational, ~~exhibition~~ propagation 17.23 section

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)*	DATE
Miguel A. Feliciano Ortiz	4-09-76

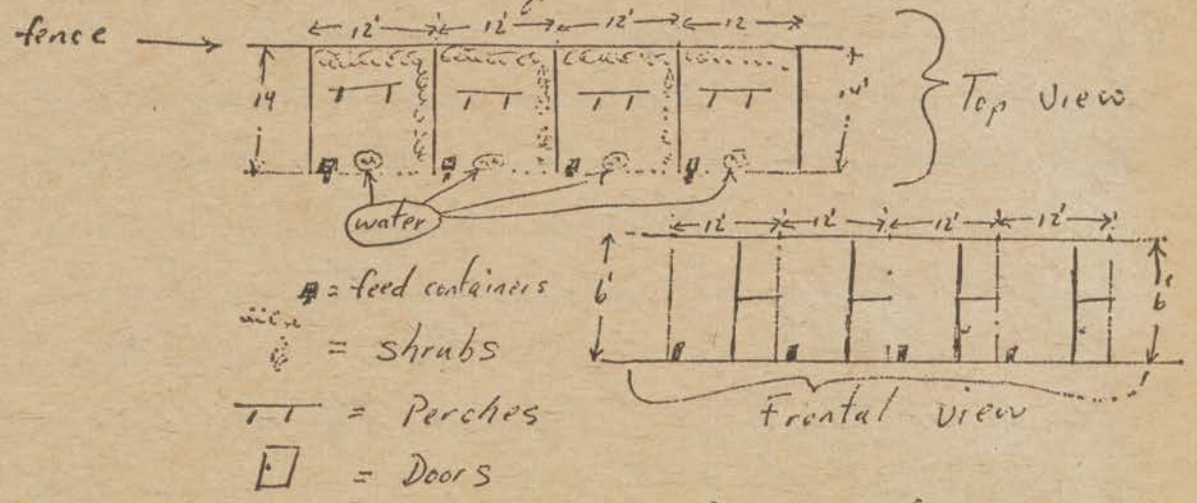
3-200
5/74)

GPO 895-042

§ 17.33 Permit - captive, self sustaining population.

(a)(1) 2 pairs of Humes pheasants (Syrmaticus humiae)
2 pairs of Swinhoe pheasants (Lophura swinhoei)

(2) Diagram of Area and facilities where wildlife will be housed and cared for:



* each pen is covered with corrugated galvanized roofing metal sheets
* 3 sides and front covered with one inch mesh netting wire
* the rear covered with ½ inch plywood panels and on this one inch mesh netting wire.

(3) I have raised dozens of Chinese ring necked pheasants, chukars and bobwhite in my 2750 m² backyard. Plus hundreds of waterfowl and perfowl and poultry.

I have also taken and successfully completed University level courses in animal husbandry and zoology at the Int'l American University

of Puerto Rico.

(4) I am willing to participate in cooperative breeding program, and to maintain or contribute data on a studbook.

(5) The type of transport cartons ... inside, weight 2 lb., measure 24 inches by 18 inches by 7 inches, with good ventilation. They will be placed 2 pairs per carton during their transportation from Pennsylvania to Puerto Rico via Eastern Airlines Air Freight Express. They will be in transit for only 1 day.

(6) I will proceed for 5 years from the date of this application to provide a detailed description of all mortalities involving the species covered in this application and held by me (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) I believe that I am justified in obtaining the permit due to the purpose of my in-

tentions which are to import to P.R. these species that are endangered and helps them survive through the propagation and breeding of them here in P.R. where the climatic conditions are favorable for this survival and at the same time for zoological exhibition where the general public (especially students) can see and educate themselves as to the habits of these species. and they

(i) do not also anticipate to sell ~~animals~~. ~~and by~~ capture needed endangered birds for the purpose of propagation.

(ii) It would buy captive raised endangered birds in the U.S. and transport them to P.R. where they would be used for breeding purposes and then offsprings would be sold only when a permit to has been attained from the prospective seller breeder from the U.S. Fish and Wildlife Service.

(iii) These activities would be to enhance the propagation and survival of the wildlife sought to be covered by this permit.

(iv) This activity being sought to be authorized would continue as long as possible.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-15653 Filed 5-27-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Eastern New Mexico University, Portales, New Mexico 88130, James E. Sublette.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR *(Indicate only one)*
☐ IMPORT OR EXPORT LICENSE ☒ XX PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Survey of Fishes of the San Juan River Basin, with Particular Reference to the Endangered Species.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*
James E. Sublette
Eastern New Mexico University
Portales, NM 88130

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.

	HEIGHT	WEIGHT
XX MR. ☐ MRS. ☐ MISS ☐ MS.	5'6½"	195
DATE OF BIRTH	COLOR HAIR	COLOR EYES
1-19-28	Blond	Blue
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
505 562-2315	430-38-4664	

OCCUPATION
College teacher and administrator

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U.S. Fish and Wildlife Service
U.S. Bureau of Reclamation
Game and Fish Depart. of NM, Colo., Utah

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
San Juan River Basin, Colorado, New Mexico and Utah

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Scientific Collecting Permit from State of New Mexico

9. CERTIFIED CHECK OR MONEY ORDER *(if applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
May 1, 1976

11. DURATION NEEDED
December 31, 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Contract proposals to U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE, PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)* James E. Sublette — DATE May 31, 1976

3-200 (6/74)

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Subpart C—Endangered Wildlife

SECTION 17.22—PERMITS FOR SCIENTIFIC PURPOSES OR FOR THE ENHANCEMENT OF PROPAGATION OR SURVIVAL

(1)(a) Common and scientific names of the species sought to be covered by the permit: Chub, Humpback (*Gila cypha*); Squawfish, Colorado River (*Ptychocheilus lucius*).

(b) Number age, and sex of such species: In using those collecting techniques where specimens are taken alive, i.e., seining or hoop nets, no more than ten (10) museum reference specimens will be taken, all ages and sexes combined. In using other collecting techniques where the specimens may be dead upon retrieval, i.e. gill nets or electrofishing, all dead specimens will be preserved for museum study. Any live specimens taken will be released.

(c) Activity sought to be authorized: Scientific survey of the San Juan watershed in Colorado, New Mexico, and Utah.

(2) The wildlife sought is still in the wild.

(3) Applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife:

Much of the proposed survey will entail the use of minnow seines and bag seines which will enable the collector to examine and return the specimens still alive to the water. However, in certain situations gill nets will be employed which potentially could cause the death of protected species.

(4) N/A.

(5) Description and address of the facility where the wildlife sought to be covered by the permit will be maintained: All specimens collected will be curated in Fish Collection of the Natural History Museum, Eastern New Mexico University, Portales, NM 88130. Dr. A. L. Gennaro is curator of the museum. The permit applicant, Dr. James E. Sublette, is responsible for the fish collection. All species will remain the property of Fish and Wildlife Service.

(6) N/A.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out: See attached.

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit: The distribution and abundance of the fishes, particularly the endangered species, of the San Juan drainage of Colorado, New Mexico, and Utah is imperfectly known. Two intensive faunal surveys are proposed: (1) Animas River and La Plata River in New Mexico (in cooperation with the U.S. Bureau of Reclamation; see attached proposal); (2) the remainder of the San Juan draining (in cooperation with the U.S. Fish and Wildlife Service; see attached proposal).

(ii) The details of how such activities will be carried out: Each of the two surveys will embrace two time periods: May–June and August–September. The first of these will be during a period of high water while the latter will be during a lower water period. At each site selected in consultation with field personnel of the two agencies previously mentioned, an intensive collecting endeavor will be carried out. This will include use of minnow seines, bag seines, gill nets, hoop nets,

fyke nets and electrofishing, where appropriate.

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propogation or survival of the wildlife sought to be covered by the permit: A knowledge of the total fish fauna of a water body is essential to understanding the biology of an endangered species. The faunal survey proposed here would be the first step towards assessing for the endangered species involved such things as population dynamics, feeding habits, interspecific competition, etc. If a population of either endangered species (Colorado River squawfish, humpback chub) exists in the San Juan basin subsequent studies aimed at enhancing survival of these species could be initiated.

(iv) Planned disposition of such wildlife upon termination of the activities sought to be authorzed: All preserved specimens will be curated in the Natural History Museum of Eastern New Mexico University. Such specimens will be preserved for posterity and will be available for study by any qualified scientific investigator. All specimens remain the property of the U.S. Fish and Wildlife Service.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-15656 Filed 5-27-76;8:45 am]

Geological Survey

OIL AND GAS DRILLING OPERATIONS ON THE OUTER CONTINENTAL SHELF

Proposed Standard for Training of Personnel

Notice is hereby given that the Geological Survey intends to develop a training standard for offshore drilling personnel under the regulations 30 CFR 250.11, 250.41, and 250.46. The training standard is being developed as a guide to oil and gas operators so that fundamental requirements for qualifying rig personnel working on Federal Outer Continental Shelf leases will be satisfied.

The purpose in having such a training standard is to provide assurance that qualified personnel are employed during drilling operations to maintain well control under threatened and actual blowout conditions. Two draft standards are printed below to serve as a base for comments. One was prepared by the State of California for its own use and the other by the American Petroleum Institute for general usage.

The Geological Survey standard to be developed will provide criteria for curricula and testing and for organizations to qualify to conduct courses. It may also provide for on-the-job training criteria. It will be limited to well control operations under threatened blowout conditions.

Interested persons may submit written comments to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, National Center, Reston, Virginia 22092, on or before July 16, 1976.

W. A. RADLINSKI,
Acting Director.

TRAINING OF PERSONNEL FOR OFFSHORE DRILLING SUBMITTED BY THE STATE OF CALIFORNIA

DEFINITIONS

Assistant driller. The sixth man in the drilling crew, if required by operator or contractor, acts as assistant to driller.

Derrickman. A member of the drilling crew operating drilling equipment in the derrick or mast while pulling or running drill pipe. He is also usually responsible for the operation of the mud pumps.

Driller. A member of the drilling crew operating the primary drilling controls and supervising the activities of all other members of the drilling crew.

Drilling contractor. A company under contract to the operator specifically engaged in drilling operations.

Drilling foreman. An employee of operator responsible for the coordination and inspection of drilling operations to insure that such operations are safely conducted in accordance with the drilling program and contract.

Drilling superintendent. An employee of operator with responsibility for total supervision of all drilling operations on the operator's offshore lease or leases.

OCS. Abbreviation for "Outer Continental Shelf."

Operator. An operating oil company engaged in exploratory and/or development drilling operations on offshore lands.

Rotary drilling crew. A group of workers who operate the actual drilling equipment under the immediate supervision of the driller. A crew normally consists of a driller, derrickman, and three rotary helpers.

Rotary helper. A member of the drilling crew operating drilling equipment primarily on the rig floor, usually three in number (sometimes referred to as floormen).

Tool pusher. An employee of drilling contractor responsible for the direct supervision of the drilling crew and equipment employed in the drilling of a well.

SECTION 1—TRAINING OF PERSONNEL BY JOB CLASSIFICATION

1.1 Rotary Helpers.

(1) Time of Instruction. Each rotary helper shall be given the on-the-job training, outlined below, during the first 90 days of his employment.

(2) Subject Matter of Instruction. The subject matter for this on-the-job training shall consist of instruction in the purpose, operation, and routine maintenance of the blowout-prevention equipment outlined in Section 2, 2.1, herein.

(3) Limitations on New Employees. Of the usual three rotary helpers in each drilling crew, there shall be at least two who have completed the 90 days on-the-job instruction in blowout-prevention equipment.

(4) Responsibility for Rotary Helper Training. It shall be the direct responsibility of the tool pusher to see that Section (1), (2), and (3) are carried out.

(5) Documentation of Training. A written record shall be kept by the contractor on the structure or vessel indicating the dates during which the rotary helper received and completed the required 90-day on-the-job training.

1.2 All Other Drilling Personnel.

(1) Training Requirements. The derrickman, assistant driller, driller, tool pusher, drilling foreman, and drilling superintendent must successfully complete the curriculum as outlined herein in Section 5.3, prior to being engaged in drilling operations from a fixed platform. Similarly, each of the above drilling personnel shall have successfully completed the curriculum as outlined herein in Section 5.4, prior to being engaged in drilling operations from a floating vessel.

(2) Examination. Successful completion of the blowout-prevention training curriculum shall mean the certification by the instructor that the candidate has successfully completed the entire curriculum and has, without assistance of other persons, controlled a gas kick with the test well or simulator.

(3) Credit for Work Experience. The value of work experience is recognized in these regulations by providing that any person in the classifications noted in 1.2(1) above and who has worked a maximum of thirty-six months out of the immediately preceding sixty months in offshore operations may make application to a blowout-prevention training school to take the examination without first receiving the required number of hours of clasroom instruction. This examination shall include individual control of a gas kick using the test well or the simulator.

1.3 Refresher Blowout-Prevention Training.

All personnel, as outlined in paragraph 1.2(1) above, shall be required to take a refresher course in blowout-prevention control within one year after the successful completion of the basic curriculum, as outlined in Sections 5.3 and 5.4 herein, and annually thereafter. This refresher course shall include a minimum of eight hours of instruction and training in the most recent improvements in equipment and methods for blowout prevention and must include the successful individual control of a gas kick using a test well or a simulator.

1.4 Posting of Names.

Each offshore drilling operation shall have posted, in a conspicuous place on the rig floor, the names of all drilling personnel who have successfully completed the blowout-prevention school.

1.5 Documentation of Training.

A written record shall be kept either by the contractor or operator for their respective employees indicating the date on which persons of Section 1.2(1) completed the curriculum outlined in Section 5. The written record shall include the name and address of the instructor and the blowout-prevention school, as well as the certificate of completion of the curriculum for blowout prevention.

SECTION 2—ON-THE-JOB TRAINING, FIXED PLATFORM DRILLING

2.1 Blowout-Prevention Equipment.

Each rotary helper shall receive instruction in the following blowout-prevention equipment that is installed on the rig:

(1) Diverter and diverter vent lines.
(2) Annular-type preventers.
(3) Ram-type preventers.
(4) Blowout-preventer closing units.
(5) Drill pipe inside blowout preventers.
(6) Drill pipe safety valves.
(7) Kelly cocks.
(8) Mud pit level indicators.
(9) Input mud volume measuring device.
(10) Mud return meauring device.
(11) Choke manifold and vent lines.
(12) Gas detectors.
(13) Trip tank.
(14) Mud-gas separators and degassers.
(15) Kill and choke lines.

2.2 General Instruction on Causes of Kicks.

Each rotary helper shall receive insrtuction on the following causes of kicks:

(1) Failure to keep hole filled.
(2) Swabbing of the hole.
(3) Insufficient mud weight.
(4) Loss of circulation.

2.3 General Instruction on Kicks.

Each rotary helper shall receive instruction on the danger of kicks and how to recognize the following warning signs:

(1) Gain or loss in mud pit volume.
(2) Changes in mud flow.
(3) Drilling breaks.
(4) Gas, oil or water-cut mud.
(5) Decrease in mud pressure.

2.4 Instruction on Kick Control.

Each rotary helper shall receive "on hands" instruction in the operation of the following equipment during blowout-prevention drills as outlined in Section 4:

(1) Drill pipe safety valves.
(2) Inside blowout preventers.
(3) Kelly cocks.
(4) Choke manifold and vent lines.
(5) Mud control valves and lines.

SECTION 3—ON-THE-TRAINING, FLOATING VESSEL DRILLING

3.1 Blowout-Prevention Equipment.

In addition to all of the blowout-prevention equipment and operations outlined in paragraphs 2.1, 2.2, 2.3, and 2.4 above, each rotary helper shall receive general instruction in the following equipment unique to floating vessel drilling:

(1) Ocean floor mounted blowout-prevention equipment.
(2) Method of remote control of blowout-prevention equipment.
(3) Drilling riser.
(4) Riser and guidelines tensioning systems.
(5) Motion compensators.
(6) Methods to locate tool joints relative to position of ram-type preventers on the ocean floor.

3.2 Instruction on Kicks.

In addition to the items outlined in Section 3.1 above, each rotary helper shall receive instruction in the effect of vessel movement on the usual warning signs for kicks.

SECTION 4—ON-THE-JOB TRAINING, BLOWOUT-PREVENTION DRILLS

4.1 Purpose.

To provide on-the-job training for drilling crew personnel in detecting well kicks and promote teamwork in effecting well closure rapidly and in the proper sequence.

4.2 Frequency.

(1) Initial. After instruction of all crew members in their specific duties, blowout-prevention drills shall be held on a daily basis, for each crew, until the crews demonstrate their ability to properly effect closure of the well within the designated time described in 4.3 below.

(2) Normal. After the crews demonstrate their proficiency within the designated time period, the blowout-prevention drills may be held on a weekly basis for each crew.

(3) Impromptu Drills. All drills are to be made without warning to the crew.

4.3 Categories.

To cover all circumstances, the drills are divided into the four following categories, each representing a different condition and course of action to be taken when a kick is detected:

(1) When drilling on bottom.
(2) When tripping drill pipe.
(3) When drill collars are in the blowout preventers.
(4) When drill pipe is out of the hole.

To provide for variations in blowout-prevention equipment response time and well control procedures, the operator shall establish for each well proposal and submit for approval by the State, the course of action required and total time permitted for completing each type of drill.

4.4 Records.

All blowout-prevention drills shall be reported on the daily drilling report, and shall include the following data:

(1) Type of drill.
(2) Driller's reaction time, before kick is noticed.
(3) Total time to complete drill.

4.5 Responsibility.

The conduct of all blowout-prevention drills shall be the responsibility of the Operator's Drilling Foreman.

SECTION 5—CURRICULUM FOR BLOWOUT-PREVENTION SCHOOL

5.1 General.

(1) *Purpose.* The purpose of Section 5 is to outline the curriculum and the required hours of instruction and training for each candidate. All schools must follow the curriculum as outlined herein and must have a minimum of either a test well with all equipment, or a complete electronic well-control simulator, to simulate and control a well kick. It is suggested that the blowout-prevention schools follow the general pattern (except as to hours of instruction) of the two schools sponsored by the International Association of Drilling Contractors (I.A.D.C.) at Louisiana State University and Oklahoma University. Particular reference is made to the bulletin published by the Petroleum Extension Service of the University of Texas and the I.A.D.C. entitled "Blowout Prevention," Unit III, Lesson 3, 1975.

(2) Size of Classes. All classes in the blowout-prevention school shall be limited to a maximum of ten students for each instructor.

5.2 Required Number of Hours of Instruction.

(1) Fixed Platform Operations.

Subject:	Hours
(a) Basic concepts of blowouts	8
(b) Blowout-prevention equipment	8
(c) Kick detection and control	8
(d) Individual operation of test well or simulator	8
Total	32

(2) Floating Vessel Operations.

Subject:	Hours
(a) All items in (1) above for fixed platform operations	32
(b) Ocean floor mounted blowout-prevention equipment and controls	12
(c) Blowout-prevention factors unique to floating drilling	12
Total	24
Grand total	56

5.3. Curriculum, Fixed Platform Operations.

(1) Basic concepts of blowouts (8 hours).
(a) Definition of blowout and kick.
(b) Formation fluid pressures.
i. Normal.
ii. Abnormal.
(c) Fracture pressures.
(d) Mud pressures.
(e) Mud properties relating to well control.
i. Weight.
ii. Viscosity.
iii. Fluid loss.
iv. Additives.
(f) Major causes of kicks.
i. Failure to keep hole filled.
ii. Swabbing of the hole.
iii. Insufficient mud weight.
iv. Loss of circulation.

(2) Blowout-prevention equipment (8 hours).
(a) Blowout preventers and their pressure rating.
i. Annular type.
ii. Ram type.
(b) Blowout stack arrangements.
(c) Kill and choke lines.
(d) Choke manifold.
i. Adjustable chokes.
ii. Fixed chokes.
iii. Vent and bleed lines.
(e) Closing unit and control panels.
(f) Diverter and vent lines.
(g) Kelly cocks.
(h) Drill pipe safety valves and inside blowout preventers.
(i) Mud monitoring and measuring devices.
(j) Mud-gas separators and degassers.

(3) Kick detection and control (8 hours).
(a) Kick detection.
i. Drilling break.
ii. Increased mud flow.
iii. Decreased mud flow.
iv. Gas and/or oil-cut mud.
v. Salt water-cut mud.
vi. Mud pressure changes.
(b) Kick control.
i. Back pressure at choke manifold.
ii. Mud weight calculations.
iii. Mud circulation calculations.
(c) Unusual well control conditions.
i. Hole in drill string (washout).
ii. Plugged drill string.
iii. Drill pipe off bottom.
iv. Drill pipe out of hole.
v. Shallow high-pressure gas.
vi. Excessive casing pressure.
vii. Stripping in drill pipe.

(4) Individual operation of test well or simulator (8 hours).
(a) Test well with complete blowout-preventer controls.
i. Kick detection.
ii. Various methods of control as drillers method, "wait and weight" method, concurrent method, or others.
iii. Calculations to control kick.
iv. Individual "hands on" control of kick.
(b) Simulator.
i. Practical demonstration of equipment and its similarity to actual blowout-preventer control equipment.
ii. Kick detection on electronic "scope."
iii. Various methods of control as drillers method, "wait and weight" method, concurrent method, or others.
iv. Calculations to control kick.
v. Individual "hands on" control of kick.

5.4 Curriculum, Floating Drilling Operations.

(1) All subjects and individual operations as outlined in Section 5.3 above for fixed platform operations (32 hours).

(2) Ocean floor mounted blowout-prevention equipment and controls (12 hours).
(a) Ocean floor blowout-preventer stack and valve arrangement.
(b) Control hoses to stack.
i. "Closed type" hydraulic system.
ii. "Open type" hydraulic system.
iii. Electric-hydraulic system.
iv. Hose reels.
(c) Closing units.
i. Pump accumulator.
ii. Electric activated.
(d) Control panels.
i. Air activated.
ii. Electric activated.
(e) Control pods.
(f) Remote-control connectors on blowout-preventer stack.
(g) Guidelines for blowout-preventer stack.
(h) Marine riser and guideline tensioning systems.

(i) Motion compensators.
(j) Redundancy in all equipment and controls.
(k) Emergency equipment if vessel loses contact with blowout-preventer stack.
i. Fail-safe equipment to close the desired preventer (mousetrap).
ii. Sonic equipment to close blind-shear rams.
(3) Blowout-prevention factors unique to floating drilling operations (12 hours).
(a) Effect of vessel motion on kick detection.
i. Drilling break.
ii. Mud flow rates and measurement.
iii. Malfunction of marine riser.
iv. Marine riser tensioning system.
(b) Effect of vessel motion on kick control.
i. Time delay to activate blowout preventers.
ii. Choke and kill lines.
iii. Methods to locate tool joint relative to position of ram-type preventers on the ocean floor.

API DRAFT RECOMMENDED PRACTICE FOR TRAINING AND QUALIFICATION OF PERSONNEL IN WELL CONTROL EQUIPMENT AND TECHNIQUES FOR DRILLING ON OFFSHORE LOCATIONS

Section 1

GENERAL

Introduction and scope

This Recommended Practice provides criteria for the qualification of drilling personnel in well control equipment operations and techniques to ensure safety and to prevent pollution during drilling on offshore locations. Drilling personnel classifications to which this RP is applicable are the Rotary Helper, Derrickman, Driller, Toolpusher, and Operator's Representative. This RP is intended for the development of training courses with well defined curricula and includes recommendations for testing to assure that a candidate is qualified when he completes a course.

The value of work experience is acknowledged in this RP by dividing the courses into instructional and testing phases for the curricula for Driller, Toolpusher, and Operator's Representative. If a candidate can successfully pass the test covering any portion of one of those curricula, he need not take the instructional portion of that curriculum.

The employer should maintain a record of the training which each employee receives in accordance with this RP. Each employee should be furnished documentation of the successful completion of each level of training.

Policy

This API Recommended Practice may be used by a company or educational institution to develop and conduct a qualification program as outlined above. However, the Institute makes no representation, warranty, or guarantee in connection with the publication of any API specification or recommended practice and hereby expressly disclaims any liability or responsibility for loss or damage resulting from their use, for any violation of any Federal, State, or municipal regulation with which an API specification or recommended practice may conflict, or for the infringement of any patent resulting from the use of an API specification or recommended practice.

Section 2

GUIDELINES FOR COURSE CURRICULA

Introduction

This portion of the RP describes the knowledge and skills that should be presented to the candidate through classroom lectures and hands-on demonstrations. Curriculum content is described on a general basis for each drilling crew member classification. Specific detail should be developed by each training organization using the criteria contained in this Section as a guideline. A training program developed by a contractor or operator should be directed toward the well control equipment and techniques most widely used in their respective operations. Other organizations offering training programs should develop a detailed curriculum directed toward well control equipment and techniques most widely used offshore.

The training programs may be conducted wherever the particular part of the course curriculum can be presented most effectively whether it be on the rig, in a classroom, or a training facility at another location.

Each candidate should be provided with a manual containing the course materials for future reference and review.

2.0 *Rotary Helper Training Requirements for Qualification in Well Control Operations.*

A. *Prerequisite for Rotary Helper Qualification.* All candidates should have satisfied the employment requirements of the employer.

B. *Instructions on Relevant Governmental Regulations.* The candidate should receive initial general instructions on governmental regulations that are pertinent both to his work and to well control activities. The candidate should understand the overall purpose of the appropriate regulations.

C. *Instructions on Blowout-Prevention Equipment.* The candidate should receive general instructions within the first six months of his employment on the purpose, operation, and general maintenance of the following, consistent with his assigned duties:

(1) Bag-type blowout preventer with and without diverter system.
(2) Ram-type blowout preventer.
(3) Accumulator system.
(4) Drill pipe inside blowout preventer.
(5) Drill pipe safety valve.
(6) Kelly cock.
(7) Mud pit level indicator.
(8) Mud volume measuring device.
(9) Mud return indicator.
(10) Choke manifold.
(11) Gas detector.
(12) Trip tank.
(13) Mud-gas separator.

D. *Instructions on the More Obvious Warning Signs of Kicks.* The candidate should receive instructions on the more obvious warning signs of kicks such as, but not limited to:

(1) Gain in pit volume and/or increase in mud return rate.
(2) Hole not taking proper amount of mud during trips.
(3) Well flowing with pump shut down.

E. *Instructions for Well Control Operations.* The candidate should receive hands-on on-the-job instructions for operation of manifold, stand pipe, and mud room valves which require different setting for kill operations than settings used in normal drilling operations.

2.1 *Derrickman Training Requirements for Qualification in Well Control Operations.*

A. *Prerequisite for Derrickman Qualification.* All candidates should have completed the training required for a Rotary Helper under Section 2.0.

B. *Instructions of Relevant Governmental Regulations.* The candidate should receive instructions on governmental regulations (all applicable authorities) that pertain to his work.

C. *Instructions on Blowout-Prevention Equipment.* The candidate should receive instructions on the purpose, operation, and proper maintenance of:

(1) Equipment listed under 2.0 C.
(2) Degasser.
(3) Adjustable Choke.

D. *Instructions on Drilling Fluids.* The candidate should receive general instructions on drilling fluids with emphasis on the following, consistent with his assigned duties:

(1) Density.
(2) Viscosity.
(3) Fluid loss.
(4) Salinity.
(5) Gas cutting.
(6) Proper procedure for increasing mud density.

E. *Instructions on Warning Signs of Kicks.* The candidate should receive general instructions on warning signs that indicate a kick or conditions that can read to a kick, consistent with his assigned duties such as, but not limited to:

(1) Items in 2.0.D. 1 through 3.
(2) Heaving shale and its appearance at surface.
(3) Drilling rate increase.
(4) Change in salinity.
(5) Change in flow properties of drilling fluid.
(6) Connection gas and background gas.

F. *Instructions on Well Control Operations.* The candidate should receive detailed instructions on Item 2.0.E and general instructions on well killing procedures.

2.2 *Driller Training Requirements for Qualification in Well Control Operations.*

A. *Prerequisite for Driller Qualification.* All candidates should have completed the training as a Rotary Helper and Derrickman under 2.0 and 2.1 before enrolling in the Driller's course.

B. *Instructions on Relevant Governmental Regulations.* The candidate should receive instructions on governmental regulations that pertain to his work with well control techniques and equipment including Spill Prevention Control and Countermeasure Plans. Copies of applicable laws, regulations, and orders or abstracts of pertinent sections thereof should be furnished to the candidate. The portions of these regulations that are pertinent to the candidate's work should be clearly marked. The training organization should revise this material as necessitated by revisions or additions to these governmental requirements.

C. *Instructions on What Causes Kicks.* The candidate should receive instrutcions on the major causes of kicks. These include:

(1) Failure to keep hole full.
(2) Swabbing on trip.
(3) Loss of circulation.
(4) Insufficient density of drilling fluid.
(5) Abnormal pressured formations.

The importance of measuring the mud required to fill the hole during trips and methods for measuring and recording hole fill volumes should be emphasized.

D. *Instructions on the Warning Signals for Kicks.* The candidate should receive instructions on the warning signals that indicate a kick or condition that can lead to a kick. These include:

(1) Gain in pit volume.
(2) Increase in return mud flow rate.
(3) Hole takes less mud than calculated on trip.
(4) Drilling break.
(5) Decrease in circulating presure or increase in pump strokes.
(6) Trip, connection, and background gas changes.
(7) Gas cut mud (which does not necessarily indicate a well kick).
(8) Water cut mud or chloride increase.

E. *Instructions for Properly Shutting in a Well for Well Control Purposes.* The candidate should receive instructions on the correct procedure for shutting in a well using

the BOP system, choke manifold, and/or diverter system.

The purpose of these instructions is to ensure that a logical sequence of timely steps is followed to minimize the amount of influx, to prevent lost returns and equipment damage, and to prevent formation fluid from broaching around drive and conductor casing. As a part of these instructions, the candidate should receive hands-on on-the-job training in operating the valves on the choke manifold; operating the diverter system; closing the annular preventer; and in the use of kelly cocks, drill pipe safety valves, and inside blowout preventers.

F. *Instructions for Well Control Operations.* The candidate should receive instructions on one of the constant bottom hole pressure methods (driller's method, wait and weight method, concurrent method, etc.) of well control. This may be done by hands-on instructions at a well control school where actual flow and choking of fluids from a model well are included. An adequate simulator is an acceptable alternate to the model well. A complete well drilling exercise should be carried out using the simulator or a model well and work sheet simulation.

The well control school should include classroom instructions to cover simple well control calculations and the reasons for their use. These include:

(1) Calculations of mud density increase required to control kick.

(2) Conversion between mud density and pressures and the importance of the conversions in understanding formation breakdown, particularly with shallow casing settings.

(3) Calculating drop in pump pressure as mud density increases during kill operations.

(4) Relationship between pump pressure, pump rate, and mud density.

(5) Pressure limitations on casings.

G. *Instructions for Unusual Well Control Operations.* Instructions for this section should include an introduction to unusual well control situations to include:

(1) When drill pipe is off bottom.

(2) When out of hole.

(3) When lost circulation occurs.

(4) When shallow gas is encountered.

(5) When drill pipe is plugged.

(6) Excessive casing pressure.

(7) Hole in drill pipe.

H. *Instructions for BOP Diverter and Closing Unit Installation Operations, Maintenance and Testing.* The candidate should receive hands-on instructions on the installation, operation, maintenance, and testing of BOP's, Diverter Systems, and Closing Units. The instructions should be based on API RP 53, Blowout Preventer Equipment Systems, and should contain appropriate training problems illustrating the need for proper maintenance of equipment including the need for maintaining the proper accumulator precharge pressures, relationship between precharge pressure, operating pressure, and usable volumes, etc.

2.3 *Tool pusher Training Requirements for Qualification in Well Control Practices and Techniques.*

A. *Prerequisite for Toolpusher Qualification.* A candidate should have already completed the training described in Section 2.2 for the Driller.

B. *Instructions on Well Control Calculations.* The candidate should receive instructions in the mathematical calculations required for well control operations. Example calculations should be practiced in class problems. The candidate should also receive instructions on the calculation of equivalent pressures at the casing seat with emphasis on the importance of casing seat depth.

C. *Instructions on Equipment Limitations.* The candidate should receive instructions on the limitations of the various items of equipment which will be subjected to pressure and/or wear.

D. *Instructions on the Mechanics Involved in Well Control Situations.* The candidate should receive instructions on and understand the mechanics involved in various well control situations. These include:

(1) Gas bubble migration and expansion.

(2) Bleeding pressure from a shut-in well during gas migration.

(3) Excessive annular surface pressures.

(4) The differences between a gas kick and a salt water and/or oil kick.

(5) Procedures and problems involved in stripping and snubbing operations with drill pipe.

(6) Special well control techniques such as freezing the drill pipe, hot tapping, barite plugs, and cement plugs.

E. *Instructions on Relevant Governmental Regulations.* The candidate should receive instructions regarding those cases where field rules are applicable to the drilling operations and be familiar with the regulations to which field rules normally apply.

F. *Instructions on Well Control Operations.* The candidate should receive instructions on organizing for a well control operation and also on subsequently directing the complete well control operation. This would include a simulation in which the candidate organizes and directs a well control operation using a model well or equivalent simulation device.

2.4 *Operator's Representative Training Requirements for Qualification in Well Control Operations.*

A. *Prerequisite for Operator's Representative Qualification.* All candidates should be familiar with basic duties and training of Rotary Helper, Derrickman, Driller, and Toolpusher during well control situations.

B. *Instructions of Relevant Governmental Regulations and Company Procedures.* The candidate should receive instructions on governmental regulations (Federal, State, or local) and company practices that pertain to well control techniques and equipment. Furthermore, the candidate should understand field rules where applicable and be familiar with the regulations which field rules normally cover.

Copies of appropriate regulation should be included in the candidate's instruction manual. The portions of these regulations that are pertinent to the candidate's work should be clearly marked. Future revisions of these orders and new orders should be carefully reviewed by the instructing organizations so that relevant material will be included in the training.

C. *Instructions for Well Control Operations.* The candidate should receive instructions at a well control school for a constant bottom hole pressure method of well control as set out under Section 2.2.F. of the RP. The candidate should also receive instructions on the calculation of equivalent pressures at the casing seat with emphasis on importance of casing seat depth.

D. *Instructions for Stripping and Snubbing Operations.* The candidate should receive instructions in the use of the entire blowout-preventer system for working pipe in or out of a wellbore under well pressure.

E. *Accumulator Systems.* This section should include instruction on:

(1) Charging procedures.

(2) Required volumes.

(3) Fluid pumps.

(4) Charging fluid.

(5) Inspection procedures.

F. *Instructions for Detecting Abnormal Pressure.* The candidate should receive instructions on accepted techniques and procedures for detecting entry into abnormal pressure formations and accompanying warning signals which include:

(1) Penetration rate increase.

(2) Shale density change.

(3) Mud chloride change.

(4) Shale cutting characteristics.

(5) Change in background and connection gas.

G. *Instructions on Supervision of Well Control Operations.* The candidate should receive instructions on organizing a well killing operation and subsequently should direct a complete simulated well killing operation.

2.5 *Relief Assignments.* Any employee who acts as assigned relief for another employee with a higher classification (as covered by this RP) should meet the requirements of the higher ranking job. (Example: Derrickman relieves Driller—should be qualified as Driller.)

Section 3

QUALIFICATION PROCEDURES

3.0 *Rotary Helper.*

A. *Prerequisites.*

(1) The candidate should have satisfied 2.0.A.

(2) Before beginning qualification tests, the candidate should be completely familiar with all items listed in Section 2.0.

B. *Type of Test.* The Rotary Helper qualification test will be a crew performance drill that requires the Rotary Helper to carry out his assignment in a well control drill (see Section 3.5) in a prescribed time.

C. *Documentation of Test Results.* The time required for the candidate to complete his assignment as well as the type of drill should be recorded on the driller's log. Appropriate documentation of qualification should be furnished to the successful candidate upon completion of the qualification procedures.

3.1 *Derrickman.*

A. *Prerequisites.* (9) The candidate should have satisfied 2.1 and 3.0.

B. *Type of Test.* The Derrickman qualification test will be a crew performance drill that requires the Derrickman to carry out his assignment in a well control drill (Section 3.5) in a prescribed time.

C. *Documentation of Test Results.* The time required for the candidate to complete his assignment as well as the type of drill should be recorded on the driller's log. Appropriate documentation of qualification should be furnished to the successful candidate upon completion of the qualification procedudes.

3.2 *Driller.*

A. *Prerequisites.* The candidate should be proficient as Rotary Helper and Derrickman and must have completed the training requirements outlined in Section 2.2.

B. *Qualification Tests.* Written and/or verbal tests and hands-on demonstrations should be used to verify that the candidate has a thorough understanding of the well control equipment and techniques outlined in Section 2.2.

C. *Documentation of Test Results.* Test results should be entered in the candidate's training record. Appropriate documentation should be furnished the candidate upon completion of the qualification procedures.

D. *Maintenance of Qualification.* To retain his qualification, the candidate should repeat the training requirements under Section 2.2 and repeat the qualification tests outlined in "B" above at intervals not to exceed four years. In addition, he should receive retaining in well control operations as prescribed in Section 2.2.F. herein at intervals no greater than two years.

3.3 *Toolpusher.*

A. *Prerequisites.* The candidate for Toolpusher qualification should have passed the qualification test for Driller and must have

completed the training requirements outlined in Section 2.3.

B. *Qualification Tests.* Written and/or verbal tests along with hands-on demonstrations should be used to verify that the candidate has a thorough understanding of the well control equipment and technique principles outlined in Section 2.3.

C. *Documentation of Test Results.* Test results should be entered in the candidate's training record. Appropriate documentation should be furnished the candidate upon completion of qualification procedures.

D. *Maintenance of Qualification.* To retain his qualification, the candidate must repeat the training requirements under Section 2.3 and repeat the qualification tests outlined in "B" above every four years. In addition, he should receive retraining in well control operations as prescribed in Section 2.2.F. herein at intervals no greater than two years.

3.4 *Operator's Representative.*

A. *Prerequisites.* All candidates should be familiar with the basic duties of Rotary Helper, Derrickman, Driller, and Toolpusher during well control opeartions and must have completed the training requirements outlined in 2.4.

B. *Qualification Tests.* Tests and hands-on demonstrations should be used to assure that the Operator's Representative candidate has a thorough understanding of the well control equipment and technique principles outlined in Section 2.4 and is qualified to organize and direct a well control operation.

C. *Documentation of Test Results.* Test results shall be entered in the candidate's training record. Appropriate documentation shall be furnished the candidate upon completion of the qualification procedures.

D. *Maintenance of Qualification.* To retain his qualification, the candidate must repeat the training requirements under Section 2.4 and repeat the qualification tests outlined in "B" above at intervals not to exceed four years. In addition, he should receive retraining in well control operations as prescribed in Section 2.4.C herein at intervals no greater than two years.

3.5 *Qualification Summary*

The qualification procedures prescribed in the previous paragraphs of Section 3 are summarized in Exhibit I for the ready reference of the users of the RP.

3.6 *Well Control Drills.*

The individual assignments for the crew members during a well control operation will of necessity vary with the equipment on the offshore unit and to a degree with the type of operation being performed. The drills should be designed to acquaint each crew member with his function on the particular location so he can perform it promptly and efficiently. The steps described below are general and are based upon the essentials of the operation. They should be varied to fit the equipment, personnel, and specific needs of each site. A well control drill plan, applicable to the particular site, should be prepared which outlines for each crew member the assignments he is to carry out during the drill and which establishes a prescribed time for the completion of his portion of the drill. A copy of the complete well control drill plan should be posted on the rig's bulletin boards.

Drills should be carried out during periods of activity which would minimize the risk of sticking the drill pipe or otherwise endangering the operation. In each of these drills, the reaction time should be measured up to the point when the designated person is in position to begin the closing sequence of the blowout preventer. Total time for the crew to complete its entire pit drill assignment should also be measured. This operation should be recorded on the driller's log as "Well Control Drill." All drills should be initiated by the Toolpusher or Operator's Representative, on unscheduled or surprise hours insofar as possible, by raising the float on the pit level device or equivalent. This operation should be performed at least once each week (well conditions permitting) with each crew. The drills should be timed so they will cover a range of different operations which include on bottom drilling and tripping drill pipe.

Suggested items for inclusion in bottom drilling and tripping pipe drills are set out in the following Subsections "A" and "B," respectively. The listing of these items does not necessarily constitute a recomemndation that each of them must be included in the drill or that the drill sequence be the same as the listing.

A. *On Bottom Drilling.* A drill conducted while on bottom should include the following:

(1) Detect kick and sound alarm.

(2) Position kelly and tool joints so connections are acecssible from floor but tool joints are clear of sealing elements in stack; stop pumps; check for flow; close-in the well.

(3) Open control valve at stack and read pressure at manifold.

(4) Record drill pipe pressure and casing pressure.

(5) Measure pit gain and mark new level.

(6) Estimate volume of additional mud the pits will contain.

(7) Weigh mud in suction pit.

(8) Check all valves on choke manifold and blowout-preventer stack for correct position (open or closed).

(9) Check BOP stack and choke manifold for leaks.

(10) Check flow line and choke exhaust lines for flow.

(11) Check accumulator pressure.

(12) Prepare to extinguish sources of ignition.

(13) Alert standby boat or prepare safety capsule for launching.

(14) Place crane operator on duty for possible personnel evacuation.

(15) Prepare to lower all escape ladders and prepare other abandonment devices for possible use.

(16) Determine materials needed to circulate out kick.

(17) Time drill and enter drill report on driller's log.

B. *Tripping Pipe Drill.*

(1) Detect kick and sound alarm.

(2) Install safety valve; close safety valve.

(3) Position pipe; close annular preventer.

(4) Install inside preventer; open safety valve.

(5) Record casing pressure.

(6) Check all valves on choke manifold and blowout stack for correct position (open or closed).

(7) Check for leaks on BOP stack and choke manifold.

(8) Check flow line and choke exhaust lines for flow.

(9) Check accumulator pressure.

(10) Prepare to extinguish sources of ignition.

(11) Alert standby boat or prepare safety capsule for launching.

(12) Prepare to lower escape ladders and prepare other abandonment devices for possible use.

(13) Prepare to strip back to bottom.

(14) Time drill and enter drill report on driller's log.

[FR Doc.76-15563 Filed 5-27-76;8:45 am]

National Park Service

CONCESSION CONTRACT

Notice of Intention To Extend

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb, authorizing him to continue to provide concession facilities and services for the public at Grand Canyon, Arizona for a period of one (1) year from January 1, 1976, through December 31, 1976.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Grand Canyon National Park.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before June 28, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 10, 1976.

RAYMOND L. FREEMAN,
Acting Associate Director,
National Park Service.

[FR Doc.76-15581 Filed 5-27-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-470]

HITE PREPARATION 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), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its G-6 Mine, Drift, 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:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 42 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

2 Elkhorn Ind. Products Corp. Scoops, Model # AR–75, 36 inches.

1 Elkhorn Ind. Products Corp. Scoop, Model # DLE–1, 29 inches.

2 Pauls Repair Shop Roof Bolters, Model #Mark IV, 28 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

REQUEST FOR HEARING OF COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 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.

MAY 20, 1976.

[FR Doc.76–15626 Filed 5–27–76;8:45 am]

[Docket No. M 76–468]

HITE PREPARATION CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its 6–2 Mine, Drift, 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:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 35 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

2 Elkhorn Ind. Products Corp. Scoops, Model # DLE–1C, 28 inches.

1 Pauls Repair Shop Roof Bolter, Model # SPARD–1, 28 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 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.

Dated: May 20, 1976.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.76–15627 Filed 5–27–76;8:45 am]

[Docket No. M 76–440]

THE NORTH AMERICAN 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), The North American Coal Corp. has filed a petition to modify the application of 30 CFR 75.1710 to its Jensie Mine, Jefferson County, Ohio.

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. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof *less 12 inches.*" (Emphasis added.)

2. The actual mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Jensie Mine are as follows:

Minimum mine height 43 inches, maximum mine height 54 inches.

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced visibility, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a) (4–5) to its present electrical face equipment in the coalbed heights shown in paragraph 4 at its Jensie Mine will result in a diminution of safety to the operation of said equipment.

PETITIONER'S ALTERNATE METHOD

Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mine:

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned small equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

2. Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this Petition.

3. If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local district manager with jurisdiction over the subject mine of the progress being made if requested by the district manager.

6. In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section and supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 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.

MAY 20, 1976.

[FR Doc.76–15629 Filed 5–27–76;8:45 am]

[Docket No. M 76–441]

QUARTO 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), Quarto Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Powhatan No. 7 Mine, Monroe County, Ohio.

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. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.1710–1 were "the distance from the floor to the finished roof *less 12 inches.*" (Emphasis added.)

2. The actual mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Powhatan No. 7 Mine are as follows:

Minimum Mine Height in inches	*Average Mine Height in inches*
42	50

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced visibility, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occured involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710–1(a) (4–5) to its present electrical face equipment in the coalbed heights shown in paragraph 4 at its Powhatan No. 7 Mine will result in a diminution of safety in the operation of said equipment.

Petitioner's Alternate Method

Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mine:

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned small equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

2. Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this Petition.

3. If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local district manager with jurisdiction over the subject mine of the progress being made if requested by the district manager.

6. In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section and supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

Request for Hearing or Comments

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 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.

Dated: MAY 20, 1976.

[FR Doc.76–15628 Filed 5–27–76;8:45 am]

[INT FES 76 28]

Office of the Secretary

PROPOSED SUGAR PINE DAM, RESERVOIR, AND CONDUIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Sugar Pine Dam, Reservoir, and Conduit in Placer County, California.

The final environmental statement describes the proposed construction of the 173-foot-high Sugar Pine Dam, the 7,000 acre-foot-capacity reservoir, and 17 miles of buried pipeline. The proposed project will supply about 2,800 acre-feet annually of domestic and agricultural water to the project area.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234–3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484–4792.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: May 25, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76–15695 Filed 5–27–76;8:45 am]

[Docket No. WASH 76–1; Rulemaking Proceedings]

STATE OF ALASKA

Revised Notice of (I) Public Hearings and (II) Prehearing Order; Revised Notice of Public Hearings

In the Matter of the Request of the State of Alaska to Waive the Moratorium on Nine Species of Marine Mammals and Allow the State to Resume Management.

Notice is hereby given to amend the dates for public hearing previously pub-

lished in the FEDERAL REGISTER on April 9, 1976. The following hearing dates are hereby established and all previous dates are hereby canceled:

1. Anchorage—commencing 6/29, Alaska State Court Building, Alaska District Court, Courtroom C, 360 K Street, Anchorage, 10:00 a.m.
2. Nome—commencing 7/6, Federal Building, Courtroom, Front Street, Nome, 10:00 a.m.
3. Bethel—commencing 7/12, Kuskoquim Native Village Association Building, Bethel, 10:00 a.m.
4. Anchorage—Reconvening, if necessary, on *7/14*, Alaska State Court Building, Alaska District Court, Courtroom E, Anchorage, 10:00 a.m.
5. Washington, D.C.—commencing *9/21*, Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C., 10:00 a.m.

For information concerning the hearings, call: Ms. Charlene Rosen, Department of the Interior, Arlington, VA., 703–557–9200 or in Alaska call Mrs. Vicki Murphy, Alaska Native Claims Appeals Board, 907–265–5356.

PART II—PREHEARING ORDER

In accordance with § 18.82 of 41 FR 5395 and the determinations made after the prehearing conference held in Arlington, VA., on May 18, 1976, it is hereby ordered as follows:

1. That the following individuals and/or entities have indicated an interest in the proceeding:

A. PROPONENTS

1. Jeffrey Haynes, Esq., William Council, Esq., Office of the State of Alaska Attorney General, Pouch K, Juneau, Alaska.
2. Robert Rausche, Director, Division of Game, Department of Fish and Game, Subport Building, Juneau, Alaska 99801.
*3. David Fischer, Esq., U.S. Department of the Interior, U.S. Fish and Wildlife Service, Office of the Solicitor, 18th and C Streets, N.W., Washington, D.C. 20240.
*4. James S. W. Drewry, Esq., NOAA General Counsel's Office, Main Commerce Building, National Marine Fisheries Service, Room 5814, Washington, D.C. 20230.
*5. Robert Eisenbud, Esq., Marine Mammal Commission, 1625 Eye Street, N.W., Room 307, Washington, D.C.
6. Lynn McCastle, Chairman, Marine Mammal Committee, Alaska Professional Hunters Association, Inc., P.O. Box 4–1932, Anchorage, Alaska 99509.
7. John L. Gregg, Gregg's Artistic Homes, 216 East Glenoaks Boulevard, Glendale 7, California.
8. Bruce M. Swanson, Kodiak, Alaska.
*9. Gus Fritschie, Esq., Director of Government Relations, National Fisheries Institute, Inc., 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006.
10. Eugene Klineburger, Klineburger Bros., Jonas Bros, of Seattle, Outdoor Clothing, Equipment, Gifts & Jewelry—Taxidermy & Tanning, Etc., 1527 12th Avenue, Seattle, Washington 98122.

B. OPPONENTS

*11. Bernard Fensterwald, Jr., Esq., Ms. Jowanda Shelton, Friends of Animals, Inc., Committee for Humane Legislation, Inc., 910 16th Street, N.W., Washington, D.C. 20006.
12. Jerome Trigg, President, Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

C. PERSONS/ENTITIES UNALIGNED AT PRESENT TIME

13. Juanita Alvarez, Wildlife Coordinator, Sierra Club, 530 Bush Street, San Francisco, California 94108.
*14. William A. Butler, Esq., Environmental Defense Fund, 1525 18th Street, N.W., Washington, D.C. 20036.
*15. Ms. Jane Risk, Animal Protection Institute, 613 Pennsylvania Avenue, S.E., Washington, D.C. 20003.
*16. Jack Marker, Esq., Monitor, Inc., Col. Milton M. Kaufmann, President, Monitor, Inc., 1346 Connecticut Avenue, N.W., #931, Washington, D.C. 20036.
17. Ms. Jacqueline Muth, New York City, New York.
18. Irven Pinard, Chairman, Wildlife Committee, Sierra Club—Atlantic Chapter, 50 West 40th Street, New York, New York 10018.
19. Harold Sparck, Nunam Kitlutsisti, Protector of the Land, Box 267, Bethel, Alaska 99559.
20. Jake Lestenkoff, Executive Vice President, Land Claims, Alaska Federation of Natives, Bethel, Alaska.
21. Ms. Lillian Brannon, United New Conservationist, San Jose, California.

2. That the following witnesses have or will have submitted direct testimony by the appropriate date (see #3, *infra*) and may testify at the hearing:

A. U.S. FISH AND WILDLIFE SERVICE

1. Jack W. Lentfer—testimony re polar bear.
2. Ancel M. Johnson—testimony re sea otter.
3. Henry A. Hansen—testimony re general management scheme.
4. Carl Schneider—testimony re sea otter in behalf of the State of Alaska and the Fish and Wildlife Service.

B. STATE OF ALASKA

1. Robert Rausch, Director, Division of Game, Department of Fish and Game, Subport Building, Juneau, Alaska 99801.

C. NATIONAL MARINE FISHERIES SERVICE

1. Harry L. Reitze, Director, Alaska Region of National Marine Fishery Service—testimony re state management scheme.
2. George Y. Harry, Jr., Director, Marine Mammal Division, Northwest Fishery Center—testimony re all species under jurisdiction of Department of Commerce.
3. Carl B. Schneider, Scientist, Alaska Department of Fish and Game—testimony re sea lions.
4. Kenneth W. Pitcher—testimony re land-breeding harbor seals.
5. John J. Burns—testimony re Beluga whale, ice breeding harbor seal (Largha seal), ribbon, ringed, and Pacific bearded seals.

D. ADDITIONAL TESTIMONY

1. National Fisheries Institute, Inc., James Ferguson, President, Pelican Cold Storage Company, P.O. Box 5538, Seattle, Washington 98105 and Pelican, Alaska 99832.
2. Mr. Cartner, 4608 48th Street, N.W., Washington, D.C.

3. That 10 copies of all testimony be filed with the Presiding Officer on the dates as follows:

A. Additional direct testimony (including testimony from the State of Alaska and other witnesses testifying in Alaska)—*June 11, 1976.*

B. Direct testimony of Washington witnesses—*August 12, 1976.*

C. Rebuttal direct testimony—*September 2, 1976.*

4. That parties address themselves to the following issues in the order that is most logical to the presentation of the participant's case:

1. The number of separate population stocks, if any, included in each species.
2. The estimated existing population levels of each species and population stock.
3. What is the proper meaning for the term "optimum sustainable population" more specific than is defined in the Act and in accordance therewith what is the optimum sustainable population of each such species and population stock?
4. The anticipated effect on the optimum sustainable population of each species and population stock as well as on the health and stability of the ecosystem in waiving the moratorium to the extent proposed; also, including the meaning of the term "incidental take" and what effect, if any, does it have on the optimum sustainable population of each species and population stock?
5. What constitutes a state regulation for purposes of the instant proceeding and will Alaska's laws and regulations, if approved, be enforced as Federal regulations?
6. The humaneness of the methods and means of taking permitted by Alaska's laws and regulations.
7. What are the components of modern scientific resource management program for each of the nine species?
8. Who has the burden of proving that a given population stock or species has diminished below the optimum sustainable population and does Alaska's management program ensure that the extent of the waiver will not be exceeded?
9. Whether the State of Alaska's management program is in accordance with sound principles of resource protection and conservation as provided within the purposes and policies of the Act?
10. What criteria establishes that a population stock is disadvantaged under the Act, and in accordance therewith, does the State of Alaska's management program ensure that any takings will not be to the disadvantage of any species or population stock?
11. The adequacy of provisions for public participation within the State of Alaska in the process of implementing the Waiver.
12. The adequacy of Federal provisions for monitoring and review of the State of Alaska's program.
13. If the proposed waiver is granted and the delegation takes place, can the Federal Government enforce the provisions of these regulations pursuant to

* Entered appearance at Prehearing Conference.

section 105 of the Marine Mammal Protection Act and will the Federal Government as a private landowner be bound by the rules and regulations isued by the State of Alaska; also, will the State of Alaska have authority over non-Alaskan citizens on the high seas?

14. Is the definition of "waters of Alaska" as contained in § 18.94 and § 216.112 of the proposed regulations consistent with the applicable Federal Acts, treaties, and laws of the bordering state sovereigns, including but not limited to the 200-mile limit Act, as well as are there other treaties governing the subject matter of the instant case and how do they affect the proposed regulations?

15. Whether the proposed waiver, regulations, and delegation abrogates the rights of the Indian, Aleut, and Eskimo natives, and if so, is this abrogation permissible under existing law?

16. What are the other jurisdictions whose activities affect the same stocks or species as those at issue here, if any, and do sound principles of resource protection and conservation require that those effects be integrated into the state management program?

17. Should the proposed waiver of moratorium be granted?

MALCOLM P. LITTLEFIELD,
Administrative Law Judge.

MAY 25, 1976.

[FR Doc.76-15646 Filed 5-27-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CITRUS BLACKFLY

Draft Environmental Impact Statement

● Purpose: To give notice of the intent to prepare an environmental impact statement evaluating the citrus blackfly situation in Florida. ●

The Animal and Plant Health Inspection Service has initiated a control program under authority of the Organic Act (7 U.S.C. 147a), as amended, because of a serious citrus blackfly infestation in the Fort Lauderdale area of Florida. The control program is designed to suppress citrus blackfly populations to retard the further spread of the infestation by natural means and to reduce the possibility of spread by artificial means during an interim period. During such interim period, evaluations and research would be conducted to determine whether to implement a pest management program or an eradication program.

Therefore, this gives notice that an environmental impact statement is under preparation pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969, by the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service. The first draft is scheduled for completion in July 1976.

To provide opportunity for participation in the development of the draft environmental impact statement, comments are invited from the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any national program, issue, or environmental impact involved.

Comments concerning matters that should be addressed in the proposed environmental impact statement and requests for additional information should be addressed to the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, Hyattsville, Maryland 20782 by June 25, 1976.

Done at Washington, D.C. this 21st day of May 1976.

J. W. GENTRY,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.76-15338 Filed 5-27-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION 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 Electronic Instrumentation Technical Advisory Committee will be held on Thursday, June 24, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, 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 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 electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Director, Office of Export Administration.

(2) Election of chairman.

(3) Presentation of papers or comments by the public.

(4) Review of current controls on electronic instrumentation, including report on any decontrol action effected since January 13, 1976.

(5) Discussion of current controls on analog to digital and digital to analog converters.

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 Committee. Written statements may be submitted at any time before or after the meeting.

With 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 September 29, 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, 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 Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on December 15, 1975 (40 Fed. Reg. 58162).

Dated: May 24, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-15566 Filed 5-27-76;8:45 am]

LICENSING PROCEDURES 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 Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Friday, July 16, 1976, at 1:00 p.m. in Room 4833, 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 Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 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 licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

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) Status review of parameters format.

(4) Discussion of methods of utilizing portions of company certification process.

(5) Review of new projects to undertake.

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.

With 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 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 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 on December 5, 1975 (40 Fed. Reg. 56960).

Dated: May 24, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-15567 Filed 5-27-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, July 15, 1976, in Dining Room C, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Roundtree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234 (phone 301-921-3157).

Dated: May 24, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-15576 Filed 5-27-76;8:45 am]

HOUSING, EDUCATION, AND WELFARE

National Advisory Council on the Education of Disadvantage Children

MEETING

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on June 11-12, 1976. The meeting on June 11 will be held in room 2261 of the Rayburn House Office Building in Washington, D.C., from 9:30 a.m., to 5:00 p.m., during which two hours (11:30-1:30) will be set aside for Committee meetings (Legislative Committee and Adolescent Committee). The meeting on June 12 will be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C., from 9:00 a.m., to 12 noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting will be to hear from key congressional members of pending legislation relating to reauthorization of ESEA Title I.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on May 25, 1976.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.76-15919 Filed 5-27-76;1:37 pm]

FEDERAL POWER COMMISSION

ARKANSAS LOUISIANA GAS CO.

[Docket No. RP74-61 (PGA76-2) and RP76-10 (PGA76-2)]

Filing of Revised Tariff Sheets

MAY 21, 1976.

Take notice that on May 14, 1976, Arkansas Louisiana Gas Company tendered for filing in Docket No. RP74-61 (PGA76-2) Substitute Seventh Revised Sheet No. 4 in its Rate Schedule G-2, FPC Gas Tariff, First Revised Volume No. 1, and in Docket No. RP76-10 (PGA 72-2) Substitute Fourth Revised Sheet No. 185 in its Rate Schedule X-26, FPC Gas Tariff Original Volume No. 3. The company requests an effective date of May 1, 1976.

The Company states that copies of the revised tariff sheets and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties.

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 June 4, 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.76-15591 Filed 5-27-76;8:45 am]

[Docket No. ID-1783]

ARTHUR HAUSPURG

Application

MAY 21, 1976.

Take notice that on April 19, 1976, Arthur Hauspurg (Applicant), filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

President and Chief Operating Officer, and Trustee (legal equivalent of Director), Consolidated Edison Company of New York Inc, Public Utility.

Vice President and Director, Empire State Power Resources, Inc., Public Utility.

Consolidated Edison is a gas, electric and steam corporation and exists under the Transportation Corporations Law of the State of New York. It provides electric service to approximately 2,767,000 industrial, commercial, and residential customers in the five boroughs of New York City, (Manhattan, The Bronx, Brooklyn, Staten Island, and most of Queens) and in parts of Westchester County, provides gas service to approximately 1,112,000 customers in the boroughs of Manhattan and The Bronx and in parts of Queens and Westchester County and provides steam service to approximately 2,500 customers in part of Manhattan.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison, Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the reequirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding, or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15593 Filed 5-27-76;8:45 am]

[Docket No. ER76-556]

BOSTON EDISON CO.

Order Accepting for Filing and Suspending Tariff, Granting Intervention, Waiving Notice Requirements and Establishing Procedures

MAY 14, 1976.

On March 10, 1976, the Boston Edison Company (Boston) filed a rate schedule [1] providing for non-firm transmission service to Braintree Electric Light Department (Braintree). Monthly charges for service under the proposed agreement are to be billed at one-twelfth of an annual rate in dollars per kW times the capacity committed. Boston states that the agreement is intended to provide for a capacity purchase by Braintree of approximately 27.7 MW for a six-month period commencing April 1, 1976 at the annual rate of $10.82 per kW.

Notice of the filing was issued on March 19, 1976, with comments, protests, or petitions to intervene due on or before April 5, 1976. On April 5, 1976, Cambridge Electric Light Company (Cambridge) filed a petition to intervene, pleading an interest in the outcome since this tariff could be made applicable to other utilities seeking non-firm transmission service from Boston. Cambridge asserted its need to make capacity purchases from other New England utilities, which purchases would necessarily cross Edison's system. To the extent that a particular transaction is not provided for under the NEPOOL Agreement, Boston has advised Cambridge of its intent to apply this tariff to Cambridge under such circumstances.

On April 5, 1976, the Electric Light Department of the Town of Braintree (Braintree) also filed a Protest and Petition to Intervene. Braintree requests that the proposed rate schedule be suspended for one day and permitted to become effective April 1, 1976, subject to refund. Braintree states that its prospective NEPOOL membership [2] and the various agreements thereunder should apply to the proposed service. Braintree alleges that Edison is contractually bound to offer transmission to Braintree at the Southern New England rate,[3] which Braintree states is the only rate concept consistent with the theory of the NEPOOL Agreement. Application of any other rate by Edison is, in Braintree's terms, discriminatory. Braintree also takes exception to certain cost allocation methods in the cost of service and questions the proposed 15% return of equity. On April 7, 1976, Edison filed an answer to Braintree's protest, stating, among other things, that the Southern New England Rate is not applicable to Braintree's purchases in this instance. Edison denies that the rate is discriminatory, and insists that the rate has been properly developed and that the necessary supporting information required by the Commission's Regulations has been filed. Edison further states that, had Braintree given Edison earlier notice of its power supply intentions, "it would have been possible for the parties to review the rate and to eliminate the uncertainties and, possibly, much of the scattershot criticism stated in the Braintree pleading."

On April 9, 1976, the Commission Secretary informed Boston that its filing had been assessed as deficient, and that a filing date would not be assigned to its

[1] See following table:

Designation	*Description*
Boston Edison Co., rate schedule FPC No. 110.	Rate schedule for nonfirm transmission service.
Supp. No. 1 to rate schedule FPC No. 110.	Exhibit A—basis for determination of annual rate for transmission.

[2] Braintree has applied for membership in NEPOOL.

[3] Supplement No. 4 to NEPOOL Rate Schedule FPC No. 2.

filing until the deficiency was cured. On April 16, 1976, Boston submitted additional information in completion of its original filing, requesting an effective date of April 1, 1976. Notice of this supplemental filing was issued, with comments due on or before May 10, 1976. Braintree filed a timely response to this supplemental filing, reiterating and expanding upon the protestations noted in its petition to intervene.

Our review of Boston's proposed rate schedule reveals that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. We shall construe Boston's request for an effective date of April 1, 1976 as a request for an effective date of March 31, 1976 and shall accept Boston's rate schedule for filing and suspend it for one day, until April 1, 1976, subject to refund. Good cause exists to grant waiver of the notice requirements to permit the above-mentioned effective date and to establish hearing procedures to determine the lawfulness of the proposed rates and charges.

The Commission finds: (1) Good cause exists to accept for filing and suspend Boston's rate schedule for filing and allow it to become effective on April 1, 1976, subject to refund.

(2) Good cause exists to permit Cambridge and Braintree to intervene.

(3) Good cause exists to grant waiver of the 30-day notice requirement of the Federal Power Act.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the increased rates proposed herein, the rate schedule filed by Boston is hereby accepted for filing and suspended until April 1, 1976, when it will be permitted to become effective, subject to refund.

(B) For good cause shown, waiver of the 30-day notice requirement of the Federal Power Act is granted.

(C) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors 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) Within 30 days of the date of issuance of this order, Boston shall service prepared testimony and exhibits in support of its case.

(E) 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).

(F) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on July 22, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(G) 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.

(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.76-15605 Filed 5-27-76;8:45 am]

[Docket No. ID-1782]

CHARLES FRANKLIN LUCE

Application

MAY 20, 1976.

Take notice that on April 19, 1976, Charles Franklin Luce, (Applicant) filed an initial application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Chairman of the Board and Chief Executive Officer, and Trustee (legal equivalent of Director), Consolidated Edison Company of New York, Inc., Public Utility.

Director, Empire State Power Resources, Inc., Public Utility.

Consolidated Edison is a gas, electric, and steam corporation and exists under the Transportation Corporations Law of the State of New York. It provides electric service to approximately 2,767,000 industrial, commercial and residential customers in the five boroughs of New York City (Manhattan, The Bronx, Brooklyn, Staten Island, and most of Queens) and in parts of Westchester County, provides gas service to approximately 1,112,000 customers in the boroughs of Manhattan and The Bronx and in parts of Queens and Westchester County and provides steam service to approximately 2,500 customers in part of Manhattan.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison, Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15596 Filed 5-27-76;8:45 am]

[FPC Gas Rate Schedule No. 26;
Schedule No. 2]

COASTAL STATES GAS PRODUCING CO. ET AL.

Order Granting Intervention, Denying Rehearing in Part, and Granting Rehearing in Part for Purposes of Further Consideration

MAY 13, 1976.

Associated Gas Distributors (AGD) filed on April 13, 1976, an application for rehearing with respect to the Commission's letter order issued March 23, 1976, which accepted proposed increased rates to the national ceiling for sales of natural gas made under the rate schedules listed in the caption pursuant to the vintaging concepts set forth in Opinion No. 639 and Opinion No. 699, as amended. With respect to Hilda B. Weinert and Jane W. Blumberg, *et al.*, FPC Gas Rate Schedule No. 2, we note that this rate schedule applies to gas which is involved in *Hilda B. Weinert and Jane W. Blumberg, et al.*, Docket Nos. G-2730, *et al.*, and, pending the outcome of that proceeding, we will grant AGD rehearing solely for the purposes of further consideration. A proposed settlement agreement in that proceeding is currently pending before the Commission.

With respect to Coastal States Gas Producing Company, FPC Gas Rate Schedule No. 26, in its application for rehearing AGD disagrees with the vintaging policy set forth in Opinion No. 639[1] and followed in Opinion No. 699, as amended.[2] The same arguments advanced here by AGD were rejected in the above cases[3] and the reasons for our

[1] Affirmed in *Shell Oil Company, et al.* v. *F.P.C.*, 491 F. 2d 82 (CA5, 1974).

[2] Affirmed in *Shell Oil Company, et al.* v. *F.P.C.*, 520 F. 2d 1061 (CA5, 1975).

[3] See also orders issued April 27, 1973, and June 1, 1973, in *Continental Oil Company, et al.*, FPC Gas Rate Schedule No. 3, *et al.*

vintaging policy are fully explained there. The same rationale applies here.

Coastal States Gas Producing Company has entered into a new contract and its old contract has expired. Accordingly, under the vintaging concepts set forth in Opinion Nos. 639 and 699, as amended, its increases to the national ceiling are acceptable. No further inquiry of the type envisaged by AGD is required or contemplated.

AGD also argues that the subject proposed increased rates should have been acepted 30 days from the date of filing. The rates were accepted in accordance with Ordering Paragraph (J) of Opinion No. 699–H, *mimeo* pp. 85–86. In our view good cause existed there for waiving the 30-day statutory notice period under Section 4(d) of the Natural Gas Act with respect to filings made subsequent to the issuance of that opinion which did not exceed the just and reasonable ceiling established in such opinion.

The Commission is not required under Section 4(d) of the Natural Gas Act to give thirty days notice of a rate filing. Rather, it is the natural gas company which must give such notice not only to the Commission but also to the public. See *State Corporation Commission of Virginia, et al.*, order issued June 16, 1955, in Docket No. G–8558, 14 FPC 805, 807. The Commission did indicate however, in its order issued March 8, 1973, in *Blanket Notice of Intervention By The Public Service Commission For The State Of New York* that rate filings involving vintaging should be noticed so as to give those interested an opportunity to seek intervention with respect to such filings until such time as this matter is resolved on judicial review.

On March 12, 1976, AGD filed a petition to intervene in these matters. We find that it may be in the public interest to grant AGD's petition to intervene.

AGD complains that the increases were accepted before the time for intervention had elapsed. The Commission ordinarily has only 30 days within which to take action under Section 4(e) of the National Gas Act, without regard to the time limit for intervention. The Commission must thus act quickly with respect to these filings. Moreover, the issues involved here were decided in Opinion Nos. 639 and 699, as amended. The purpose of allowing intervention here is not to relitigate these issues but to allow those parties who so desire to preserve their rights pending the completion of judicial review.[4]

With respect to Coastal States Gas Producing Company, FPC Gas Rate Schedule No. 26, AGD's application for rehearing presents no new facts or principles of law which warrant any modification of the March 23, 1976 order.

The Commission orders: (A) The application for rehearing filed by AGD on April 13, 1976, is denied with respect to Coastal States Gas Producing Company, FPC Gas Rate Schedule No. 26.

(B) The application for rehearing filed by AGD on April 13, 1976, is granted for the purposes of further consideration with respect to Hilda B. Weinert and Jane W. Blumberg, *et al.*, FPC Gas Rate Schedule No. 2.

(C) AGD is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further*, that the admission of AGD in the manner provided shall not be construed as recognition by the Commission that AGD might be aggrieved because of any order or orders entered in this proceeding, and that AGD agrees to accept the record as it now stands.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–15604 Filed 5–27–76;8:45 am]

[Docket No. RP76–102]

DISTRIGAS CORP.

Tender of Revised Tariff Sheets

MAY 21, 1976.

Take notice that on May 7, 1976, Distrigas Corporation (Distrigas) tendered for filing the following proposed changes in rates and terms for the sale of liquified natural gas (LNG) to Distrigas of Massachusetts Corporation (DOMAC): Substitute Original Sheet No. 2, Original Sheet Nos. PGA–1, 2–A, and 2–B to Distrigas' Special Rate Schedule No. 1. Distrigas states that the proposed changes, inter alia, would increase the base tariff rate to 74¢ per MMBTU.

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 June 2, 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.76–15590 Filed 5–27–76;8:45 am]

[Docket No. CP76–306]

EAST TENNESSEE NATURAL GAS CO. AND COLUMBIA GAS TRANSMISSION CORP.

Amendment to Application

MAY 20, 1976.

Take notice that on May 13, 1976, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76–306 an amendment to their application[1] for a certificate of public convenience and necessity filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce by East Tennessee to Roanoke Gas Company (Roanoke) and by Columbia to UGI Corporation-Gas Utilities Division (UGI), by which amendment Applicants seek authorization to render the transportation services until June 15, 1976, in lieu of until May 15, 1976, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In the initial application in the instant docket East Tennessee proposes to deliver natural gas to Roanoke, an existing customer of East Tennessee and Columbia; and Columbia proposes to reduce deliveries of natural gas to Roanoke and deliver natural gas to UGI, all so that UGI might receive natural gas stored for it by East Tennessee. Applicants contemplated that 8,000 Mcf of gas per day would be delivered through May 15, 1976, so that 198,439 Mcf of gas, less volumes required for vaporization and transportation, could be delivered. Applicants state that they commenced operations under temporary authorization granted by the Commission and due to the lack of time between commencement of operations and May 15, 1976, and due to unanticipated operational difficulties they do not anticipate that they could complete deliveries as originally contemplated. Accordingly, Applicants now request authorization to transport natural gas through June 15, 1976.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 11, 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

[4] AGD has appealed Commission orders in a number of other proceedings where the Commission approved similar rate increases pursuant to the vintaging concepts of Opinion Nos. 639 and 699, as amended. The U.S. Court of Appeals for the D.C. Circuit recently affirmed several of these orders in *Public Service Commission of New York* v. *F.P.C.*, Nos. 73–1647, *et al.*, decided January 27, 1976, and the Fifth Circuit dismissed a number of AGD's petitions to review in *Associated Gas Distributors* v. *F.P.C.*, Nos. 75–3845, *et al.*, on February 4, 1976.

[1] Notice published April 9, 1976 (41 FR 15103).

in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15603 Filed 5-27-76;8:45 am]

[Docket Nos. RP72-155 and RP75-39 (PGA76-1)]

EL PASO NATURAL GAS CO.

Extension of Time of Postponement and Postponement of Hearing

MAY 21, 1976.

On May 14, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 30, 1976, as most recently modified by notice issued April 13, 1976, in the above-designated proceeding. The motion states that El Paso Natural Gas Company has no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony and Intervenor, May 28, 1976.
Service of Company Rebuttal, June 11, 1976.
Hearing, June 29, 1976 (10:00 A.M., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15594 Filed 5-27-76;8:45 am]

[Docket No. RP76-87]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Tender of Statement F-1

MAY 20, 1976.

Take notice that on May 11, 1976, Inter-City Minnesota Pipelines Ltd., Inc. tendered for filing Statement F-1. This tender is in response to a deficiency letter issued by the Secretary of the Federal Power 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, 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 June 3, 1976. Protests will be considered by the Commision 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.76-15610 Filed 5-27-76;8:45 am]

[Docket No. ER76-555]

INTERSTATE POWER CO.

Order Accepting in Part and Suspending Rate Increase, Rejecting Increase to Certain Customers, Granting Intervention, and Establishing Procedures

MAY 21, 1976.

On March 9, 1976 Interstate Power Company (Interstate) tendered for filing a proposed rate increase to certain transmission customers[1] which Interstate calculated would increase revenues from those customers by $361,395 annually based on sales for the twelve months ended September 30, 1975. For reasons hereinafter stated, Commission shall accept for filing and suspend the increase to certain customers and reject the increase to certain other customers on the basis of the rule of *Mobile-Sierra*.[2]

Notice of Interstate's filing was issued March 23, 1976. Petitions to intervene were filed by the customers listed in footnote one, *supra*. Good cause exists to grant all of those petitions.

On April 7, 1976 the Commission's Secretary issued a letter to Interstate which informed Interstate that its filing was deficient and would not be assigned a filing date pending a curing of the deficiency. On April 23, 1976 Interstate cured the deficiency in its filing. Accordingly, the Commission shall assign a filing date of April 23, 1976 to the filing.

With respect to the customers Jackson, Windsor and Lakefield the filing must be rejected. All three customers have fixed rate contracts with Interstate which contain no provisions for changes in rate. All contracts provide for service during a primary term and on a year to year basis thereafter unless one year's advance notice of termination in writing has been submitted by Interstate. The Commission has received no evidence demonstrating that any of the contracts have been cancelled. Thus, all are being served under currently effective, fixed rate contracts. The Commission shall therefore reject the filing as it relates to Jackson, Windsor, and Lakefield in accordance with the rule of *Mobile-Sierra*.

With respect to the other customers, listed in footnote 1, no contractual bars to the unilateral filings filed by Interstate have been found. However, the proposed increased rates as to those customers have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall suspend its use for two months to become effective July 23, 1976.

The Commission finds: (1) Good cause exists to allow the above-named petitioners to intervene.

(2) Interstate's rate increase to Jackson, Windsor and Lakefield should be rejected.

(3) The rate increase to Luverne, Adrian, Westbrook, and Worthington should be accepted for filing and suspended for two months, to become effective subject to refund on July 23, 1976.

The Commission orders: (A) Interstate's rate increase to Jackson, Windsor, and Lakefield is hereby rejected.

(b) Interstate's rate increase to Luverne, Adrian, Westbrook, and Worthington is accepted for filing and suspended for two months to become effective July 23, 1976, subject to refund.

(C) The above-named petitioners are hereby permitted to intervene in these proceedings 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 petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Commission Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 23, 1976. (See Administrative Order No. 157).

(E) 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 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, N.E., 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.

---

[1] See following table:

Customer:	FPC rate schedule No.
City of Jackson, Minn.*	38
City of Windsor, Minn.*	40
Public Utilities Commission of the Village of Lakefield, Minn*	67
City of Luverne, Minn	101
City of Adrian, Minn	103
City of Westbrook, Minn	105
City of Worthington, Minn	108

* The rate increase shall be rejected as it relates to these customers on *Mobile-Sierra* grounds.

[2] *United Gas Pipe Line Company* v. *Mobile Sierra Company*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

(F) Interstate 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.

(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.*

[FR Doc.76-15598 Filed 5-27-76;8:45 am]

[Docket No. ID-1784]

LAUMAN MARTIN

Application

MAY 21, 1976.

Take notice that on April 19, 1976, Lauman Martin (Applicant), filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Director, Niagara Mohawk Power Corporation, Public Utility.
Director, Empire State Power Resources, Inc., Public Utility.

Niagara Mohawk is an electric and gas corporation organized and existing under the Transportation Corporations Law of the State of New York. Its electric and gas service area extends from the Pennsylvania line near Jamestown eastward to the Massachusetts boundary beyond Albany and north to the Canadian border. Niagara Mohawk renders electric service to approximately 1,284,000 customers in 41 of New York State's 63 counties, which include 31 cities and 639 towns and villages. The principal cities are Buffalo, Syracuse, Albany, Utica, Schenectady, Niagara Falls and Troy. Natural gas service is provided to approximately 419,000 customers in 15 counties in central, eastern and northern New York, nearly all within Niagara Mohawk's electric service area. Gas service is provided in 21 cities and 169 municipalities, including, among others, the cities of Syracuse, Watertown, Albany, Utica, Schenectady, Troy and Hudson. Niagara Mohawk owns 100 percent of the common stock of Canadian Niagara Power Company, Ltd., an electric corporation organized and existing under the laws of the Province of Ontario, Canada; 100 per cent of the common stock of St. Lawrence Power Company, an electric distribution company organized and existing under the laws of the Dominion of Canada; 82.78 per cent of the common stock of Beebee Island Corporation, organized and existing under the laws of the State of New York, which owns and operates a hydro-electric generating station located in the City of Watertown, Jefferson County, New York and 66⅔ per cent of the common stock of Moreau-Manufacturing Corporation, organized and existing under the laws of the State of New York, which owns and operates a hydro-electric generating station located in the Town of Moreau, Saratoga County, New York. Niagara Mohawk also owns 33.1 per cent of the common stock of Indian River Company, a corporation organized and existing under the laws of the State of New York, which maintains and operates a dam at the foot of Indian Lake in the County of Hamilton, State of New York.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-15601 Filed 5-27-76;8:45 am]

[Docket No. RP76-31]

LOUISIANA-NEVADA TRANSIT CO.

Order Granting Intervention

MAY 21, 1976.

On October 30, 1975, Louisiana-Nevada Transit Company (LNT) tendered for filing a revised tariff sheet [1] reflecting a rate increase. Notice of LNT's filing was issued on November 10, 1975, with protests and petitions to intervene due on or before November 21, 1975. An untimely Notice of Intervention was filed by the State of Louisiana (Louisiana) on March 24, 1976. Having reviewed the above Notice of Intervention, we believe that Louisiana has sufficient interest in these proceedings to warrant intervention and that good cause exists for permitting the late filing.

The Commission finds: The participation of Louisiana in these proceedings may be in the public interest and good cause exists for permitting the late filing.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor 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.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(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.76-15597 Filed 5-27-76;8:45 am]

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.

Amendment to Tariff Filing

MAY 20, 1976.

Take notice that on May 18, 1976, Montana-Dakota Utilities Company (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. RP76-91 an amendment to the tariff sheets filed on April 26, 1976 by MDU in the subject docket pursuant to Sections 4, 5 and 7 of the Natural Gas Act proposing a system-wide curtailment plan. MDU states that the purpose of this amendment is to modify only the Index of Base Period Requirements, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

MDU submits for filing as part of its recently submitted FPC Gas Tariff, First Revised Volume No. 1, the following tariff sheets: Original Sheet Nos. 15-99 Substitute Original Sheets Nos. 100 through 110.

MDU states that Original Sheet Nos. 55-99 is being filed to indicate that those sheets of First Revised Volume No. 1 have not been issued, but have been reserved for future use. MDU further states that Substitute Original Sheets Nos. 100 through 110 are intended as complete replacement for the originally submitted Index of Base Period Requirements.

MDU states that as a result of conferences with its customers MDU became aware of the necessity of certain correc-

[1] Fifth Revised Sheet No. PGA-1 to Original Volume No. 1.

tions and adjustments to its Index of Base Period Requirements within its proposed curtailment plan. It is stated that the proposed changes amount to an increase of 509,892 Mcf in Priority 2 annual requirements, an increase of 156,892 Mcf in Priority 3, and a decrease of 243,492 Mcf in Priority 4.

MDU set forth the changes proposed in more detail as follows:

	Effect of change on annual requirements by priority category (1,000 ft³ at 14.73 lb/in² a		
	P-2	P-3	P-4
1. Correction of certain volumes due to computer error:			
Billings Gazette, Montana		+1,019	
DeLuxe Check Printers, Montana		+989	
Midland Feeds, Montana		+4,590	
Midland Materials, Montain		+3,266	
Montana Pre-Stress, Montana	+6,732	−2,916	
Cloverdale Foods, North Dakota		+1,624	
Devils Lake Sioux Manufacturing Co., North Dakota	+569	+569	
Dickinson Cheese, North Dakota		+1,721	
Western Dairies, North Dakota		+387	
Northwest Rendering, North Dakota		+5,176	
Altex Oil Corp., Wyoming		+3,145	
Texaco, Inc., Wyoming	−1,943	+21,464	
2. Addition of customers inadvertently omitted:			
Meyer Construction Co., North Dakota		+13,612	
Northern Bottling Co., North Dakota	+1,503	+3,710	
3. Normalization of volumes of customers added during 1975:			
Boise Cascade, Montana	+10,719	+10,884	
Empire Sand & Gravel, Montana		+14,938	
Transbas, Inc., Montana		+32,887	
Marvel Manufacturing Co., North Dakota	+3,749	+12,849	
Brown Swiss Dairy, South Dakota	+742	+5,645	
Kaycee Bentonite, Wyoming			+28,077
4. Normalization of volumes to eliminate the effect of unusual business conditions:			
Midland Empire Packing Co., Montana			+7,064
Supercrete, Inc., North Dakota		+4,525	
Husky Briquet, North Dakota		+1,756	
Koch Production Co., Wyoming		+1,785	
Sage Creek Refining, Wyoming		+5,456	
Wyoming Sawmill, Wyoming		+19,201	
Magcobar, Dresser Ind., Wyoming			+60,573
5. Reclassification of certain oil refinery loads into priority 2:			
Continental Oil Co., Montana	+117,609		−117,609
Exxon Refinery, Montana	+91,250		−91,250
Farmers Union Central Exchange Refinery, Montana	+76,650		−76,650
Tesoro Petroleum Corp., Montana	+12,775		−12,775
AMOCO Oil Co., North Dakota	+92,419		−92,419
Westland Oil Co., North Dakota	+21,900		−21,900
6. Miscellaneous:			
Hebron Brick Co., North Dakota	+2,321		−2,321
Sheridan Commercial Co., Wyoming	+5,330	−5,330	
Shell Oil Co.—Cabin Creek, Montana	+2,357		−2,357
Admiral & Freemont Beverage Cos., Wyoming	+4,516	−4,918	
Bordens, Inc., North Dakota			+8,748
American Colloid Co., Wyoming			+18,360
Lowell Clay Products Co., Wyoming	+662		+110,967

MDU requests that its proposed curtailment plan, as modified by the present submittal, be allowed to become effective on June 1, 1976; and to that end MDU requests the necessary waivers of the Commission's Regulations be granted.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 2, 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.76-15587 Filed 5-27-76;8:45 am]

[Project No. 2130]

PACIFIC GAS AND ELECTRIC CO.

Order Approving Spillway Modification

MAY 17, 1976.

By letters dated May 22, 1973, April 16, 1974, and September 2, 1975, Pacific Gas and Electric Company, Licensee for FPC Project No. 2130, submitted for Commission approval proposed plans for modifications to the spillway crest and parapet wall of Strawberry Dam, a development of Project No. 2130 located in California on the South Fork Stanislaus River.

Licensee initially planned to enlarge the spillway capacity of the dam to handle a probable maximum flood (PMF) of 9,000 cfs. A safety inspection report of Strawberry Dam by an independent consultant engaged by the licensee in compliance with Part 12 of the Commission's Regulations[1] recommended that the spillway capacity of the dam be further enlarged to safely pass 15,000 cfs. Licensee therefore proposes to (1) increase the capacity of the side-channel spillway to pass 15,000 cfs, (2) raise the parapet wall to an elevation of 5623.50 feet, or an increase of approximately one foot in elevation, (3) modify the crest of the present spillway to an ogee shape to improve its discharge characteristics, and (4) raise the spillway walkway to prevent restriction of flows under high flood conditions. Licensee estimates the maximum spill of the modified project under PMF conditions would be 14,500 cfs with the reservoir surcharged to within 1.3 feet of the top of the raised parapet wall. The modifications herein approved to the project works would not alter the normal water surface elevation or operation of the project.

Modification of the spillway would require the excavation by blasting of approximately 2,800 cubic yards of rock in the spillway channel. Blasting operations would be performed at a time when the area is free from campers and other transient residents. The excavated rock would be placed downstream of the existing retaining wall in the vicinity of the left groin of the dam to prevent erosion from water flowing in the spill channel. These construction activities would only have local, short-term impacts on the environment such as dust and noise which would terminate upon completion of the work. We therefore conclude that approval of Licensee's plans for modifications to Strawberry Dam would not constitute a major Federal action having a significant effect upon the quality of the human environment, and that preparation of an environmental impact statement is not required.

The Commission finds: (1) Construction of the modifications, as herein proposed, is necessary to alleviate a potentially hazardous condition and would be in the public interest.

(2) Approval of the subject modifications as discussed would not constitute a major Federal action significantly affecting the human environment.

The Commission orders: (A) The subject modifications as discussed above are hereby approved.

(B) Licensee shall notify interested Federal, State and local agencies of its plans and schedules for completing work.

(C) Licensee shall file for Commission approval revised Exhibit L drawings showing the structures as built within 60 days after completion of construction.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15607 Filed 5-27-76;8:45 am]

[1] 18 C.F.R. § 12.1 *et seq.* (1975).

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Extension of Time and Postponement of Hearing

MAY 20, 1976.

On May 12, 1976, Truckee-Donner Public Utility District filed a motion

to extend the procedural dates fixed by order issued November 25, 1975, as most recently modified by notice issued March 2, 1976, in the above-designated proceeding. The motion states that there was no objection to the request for extension by the parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, July 20, 1976.
Service of Company Rebuttal, August 3, 1976.
Hearing, August 17, 1976 (10:00 e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15595 Filed 5-27-76;8:45 am]

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

Order Approving Revised Exhibits L and M

MAY 17, 1976.

Application was filed on July 14, 1975, by Southern California Edison Company (Licensee) for approval of revised Exhibits L and M of license for constructed Big Creek No. 4 Project No. 2017. The revised exhibits were filed pursuant to the requirement of Articles 3 and 4 of the license.

The project with an installed capacity of 86,200 kW, is located in Fresno, Tulare, Kern, and Madera Counties, California. It inclunes a reservoir with a storage capacity of 35,000 acre-feet, Big Creek Dam No. 7, a power tunnel about 2 miles long, Big Creek Powerhouse No. 4, and two transmission lines, one 6 miles long extending to Big Creek Powerhouse No. 3, the other extending about 133 miles to Magunden substation near Bakersfield, California.

The revised Exhibits L and M submitted with the application reflect constructed changes and improvements made to the equipment and facilities of Project No. 2017. These changes include:

(1) The installation of a supervisory control system to enable remote control, monitoring, and shutdown of the unattended Big Creek Powerhouse No. 4 from the Big Creek Powerhouse No. 3.

(2) The installation of additional chain link fence around the powerhouse.

The Exhibit L drawings reflect the construction of the aforementioned project changes, while the Exhibit M was revised to include a description of the mechanical and electrical equipment associated with the remote control system. These modifications are minor and do not constitute a substantial change of project works.

Approval of revised Exhibits L and M does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, no environmental impact statement need be prepared.

The Commission finds: (1) The revised Exhibits L and M filed on July 14, 1975 have been examined and found to conform to the Commission's Rules and Regulations and should be approved and made a part of the license for Project No. 2017, superseding the Exhibits L and M which are presently part of the license.

(2) Approval of the revised Exhibits L and M of the license for Project No. 2017 does not constitute major Federal action having a significant effect on the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The Commission orders: (A) The following revised Exhibits L and M are approved and made a part of the license for Project No. 2017, superseding the exhibits noted:

Exhibit L—superseded exhibit L

Sheet	FPC No.	Title	FPC No.
7	2017-166	Powerhouse plan	2017-110
6	2017-167	Plot plan powerhouse	2017-113

Exhibit M: Consisting of three typewritten pages entitled, "General Description of Mechanical, Electrical and Transmission Equipment" filed on July 14, 1975 (supersedes Exhibit M, second revision of December 19, 1952).

(B) The superseded Exhibits L and M noted above are hereby eliminated from the license for Project No. 2017.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15606 Filed 5-27-76;8:45 am]

[Docket No. CP76-360]

TEXAS GAS TRANSMISSION CORP.

Application

MAY 20, 1976.

Take notice that on May 4, 1976, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-360 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing a transportation service for a two-year term for Olin Corporation (Olin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement, dated April 6, 1976, whereby Applicant has agreed to transport up to 1,215 Mcf of natural gas per day on an interruptible basis for Olin. It is indicated that the gas would be received at a point on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and would be simultaneously redelivered by Applicant at its metering station located in Meade County, Kentucky, near Olin's plant. It is said that the gas to be transported by Applicant would be purchased from McGoldrick Joint Venture No. 1-73 (McGoldrick) from the Leatherman Creek Field, Claiborne Parish, Louisiana, and would be consumed for Priority 2 end uses at Olin's chemical plant. It is indicated that Olin has purchased such gas in an effort to offset the loss of gas supply by its plant's supplier, Applicant, which is projecting curtailment into deliveries to Priority 2 customers on its system in the 1976 summer season and thereafter.

It is stated that in order to effectuate the transportation service proposed, Applicant would be required to construct and install a 4-inch run meter station and related equipment at the point of receipt in Claiborne Parish at an estimated cost of $39,700. It is asserted that Applicant would be reimbursed by Olin for these costs.

Applicant states that it would not retain any volumes hereunder for its own system supply, but would retain 10 percent of the volumes received for transportation as makeup for compressor fuel and line loss.

The application shows the following information submitted by Applicant:

1. Applicant proposes to transport up to 1,215 Mcf on both a peak day and average day and annual volumes of up to 443,475 Mcf.

2. Since the volumes to be transported under the instant and any similar transportation agreements with direct industrial customers, when added to the direct industrial customers' scheduled daily deliveries, would not exceed the contract entitlements of the direct industrial customers from Applicant, there exists sufficient pipeline capacity to perform the proposed service on a peak day, average day and annual basis.

3. The proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

4. The initial rate for the transportation service would be 17.82 cents per Mfc.

5. Applicant does not consider the subject natural gas to be available to it for purchase. If the natural gas is not sold to Olin, then it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana.

The application shows that commencing with the first delivery of natural gas, Olin would pay the producer $1.50 per Mcf subject to an upward Btu adjustment, from a base of 1000 Btu's per cubic foot, and that said price would continue in effect for the next 364 days, and thereafter and for the next 365 days the price would be $1.53 per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 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.76-15600 Filed 5-27-76;8:45 am]

[Docket Nos. RP72-99 (EPGA 76-4), RP73-69, and RP75-75 (AP76-8)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

MAY 20, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 7, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, requested to be effective on April 1, 1976, May 1, 1976 and May 2, 1976.

Transco states that the purpose of its filing is to provide changes necessary to reflect (1) the elimination of unrecoverable advance payments from rate base as provided by Commission Order in Docket No. RP73-69; (2) actual cost of emergency natural gas purchases for the period November 16, 1975 through March 3, 1976 in accordance with the terms of its tariff; and (3) elimination from the tariff sheets to be effective May 1, 1976, of costs related to the Price Freeze issue as provided by Commission order issued April 30, 1976, in Docket Nos. RP73-3, *et al.*

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal 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 June 1, 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.76-15599 Filed 5-27-76;8:45 am]

[Docket No. CP76-363]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 20, 1976.

Take notice that on May 6, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-363 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing an interruptible transportation service for a two-year term for Pine Hall Brick & Pipe Company, Inc. (Pine Hall), an existing industrial customer of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company (N.C. Gas), a Rate Schedule CD-2 customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement, dated April 8, 1976, whereby Applicant has agreed to transport up to 1,250 Mcf of natural gas per day, with an estimated average day of 1,000 Mcf. It is indicated that Pine Hall would arrange to have such quantities delivered to Applicant at the inlet side of Applicant's metering facilities located at the outlet of Continental Oil Company's Acadia Gas Processing Plant in Acadia Parish, Louisiana, and Applicant would redeliver such volumes to N.C. Gas at existing delivery points for the account of Pine Hall for ultimate use in the latter's Madison, North Carolina, plant. It is said that gas to be transported by Applicant would be purchased from Wm. T. Burton Industries, Inc. and El Toro Petroleum Corp. (Wm. T. Burton, *et al.*) from the Egan Field, Acadia Parish, Louisiana, and would be consumed for high priority process use in the Madison plant. It is indicated that Pine Hall has purchased such gas in an effort to meet the curtailed Priority 3 process uses at its Madison brick plant.

Applicant states that it would retain 3.8 percent of the volumes received for transportation as make-up compressor fuel and line loss.

The application shows the following information submitted by Applicant:

1. Since the volumes to be transported under the instant and any similar transportation arrangements with customers of the distributor, when added to any volumes being transported for the distributor itself and the distribution customer's scheduled daily deliveries, shall not exceed the contract entitlement of the distributor from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day, and annual basis.

2. The proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

3. The initial rate for the transportation service would be 22.0 cents per Mcf.

4. Applicant did not consider the subject natural gas supply to be available for purchase by it and did not attempt to purchase said gas because the Commission has given no indication that it would authorize a sale of such duration to interstate pipelines at competitive intrastate prices.

The application shows that commencing from the date of first delivery through the first contract year Pine Hall would pay the producer $1.30 per Mcf and that effective on the first day of each contract year thereafter during the term of the contract, the price would increase 5.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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.76-15609 Filed 5-27-76;8:45 am]

[Docket No. RP75-75 (AP76-9)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

MAY 21, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 14, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, to become effective July 1, 1976. Transco states that the purpose of the filing is to "track" advance payments made by Transco in accordance with Article V of the "Agreement as to Rates" in Docket No. RP75-75 which agreement was accepted by Commission Order issued January 30, 1976 in such docket.

Transco states that the revised tariff sheets filed to be effective July 1, 1976, reflect a "tracking" increase of 0.4¢ per Mcf as a result of inclusion in rate base of $16,525,270 which amount represents the net increase in advance payment amounts not previously reflected in rates.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal 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 June 7, 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.76-15592 Filed 5-27-76;8:45 am]

[Docket No. RP74-52(PGA76-2a)]

TRANSWESTERN PIPELINE CO.

Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets for Filing, and Granting Interventions

MAY 20, 1976.

Pursuant to the Commission's order issued March 31, 1976,[1] Transwestern Pipeline Company (Transwestern) tendered for filing on April 20, 1976, alternate PGA rate increases[2] of 10.64¢ per decatherm (dth), 10.91¢ per dth and 15.48¢ per dth in substitution for the 10.52¢ per dth increase accepted for filing and suspended until April 2, 1976 by the same March 31 order. Each of the three alternate PGA increases filed on April 20 was accompanied by a companion increase which eliminates the impact of small producer and emergency purchases at rates in excess of the levels prescribed in Opinion Nos. 742 and 699-H, and which Transwestern proposes to make effective in substitution for the increase which the March 31 order allowed to go into effect on April 1, 1976. For the reasons set forth below, the Commission will accept the 10.91¢ per dth increase to be effective April 2, 1976,[3] subject to refund, and will also accept the companion one day increase to become effective April 1, 1976.[4] The Commission will reject the two alternate proposed increases and their corresponding one day companion increases.

By order issued March 31, 1976, the Commission accepted for filing certain tariff sheets tendered by Transwestern which provided for a PGA rate increase of 10.52¢ per dth to track increased gas costs and to reflect increased balances in the unrecovered purchased gas cost account. The 10.52¢ increase was based in part upon small producer and emergency purchases at rates in excess of the Opinion Nos. 742 and 699-H rate ceilings, and upon increased rates to producers for flowing gas permitted by Opinion No. 749 but which were not in effect pursuant to producer filings on or before March 31, 1976. In its March 31 order the Commission conditioned the acceptance of the proposed 10.52¢ increase upon Transwestern's filing substitute tariff sheets within 20 days which were to reflect the elimination of costs related to producer increases under Opinion No. 749 which were not in effect pursuant to producer filings on or before March 31, 1976. In its March 31 order the Commission also suspended the proposed PGA increase for one day until April 2, 1976, when the increase was permitted to become effective subject to refund, and established procedures to determine whether the small producer and emergency purchases at rates in excess of the levels prescribed in Opinion Nos. 742 and 699-H should be recovered by Transwestern through its jurisdictional rates. Finally, in its March 31 order the Commission accepted certain companion tariff sheets to be effective April 1, 1976, which reflected the elimination of costs associated with that portion of small producer and emergency purchases which were not in excess of the Opinion Nos. 742 and 699-H rate levels. The Commission's acceptance of the companion tariff sheets was also conditioned upon Transwestern's filing substitute tariff sheets within 20 days which reflected elimination of producer costs pursuant to Opinion No. 749 which were not in effect pursuant to producer filings on or before March 31, 1976.

Pursuant to the Commission's March 31 order, Transwestern on April 20, 1976 filed alternate PGA rate increases of 10.64¢ per dth, 10.91¢ per dth and 15.48¢ per dth in substitution for the 10.52¢ increase which had been conditionally accepted and suspended until April 2, 1976. In accord with the terms of the March 31 order, each of the three proposed alternate increases reflected the elimination of costs associated with anticipated producer increases authorized by Opinion No. 749 but which had not beeen placed into effect pursuant to producer filings made on or before March 31, 1976. Each of the alternate PGA increases was accompanied by companion tariff sheets which eliminated small producer and emergency purchases at rate levels in excess of the Opinion Nos. 742 and 699-H levels and which were filed as substitutes for the sheets accepted by the Commission in the March 31 order to be effective April 1, 1976. In accord with the terms of the March 31 order, each of the substitute companion tariff sheets also eliminated producer increases authorized by Opinion No. 749 but which had not been put into effect pursuant to producer filings made on or before March 31, 1976.

The lower alternate increase of 10.64¢ per dth (and the accompanying one day companion increase) not only reflects the elimination of anticipated producer increases which were not incurred by virtue of producer filings on or before March 31, 1976, but is also based upon the correction of a mathematical error that had been made in computing the 10.52¢ per dth increase accepted and suspended by the March 31 order.

The 10.91¢ per dth proposed increase (and the accompanying one day companion increase) is based upon the elimination of producer increases not incurred by March 31; upon the correction of the mathematical error; and upon higher rates for flowing gas resulting from the fact that ordering paragraph (E) of Opinion No. 749, which had required producers to file rate reductions to the applicable national rate levels for flowing gas, has been stayed by Opinion No. 749-A.[5]

The 15.48¢ per dth alternate increase (and the accompanying on day companion increase) is based upon the elimination of producer increases not incurred by March 31, 1976; the correction of the mathematical error; the increased flowing gas rates that result from Opinion No. 749-A; and upon certain producer rates which have been suspended by the Commission and which will not become effective until April 2, 1976.

Notice of Transwestern's filing was issued on April 27, 1976, with responses due on or before May 13, 1976.

---

[1] Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets For Filing, Suspending Proposed Tariff Sheets, Granting Interventions And Establishing Procedures, *Transwestern Pipeline Company*, Docket No. RP74-52 (PGA76-2).

[2] See Appendix A for list of tariff sheets.

[3] Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6.

[4] Alternate Substitue Second Revised Sheet Nos. 5 and 6.

[5] Interim Order Granting Rehearing For Purposes Of Further Consideration, Revising Filing Requirements, Correcting Omissions, And Staying Refund Obligations, Opinion No. 749-A, *Just and Reasonable National Rates For Sales Of Natural Gas From Wells Commenced Prior To January 1, 1973*, Docket No. R-478 (issued February 27, 1976).

On April 28, 1976, a joint protest and petition to intervene was filed by Southern California Gas Company (SoCal) and Pacific Lighting Service Company (PLSC). In their protest SoCal and PLSC attack the propriety of reflecting producer rate increases in the 15.48¢ per dth alternate increase when such producer increases will not go into effect until after April 2, 1976. SoCal and PLSC do not oppose the filing of either the 10.64¢ per dth or the 10.91¢ per dth alternative PGA increases, or the filing of the corresponding one day companion increases.

Upon review of Transwestern's filing, as well as the protest filed by SoCal and PLSC, the Commission has concluded that Transwestern should not be permitted to increase its rates to recover suspended producer increases that will not become effective until after the effective date of Transwestern's filing, and that Transwestern's proposed 15.48¢ per dth alternate increase (and the corresponding one day companion increase) should therefore be rejected. The Commission has, however, also concluded that the 10.91¢ per dth alternate increase should be accepted foir filing effective April 2, 1976, subject to refund in Docket No. RP74–52 (PGA76–2), and that the companion one day increase should be accepted for filing effective April 1, 1976. Accordingly, the Commission will herefore reject the 10.64¢ per dth alternate increase [6] and the corresponding companion one day increase in favor of the higher 10.91¢ per dth increase.

The Commission further finds: (1) Good causes exists to accept for filing Transwestern's proposed 10.91¢ per dth PGA rate increase effective April 2, 1976, subject to refund in Docket No. RP74–52 (PGA76–2), and to accept for filing the proposed companion one day PGA increase effective April 1, 1976.

(2) Good cause exists to reject Transwestern's proposed 10.64¢ per dth and 15.48¢ per dth PGA rate increases and the corresponding one day companion rate increases.

(3) Good cause exists to allow SoCal and PLSC to intervene in this proceeding.

The Commission orders: (A) Transwestern's proposed 10.91¢ per dth PGA rate increase is hereby accepted for filing effective April 2, 1976, subject to refund in Docket No. RP74–52 (PGA76–2), and Transwestern's proposed companion one day PGA rate increase is hereby accepted for filing effective April 1, 1976.

(B) Transwestern's proposed 10.64¢ per dth and 15.48¢ per dth proposed PGA rate increases together with the corresponding proposed one day companion PGA rate increases are hereby rejected.

(C) SoCal and PLSC are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of these parties shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further*, that the admission of these parties shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

TRANSWESTERN PIPELINE COMPANY

Tariff Sheets Proposed To Be Effective April 1 and April 2, 1976

Substitute Second Revised Sheet Nos. 5 and 6 [1]
Substitute Revised Second Revised Sheet Nos. 5 and 6 [2]
Alternate Substitute Second Revised Sheet Nos. 5 and 6 [3]
Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6 [4]
Second Alternate Substitute Second Revised Sheet Nos. 5 and 6 [5]
Second Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6 [6]
All to FPC Gas Tariff, Second Revised Volume No. 1.

[FR Doc.76–15608 Filed 5–27–76;8:45 am]

[Docket No. CP73–211]

TRANSWESTERN PIPELINE CO. ET AL.

Extension of Time

MAY 21, 1976.

On May 14, 1976, Transwestern Pipeline Company filed a request for an extension of time for accepting certificates as required by Paragraph D of Opinion No. 728–A issued November 21, 1975.

Upon consideration, notice is hereby given that the time is extended to and including November 21, 1976 within which Applicants shall accept the certificates.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–15602 Filed 5–27–76;8:45 am]

FEDERAL RESERVE SYSTEM

CRAWFORD STATE CO.

Order Approving Formation of Bank Holding Company and Acquisition of Insurance Agency Activities

Crawford State Company, Crawford, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Act [12 U.S.C. § 1842(a)(1)] of formation of a bank holding company through acquisition of 94 per cent or more of the voting shares of Crawford State Bank, Crawford, Nebraska ("Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act [12 U.S.C. § 1843(c)(8)] and § 225.4(b)(2) of the Board's Regulation Y [12 CFR § 225.4(b)(2)(1976)], for permission to acquire Crawford Bank Agency, Crawford Nebraska ("Agency"), which presently engages in general insurance agency activities upon the premises of Bank, in a community that has a population not exceeding 5,000 people. Such activities have been determined by the Board, in § 225.4(a)(9)(iii)(a) of Regulation Y, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto [12 CFR § 225.4(a)(9)(iii)(a)(1976)].

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act [41 FEDERAL REGISTER 10963 (1976)]. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act, and the considerations specified in § 4(c)(8) of the Act.

Applicant was organized under the laws of the State of Nebraska for the purposes of becoming a bank holding company through acquisition of shares of Bank and engaging in a general insurance agency business. Bank, with deposits of approximately $5.9 million, controls about one-tenth of one per cent of the total deposits held by commercial banks in Nebraska, and is the 226th largest of that State's 448 commercial banks.[1] The relevant banking market (approximated by Dawes County and northern Sioux County) has only four commercial banks, with Bank, controlling approximately 14.2 per cent of market deposits, being the smallest of the four banks in that market, and the only bank located in Crawford. Since this proposal represents a reorganization of Bank's present ownership into corporate form, and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any adverse effects upon competition within the relevant banking market. Accordingly, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. Furthermore, Applicant's managerial and financial resources, and future prospects, which are dependent upon the operations of both Bank and Agency, appear to be satisfactory. Although Applicant will incur some acquisition debt in connection

[1] Companion one day increase to alternate increase of 15.48¢ per dth.
[2] Alternate increase of 15.48¢ per dth (April 2).
[3] Companion one day increase to alternate increase of 10.91¢ per dth.
[4] Alternate increase of 10.91¢ per dth (April 2).
[5] Companion one day increase to alternate increase of 10.64¢ per dth.
[6] Alternate increase of 10.64¢ per dth (April 2).

[6] Rejection is appropriate since ordering paragraph (E) of Opinion No. 749 which required producer reduction to the National Rate for flowing gas has been stayed.

[1] All banking data are as of June 30, 1975, unless otherwise indicated.

with the proposal, the projected dividends and commissions from Bank and Agency, respectively, should provide sufficient revenue with which to service this debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs also are regarded as being consistent with approval of the application. It is the Board's judgment that consummation of this proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

Applicant also has applied to the Board to acquire the general insurance agency business of Agency pursuant to § 225.4 (a) (9) (iii) (a) of the Board's Regulation Y. Agency would engage in the sale of both general and credit-related insurance, *e.g.*, credit life, health and accident, conventional life, surety bonds, fire and casualty, liability, and other types of insurance. Such insurance activities are to be conducted upon the premises of Bank in Crawford, Nebraska, a community that has a population not exceeding 5,000 people. It does not appear that the acquisition of Agency by Applicant would have any significant adverse effect upon either existing or future competition. On the contrary, approval of the application would enable Applicant to continue to provide a convenient source of full-line insurance services to residents of the Crawford area, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act, and the balance of the public interest factors that the Board must consider under § 4(c) (8) of the Act, both favor approval of the Applicant's proposal.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries, and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary in order to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective May 21, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-15570 Filed 5-27-76;8:45 am]

MARSHALL & ILSLEY CORP.

Order Approving Acquisition of Clayton Mitchell Agency and Darrell J. Schellkopf Agency

Marshall & Ilsley Corporation, Milwaukee, Wisconsin ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under § 4(c) (8) of the Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 C.F.R. § 225.4(b) (2)), to acquire Clayton Mitchell Agency, Endeavor, Wisconsin ("Mitchell Agency"), and Darrell J. Schellkopf Agency, Oxford, Wisconsin ("Schellkopf Agency"), each of which engages in general insurance agency business in communities with populations not exceeding 5,000. Such activity has been determined by the Board to be closely related to banking (12 C.F.R. § 225.4(a) (9) (iii) (a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 11629). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the public interest factors set forth in § 4(c) (8) of the Act.

Applicant, the second largest banking organization in Wisconsin, controls 18 banks with total deposits of $1.0 billion, representing approximately 6.9 per cent of the total deposits in commercial banks in the State.[1] Mitchell Agency and Schellkopf Agency are located approximately 10 miles apart in Endeavor and Oxford, Wisconsin, respectively, and compete in the Portage banking market, which approximates the relevant geographic market for local insurance services.[2] This market area contains 14 other general insurance agencies that provide alternatives to Mitchell Agency and Schellkopf Agency. Furthermore, Applicant is not engaged in the general insurance agency business. Finally, in light of the business relationships in existence between the principals of Mitchell Agency and Schellkopf Agency, and Applicant, there has been a lack of competition between these entities over a period of years. It is the Board's judgment, on the basis of the above and other facts of record, that the proposed transaction would not have any significant adverse effect on existing or potential competition in any relevant area. It is anticipated that consummation of this proposal will assure the residents of Endeavor and Oxford of continued alternative sources of insurance services, a factor which the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

In its consideration of these applications, the Board has examined covenants not to compete which the owners of Mitchell Agency and Schellkopf Agency have executed with Applicant in connection with the proposed acquisitions. The Board finds that the provisions of these convenants are reasonable in duration, scope and geographic area and are consistent with the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c) (8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transactions shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Bank of Chicago.

By order of the Board of Governors,[3] effective May 24, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-15571 Filed 5-27-76;8:45 am]

[3] Voting for this action: Vice chairman Gardner and Governors Wallich, Coldwell and Jackson. Absent and ont voting: Chiarman Burns and Governor Partee.

[1] Banking data are as of December 31, 1975.

[2] The Portage banking market is approximated by the southern half of Marquette County, the northern half of Columbia County and sections of Sauk and Adams Counties.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 24, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

[3] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson and Partee. Absent and not voting: Governor Wallich.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the SEC submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 15, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

SECURITIES AND EXCHANGE COMMISSION

The information to be collected by the five questionnaires listed below will be used by SEC's Advisory Committee on Corporate Disclosure to enable it to satisfy its mandate set forth in its charter, to examine the objectives of the corporate disclosure system, to assess the present system in light of those objectives, and to recommend to the SEC any changes it may consider necessary or appropriate to better equate the operation of the disclosure system with these objectives.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Issuer Questionnaire." This is a voluntary questionnaire that will be mailed to 30 publicly held companies selected to represent varying industries, asset sizes, and trading markets. The companies were selected from SEC's Corporation Index of Active Companies. Respondent burden is estimated by SEC to be 80 hours per response.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Financial Analysts Questionnaire." This is a voluntary questionnaire that will be mailed to 60 financial analysts. The respondents to this questionnaire are being selected based on their familiarity with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that the financial analysts questionnaire will take 8 hours per respondent to complete.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Investment Decision-Maker Questionnaire." This is a voluntary questionnaire that will be mailed to 60 institutional investors who are familiar with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that the Investment Decision-Maker Questionnaire will take each respondent 8 hours to complete.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Small Investor Questionnaire." This is a voluntary questionnaire that will be mailed to 5,000 small investors who are familiar with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that it will take small investors 5 minutes each to fill out the questionnaire.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Disseminator Questionnaire." This is a voluntary questionnaire that will be mailed to approximately 10 information disseminators who are familiar with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that it will take the information disseminators 40 hours each to fill out the questionnaire.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-15691 Filed 5-27-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-50]

NASA WAGE COMMITTEE

Meeting

Pursuant to the provisions of Section 10 of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the National Aeronautics and Space Administration Wage Committee is scheduled for June 22, 1976, from 1:30 p.m. to 4:30 p.m. The meeting will be held in Room 226-A, 600 Independence Avenue SW, Washington, DC 20546.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, wage area pursuant to Public Law 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedules derived therefrom.

Since this session will be concerned with matters listed in 5 U.S.C. 552(b)(4), it has been determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, National Aeronautics and Space Administration Wage Committee, Mail Stop 3-9, Lewis Research Center, NASA, 21000 Brookpark Road, Cleveland, Ohio 44135.

May 24, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-15569 Filed 5-27-76;8:45 am]

[Notice 76-49]

PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet on June 18 and 19, 1976 at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California 91103. The meeting will be held in Room 101, Building 180. Members of the public will be admitted to the meeting beginning at 9:00 a.m. on a first come first served basis to within the 80 seat capacity of the room. Visitors will be requested to sign a visitors register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy and space physics. The Committee presently has 16 members including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Dr. Sabatino Sofia, area code 202/755-8493. The agenda for the meeting is as follows:

JUNE 18, 1976

Time	*Topic*
9 a.m.	*Opening Remarks.* This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9:20 a.m.	*Spacelab Payloads.* The Committee will be requested to approve a report on their position regarding the issue of Shuttle payloads.
9:30 a.m.	*NASA Issues for PSC Review.* The Committee will be briefed by Dr. Hinners on program status and issues of concern to the Office of Space Science.
10:45 a.m.	*Presentations / Briefings.* The Assistant Administrator for Planning and Program Integration will brief the Committee on Shuttle payloads issues, and the Managers of Advanced Programs and Technology of Astrophysics, Lunar and Planetary and Solar Terrestrial Divisions will be discussing advanced planning in their respective programs.
1:30 p.m.	*Discussion.* The Committee members will discuss their views regarding the importance and priorities of the new starts that NASA is considering to propose for Fiscal Year 1978.
3:30 p.m.	*Final Recommendations* The Committee will elaborate on their final recomendations for new starts for Fiscal Year 1978.

JUNE 19, 1976

Time	Topic
7 a.m.	*JPL Visit/Viking.* The members of the Physical Sciences Committee will visit the Jet Propulsion Laboratory to witness the historic event of the insertion of Viking into martian orbit.
10 a.m.	*Discussion.* The Committee will use this period to discuss and work on recommendations concerning advanced planning for the Office of Space Science's future missions.
2:30 p.m.	*Summary and Conclusions.*
3 p.m.	*Adjourn.*

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

May 24, 1976.

[FR Doc.76-15568 Filed 5-27-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY GROUP ON EARTHQUAKE PREDICTION AND HAZARD MITIGATION

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Earthquake Prediction and Hazard Mitigation.
Date and time: June 14, 1976—9 a.m. to 4 p.m.
Place: Rm. 543, NSF, 1800 G St. NW., Washington, D.C.
Type of meeting: Open.
Contract person: Mr. William Montgomery, Special Assistant, Directorate for Sicentific, Technological and International Affairs, Rm. 1225, National Science Foundation, Washington, D.C. 20550. Anyone who plans to attend should notify Mr. Montgomery by June 4, 1976 at (202) 632-4061.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Sicence Foundation, Washington, D.C. 20550.
Purpose of group: The Advisory Group was established to provide advice on a possible accelerated Federal program on earthquake research and development.
Agenda: Will consist of:

Welcome and Introductory remarks by Chairperson
Remarks by the Director, NSF, and Director, U.S. Geological Survey
Review of options for accelerating U.S. Geological Survey and NSF programs
General discussion and recommendations.

Dated: May 24, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-15422 Filed 5-27-76;8:45 am]

ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Sicence Foundation announces the following meeting:

Name: Advisory Panel for Developmental Biology.
Date and time: June 14 and 15, 1976—9:00 a.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Closed.
Contract person: Melvin Spiegel, Program Director, Developmental Biology Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4314.
Purpose of panel: To provide advice and recommendations concerning support for research in Developmental 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.

Dated: May 24, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-15423 Filed 5-27-76;8:45 am]

SUBGROUP ON BASIC RESEARCH OF THE ADVISORY GROUP ON ANTICIPATED ADVANCES IN SCIENCE & TECHNOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subgroup on Basic Research of the Advisory Group on Anticipated Advances in Science and Technology.
Date: 15 June 1976.
Time: 10:00 a.m. to 4:30 p.m.
Place: Massachusetts Institute of Technology, Green Building, 9th Floor Conference Room, Boston, Massachusetts.
Type of meeting: Open.
Contact: Mr. William Montgomery, Special Assistant to the Director of Operations, National Science Foundation, Washington, DC 20550, telephone 202/632-4061. Anyone planning to attend should notify Mr. Montgomery by June 7, 1976.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Div. of Personnel & Mgmt, Room 212, National Science Foundation, Washington, DC 20550.
Purpose of meeting: Review potential issues regarding the interest of the new Office of Science and Technology Policy in national policies toward the support of basic research and utilization of scientific manpower in support of basic research.
Agenda: 10:00—Convene, Chairman's remarks; 10:15—Review of draft issue papers; 11:15—Discussion of proposed action plan; 12:00—Lunch; 1:00—Reconvene, Discussion of Report to Advisory Groups; 4:30—Adjourn.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 24, 1976.

[FR Doc.76-15616 Filed 5-27-76;8:45 am]

WORKSHOP ON LONG RUN ENERGY DEMAND

Open Meeting

The National Science Foundation is convening a Workshop on Long Run Energy Demand on June 9–10, 1976, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Both sessions will begin at 9:00 A.M. and the Workshop will adjourn at 5:30 P.M. on June 10. The purpose of the Workshop is to provide a forum for discussion of the data and methodology used in estimating long run energy use patterns, both in the United States and foreign countries.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), this Workshop is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation. The agenda is attached.

Individuals who wish to attend should inform Mr. Marvin Kahn, MITRE Corporation, telephone (703) 790-6296.

JAMES L. PLUMMER,
Policy Analyst, Division of Policy Research and Analysis.

WORKSHOP ON LONG RUN ENERGY DEMANDS, JUNE 9–10, 1976

JUNE 9, A.M.—WELCOME—CROSS NATIONAL COMPARISONS OF ENERGY CONSUMPTION PATTERNS

"Comparison of U.S. and Swedish Energy Use Patterns"; Lee Schipper—University of California, Berkeley.
"Comparison of Energy Requirements for Industrial Processes in the U.S. and Western Europe": T. V. Long—University of Chicago.
IMPACT OF ENERGY POLICY: "Another Look at the Energy-GNP Ratio".

"Regional Impacts of Energy Policies: The Case of New England": Phillip F. Palmedo—Brookhaven National Laboratory.

JUNE 9, P.M.—FUTURE ENERGY USE PATTERNS OF MAJOR CONSUMING SECTOR

"Changes in Residential Energy Consumption Patterns": Jan Acton—Rand Corporation.
"The Behavior of the Residential Sector under Changing Conditions": Eric Hirst—Oak Ridge National Laboratory.
"Long Run Changes in Industrial Energy Consumption Patterns: Sensitivity to Price or to Technology": F. Tom Sparrow—University of Houston.
"Prospects for Changes in Transportation Energy Demands": Robert T. Crow—Electric Power Research Institute.

JUNE 10, A.M.—ELECTRIC DEMAND FORECASTING

"National Load Forecasting Model: A Regional Approach": Theodore L. Willke—Battelle Columbus.
"Fuel Choice vs. Fuel Use in the Residential Sector": Robert Berman/Marvin H. Kahn—MITRE.
"Electricity Demands in the Commercial and Industrial Sectors": Robert Spann—VPI.
"Demand Forecasts by the Electric Power Industry: Fact or Fiction": David Sweet—Ohio Public Utility Commission.

JUNE 10, P.M.

Panel on the Direction and Role of National Energy and Conservation Policy: Reliance on Market Mechanisms, on Technological Advance, or Regulation.

[FR Doc.76-15615 Filed 5-27-76;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 May 24, 1976 (44 U.S.C. 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 thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF THE INTERIOR

National Park Service, Blue Ridge Parkway Visitor Characteristics and Preferences, single-time, park visitors at scenic overlooks, Maria Gonzalez, 395-6132.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Confidential Quartely Report, Operations of Foreign Branches or other unincorporated Foreign Business, BE 578, quarterly, U.S. multinational corporations, Hulett, D. T., 395-4730.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Repository Information Form, Cover Letter, Return Post Card, single-time, all repositories for historical records, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-15841 Filed 5-27-76;8:45 am]

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 May 25, 1976 (44 U.S.C. 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 thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF LABOR

Bureau of International Labor Affairs:
Questionnaire for Producers of Round Stainless Steel Wire, ILAB-72, single-time, producers of stainless steel wire, Laverne V. Collins, 395-5867.
Questionnaire for Owners of Shrimp Vessels, ILAB-71, single-time, owners of shrimp vessels, Laverne V. Collins, 395-5867.

REVISIONS

NATIONAL SCIENCE FOUNDATION

Research Grant Budget and Fiscal Report, NSF-98, annually, colleges and universities, Caywood, D. P. 395-3443.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Regulations for the Voluntary Grading of Poultry and Rabbits, 70FR70, on occasion, poultry and rabbit processors, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Report on Pullet Placements for Broiler Hatching Supply Flocks, monthly, hatcheries, Hulett, D. T., 395-4730.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Application for Mechanic's Inspection Authorization, 8310-1, on occasion, aircraft mechanic's, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-15842 Filed 5-27-76;8:45 am]

POSTAL RATE COMMISSION

VISIT TO POSTAL FACILITIES

Background Knowledge of Postal Operations

MAY 24, 1976.

Notice is hereby given that the Chairman of the Postal Rate Commission will be visiting Postal Service facilities on the dates indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's Docket room.

Place of visit	*Date of visit*
Atlanta, Ga	May 25, 1976
Los Angeles, Ca	May 27, 1976
Denver, Col	May 28, 1976

By direction of the Commission.

DAVID F. HARRIS,
Acting Secretary of the Commission.

[FR Doc.76-15625 Filed 5-27-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12466; File No. SR-CBOE-76-10]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 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 May 19, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY THE EXCHANGE OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Broker's Blanket Bonds

Rule 9.22. Every member organization approved to transact business with the public under this Chapter *and every clearing member organization* shall carry Broker's Blanket Bonds covering officers and employees of the organization in such form and in such amounts as the Exchange may require.

Interpretations and policies:

.01. The Exchange has determined that all members subject to the provisions of

Rule 9.22 shall maintain Broker's Blanket Bonds as follows:

1. Maintain a Brokers' Blanket Bond similar to the standard form established by the Surety Association of America, covering officers and employees which provides against loss and has agreements covering at least the following:

A. Fidelity
B. On Premises
C. In Transit
D. Misplacement
E. Forgery and Alteration (including check forgery)
F. Securities loss (including securities forgery)
G. Fraudulent Trading
H. A cancellation Rider providing that the insurance carrier will promptly notify the Chicago Board Options Exchange, Inc. of cancellation, termination or substantial modification of the bond.

2. The minimum required coverage for Fidelity, On Premises, In Transit, Misplacement and Forgery and Alteration shall be the greater of $25,000 or 120% of its required net capital under the applicable net capital rule up to $600,000 in required net capital. Minimum required coverage in excess of $600,000 shall be obtained from the following table:

Net capital requirement:	*Minimum coverage*
$600,001 to 1,000,000	*$750,000*
$1,000,001 to 2,000,000	*1,000,000*
$2,000,001 to 3,000,000	*1,500,000*
$3,000,001 to 4,000,000	*2,000,000*
$4,000,001 to 6,000,000	*3,000,000*
$6,000,001 to 12,000,000	*4,000,000*
$12,000,000 and above	*5,000,000*

In determining the initial minimum coverage, the member is to use the highest required net capital during the twelve month period immediately preceding and make necessary adjustments not more than thirty days following the anniversary.

3. The minimum required coverage for Fraudulent Trading shall be the greater of $25,000 or 50% of the coverage required in Part 2 up to a maximum of $500,000.

4. The minimum required coverage for Securities Forgery shall be the greater of $25,000 or 25% of the coverage required in Part 2 up to a maximum of $250,000.

5. A deductible provision of up to $5,000 or 10% of the minimum coverage requirement, whichever is greater, may be included in the bond.

6. Each member shall report the cancellation, termination or substantial modification of the bond to the Exchange within ten business days of such occurrences.

7. Members with no employees shall be exempt from this Rule.

8. Members subject to a bonding rule of another registered national securities exchange, the Securities and Exchange Commission, or a registered national securities association which imposes requirements that are equal to or greater than the requirements imposed by the Rule shall be deemed to be in compliance with the provisions of this Rule.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of this proposed rules change was to (1) mandate the extension of the protection afforded by the coverage of Brokers' Blanket Bonds to those Exchange member organizations which are members of the Options Clearing Corporation and are engaged in the clearance of options contracts for that organization's own account or for the accounts of customers ("clearing members"), and (2) provide specific minimum bonding standards which shall be applicable to all member organizations subject to Rule 9.22.

Under the Rules of the Exchange, many firms have qualified as clearing members, but do not engage business with the public. These firms, in most instances, clear the options transactions of other member broker/dealers, i.e., Exchange Market-Makers, Floor Brokers and Board Brokers. This proposed amendment was created to protect these floor member customers from the same type of losses resulting from member firm officer and employee conduct against which public customers of Exchange member organizations are presently protected. It is believed that the type of protection against financial loss provided by Brokers' Blanket Bond coverage will increase the operational stability of Exchange clearing members.

In an effort to apprise all member organizations which are, and may become, subject to Rule 9.22 as to those uniform standards by which such member organizations may be guided, the Exchange determined that the Interpretations to Rule 9.22 should obtain those minimum standards which the Exchange had previously required. These minimum insurance coverage requirements are the same as those found in Rule 15b10–11 under the Securities Exchange Act of 1934, as amended ("the Act").

Sections 6(b)(5) under the Act provides, among other things, that "The rules of the Exchange [be] designed * * * to protect investors and the public interest * * *." This section establishes the basis for the Exchange's requiring that certain members who deal directly or indirectly with the public acquire adequate insurance protection to insulate themselves from losses which could arise from the conduct of employees or officers.

Comments on the proposed rule were not solicited from members.

The Exchange does not believe that the proposed rule change will impose any burden upon competition.

Within 35 days of the date of this publication, 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 censents, 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 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 capition above and should be submitted on or before June 28, 1970.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 20, 1976.

[FR Doc.76–15555 Filed 5–27–76;8:45 am]

[70–5853]

INDIANA AND MICHIGAN POWER CO.

Proposed Extension of Maturity of Notes Under Amended Bank Loan Agreement

MAY 20, 1976.

In the Matter of Indiana & Michigan Power Company, P.O. Box 458 Bridgman, Michigan 49106.

Notice is hereby given Indiana & Michigan Power Company ("I&MP"), an electric generating subsidiary company of Indiana & Michigan Electric Company ("I&M"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7, as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

I&MP was organized under the laws of the State of Michigan on April 20, 1971 for the purposes of acquiring, completing the construction of, and operating, the Donald C. Cook Nuclear Plant ("Cook Plant"), a nuclear fueled steam electric generating station situated in Michigan along the shore of Lake Michigan near Bridgman, Michigan. The Cook Plant is to consist of two nominally rated 1,100,000 kilowatt generating units, the first of which was placed in commercial operation on August 23, 1975 and the second of which is scheduled to be placed in commercial operation in 1978 or later. It is estimated that the total construction costs of the Cook Plant will equal at least $980,000,000. Construction costs aggre-

gating $791,400,000 have been incurred through December 31, 1975; and it is estimated that additional construction costs aggregating $77,000,000 will be incurred in 1976.

By order issued May 20, 1971 (HCAR No. 17135), the Commission authorized I&MP to acquire the Cook Plant from I&M in consideration of the issuance by I&MP to I&M of 1,500,000 shares of its common stock, par value $1.00 per share, and $130,000,000 aggregate principal amount of ten year unsecured promissory notes. By orders issued August 23, 1971 and September 12, 1972 (HCAR Nos. 17247 and 17694), the Commission also authorized I&MP to issue its unsecured promissory notes from time to time to seventeen banks under a Bank Loan Agreement in an aggregate principal amount up to $300,000,000 and, in connection therewith, authorized I&MP and I&M to enter into and to perform a Capital Funds Agreement and a Power Agreement. On September 23, 1971, I&M transfered the Cook Plant to I&MP in consideration of the issuance and delivery by I&MP to I&M of the securities which the Commission authorized I&MP to issue, and thereafter I&MP effected borrowings under the Bank Loan Agreement until it completed in 1974 the borrowing of the $300,000,000 thereunder. The notes issued under the Bank Loan Agreement mature by their terms on September 30, 1977 and bear interest at a rate equal to one-half of one percent plus the prime commercial loan rate of Manufacturers Hanover Trust Company from time to time in effect.

I&MP now proposes to amend the Bank Loan Agreement to extend the scheduled maturity date of the notes issued thereunder from September 30, 1977 to September 30, 1980. It is stated that when the Bank Loan Agreement was originally executed, it was contemplated that the two generating units of the Cook Plant would be placed in service prior to the scheduled maturity of the notes. As the second unit will not be placed into service earlier than 1978, I&MP has requested the instant authorization so as to avoid having to refinance the notes prior to completion of that unit. In addition to extending the scheduled maturity date of the notes, the proposed amendment provides a procedure whereby each bank holding notes under the Bank Loan Agreement will make appropriate notation on its records of such extended maturity date and will agree not to sell or transfer any note issued to it without making a notation on such note of the extended maturity date. The amendment also requires I&MP, in the event that during the period between September 30, 1977 and September 30, 1980 it effects the prepayment of notes from the proceeds of a borrowing from banking institutions at a lower rate than the rate applicable to the notes under the Bank Loan Agreement, to pay the holders of the notes a premium of one-quarter of one percent per annum from the date of such prepayment to September 30, 1980.

It is further stated that representatives of each of the banks holding notes have advised I&MP of such banks' consent to the proposed amendment, I&MP proposes to execute the amendment with each such bank so that the amendment will become effective as to the parties thereto upon issuance by the Commission of an order authorizing the amendment.

Estimates of expenses to be incurred by I&MP in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than June 15, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated, under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15547 Filed 5-27-76;8:45 am]

[SR-MSE-76-9]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 20, 1976.

In the Matter of Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60603.

On April 2, 1976, the Midwest Stock Exchange, Inc. ("MSE") 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, and Rule 19b-4 thereunder, copies of a proposed rule change to establish a Committee on Specialist Assignment and Evaluation and to allocate the responsibilities of that Committee and the Floor Procedure Committee. The Committee on Specialist Assignment and Evaluation would have primary responsibility for appointing specialists, co-specialists and odd-lot dealers and the responsibility to evaluate and monitor their performance and conduct de-registration proceedings. The Floor Procedure Committee would retain the responsibility to determine when an initial applicant for co-specialist satisfies applicable trading requirements, and retain the power to make temporary appointments as specialists, co-specialists and relief specialists, to grant permission to specialists co-specialists or relief specialists to relinquish their positions, and to suspend at any time without prior notice, the registration of a specialist, co-specialist or relief specialist pending an opportunity for fair hearing on termination of registration.

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. 12328 (April 9, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 16528 (April 19, 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 national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 2, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15548 Filed 5-27-76;8:45 am]

[31-648; 70-5853]

NATIONAL PROPANE CORP.

Application for Approval of Prior Acquisition of All Outstanding Securities of Gas Utility Company

MAY 21, 1976.

In the matter of National Propane Corporation, 6917 Collins Avenue, Miami Beach, Florida 33141.

Notice is hereby given, That National Propane Company ("National"), a holding company, has filed an application with this Commission pursuant to Sections 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the acquisition of all of the stock of Athol Gas Company ("Athol"), coupled with an application for an exemption under Section 3(a)(3) on behalf of itself and every subsidiary company as such. All interested persons are

referred to the application, which is summarized below, for a complete statement of the proposals.

National, a Delaware corporation, has 50 subsidiaries through which it distributes and sells liquified petroleum gas (propane and butane) for household, farm, commercial and industrial uses. National maintains bulk storage centers and depots from which company-owned or dealer routes radiate and conducts its business in seven marketing divisions throughout the United States. The company also sells household appliances and farm equipment. In 1958, it acquired all the securities of a gas utility company, Ware Gas Company of Ware, Massachusetts, and applied for and was granted an exemption under Section 3(a)(3) of the Act (HCAR No. 13820, September 5, 1958). In 1964, National incorporated Athol to purchase the gas utility assets of another Massachusetts utility company, Midstate Gas Company ("Midstate").

National states that the net asset value of Midstate at the time of purchase was $115,124. National further states that all of Midstate's real and personal property had a net book value of $112,500 and that the inventory had a book value of $2,624. National paid $30,000 in cash to Athol for Athol's capital stock, and in addition, National and its affiliates loaned to Athol $95,000. Athol paid $117,181.12 in cash for the assets of Midstate. The purchase price reflects an adjustment for the assumption of certain liabilities of Midstate. Athol as successor to the business of Midstate was and is engaged in the distribution and sale of propane gas through mains in the Town of Athol, Massachusetts. National states the following figures summarize the financial status of itself and its subsidiaries for the fiscal years 1974 and 1975.

	National Consolidated		Ware		Athol	
	1974	1975	1974	1975	1974	1975
Sales	$50,048,539	$58,654,727	$132,500	$148,320	$106,469	$113,788
Net income	3,913,100	4,211,040	(9,007)	(14,043)	(7,460)	(17,164)
Total assets	53,536,817	56,186,000	101,283	91,474	90,623	83,185

National states that, due to inadvertence on its part, it did not seek Commission approval pursuant to Section 10 of the Act for the acquisition of the stock of Athol in 1964. The Massachusetts Department of Public Utilities held the transaction to be consistent with the interests of the consumers in the service area involved, since the transaction enabled Athol to acquire propane directly from National at a cost lower than that at which Midstate could acquire propane. Accordingly, the Massachusetts Department of Public Utilities (DPU #14633) authorized National to purchase all the assets of Midstate. National states that as of the date of the acquisition by Athol of the assets of Midstate, The Home Gas Corporation ("Home Gas"), which is a subsidiary of National, was a party to a purchase and sale agreement and a propane supply contract, each dated July 7, 1958, with Midstate. National further states that, except for the purchase and sale agreement and the supply contract that Home Gas had with Midstate, no associate company or affiliate of National or any affiliate of any such associate company had any material interest, direct, or indirect, in the transaction.

National requests approval of the acquisition of all outstanding securities of Athol pursuant to Section 10 of the Act. In addition, National asserts that the Commission's 1958 exemptive order establishes its status as an exempt holding company notwithstanding its subsequent acquisition of Athol in 1964. It requests that the Commission so find, or, in the alternative, that the Commission reconfirm the 1958 exemption and find that National's reliance on the 1958 exemption during the period since its acquisition of Athol was an act done or omitted in good faith in reliance on the 1958 order, within the meaning of Section 20(d) of the Act.

Notice if further given That any interested person may, not later than June 25, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15560 Filed 5-27-76;8:45 am]

[File No. SR-NYSE-75-23]

NEW YORK STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

MAY 13, 1976.

In the Matter of New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.

On December 3, 1975, the New York Stock Exchange, Inc. ("NYSE") 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, and Rule 19b-4 thereunder, copies of a proposed rule change. The NYSE proposed to amend Rules 495B.10 and 499.20 to provide that the fixed listing and delisting criteria for market value of publicly-held shares shall be subject to a semi-annual adjustment downward from existing levels by the percentage amount that the NYSE Composite Index fluctuates below a base figure of 55.06 (its level on July 15, 1971).

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. 11975, (January 5, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 1825 (January 12, 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 a registered national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 3, 1975, be, and it hereby is, approved.

In connection with the foregoing, Chairman Roderick M. Hills has sent the following letter to William M. Batten, Chairman of the NYSE.

* * * * *

DEAR MR. BATTEN: Enclosed is a copy of Securities Exchange Act Release No. 12450 (May 13, 1976) by which the rule change filed by the New York Stock Exchange, Inc. ("NYSE") on December 3, 1975 (File No. SR-NYSE-75-23) is approved, subject to the comments set forth below.

Under these amendments to Rules 495B.10 and 499.20 the market value criteria for initial listing and for delisting would be subject to downward adjustment semi-annually, at the close of business on January 15 and July 15, if the NYSE's Composite Index is below a base figure of 55.06. The Commission believes it salutary that the NYSE has taken cognizance of the fact that forces extrinsic to issuers may cause overall market prices to be depressed for a considerable time.

However, we are puzzled as to why you do not use your market value criteria to adjust standards upward when the Index goes up, at least with respect to new listings. We would appreciate your comments on this point at your convenience.

We do wish to point out that the Commission has the responsibility under Section 31(b) of the Securities Acts Amendments of 1975, in conjunction with Section 6(b)(8) of the Securities Exchange Act of 1934, to determine whether existing rules impose burdens on competition not "necessary or appropriate," and that the amendment which we have now approved pertains to the so-called "New York City Rules"[1] which, in

[1] Article XIV, Section 8 of the NYSE Constitution and Article V, Section 4(g) and Article XI, Section 2 of the AMEX Constitution."

effect, limit competition between the American and New York Stock Exchanges. Accordingly, under Section 31(b) we are required to examine the New York City Rules in their entirety this year along with various other rules, and our approval of this rule change should not be interpreted as an approval of the New York City Rules. Indeed, the rule change emphasizes the need for a prompt review of the latter rules by the Exchange to avoid any anti-competitive impacts resulting from implementation of these new listing standards.

With best regards.

Sincerely,

RODERICK M. HILLS,
Chairman.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15549 Filed 5-27-76;8:45 am]

[File No. SR-NYSE-76-11]

NEW YORK STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

MAY 19, 1976.

In the Matter of New York Exchange, Inc., Eleven Wall Street, New York, New York 10005.

On February 12, 1976, the New York Stock Exchange 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, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change is to set forth procedures for executing 100-share market orders processed through the Exchange's Designated Order Turnaround (DOT) System.

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. 12114 (February 19, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 8447 (February 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 national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on February 12, 1976, be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76—15550 Filed 5-27-76;8:45 am]

[SR-NYSE-76-24]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes and Extending Time for Consideration of Proposed Rule Change

MAY 20, 1976.

In the Matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005.

On April 7, 1976, the New York Stock Exchange, Inc. ("NYSE") 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, and Rule 19b-4 thereunder, copies of a proposed rule change to amend its Rules 100, 101, 104, 108 and 126 to provide Exchange specialists with the ability to properly perform, simultaneously, the functions of both specialist and odd-lot dealer.

Notice of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12329 (April 9, 1976)) and notice together with the terms of substance of the proposed rule change was given by publication in the FEDERAL REGISTER (41 Fed. Reg. 16532 (April 19, 1976)).

The Commission finds that the proposed amendments to NYSE Rules 100 (e), 101, 104, 108 and 126 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission also finds that the amendments to NYSE Rules 100 (a) and (b) raise a question of whether the existing or proposed form of those rules is consistent with the purposes of the Act in light of the adoption of new NYSE Rule 100(e). The Commission believes that the proposed amendments to NYSE Rule 100 (a) and (b) should thus receive further consideration before a determination is made by the Commission to approve the rule proposal or to institute proceedings, pursuant to Section 19(b)(2) of the Act, to determine whether it should be disapproved.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed amendments to NYSE Rules 100 (e), 101, 104, 108 and 126 as filed with the Commission on April 7, 1976, be, and hereby are, approved.

It is further ordered, pursuant to Section 19(b)(2) of the Act, that the time for consideration of the proposed amendments to NYSE Rules 100 (a) and (b) is hereby extended to July 19, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15551 Filed 5-27-76;8:45 am]

[SR-NYSE-76-24]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes and Extending Time for Consideration of Proposed Rule Change

MAY 20, 1976.

In the Matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005.

On April 7, 1976, the New York Stock Exchange, Inc. ("NYSE") 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, and Rule 19b-4 thereunder, copies of a proposed rule change to amend its Rules 100, 101, 104, 108 and 126 to provide Exchange specialists with the ability to properly perform, simultaneously, the functions of both specialist and odd-lot dealer.

Notice of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12329 (April 9, 1976)) and notice together with the terms of substance of the proposed rule change was given by publication in the FEDERAL REGISTER (41 Fed. Reg. 16532 (April 19, 1976)).

The Commission finds that the proposed amendments to NYSE Rules 100 (e,f), 101, 104, 108 and 126 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission also finds that the amendments to NYSE Rules 100 (a) and (b) raise a question of whether the existing or proposed form of those rules is consistent with the purposes of the Act in light of the adoption of new NYSE Rule 100(e). The Commission believes that the proposed amendments to NYSE Rule 100 (a) and (b) should thus receive further consideration before a determination is made by the Commission to approve the rule proposal or to institute proceedings, pursuant to Section 19(b)(2) of the Act, to determine whether it should be disapproved.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed amendments to NYSE Rules 100(e, f), 101, 104, 108 and 126 as filed with the Commission on April 7, 1976, be, and hereby are, approved.

It is further ordered, pursuant to Section 19(b)(2) of the Act, that the time for consideration of the proposed amendments to NYSE Rules 100 (a) and (b) is hereby extended to July 19, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15552 Filed 5-27-76;8:45 am]

[SR-NYSE-76-22]

NEW YORK STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

MAY 20, 1976.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.

On April 1, 1976, the New York Stock Exchange, Inc. ("NYSE") 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, and Rule 19b-4 thereunder, copies of a proposed rule change. The NYSE proposal calls for the amendment fo Section B6 of the NYSE Company Manual to provide alternate numerical standards for listing foreign issues that are substantially above those presently required for listing domestic issues.

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. 12321 (April 7, 1976)), and by publication in the FEDERAL REGISTER (41 Fed. Reg. 16233 (April 16, 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 a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15553 Filed 5-27-76;8:45 am]

[37-65]

NORTHEAST UTILITIES, ET AL.

Filing of Post-Effective Amendment Regarding Extension of Period for the Issuance of Long-Tern Notes by Service Company and Acquisition by Holding Company

MAY 20, 1976.

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089. Northeast Utilities Service Company; The Connecticut Light and Power Company; The Hartford Electric Light Company; Western Massachusetts Electric Company; Holyoke Water Power Company.

Notice is hereby given That Northeast Utilities Service Company ("Service Company"), a subsidiary service company of Northeast Utilities ("Northeast"), a registered holding company, and its above-named associate electric utility companies, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), 10, and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 30, 1966 (HCAR No. 15519), the Commission, among other things, authorized Service Company to issue and sell to Northeast for cash, and Northeast to acquire, during a five-year period commencing June 30, 1966, up to $3,000,000 aggregate principal amount to be outstanding at any one time of long-term unsecured notes of Service Company to bear interest at a rate of not more than one-quarter of one percent above the commercial bank prime rate on short-term loans in effect in Hartford, Connecticut.

By orders dated July 30, 1969, and January 29, 1971 (HCAR Nos. 16437 and 16980), the Commission, among other things, authorized increases in the aggregate principal amount of such notes to be issued and sold by Service Company to Northeast to the present limit of $10,000,000 aggregate principal amount at any one time outstanding and also extended the authorization with respect to the issue and sale of notes to June 30, 1976. The aggregate capital of Service Company, including its outstanding notes and capital stock, will be maintained at all times at an amount not to exceed the sum of two months' operating expenses, plus an amount necessary to finance the inventory of materials and supplies proposed to be purchased by Service Company and stored in its central warehouse, plus the cost of Service Company's property less applicable reserves, prepayments, and petty cash working funds.

Applicants-declarants now propose to further extend the period during which the notes may be issued to June 30, 1981, in order to permit Service Company to meet and maintain its net cash requirements for working capital. Such long-term unsecured notes, which will not exceed $10,000,000 maximum aggregate principal amount at any one time outstanding, will mature 40 years from the date the first of such notes are issued, will bear interest at a rate not more than 120% of the commercial bank prime rate on short-term loans in effect from time to time in Hartford, Connecticut, and may be repaid at any time without premium. In all other respects, the notes will carry the same terms and provisions and be subject to the same limitation on the aggregate capital of Service Company as the notes authorized under the July 30, 1969, order.

The post-effective amendment states that no fees or expenses will be incurred in connection with the proposed transactions and that no consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Notice is further given, That any interested person may, not later than June 14, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15554 Filed 5-27-76;8:45 am]

AMERICAN INDIAN POLICY REVIEW COMMISSION

ALASKAN NATIVES

Congressional Seminar Meeting

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended that Congressional Seminar proceedings will be held in Washington, D.C., on Monday, June 7, 1976 from 10 a.m. until 12:30 p.m., in the Rayburn Building, Room B-308. This seminar about Alaskan natives will be held in conjunction with the Commission Task Forces that are investigating tribal government; federal, state and tribal jurisdiction and reservation development.

Participants in the panel discussion will be task force specialists Dr. Lorraine Ruffing, Paul Alexander and Michael Cox. Special panelists will be: Arlon Tussing, Consulting Economist, Senate Committee on Interior and Insular Affairs, Tony Strong (Tlingit), Klukwan, Alaska, Legislative Assistant, Senate Interior Subcommittee on Indian Affairs; Frank Ducheneaux (Cheyenne River Sioux), Majority Counsel, and Mike Jackson, Minority Staff Consultant, both with the House Interior Subcommittee on Indian Affairs. Other Alaska experts are also expected to attend.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments under-

lying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. This seminar will focus on Alaskan native issues related to the studies of Task Force #2 on Tribal Government, Task Force #4 on Federal, State and Tribal Jurisdiction and Task Force #7 on Reservation Development.

Dated: May 25, 1976.

KIRKE KICKINGBIRD,
General Counsel.

[FR Doc.76-15692 Filed 5-27-76;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:30 a.m. on Tuesday, June 15, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.76-15666 Filed 5-27-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC HEARINGS

Recommendations for Easing the Burden of Federal Paperwork

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Des Moines, Iowa. The hearings will be held on June 17 and 18, 1976, in Room 113 of the Federal Building at 210 Walnut Street.

The hearings will commence each day at 9:00 a.m. and end at 1:00 p.m. The Commission will receive comments about the impact of Federal paperwork upon agriculture, education, State and local government, health, and the private business sector.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 111 20th Street, N.W., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,
Chairman.

[FR Doc.76-15456 Filed 5-27-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF CHINA

New Export Visa Requirement for Certain Man-Made Fiber Textile Products

MAY 25, 1976.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20745) a letter of September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton, wool, or man-made fiber textile products, produced or manufactured in the Republic of China. The purpose of this notice is to announce that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, the Government of the Republic of China will require, effective on July 30, 1976, that export visas for man-made fiber textile products in Category 224 include one of the following subclassifications:

(1) Category 224—Suits (T.S.U.S.A. Nos. 380.0420 and 380.8143)

(2) Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103)

(3) Category 224—Other (All remaining T.S.U.S.A. numbers in Category 224)

Accordingly, there is published below a letter of May 25, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that one of the foregoing subclassifications should be shown on export visas for man-made fiber textile products in Category 224, effective on July 30, 1976. Shipments exported before the effective date will not be denied entry, provided they are visaed in accordance with previously established procedures.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MAY 25, 1976.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of September 1972 issued to you by the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products produced or manufactured in the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to require that, effective on July 30, 1976, visas accompanying man-made fiber textile products in Category 224 should specify one of the subcategory classifications indicated below. Shipments in Category 224 which have been exported from the Republic of China before July 30, 1976 shall not be denied entry, provided they are otherwise visaed in accordance with previously established procedures.

(1) Category 224—Suits (T.S.U.S.A. Nos. 380.0420 and 380.8143)

(2) Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103)

(3) Category 224—Other (all remaining T.S.U.S.A. numbers in Category 224)

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15624 Filed 5-27-76;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 commodity to Procurement List 1976, November 25, 1975 (40 F.R. 54742), for shipment to the General Services Administration supply distribution facilities indicated:

Class 7105	*GSA regions*
7105-00-053-0170	1 through 7.
7105-00-061-5834	Do.
7105-00-052-8695	All regions.
7105-00-052-8697	1 through 7.

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.76-15634 Filed 5-27-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from May 17 through May 21, 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 (July 12, 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

Draft

Diamond Creek Unit, Caribou National Forest, Caribou and Bear Lake Counties, Idaho, May 21: The statement concerns management alternatives for the 204,729 acre Diamond Creek Planning Unit in Caribou National Forest. The four alternatives included range from high levels of resource use which would have major effects on wildlife, fisheries and roadless areas to emphasis of the natural environmental which would have a major negative effect upon grazing and timber harvest and significant beneficial effects on wildlife and fisheries. Soil and water resources are less impacted by any of the alternatives than by the mining levels. (ELR Order No. 60761.)

South Fork Unit Plan, Malheur National Forest, Grant County, Oregon, May 18: Proposed is a land use plan for the South Fork Planning Unit, Malheur National Forest. The Planning Unit includes three inventoried roadless areas, three areas for resource production with fish and wildlife habitat, and resource management to achieve optimum amounts of wood fiber, outdoor recreation, water, fish and wildlife habitat, and livestock forage. A Wild Horse Management Territory will maintain a maximum of 100 head herd. Adverse effects include some loss of productivity of wood, water, and forage. (ELR Order No. 60734.)

Final

Timber Management Plan, Talladega National Forest, several counties, Alabama, May 17: The Talladega National Forest Timber Management Plan proposes even-aged forest management for the part of the forest which is suitable for sustained yield timber production (annual average cut area of 11,879 acres). Adverse impacts include some soil compaction and dislocation, temporary shifts in wildlife populations, temporary increases in turbidity and stream runoff, and temporary degradation of air quality. Comments made by: ERDA, DOI, FPC, HEW, USDA, GSA, EPA, State and local agencies, interested groups. (ELR Order No. 60729.)

Dickey-Sunday Planning Unit, Kootenai National Forest, Lincoln and Flathead Counties, Mont., May 19: The action involves implementation of a revised multiple use plan for the 67,029 acres Dickey-Sunday Planning Unit, Kootenai National Forest. Portions of the unit will be intensively managed for commodity production and yield increase. Development activity will result in continued soil and vegetative disturbance which may cause temporary acceleration of soil erosion and sediment levels, as well as visual disturbance. Areas which are currently unroaded will be developed and the natural conditions of the Forest will be affected. Comments made by: USDA, DOI, EPA, State agencies and interested groups. (ELR Order No. 60741.)

SOIL CONSERVATION SERVICE

Final

Mud Creek Watershed, Cullman County, Ala., May 19: The proposed plan is for watershed protection and flood prevention in Cullman County, Alabama. The project entails the application of land treatment measures on 2,350 acres of cropland, 3,720 acres of pastureland, and 4.7 miles of channel work. Adverse impacts include increased sedimentation and stream turbidity, and the loss of 69 acres of flood plain forest. Temporary increases in air and noise pollution would also result. Comments made by: DOC, HUD, DOI, DOT, EPA, State and local agencies. (ELR Order No. 60740.)

Indian Brook Watershed, Coos County, N.H., May 18: Proposed is a project for watershed protection, flood prevention, and fish and wildlife development in the Indian Brook Watershed. The project includes the installation of land treatment measures on 1,295 acres to reduce runoff, erosion, and sedimentation. Plans also include one floodwater retarding structure, one multiple-purpose dam for flood protection and fish and wildlife habitat development, fish and wildlife facilities, and about 3,000 feet of channel work. About 177 acres of land will be committed to the project. Comments made by: DOC, HEW, DOI, DOT, AHP, EPA, State and local agencies, and interested groups. (ELR Order No. 60733.)

Three-Mile and Sulfur Draw Watershed, Culberson and Hudspeth Counties, Tex., May 20: Proposed is a project for flood prevention and watershed protection for the 149 square mile drainage area of the Three-Mile and Sulfur Draw watershed. Wildlife habitat on 516 acres will be replaced with structures, sediment pools and borrow pits, and construction disruption will result. Comments made by: USA, DOI, HEW, DOT, EPA, AHP, State and local groups. (ELR Order No. 60751.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-OX 7-9297.

Draft

Development of Lot 10080, Guam, May 20: This statement examines the impact of the granting of an access easement to Seiby Leisure (Guam), Inc. across U.S. Government lands in association with the proposed development of Lot 10080, which is, at present, land-locked by U.S. Government lands. The project site is located at the northwestern extreme of the island of Guam, adjacent to Andersen Air Force Base (Northwest Field), and north of the U.S. Naval Communication Station at Finegayan. The development of the proposed combination resort/recreational/residential development will have an impact on the aesthetics and terrestrial biology of the site. (ELR Order No. 60747.)

Falcon Military Operating Area, New York, May 17: Proposed is the establishment of Falcon Military Operating Area (MOA) to provide air traffic controlled assigned airspace in which to conduct low level interceptor training. Flying in the 3,500 square mile MOA will be at altitudes from 6,000 to 18,000 feet mean sea level. Some single event flyovers will cause annoyance to humans and the proposal will result in the annoyance to visitors of the Adirondack State Park wilderness areas. (ELR Order No. 60730.)

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202-OX 4-4269.

Final

Ft. Belvoir Housing Project, Fairfax County, Va., May 20: The action considered is the change of use of approximately 800 acres of land of Fort Belvoir from troop support and training to military family housing. The project would provide 2,300 additional housing units. The action will result in the partial or complete destruction of 426 acres of land used as wildlife habitat and the consequent reduction of fauna in the area. The roadway networks, both on and off the post will become more congested. Comments made by: EPA, AHP, HUD, State and local agencies. (ELR Order No. 60758.)

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

Honolulu Harbor, Oahu County, Hawaii, May 17: The proposed plan provides for increasing project depths of the Honolulu Harbor main entrance channel from 40 feet to 45 feet and for increasing project depths of the basins and Kapalma Channel from 35 to 40 feet. The deepening will involve dredging about 1.3 million cubic yards of material which would be disposed of at a deep ocean dredge material disposal site. Adverse effects include turbidity caused by the dredging, destruction of benthic resources, and impacts upon the disposal area (Honolulu District.) (ELR Order No. 60722.)

Ottawa River Harbor, Michigan and Ohio, May 17: Proposed is the dredging of the Ottawa River and Maumee Bay to enhance recreational opportunities in the project

area. A total of 1,385,100 CY of material would be dredged. River sediment would be placed in diked facilities and bay sediment would be dumped in open waters. Adverse effects include conversion of 12 acres of river bottom land to upland and removal of benthic populations in the river and Bay channels. (Detroit District) (ELR Order No. 60727.)

South Beach Marina (Yaquina Small Boat Basin), Lincoln County, Oreg., May 17: The proposed project is to build, operate, and maintain a new marina complex at Yaquina Bay on the south shore between the Highway 101 bridge and the OSU Marine Science Center to provide public, water-based recreational opportunities. The marina construction will include a zoned rock breakwater to enclose approximately 29 acres of water area, dredging an entrance channel, moorage docks to accommodate 600 boats, and 11 acres of parking area. Dredged material will be placed on approximately 28 acres of upland. The placement of dredged material will eliminate existing vegetation and terrestrial habitat in disposal areas. (Portland District.) (ELR Order No. 60723.)

Mouth of Colorado River, Matagorda County, Tex., May 17: The proposed project consists of an entrance channel in the Gulf, 15 feet deep by 200 feet wide, protected by jetties. The proposed east jetty is a weir type, designed to pass littoral material into an impoundment basin for periodic transfer to the down-drift beach. From the Gulf inland to its connection with the Gulf Intracoastal Waterway (GIWW), the proposed channel will be dredged to 12 feet in depth and 100 feet in width. Adverse effects include the elimination of most of the benthic populations occupying the affected areas. About 242 acres of terrestrial wildlife habitat will be removed or modified (Galveston District.) (ELR Order No. 60721.)

Texas City Channel, Galveston, Galveston County, Tex., May 17: The proposed action consists of widening of the existing main turning basin, relocation of the basin 85 feet to the east, deepening and widening the Industrial Canal, deepening of the turning basin at the head of the center of the Industrial Canal to 40 feet, and easing of the bend at the entrance to the Industrial Canal. All dredging will be accomplished by hydraulic pipeline dredge with dredged material disposal on Snake Island and in adjacent areas of Galveston Bay. Adverse effects include destruction or disturbance of some fish and bottom dwelling organisms, temporary increases in turbidity, and resuspension of toxic materials in the vicinity of the dredge (Galveston.) (ELR Order No. 60724.)

Final

Lost River Mining Project, Permit Application, Alaska, May 20: The statement refers to the permit application of the Lost River Mining Corporation Limited for construction of a marine terminal to facilitate removal of 1,750,000 tons of ore per year for a minimum of 16 years. The marine terminal is part of a larger complex, community, airport, and surface transportation system. Adverse impacts include loss of undetermined number of plants and animals, total loss of Rapid River Valley, and the release of an undetermined amount of pollutants into the atmosphere (Alaska District). Comments made by: EPA, DOI, HEW, DOT, USCG, State agencies and concerned groups. (ELR Order No. 60754.)

Logjam Study, Wabash River, Adams County, Ind., May 21: The project includes work to remove approximately 20 logjams of various sizes on an eight mile reach of the Wabash River in Adams County, Indiana. Also, a channel enlargement about 300 feet long to remove small trees and sediment is included. Disposal of debris will be accomplished by disposing of the material outside the 100-year flood plain. Reducing flooding above Geneva will cause more water to reach downstream areas and could contribute to flooding in those areas. Construction disruption will result (Louisville District). Comments made by: DOI, AHP, FPC, USDA, DOC, EPA, State and regional agencies, interested individuals. (ELR Order No. 60760.)

Wallkill River Flood Control Project, New York and New Jersey, May 20: The proposed action is Congressional authorization of a flood control project in the "Black Dirt" area of the Wallkill River, Orange County, N.Y. The purpose of the plan under consideration is to reduce flood damages to farming in the "Black Dirt" area of the Wallkill River Basin. Adverse impacts include turbidity during construction, reduction of the value of the streams for aquatic life, and the loss of some farmland (New York District) Comments made by: USDA, DOI, DOT, EPA, HEW, State agencies. (ELR Order No. 60753.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0780 (stop 460).

Final

TARP Mainstream Tunnel System, 59th to Addison St., Cook County, Ill., May 21: The statement concerns construction of the Phase I conveyance tunnel systems and their associated subsystems for the Tunnel and Reservoir Plan (TARP) of Chicago. The construction will result in significantly reduced pollutant load currently discharged to Chicago's Waterways, but the tunnel alone will not result in attaining applicable Illinois water quality standards. Disposal of rock spoil from construction may cause adverse impacts. Also, if the grouting program is not effective, groundwater infiltration during construction and wastewater exfiltration during tunnel operation can be a significant problem. Comment made by: DOT, USDA, DOC, HUD, and State and local agencies. (ELR order No. 60763.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-275-4791.

Final

United Gas Pipeline Co., curtailment, May 20. The action consists of FPC's analysis of two permanent curtailment plans for the United Gas Pipeline system. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. Comments made by: State and local agencies. (ELR Order No. 60755).

Rocky Mount Project, Georgia, Floyd County, Ga., May 18: Proposed is the issuance of a license to the Georgia Power Company for construction and operation of the proposed Rocky Mountain Pumped Storage Project No. 2725, to be located on Heath Creek. The project would consist of two reservoirs, two auxiliary pools, a tunnel and underground penstocks, a semi-outdoor powerhouse which would also contain 3 reversible 225-MW pump turbine generating units, and 3 miles of 230 kV transmission line. Adverse impacts resulting from the project would be loss of existing recreational and scenic values, stream habitat, agricultural and timber producing lands, and the displacement of 48 people. Comments made by: NRC, USDA, DOC, COE, DOI, HEW, EPA, and State and local agencies and interested groups. (ELR Order No. 60735.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Hunters Point Redevelopment Area, Phases II, III, San Francisco County, Calif., May 19. Proposed is the construction of approximately 1200 units of new housing to be developed in Phases II and III of the Hunter's Point Redevelopment project, an ongoing urban renewal area in San Francisco. Adverse impacts include temporary construction disruption. (ELR Order No. 60744.)

Hutchinson Heights, Arapahoe County, Colo., May 17. Proposed is the development of a subdivision containing 3,771 single family units and 8,498 multi-family units on predominantly undeveloped land in southeastern Aurora, Colorado. The conclusions reached in this statement will help to determine if the Federal Housing Administration should extend mortgage insurance to homes in the proposed development. Few adverse effects are anticipated. (ELR Order No. 60726.)

The Brown Farm, Fort Collins, Larimer County, Colo., May 17: The developers of the Brown Farm subdivision development are proposing to build 1,590 multi-family and single family housing units in Fort Collins and have requested Federal Housing Administration feasibility analysis for mortgage insurance on the third filing of this development. Adverse impacts of the project include minor disruption of the existing vegetation, the increased need for public safety, educational, and social services, and an increase in automobile generated pollutants. (ELR Order No. 60731.)

Rochester SE Loop Urban Renewal No. 175, Monroe County, N.Y., May 19: The proposed urban renewal project for the Rochester South East Loop area includes the demolition of structures, the provision of public improvements, and the institution of land use controls for the area. However, of the 3,100 residential units planned for the project, the NY Urban Development Corporation, now bankrupt, was committed to building over 2,000 of them, and thus far based on present commitments and completed structures, only 750 units will be completed. Serious adverse impacts could result from the non-completion of replacement housing for the demolished structures. (ELR Order No. 60743.)

Final

University City NDP, Areas 3, 4, and 5, Pennsylvania, May 20: The statement concerns acquisition, demolition, rehabilitation, relocation, and site improvement of University City NDP areas 3, 4, and 5 in Philadelphia. Adverse impacts of the action include clearance of some structures which appear to be feasible for rehabilitation, generation of more vehicular traffic into the area which will aggravate an already serious air pollution problem, removal of residential units from the housing market, and the potential overtaxing of existing resources such as electric energy, water, and sewer facilities. Comments made by: HEW, DOT, EPA, AHP, and State and local agencies and interested groups. (ELR Order No. 60752.)

Section 104(h)

Draft

Industrial Park, St. Johnsville, Montgomery County, N.Y., May 17: The Village of St. Johnsville plans to develop an industrial

park of approximately 25 acres using $175,000 of HUD Community Development Block Grant Discretionary funds. The site, located in the southern sector of the Village, is bounded by the Penn Central Railroad on the north, the new Bridge Street bridge on the east, the New York State Barge Canal on the south, and Zimmerman Creek on the west. Adverse effects are expected to be minimal. (ELR Order No. 60728.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF RECLAMATION

Final

Narrows Unit, Pick-Sloan Missouri Basin Program, Morgan County, Colo., May 17: This project entails construction of Narrows Dam and Reservoir to store and regulate flows in the South Platte River, and to provide irrigation, flood control, recreation, fish and wildlife enhancement, and municipal and industrial needs. Adverse impacts include the inundation of 15.5 miles of natural stream and 15,000 acres of agriculture and wildlife lands, and the loss of vegetation in the reservoir. Approximately 220 families will be displaced. Comments made by: DOI, AHP, USDA, COE, HEW, DOT, USCG, FPC, EPA, and State agencies and concerned groups and individuals. (ELR Order No. 60725.)

Anadromous Fish Passage, Savage Rapids Dam, Jackson and Josephine Counties, Oreg., May 19: Proposed is a Phase I plan to improve anadromous fish passage problems at Savage Rapids Dam on the Rogue River near Grants Pass, Oregon. The major improvement will be construction of a new fishway on the north side of the river. Construction disruption, lasting 20 months, will result. Phase II plans will be discussed in a separate EIS. Comments made by: DOI, PRBC, AHP, COE, USDA, DOC, EPA, and State and local agencies. (ELR Order No. 60746.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Arkansas Nuclear One, Unit 2, Pope County, Ark., May 20: Proposed is the issuance of an operating license to the Arkansas Power and Light Company for the startup and operation of Arkansas Nuclear One-Unit 2, located on Lake Dardanelle, 2 miles southeast from the village of London and 6 miles northwest from the City of Russellville, Arkansas. The unit will employ a pressurized-water reactor to produce up to 2825 megawatts thermal. A steam turbine-generator will use this heat to provide up to 950 megawatts electrical of electrical power capacity. The exhaust steam will be cooled by a closed-cycle cooling system using a natural-draft tower to dissipate waste heat to the atmosphere. (ELR Order No. 60749.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Douglas Municipal Airport, Runway 18R/36L, Mecklenburg County, N.C., May 20: Proposed is the completion of Runway 18R/36L at Douglas Municipal Airport, Charlotte, North Carolina, which would involve paving and lighting of the runways and associated taxiways. The purpose of this action is to provide additional capacity and runway length. Adverse effects include aircraft noise impacts on schools and residential areas. (ELR Order No. 60759.)

Saint Marys Municipal Airport, Elk County, Pa., May 19: The statement concerns the construction of improvements for the St. Mary's Airport. Included in the project are the extension of the runway, installation of medium intensity runway lighting along the extension, the relocation of the access road on airport property, the installation of pavement edge drains, the relocation of threshold lighting, and the acquisition of a clear zone easement over 6.6 acres of property not owned by the airport authority. Construction disruption and increased air pollution will result. (ELR Order No. 60745.)

Kusaie Island Airport and Harbor Project, U.S. Territory, May 19: The proposed action involves the development of a new airport consisting of an ultimately paved 150' x 7,000' runway, runway safety areas on each end, a paved aircraft parking apron, lighting, fencing, access road, auto parking area, radio navaids, and a harbor complex with a paved 300' x 600' loading ramp with associated warehouse and dock loading area. The completion of the project will result in an immediate loss of approximately one half of the one square mile reef area and disturbance of another fourth of the reef. Several acres of vegetation will also be cleared. (ELR Order No. 60739.)

Draft

Rhinelander-Oneeida Co. Airport, Oneida County, Wis., May 19: Proposed is the acquisition of 565 acres of land and easement and special use permits on 105 acres for the construction of a new runway, new taxiway, parking spaces, and terminal building for the Rhinelander-Oneida County Airport. Also included in the project would be the erection of security fences and the installation of an instrument landing system for the new runway. The project will result in the loss of approximately 565 acres of woods and wildlife habitat, relocation of eight households, increased noise pollution, and increased air pollution. (ELR Order No. 60742.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-40, I-85 to I-40, Durham and Orange Counties, N.C., May 21: The proposed action is the construction of a segment of I-40 to connect I-85 near Durham with existing I-40 southeast of Durham in the Research Triangle Park. Several alternative corridor locations are being considered, varying in length from 8.6 to 20.4 miles. Adverse impacts include possible relocation of 62 to 248 families and 1 to 16 businesses, and the conversion of 99 to 1078 acres of wildlife habitat to highway right-of-way. One alternate directly impacts a proposed Durham County School site, while others pass near existing school locations. Several alternates pass near the Duke Forests and cross the New Hope Creek watershed. (ELR Order No. 60762.)

Final

I 70N, Frederick County, Md., May 19: The proposed improvement involves a 3.8-mile relocation of Interstate 70 (formerly designated I-70N) extending from Ijamsville Road to west of the Monocacy River in Frederick County, Maryland. The proposal is to construct a limited access highway with two 36 foot roadways, two 10 foot shoulders, and a median. Four alternative designs are being considered, and environmental impacts will vary subject to the alternative chosen (Region 3.) Comments made by: USDA, DOC, HEW, DOI, EPA, OEO, State and local agencies. (ELR Order No. 60738.)

U.S. 13 Salisbury By-pass, Wicomico County, Md., May 20: The statement concerns the construction of the final segment of the Salisbury By-pass project to relocate U.S. 13 east of the city limits. The 4-lane roadway would be approximately 4.6 miels in length and would include several bridges at major intersections. The most likely alternative would require acquisition of 82 acres of land and would displace 12 dwellings and one business. Comments made by: DOI, USDA, EPA, DOC, State and local agencies. (ELR Order No. 60756.)

U.S. 95 West Leg, Las Vegas, Clark County, Nev., May 18: The statement concerns the construction of the west leg of U.S. 95 expressway from Rancho Drive West to Rainbow Boulevard and North to the Tonopah Highway in the City of Las Vegas and unincorporated areas of Clark County. Total length of the project is 9.55 miles. It will initially be constructed as a 4-lane expressway with provision for 6 lanes. Approximately 25 families will be displaced. The project may also encourage urban growth in areas lacking suitable infrastructure. Comments made by: HEW, DOI, EPA, State and local agencies. (ELR Order No. 60736.)

U.S. 62 and S.H. 82, Cherokee County, Okla., May 17: Proposed is the improvement of U.S. 62 and S.H. 82 from their junction south of Tahlequah, Oklahoma, north to approximately 0.5 miles north of Allen Road, a distnce of 6.1 miles. The amount of land needed for right-of-way and the number of residential displacements depends upon the alternative chosen. Comments made by: EPA, DOI, State agencies. (ELR Order No. 60732.)

Legislative Route 1022 (U.S. 219 Relocated), Somerset County, Pa., May 20: The proposed action is the relocation of approximately seven miles of existing U.S. 219 on new right-of-way. The project extends south from the constructed interchange with existing U.S. Route 219 near Somerset, Pennsylvania to the proposed interchange with existing U.S. Route 219, near Beachdale, Pennsylvania. Adverse effects include disruption of the natural forest profile and damage to several agricultural areas. A 4(f) statement is included concerning State Game Land No. 50. Comments made by: FPC, DOI, USDA, EPA, State and local agencies. (ELR Order No. 60757.)

U.S. 84, Nolan County, Tex., May 20: The statement refers to the construction of U.S. 84 in Nolan County for a distance of 3.3 miles in Nolan County. The proposed project is a four lane divided highway on new location around the north and east side of Roscoe. Adverse impacts are the loss of revenue to local businesses from cross-county traffic, the conversion of 150 acres of fertile farm land to public roadway, and the severance of 3 farm units. Comments made by: HUD, USDA, DOI, EPA, State agencies. (ELR Order No. 60750.)

I-66, Gainesville to Front Royal, Warren, Fauquier, and Prince William Counties, Va., May 20: The project consists of connecting two portions of completed I-66. The completion of this 36 mile stretch from Gainesville to Front Royal will provide uninterrupted interstate highway from I-495 in Fairfax County to I-81 at Strasburg in Shenandraft. Adverse environmental impacts include the loss of some wildlife, and an increase in noise pollution. Regardless of the alternate chosen there will be negative impacts on the Appalachian National Scenic Trail and the Bull Run Mountain Park. The number of displaced families and businesses will vary according to alternate chosen. Comments made by: EPA, DOC, COE, USDA, DOI, DOT. (ELR Order No. 60748.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-15633 Filed 2-27-76;8:45 am]

ENVIRONMENTAL POTECTION AGENCY

[OPP-66016; FRL 551-4]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide Products Containing Octamethylpyrophosphoramide

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), the Environmental Protection Agency (EPA) has notified the following firms of its intention to cancel the registration of all products containing the active ingredient octamethylpyrophosphoramide:

EPA register No.	Product name	Registrant
9382-5	Schradan Technical.	Centerchem Inc., 350 5th Ave., New York, N.Y. 10001.
4581-58	OMPA contains 4 lb OMPA per gallon.	Pennwalt Corp., 3 Penn Plaza, Philadelphia, Pa. 19102.
4581-263	Schradan Technical.	Do.

The Agency has discussed this cancellation action with representatives of the registrants listed above, and both have indicated their concurrence with the intended cancellation. Such cancellation shall be effective within 45 days from the date of signature of this notice, unless the registrants, or other interested persons with the concurrence of a registrant, request that the registration be continued in effect.

Requests that the registration of products containing octamethylpyrophosphoramide be continued may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW, Washington DC 20460. The comments should bear a notation indicating both the subject and the OPP document control number "OPP-66016". Any comments filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-15691 Filed 5-27-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20800]

ALBERT S. HOLT

Designating Application for Hearing on Stated Issues

In the Matter of Albert S. Holt, 3004 West 7th, Lawrence, Kansas, 66044, Application for Class D Citizens Radio Station License in the Citizens Radio Service. The Chief, Safety and Special Radio Services Bureau, has under consideration the above-entitled application for a Class D Citizens radio station license in the Citizens Radio Service filed by Albert Holt on March 5, 1975.

1. On January 24, 1975, the Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, released an Order (SS-1009-75) directing Holt to Show Cause why he should not be ordered to cease and desist from further unlicensed operation in the Citizens Radio Service. An attachment to the Order to Show Cause explained the procedural rights of Holt, including his right to appear at a hearing. By letter received February 24, 1975, Holt waived his right to a hearing, promised future compliance with the Commission's Rules and submitted the application which is the subject of the instant proceeding. On February 28, 1975, the Chief Administrative Law Judge, in accordance with § 1.92 of the Commission's rules, terminated the hearing proceeding and certified the matter to the Commission for administrative disposition.

2. On May 15, 1975, the Commission, by the Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, released an Order directing Holt to cease and desist (SS-1009-75) from unlicensed operation. In that Order it was concluded that Holt operated radio transmitting apparatus on a frequency allocated to the Citizens Radio Service on June 16, 1974, without a valid radio station license having been issued to him, in willful violation of section 301 of the Communications Act of 1934, as amended; that Holt refused to permit an inspection of his radio station by authorized Commission personnel, after having been informed of the provisions of the Act, in willful violation of section 303(n) of the Act; that Holt operated his radio station in contravention of the purposes of the Citizens Radio Service; and that Holt's operation would have violated various Commission Rules had he been licensed.

3. In the Order it was further concluded that Holt had physically assaulted the Commission personnel when they attempted to inspect his station and had stolen government and personal property from them.

4. In view of the Findings and Conclusions of the Order to Cease and Desist, it cannot be determined that a grant of Holt's application would serve the public interest, convenience and necessity. Therefore, the Commission has no alternative but to designate the application for hearing. The Cease and Desist Order shall be incorporated into the record of this proceeding.

Accordingly, it is ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§ 0.331 and 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine, in light of the facts and conclusions contained in the Order to Cease and Desist, released May 15, 1975 (SS-1009-75), whether the applicant has the requisite qualifications to be a licensee of the Commission.

(2) To determine whether the public interest, convenience and necessity would be served by a grant of the application for a Citizens radio station license.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested to the applicant at 300 West 7th, Lawrence, Kansas 66044.

Chief, Safety and Special Radio Services Bureau.

Adopted: May 11, 1976.

Released: May 19, 1976.

GERALD M. ZUCKERMAN,
Acting Chief, Legal, Advisory and Enforcement Division.

[FR Doc.76-15662 Filed 5-27-76;8:45 am]

JOINT INDUSTRY/GOVERNMENT COMMITTEE WORKING GROUPS (WARC-1977)

Meeting

MAY 25, 1976.

Pursuant to Public Law 92-463, notice is hereby given of the following joint meeting: WARC-1977 Working Group B (Sharing Principles), WARC-1977 Working Group F (Plans and Procedures).

Tuesday, June 22, 1976—9:30 a.m. to 12:30 p.m.—Room 6331—2025 "M" Street, N.W., Washington, D.C.

Chairmen: Donald Jansky, Working Group *B*, Donald Weiland, Working Group *F*.

The agenda will be as follows:

1. Approval of agenda.
2. Approval of minutes of previous meeting.
3. Discussion of draft "Proposal for Changes in the international Radio Regulations" (distributed at full Joint Industry/Government Committee meeting on April 29, 1976).
4. Other business.
5. Date of next meeting (if necessary) and Adjournment.

This meeting is being called (by direction of full Joint Industry/Government Committee, which met on April 29, 1976) specifically in regard to agenda item 3, above (i.e., to consider a draft proposal for changes in the international Radio Regulations based upon the various orbit sharing principles developed in Working Group B). Inasmuch as most comments received in response to the Commission's

Second Notice of Inquiry opposed incorporating one or more of the orbit sharing principles into the international Radio Regulations at this time, it is desirable that the draft proposal be reviewed to determine whether or not the draft regulations are suitable in the form proposed. For those who do not already have a copy of the draft proposal which was distributed at the meeting of the full committee, copies may be obtained by contacting Mr. Weiland at (202) 632-7054.

The above meeting is open to broadcast industry representatives and interested members of the public.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15665 Filed 5-27-76;8:45 am]

FEDERAL MARITIME COMMISSION

COMPAGNIE NATIONALE ALGERIENNE DE NAVIGATION AND LYKES BROTHERS STEAMSHIP CO., INC.

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, N.W., 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 June 7, 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.

Notice of Agreement Filed by:

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10092-1, between the above-named parties, amends Article 1 of the basic agreement to extend Lykes' agency services for CNAN to U.S. Pacific Coast ports.

By Order of the Federal Maritime Commission.

Dated: May 25, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15661 Filed 5-27-76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADV SORY COUNCIL'S COMMITTEE ON ECONOMIC GROWTH

Meeting

There will be a meeting of the Business Research Advisory Council's Committee on Economic Growth on June 16, 1976, at 10 a.m., in Room 4453, at the General Accounting Office Building, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Progress report on updating and modification of the BLS Economic Growth Model.
2. Review of assumptions for use in next set of BLS projections.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C. this 24th day of May 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-15611 Filed 5-27-76;8:45 am]

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

Correction

In FR Doc. 76-14532 appearing on page 21022 in the FEDERAL REGISTER of Friday, May 21, 1976 the following correction should be made:

On page 21104 the section headed MD 76-3173 P. 2 and on page 21159 the section headed DC 76-3174 P. 2 should both be deleted. A new MD76-3173 P. 3 and DC76-3174 P. 3 are inserted to read as set forth below:

MD76-3173 Cont'd. P. 3

BUILDING CONSTRUCTION (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO AND MOSAIC WORKERS	$9.93	.50	.40		
TERRAZZO WORKERS' HELPERS	8.05	.40	.40		
TILE SETTERS	9.93	.50	.40		
TILE SETTERS' HELPERS	8.05	.40	.40		
TRUCK DRIVERS:					
Boom trucks	6.40	.25	f	g+j	
Small dump, water sprinkler, grease and oil	6.15	.25	f	g+j	
Flat, pick-up hauling material, small Euclids, dump over 8 wheels	6.25	.25	f	g+j	
Trailers, low boys, tractor pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS AND WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

DC76-3174 Cont'd. P. 3

BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING WMATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO AND MOSAIC WORKERS	$9.93	.50	.40		
TERRAZZO WORKERS' HELPERS	8.05	.40	.40		
TILE SETTERS	9.93	.50	.40		
TILE SETTERS' HELPERS	8.05	.40	.40		
TRUCK DRIVERS:					
Boom trucks	6.40	.25	f	g+j	
Small dump, water sprinkler, grease and oil	6.15	.25	f	g+j	
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	6.25	.25	f	g+j	
Trailers, low boys, tractor pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS AND WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in New Hampshire

This notice announces the ending of the Federal Supplemental Benefit Period in the State of New Hampshire, effective May 22, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of New Hampshire on January 19, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of New Hampshire has determined under the Act and 20 CFR 618.19 (b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 1, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of New Hampshire for the week ending on May 1, 1976, and the Federal Supplemental Benefit Period in that State terminated on May 22, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable (whether or not any payment actually was made), for any portion of the last week of a Federal Supplemental Benefit Period in a State, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During an additional eligibility period the individual may have continued entitlement to Federal Supplemental Benefits. An additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the New Hampshire Department of Employment Security of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated in New Hampshire, an Extended Benefit Period will continue in effect in that State due to the National "on" indicator for the Federal-State Extended Benefit Program (as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722) and the State "on" indicator for that program (as announced in a notice published in the FEDERAL REGISTER on January 29, 1975, at 40 FR 4375). Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about further rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of New Hampshire should contact the nearest Employment Office of the New Hampshire Department of Employment Security in their locality.

Signed at Washington, D.C. on May 21, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–15494 Filed 5–27–76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in South Carolina

This notice announces the ending of the Federal Supplemental Benefit Period in the State of South Carolina, effective May 29, 1976.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the levels of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of South Carolina on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of South Carolina has determined under the Act and 20 CFR 618.19 (b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 8, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of South Carolina for the week ending on May 8, 1976, and the Federal Supplemental Benefit Period in that State therefore will terminate with the week ending on May 29, 1976.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable (whether or not any payment actually was made), for any portion of the last week of a Federal Supplemental Benefit Period in a State, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During an additional eli-

gibility period the individual may have continued entitlement to Federal Supplemental Benefits. An additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the South Carolina Employment Security Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period will terminate in South Carolina, an Extended Benefit Period will continue in effect in that State due to the National "o " indicator for the Federal-State Extended Benefit Program (as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722), and until there is neither a National "on" indicator or a State "on" indicator in that State. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about further rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of South Carolina should contact the nearest Employment Service Office of the South Carolina Employment Security Commission in their locality.

Signed at Washington, D.C., on May 21, 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-15495 Filed 5-27-76;8:45 am]

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 U.S.C. 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, published January 29, 1975 (40 FR 4393). 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 24th day of May 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending May 21, 1976

Name of applicant	Location of enterprise	Principal product or activity
Franklin Manor, Inc	Farmington, Maine	Intermediate nursing care facilities.
Phoenix Manufacturing Inc	Nanticoke, Pa	Manufacturing of specialized mobile equipment.
Frank Shelton, Inc	Madison, N.C	Waterproofing contractor.
Central Mississippi Livestock Commission Co.	Carthage, Miss	Livestock market commission sales.
Farmers Meat Market, Inc	Cordele, Ga	Meat packing plant.
Commonwealth Manufacturing Co.	Columbia, Ky	Manufacturing of ladies blouses, waists and shirts.
Huron Casting, Inc	Pigeon, Mich	Manufacturing of shell molded low alloy steel castings.
Donald Earl Johnson	Tubac, Ariz	Machine crop harvesting and hauling of grain.
Ye Ole Iron Works, Inc	Lake Havasu City, Ariz	Manufacturing and distribution of ornamental wrought iron products.
Alyucan Interstate Corp	Idaho Falls, Idaho	Rental space.

[FR Doc.76-15635 Filed 5-27-76;8:45 am]

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. Meetings of the Advisory Committee were held on February 27, April 28, and May 27, 1976.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the fourth meeting of the above committee has been scheduled for 9:30 A.M. on June 11, 1976, in Room S-3215 A & B, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the June 11 meeting calls for general discussion of the items listed below, and for the establishment of procedures for their further study:

1. Discussion of options for revision of enforcement procedures under Executive Order 11246, as amended.

2. Discussion of options regarding use of graduated sanctions under Executive Order 11246, as amended.

3. Revised Order No. 4 (41 CFR Part 60-2), on written affirmative action programs, and the Format for Development of an Affirmative Action Program by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).

4. Discussion of proposals for increasing the supply of minorities and women for faculty employment.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract

Compliance Programs, Federal Advisory Committee for Higher Education Equal Opportunity Programs, New U.S. Department of Labor Building, Room C-3322, Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of May 1976.

LEONARD J. BIERMANN,
Executive Secretary.

[FR Doc.76-15539 Filed 5-25-76;8:45 am]

Office of the Secretary

[TA-W-600]

ALLIVINE KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-600: 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 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing double knit fabric and sweater fabric at the Philadelphia plant of Allivine Knitting Mills, Incorporated, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10634). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allivine Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 22 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 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 investigation has revealed that although the criteria one and two have been met, criteria three and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 17.7 percent from 1973 to 1974 and then declined 15.0 percent from 1974 to 1975. Average weekly hours declined 9.0 percent from 1973 to 1974 and then increased 21.9 percent from 1974 to 1975. The average number of salaried workers increased 14.3 percent from 1973 to 1974 and then declined 25.0 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of sales of double knit and sweater fabric by Allivine increased 21.6 percent from 1973 to 1974 and then declined 26.1 percent from 1974 to 1975.

The value of production of double knit and sweater fabric by Allivine increased 6.8 percent from 1973 to 1974 and then declined 7.6 percent from 1974 to 1975.

INCREASED IMPORTS

Imports of man-made fabric declined in each year from 1971 through 1975. Imports declined 7 percent from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 1.1 percent and 1.1 percent, respectively in 1974, to 1.0 percent and 1.0 percent respectively in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that none of Allivine's customers purchased fabric from foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with double knit and sweater fabric produced at the Philadelphia plant of Allivine Knitting Mills, Incorporated, Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15498 Filed 5-27-76;8:45 am]

[TA-W-598]

D. SEIDMANN'S SONS, INC. PHILADELPHIA, PENNSYLVANIA

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-598: 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 13, 1976 in response to a worker petition received on that date which was filed by the Knit Goods Union, Local 190, International Ladies Garment Workers Union (ILGWU) on behalf of workers and former workers engaged in the production of knit headwear and scarves, D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10654). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of D. Seidmann's Sons, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission 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 a 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 such firm or subdivision has 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 revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers declined 5 percent in 1975 compared to 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 2 percent in value in 1975 compared to 1974.

INCREASED IMPORTS

Imports of knit headwear declined every year from 1970 through 1973. In 1974 imports increased compared to 1973 and in 1975 imports of knit headwear rose 2 percent compared to 1974. The ratios of imports to domestic production and consumption increased from 10.0 percent and 9.1 percent, respectively in 1974 to 11.9 and 10.6 in 1975.

Imports of knit scarves declined every year from 1970 through 1973. In 1974 imports increased compared to 1973 and in 1975 imports of knit scarves rose 117 percent compared to 1974. The ratios of

imports to domestic production and consumption increased from 9.8 percent and 8.9 percent, respectively, in 1974 to 22.2 and 18.2 in 1975.

CONTRIBUTED IMPORTANTLY

Customers that reduced their purchases from D. Seidmann's Sons, Inc. indicated that they switched to offshore producers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit headwear and knit scarves produced at D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania, contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after February 3, 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 9th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15506 Filed 5-27-76;8:45 am]

[TA-W-657]

GENERAL INDUSTRIES ELECTRONICS, INC., FORREST CITY, ARKANSAS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-657: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of workers and former workers producing automotive fractional horsepower motors for General Industries Electronics, Inc., Forrest City, Arkansas.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12752). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Industries Electronics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the 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 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.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed during the Department's investigation reveals that aggregate U.S. imports of automotive fractional horsepower motors declined relatively from 5.3 percent of domestic production in 1974 to 4.5 percent of domestic production in 1975 and declined 12.7 percent and 19.5 percent in quantity and value respectively in 1975 compared to 1974.

CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increased imports of fractional horsepower motors have not contributed importantly to the total or partial separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15499 Filed 5-27-76;8:45 am]

[TA-W-636]

GTE SYLVANIA, INC., SENECA FALLS, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-636 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 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing color television picture tubes at GTE Sylvania, Inc., Seneca Falls, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10655). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's 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 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 revealed that although the first (3) criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 20.9 percent in 1974 compared to 1973 and declined 20.9 percent in 1975 compared to 1974. Employment of production workers declined 32.5 percent in the first quarter of 1975 compared to the first quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of color television picture tubes in quantity and value declined 42.1 percent and 39.9 percent, respectively, in 1975 compared to 1974. Sales declined 58.9 percent in quantity and 61.9 percent in value in the first quarter of 1975 compared to the first quarter of 1974.

Production declined 43.5 percent, in quantity in 1975 compared to 1974 and declined 59.3 percent in the first quarter of 1975 compared to the first quarter of 1974.

INCREASED IMPORTS

The ratio of imports of color television picture tubes to domestic production and consumption declined, in quantity, in every year from 2.0 percent and 2.0 percent, respectively, in 1971 to .6 percent and .6 percent, respectively, in 1974. The ratio of imports of color television picture tubes to domestic production and

consumption increased in quantity from .7 percent and .7 percent, respectively, in the January through October period of 1974 to 1.7 percent and 2.0 percent, respectively, for the like period of 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicates that imports of color television picture tubes did not contribute importantly to the separation of workers at the GTE Sylvania plant in Seneca Falls, New York.

All of the picture tubes produced at the Seneca Falls facility are shipped to assembly plants. These assembly plants do not purchase imported color television tubes. Sales by these assembly plants have declined in 1975 compared to 1974 due to general economic conditions and because their customers have increased foreign purchases of finished color television sets and decreased purchases from the assembly plants. The assembly plants have therefore decreased purchases from GTE Sylvania.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with color television picture tubes produced by GTE Sylvania, Inc., Seneca Falls, New York, did not contribute importantly to the total or partial separation of the workers of GTE Sylvania, Inc., Seneca Falls, New York.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15500 Filed 5-27-76;8:45 am]

[TA-W-212]

HART SCHAFFNER AND MARX CLOTHES, CHICAGO, ILLINOIS

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on December 23, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing men's suits, sportcoats, and overcoats at the five Chicago area plants of Hart Schaffner and Marx Clothes. The notice of certification was published in the FEDERAL REGISTER (41 FR 1660) on January 9, 1976.

On the basis of a further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the certification issued by the Department on December 23, 1975 is hereby revised to change the impact date to include within the coverage of the certification additional workers who became totally or partially separated upon the closing of one plant and the consolidation of operations.

Such revised certification is hereby made as follows:

All hourly, piecework, salaried workers engaged in employment related to the production of sportcoats, suits and overcoats at the Chicago area plants of Hart Schaffner and Marx who became totally or partially separated from employment on or after October 3, 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 6th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15505 Filed 5-27-76;8:45 am]

[TA-W-609]

MELODY BRA AND GIRDLE COMPANY, LONG ISLAND CITY, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-609; 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 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by Local 32 of the International Ladies Garment Workers Union on behalf of workers and former workers producing brassieres, girdles, bikini panties and body suits at the Long Island City plant of Melody Bra and Girdle Company.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10644). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Melody Bra and Girdle Company, its customers, the U.S. International Trade Commision, the U.S. Department of Commerce, 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 thereof, 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 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.

(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.

Without respect as to whether or not the other criteria have been met, the third criterion has not been met.

INCREASED IMPORTS

Bikini sets, which were 83 percent and 94 percent of the plant production in 1973 and 1974, respectively, are included in women's and children's underwear. U.S. imports increased from 0.9 million dozen in 1970 to 2.0 million dozen in 1972. Imports then declined to 1.9 million dozen in 1973 and further declined to 1.4 million dozen in 1974.

The ratio of imports to domestic production declined from 3.1 percent in 1972 to 2.9 percent in 1973 and further declined to 2.3 percent in 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bikini sets produced at Melody Bra and Girdle Company, Long Island City, New York did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc. 76-15501 Filed 5-27-76;8:45 am]

[TA-W-667]

OSGOOD & SONS, INC., DECATUR, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-667: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's jackets, slacks, and dresses at Osgood & Sons, Inc., Decatur, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12753). No public hearing was requested and none was held.

The information upon which the determination was made obtained principally from officials of Osgood and Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of

eligibility 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, 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 revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OF PARTIAL SEPARATIONS

The average number of production workers declined 17.1 percent from 1973 to 1974 and 20.6 percent from 1974 to 1975. Employment and average weekly hours increased 7.1 percent and 32.4 percent respectively in the last quarter of 1975 compared to the same period in 1974. All employment was terminated in January 1976 when the firm closed.

SALES OF PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 31.8 percent from 1973 to 1974 and 27.1 percent from 1974 to 1975. Sales in the last quarter of 1975 increased 25.3 percent compared to the same period in 1974. Production ceased on January 9, 1976. Production of ladies' jackets accounted for more than 85 percent of Osgood & Sons' output in recent years.

INCREASED IMPORTS

Imports of women's misses', juniors', childrens', and infant's coats and jackets (woven and knit) decreased 19 percent from 1973 to 1975. The import/consumption and import/production ratio's declined from 24.6 percent and 32.7 percent respectively in 1973 to 17.6 percent and 21.3 percent respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation indicates that the closure of the firm was due to factors other than increased import competition. Major customers of Osgood, accounting for 95 percent of the firm's sales, indicated that reduced purchases were due to general economic conditions. The customers indicated that jacket of the types produced under contract by Osgood were not available from foreign sources; and that purchases from Osgood would have continued had the firm continued to operate.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with ladies' jackets produced by Osgood & Sons, Inc. did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15502 Filed 5-27-76;8:45 am]

[TA-W-576]

RCA CORP., LOS ANGELES, CALIFORNIA

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-576: 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 30, 1976 in response to a worker petition received on that date which was filed by International Union of Electrical, Radio, and Machine Workers on behalf of workers and former workers engaged in the storage and distribution of electronic receiving tubes at the Los Angeles California warehouse of RCA Corporation.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1976 (41 FR 6827-6828). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, the U.S. Department of Commerce, the 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 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.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Los Angeles warehouse declined 15 percent in 1974 from 1973 and 29 percent in 1975 from 1974. All employment was terminated in January 1976 when the warehouse was closed by RCA.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of electronic receiving tubes by the Los Angeles warehouse declined 27 percent in 1974 from 1973 and declined 26 percent in 1975 from 1974. All receiving tubes shipped by the warehouse in recent years were produced by RCA at Harrison, New Jersey. RCA terminated all production of receiving tubes in April 1976 with the closing of the Harrison plant.

INCREASED IMPORTS

Imports of electronic receiving tubes increased relative to domestic consumption and production in each year from 1971 to 1975. Imports increased their share of domestic consumption from 38.6 percent in 1974 to 48.5 percent in 1975. Imports relative to domestic production increased from 56.6 percent to 81.7 percent during the same period.

CONTRIBUTED IMPORTANTLY

The evidence developed by the Department's investigation reveals that the closure of the Los Angeles warehouse resulted from the steady decline in sales of electronic receiving tubes produced by RCA at its Harrison, New Jersey plant. The decision by RCA to close the Harrison plant was a result of increased competitive pressures from both foreign manufacturers and domestic firms with manufacturing facilities overseas.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic receiving tubes produced by RCA Corporation contributed importantly to the separation of workers of the Los Angeles warehouse. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the RCA Corporation warehouse at 6355 E. Washington Boulevard, Los Angeles, California who became totally or partially separated from employment on or after December 30, 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 9th day of May 1976.

JAMES F. TAYLOR,
Director Planning and Evaluation Staff.

[FR Doc.76-15503 Filed 5-27-76;8:45 am]

[TA-W-615]

REALFORM GIRDLE CORP., BROOKLYN, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-615: 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 20, 1976 in response to a worker petition received on that date which was filed by the Corset and Brassiere Workers' Union, on behalf of workers and former workers of Local 32, ILGWU of the Realform Girdle Corporation in Brooklyn, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Realform Girdle Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the 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 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 investigation revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average quarterly employment of production workers declined 86.4 percent in the second quarter of 1975 compared to the same quarter in 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of girdles produced at the Realform plant declined 47 percent from January–April 1975 compared to the same period in 1974. The company ceased all production in April of 1975.

INCREASED IMPORTS

Imports of corsets, girdles, combinations and accessories have constituted less than three percent of domestic production and consumption during the period 1970 through 1974. The ratios of imports to domestic consumption and production increased each year from 0.9 percent, respectively, in 1970 to 2.0 percent in 1972, then declined to 1.4 percent in 1973. In 1974 the ratio of imports to domestic consumption and production increased to 2.6 percent. Apparent U.S. consumption declined each year from 1970 through 1974.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that major customers of Realform did not switch their purchases to imported girdles. Those that had decreased or ceased purchases of Realform's product cited declining domestic demand and change in fashion to domestically produced garments not manufactured by the Realform Corporation.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the girdles produced at the Realform plant in Brooklyn, New York, did not contribute importantly to the total or partial separation of the workers at the plant.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15504 Filed 5-27-76;8:45 am]

[TA-W-611]

YOUTHCRAFT FOUNDATIONS CO., BROOKLYN, NEW YORK

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-611: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on that date which was filed by the Corset and Brassiere Workers' Union, Local 32 of the ILGWU, on behalf of former workers producing brassieres, girdles, and loungewear at the Youthcraft Foundations Company, a division of Russ Togs, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10652). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Russ Togs, Inc., its customers, the Department of Commerce, the 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 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 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 revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of hourly production workers at Youthcraft was 46 percent less in January through May 1975 than in the same period of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in February through April 1975 were 30 percent less than in the same period of 1974. The plant closed and all production ceased the week of June 8, 1975.

INCREASED IMPORTS

Imports of brassieres, bra-lettes, and bandeaux increased each year from 1970 through 1975. Such imports increased 12 percent from 1974 to 1975. Imports of girdles, corsets, combinations and accessories fluctuated widely from 1970 through 1973, then increased in absolute terms from 1973 through 1975 and relative to domestic production from 1973 to 1974.

CONTRIBUTED IMPORTANTLY

Some of Youthcraft's customers indicated that they had switched purchases to other U.S. manufacturers in 1975. Some of these U.S. manufacturers are cutting their piecegoods in the U.S., shipping them overseas to be sewn, and then importing them back to the U.S. for final distribution under the provisions of item 807.00 of the U.S. Tariff Schedule.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with brassieres and girdles produced at the Youthcraft Foundation Company, Brooklyn, New York, contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provision of the Act, I make the following certification:

All workers at the Youthcraft Foundations Company, Brooklyn, New York, who became totally or partially separated from employment on or after February 12, 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 14th day of May 1976.

JAMES F. TAYLOR,
Director Planning and Evaluation Staff.

[FR Doc.76-15507 Filed 5 27-76;8:45 am]

[TA-W-622]

INTERNATIONAL SHOE CO.

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-622: 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 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's and women's shoes at the Conway, Arkansas plant of International Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10640). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe Company, it's customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the 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 thereof have become totaly 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 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;

(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 revealed that all of the above criteria have been met.

Significant total or partial separations. The average number of production workers declined 2.1 percent from 1973 to 1974 and declined 12.8 percent from 1974 to 1975. In the first three quarters of 1975 employment declined compared to the same quarters of 1974. Average weekly hours declnied 11.0 percent from 1973 to 1974 and declined 1.0 percent from 1974 to 1975.

Sales or production, or both, have decreased absolutely. Total unit sales of men's nonrubber footwear by International Shoe Company as a whole declined 16.4 percent from 1973 to 1974 and declined 15.1 percent from 1974 to 1975. In the first three quarters of 1975, unit sales declined compared to the same quarters of 1974.

Unit sales of men's nonrubber footwear by the Conway plant of International Shoe declined 17.8 percent from 1973 to 1974 and declined 25.9 percent from 1974 to 1975. In the first three quarters of 1975, unit sales by the Conway plant declined compared to the same quarters of 1974.

Production at Conway was identical to sales.

Increased imports. Imports of men's nonrubber footwear increased both absolutely, and relative to domestic production in each year from 1970 to 1974. In the first eleven months of 1975, imports of men's nonrubber footwear increased 7.2 percent compared to the first eleven months of 1974. Domestic production declined 7.5 percent during the same period. The ratios of imports to domestic production and consumption increased from 63.3 percent and 38.8 percent respectively, in the first eleven months of 1974 to 73.4 percent and 42.3 percent in the same period of 1975.

Contributed importantly. The Department's investigation revealed that customers decreased purchases of men's shoes from International Shoe Company in favor of lower priced imported shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's nonrubber footwear produced at the Conway, Arkansas plant of International Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's nonrubber footwear at the Conway, Arkansas plant of International Shoe Company, St. Louis, Missouri, who became totally or partially separated from employment on or after February 5, 1975 and before September 30, 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 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15672 Filed 5-27-76;8:45 am]

[TA-W-680]

STAR SUPPORTER MANUFACTURING CO., INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-680: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's swimsuit linings at Star Supporter Manufacturing Co., Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14233). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Star Supporter Mfg. Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, 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 thereof, 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.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

During the course of the investigation, it was determined that there were not imports of men's swimsuit linings separate from men's and boys' swimsuits.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those proudced by Star Supporter Manufacturing Co., Inc., Philadelphia, Pennsylvania are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15670 Filed 5-27-76;8:45 am]

[TA-W-690]

VULCAN CORP., UNION, MISSOURI

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-690: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed on behalf of workers producing heels for women's shoes at the Union, Missouri plant of the Vulcan Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14224). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Vulcan Corporation and the U.S. Department of Commerce.

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, or 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.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that imports of heels are not separately identified under the Tariff Schedules of the United States. A survey of the industry conducted by the U.S. International Trade Commission (Tariff Commission) revealed that imports of women's heels represent less than one-half of one percent of the total number of heels used in the domestic production of women's shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with women's heels produced by the Union, Missouri plant of the Vulcan Corporation are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15671 Filed 5-27-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 58]

ASSIGNMENT OF HEARINGS

MAY 25, 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 111170 (Sub 226), Wheeling Pipe Line, Inc. now assigned June 10, 1976 (2 days) in Memphis, Tennessee is cancelled, application dismissed.

MC 10302 (Sub 7), The Chieppo Bus Company, application dismissed.

MC 136511 (Sub 5), Virginia Appalachian Lumber Corp. now being assigned July 20, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

AB 19 Sub 3, Baltimore and Ohio Railroad Company Abandonment Landen-Berg Branch, New Castle County, Delaware, now being assigned September 8, 1976 (2 days), at Wilmington, Del., in a hearing room to be later designated.

MC 141663, Robert E. Moore, dba Moore Trucking Company now being assigned July 1, 1976 for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 111729 Sub 543, Purolator Courier Corp., now assigned June 21, 1976, at Washington, D.C., is postponed to June 22, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-12234, Century Express Ltd.—Purchase-Lansdale Transportation Co., Inc.; MC-F-12304, and MC 108473 Sub 37, St. Johnsbury Trucking Company, Inc.—Purchase (Portion)—Lansdale Transportation Co., Inc. (Century Express Ltd. Assignor);

MC-F-12605, H. W. Taynton Co., Inc.—Purchase (Portion)—Lansdale Transportation Co., Inc. (Century Express Ltd. Assignor);

MC-F-12333, Eagle Foods, Inc., dba Rutherford's—Purchase (Portion)—(Centurn Express, Ltd., Operator of Lansdale Transp. Co., Inc. now being assigned July 29, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C. and on December 7, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. 36271, Oklahoma Intrastate Freight Rates & Charges—1975, now assigned August 2, 1976, at Oklahoma City, Okla., is cancelled and transferred to modified procedure.

FF-C-59 Associated Air Freight, Inc., Revocation of Freight Forwarder Permit, now assigned June 2, 1976, at Washington, D.C. is postponed to June 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36325, Radioactive Materials, Special Train Service, Nationwide, now assigned June 8, 1976, at Washington, D.C. is postponed to June 9, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

AB 1 Sub 9, Chicago And North Western Transportation Company Abandonment between Wren, Iowa, And Iroquois, South Dakota, in Sioux and Plymouth Counties, Iowa and Union, Lincoln, Turner, MC Cook, Miner, and Kingsbury Counties, South Dakota, now being assigned Continued Hrg., on July 7, 1976 (3 days), at Sioux Falls, S.D., July 12, 1976 (1 day), at Hawarden, Iowa, July 13, 1976 (2 days), at Beresford, S.D., and July 15, 1976 (2 days), at Salem, S.D., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15683 Filed 5-27-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43169—*Joint Rail-Water Container Rates—American Export Lines, Inc.* Filed by American Export Lines, Inc. (No. 7), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Gulf of Mexico ports, to ports and terminals in

the Mediterranean, Sea of Mamara, Atlantic Coast of Spain, Portugal, and Morocco and the Bay of Biscay.

Grounds for relief—Water competition.

Tariff—American Export Lines, Inc., Eastbound U.S. Gulf Coast/European Mediterranean Joint Container Freight tariff I.C.C. No. 6, F.M.C. No. 175. Rates are published to become effective on June 23, 1976.

FSA No. 43170—*Chemicals and Related Articles from and to Points in Eastern Territory and Bayport, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-600), for interested rail carriers. Rates on chemicals and related articles, in tank-car loads, as described in the application, between Carney's Point (Deepwater), Carteret, Deepwater (Carney's Point), Gibbstown, N.J., and Niagara Falls, N.Y., on the one hand, and Bayport, Texas, on the other.

Grounds for relief—Rate relationship.

Tariff—Supplement 6 to Southwestern Freight Bureau, Agent, tariff 12–J, I.C.C. No. 5219. Rates are published to become effective on July 1, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15632 Filed 5-27-76;8:45 am]

[Notice No. 66]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 24, 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 42605 (Sub-No. 4TA), filed May 11, 1976. Applicant: CARL H. BETZ, R.D. No. 1, Orefield, Lehigh County, Pa. 18069. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum*, in bulk, in dump vehicle, from Cementon and points in Rensselaer County, N.Y., to points in Berks, Lehigh and Northampton Counties, Pa. (2) *iron oxide*, in bulk, in dump vehicles, from Bridgeport, Conn., and points in Cayuga County, N.Y., to Orefield, Lehigh County, Pa. (3) *iron oxide*, from Orefield, Lehigh County, Pa., and points in Chester, Montgomery, and Philadelphia Counties, Pa., to points in Albany, Columbia, Greene, Onondaga, Saratoga, Schoharie and Ulster Counties, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Paul Blum Company, Inc., P.O. Box 1026, 189 Van Rensselaer Street, Buffalo, N.Y. 14210. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 44605 (Sub-No. 45TA, filed May 12, 1976. Applicant: MILNE TRUCK LINES, INC., 2200 South 400 West, Salt Lake City, Utah 84115. Applicant's representative: Henry A. Dahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Ely, Nev., and Junction U.S. Highway 93 and Interstate Highway 15, approximately 19 miles North and East of Las Vegas, Nev., from Ely, Nev., over U.S. Highway 93 and return over the same route, serving no intermediate points except as otherwise authorized, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations. Applicant proposes to tack authority sought with its existing service at Ely, Nev., and at Junction of U.S. Highway 93 and Interstate Highway 15, for 180 days. Supporting shipper: None. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138.

No. MC 71642 (Sub-No. 19TA), filed May 11, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grindings and pellets* and *materials and supplies*, used in the manufacture thereof, between Delaware City Commercial Zone, Del., on the one hand, and New York, Endicott City and Johnson City, N.Y., points in New Jersey and points in Pennsylvania on and east of U.S. Highway 11, for the account of Keysor-Century Corporation, for 180 days. Supporting shipper: Keysor-Century Corporation, Delware City, Del. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 79737 (Sub-No. 18TA), filed May 10, 1976. Applicant: BERTA BROS. TRANSPORTATION. INC., P.O. Box 429, U.S. Highway 50 East, Canon City, Colo. 81212. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, calcined; plaster, stucco, wall or land, plasterboard*, including *plaster wallboard, and plasterboard, joint systems or compounds*, from the plantsite of the Flintkote Company located at Florence, Colo., to Cheyenne, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Company, P.O. Box 429, Florence, Colo. 81226. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 107064 (Sub-No. 114TA), filed May 12, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plantsite and storage facilities of Occidental Chemical Company at or near Grant, Nebr., to points in Colorado, Iowa, Kansas, Missouri, North Dakota, Oklahoma, South Dakota and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Occidental Chemical Co., Houston, Tex. (713–629–3513). Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 110686 (Sub-No. 50TA), filed May 11, 1976. Applicant: McCORMICK DRAY LINE, INC., Route 220, Avis, Pa. 17721. Applicant's representative: Jay H. McCormick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building*

panels, building parts, and materials, accessories and supplies, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plant site and storage facilities of Butler Manufacturing Co., at or near Annville, Lebanon County, Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Butler Manufacturing Co., 400 North Weaber, P.O. Box F, Annville, Pa. 17003. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 113362 (Sub-No. 296TA), filed May 12, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Foodstuffs, pet foods, pet supplies and cleaning compounds* (except in bulk), from the plantsite or warehouse facilities of R. T. French Company, Springfield, Mo., to the Upper Penninsula Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The R. T. French Company, One Mustard Street, Rochester, N.Y. 14609. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 119726 (Sub-No. 69TA), filed May 11, 1976. Applicant: N.A.B. TRUCKING CO., Inc., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington, St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Household and commercial appliances, and parts and accessories and attachments*, for household and commercial appliances from Ripon, Wis., to points in Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, (except the Chicago, Ill., Commercial Zone), Michigan, (except the Detroit, Mich., Commercial Zone and points in the upper peninsula of Michigan), Indiana, Ohio, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, and from Seary, Ark., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, (except points and places in St. Louis County and St. Louis, Mo. Commercial Zone), Wisconsin, Michigan, Kentucky, Pennsylvania, West Virginia, Tennessee, (except Memphis, Tennessee Commercial Zone), North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Speed Queen, A Division of McGraw Edison Company, Doty Street, Ripon, Wis. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 121607 (Sub-No. 7TA), filed May 12, 1976. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., 206 N. Gum Street, Kennewick, Wash. 99336. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* consisting of prefab doors, trusses, beams, lumber and plywood, between Pasco, Wash., on the one hand, and points in Oregon and Idaho on the other hand, for 180 days. Supporting shipper: Kleer Kut Lumber Company, 1020 E. Ainsworth Bldg., Pasco, Wash. 98302. Send protests to: Interstate Commerce Commission, Rm 858, 915 2nd Avenue, Seattle, Wash. T/S L. D. Boone.

No. MC 124078 (Sub-No. 687TA), filed May 12, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., P.O. Box 1601, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Oconomowoc, Wis., to O'Hare Field, Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Moraine Industries, Inc., 1212 W. Second St., Oconomowoc, Wis. 53066, (Ted Zimmerman), Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 307, Milwaukee, Wis., 53203.

No. MC 135866 (Sub-No. 4TA), filed May 6, 1976. Applicant: JACK. L. MASSENDER, doing business as ZILLAH HAULING SERVICE, 6502 N. Pittsburgh Street, Spokane, Wash. 99207. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, glass, shower doors, mirrors, lumber, particle board, plywood, moldings, hardboard, roofing, adhesive, siding, insulation, doors, ceiling title, plaster board, nails* and *paint*, between Seattle, Tacoma, Spokane, Wash., and Portland, Oreg., on the one hand, and points in California, Washington, Oregon, Idaho, and Montana on the other hand, under a continuing contract with Savage Wholesale Building Materials, Inc. for 180 days. Supporting shippers: Savage Wholesale Building Materials, Inc. 1100 Republican Street, Seattle, Wash. 98109. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 139084 (Sub-No. 10TA), filed (Correction), filed April 7, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: BIG VALLEY & ENTERPRISES, LTD, 8516 40th St., S.E., Calgary, Alberta, Canada. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed sulphur, in bags*, from ports of entry on the International Boundary line between the United States and Canada located in Montana and North Dakota, to points in Minnesota, Michigan, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Indiana, Missouri, Nebraska, Ohio, Kentucky and Kansas, restricted to traffic originating at production plant, which is approximately 15 miles west of Didsbury, Alberta, Canada; and from storage and distribution setup. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. T. Walsh, General Manager, Agri-Sul Canada, Ltd., P.O. Box 3756, Station "B" Calgary, Alberta, Canada T2M 4N4. Send protests to Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North Billings, Mont. 59101.

NOTE.—The purpose of this republication is to include South Dakota as a destination point.

No. MC 139336 (Sub-No. 9TA), filed May 12, 1976. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Cosma Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lavatories, toilets, bathtub and wall surrounds, vanity cabinets* and *washbasins* in specially designed equipment and material, *supplies* and *equipment* utilized in the manufacture of lavatories, toilets, bathtub and wall surrounds, vanity cabinets and washbasins between Orange County, Calif., on the one hand, and, on the other, points in the United States, under a continuing contract with Kimstock Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kimstock, Inc., 220 South Yale Street, Santa Ana 92704. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140502 (Sub-No. 1TA), filed May 13, 1976. Applicant: BOB PERRETT

ENTERPRISES, LTD., 1016–1st Avenue South, Lethbridge, Alberta, Canada. Applicant's representative: C. E. deBruyn, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Dawson and Mankato, Minn. to the ports of entry on the International Boundary line between the United States and Canada located at points in Montana and North Dakota, restricted to traffic destined to the Province of Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Dan Fields, Merchandiser, Pillsbury Company, 608–2nd Avenue South, Minneapolis, Minn. 55402, Gary Lundman, Cash Trader, L. V. Patterson, Ltd., 215 Panet Rd., Winnipeg, Manitoba, Canada, R2J O34. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 141321 (Sub-No. 3TA), filed May 11, 1976. Applicant: J. MEREDITH BUS CO., 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Towers of Windsor, Cherry Hill Township, N.J., on the one hand, and, on the other, Philadelphia, Pa., under a continuing contract with Richard Goldberg, Seymore Goldberg and Irving Goldberg, a partnership, trading and doing business as Deerwood Estates, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Richard Goldberg, Seymore Goldberg, Irving Goldberg, a partnership, t/d/b/a Deerwood Estates, Towers of Windsor, Chapel Avenue, Cherry Hill, N.J. 08034. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 141552 (Sub-No. 3TA), filed May 11, 1976. Applicant: JAMES R. SMITH POULTRY AND PRODUCE CO., INC., P.O. Box 790, Cullman, Ala. 35055. Applicant's representative: John Tucker, 914 Woodward Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, pallets, can openers and malt beverage advertising materials*, when moving in the same vehicle with malt beverages, (a) from Savannah, Ga., New York, N.Y., Newark, N.J., and Mobile, Ala., to points in Autauga, Baldwin, Barbour, Bullock, Calhoun, Choctaw, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Etowah, Greene, Hale, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Madison, Marengo, Mobile, Montgomery, Perry, Pike, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, and Wilcox Counties, Ala., (b) from Memphis, Tenn., and Milwaukee, Wis., to points in Tuscaloosa County, Ala., and (c) from Ft. Worth, Tex., Evansville, Ind., and Pabst, Ga. to points in Talladega County, Ala., (2) *wine*, (a) from New York, N.Y., Savannah, Ga., Mobile, Ala., and New Orleans, La., to points in Mobile, Tuscaloosa and Jefferson Counties, Ala., (b) from New York, N.Y., Senoma, Calif., Brooklyn, N.Y., Purchase, N.Y., Farmingdale, N.Y., Lynchburg, Tenn., Hammondsport, N.Y., and Chicago, Ill., to points in Tuscaloosa County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Vulcan Beverage Distributors, 417 Eight Avenue South, Birmingham, Ala. 35205, Southern Distributing Co., P.O. Box 1999, Tuscaloosa, Ala. 35401, Quality Products, Inc., 509 North Anniston, Sylacauga, Ala. 35150. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 141803 (Sub-No. 1TA), filed April 30, 1976. Applicant: KENNETH W. FREEMAN, doing business as EAGLE TRANSPORT, P.O. Box 28, Haines, Alaska 99827. Applicant's representative: L. B. Jacobson, 123 Seward Street, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities*, including those requiring special equipment, mobile homes and modular units requiring the use of pintle, hitch, (excepting articles of unusual value, Classes A and B explosives, livestock and commodities in bulk)., for 180 days. Supporting shippers: Standard Oil Co., Haines, Ark., 99827, L.A.B. Flying Service, Inc., Box 272, Haines, Ark., 99827, Homer Apartments, Box 344, Haines, Ark., 99827, G & T Cutting & Clearing, Box 382, Haines, Ark., 99827, Valley Fuel Service, P.O. Box 24, Haines, Ark., 99827. Haisler Hardware & Supply, Inc., Box 66, Haines, Ark., 99827. Alaska Forest Products, Inc., P.O. Box O, Haines, Ark., 99827, Harbon Bar, Box 355, Haines, Ark. 99827. Lutak Trading & Stevedoring Co., Inc. P.O. Box 130, Haines, Ark., 99827. Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Ark., 99501.

No. MC 141885 (Sub-No. 2TA), filed May 12, 1976. Applicant: NORTHERN OHIO TRUCKING CO., P.O. Box 283, 2296 Scott Street, Napoleon, Ohio 43545. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum*, in bulk, in dump vehicles, from the quarries of Michigan Gypsum Co. in Iosca County, Mich., to the plant site of Southwestern Portland Cement Co., Eastern Division. In Greene County, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Michigan Gypsum Co., 2340 Bay Road, Saginaw, Mich. 48603. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 243 Summit Street, Toledo, Ohio, 43604.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–15687 Filed 5–27–76;8:45 am]

[Notice 129]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Pre-Fab Transit Co., MC–107295 Sub-781TA	MC–107295 Sub-780	May 24, 1976
Ward Transport, Inc., MC–113624 Sub-67TA	MC–113624 Sub-68	May 21, 1976
Ward Transport, Inc., MC–113624 Sub-69TA	MC–113624 Sub-70	May 24, 1976
D.b.a. Werner Enterprises, MC–133233 Sub-30TA	MC–133233 Sub-32	Do.
Jay Lines, Inc., MC–134323 Sub-58TA	MC–134323 Sub-62	May 21, 1976
Charter Express, Inc., MC–134755 Sub-40TA	MC–134755 Sub-46	Do.
Richards Transport, Ltd., MC–139154 Sub-3TA	MC–139154 Sub-4	Do.
Amstan Trucking, Inc., MC–139858 Sub-4TA	MC–139858 Sub-5	Do.
Wolf Trucking, Inc., MC–139935 Sub-2TA	MC–139935 Sub-3	Do.
Downs Transportation Co., Inc., MC–140883 Sub-1TA	MC–140883 Sub-2	May 19, 1976

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–15684 Filed 5–27–76;8:45 am]

[Notice No. 258]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 28, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 420(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 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 June 17, 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–FC–76294. By order of May 21, 1976 the Motor Carrier Board approved the transfer to Consolidated Truck Service, Inc., Union, N.J., of the operating rights in Permit No. MC 129950 issued January 15, 1974, to Midwestern Transfer, a corporation, Union, N.J., authorizing the transportation of metal doors and metal door frames from the plantsite of Pioneer Industries, Inc., at Carlstadt, N.J., to points in Pennsylvania, with exceptions, Ohio, Maryland, Delaware, West Virginia, and the District of Columbia. Morton Kiel, 5 World Trade Center, New York, N.Y., 10048 Representative for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–15635 Filed 5–27–76;8:45 am]

[Notice No. 259]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 28, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–76287. By application filed May 24, 1976, D & R MOVING & TRUCKING, INC., 29 Evans Avenue, Oceanside, N.Y., 11572, seeks temporary authority to lease the operating rights of RAYMOND STORAGE WAREHOUSE, INC., 3860 Park Avenue Bronx (New York) N.Y., 10457, under section 210a(b). The transfer to D & R MOVING & TRUCKING, INC., of the operating rights of RAYMOND STORAGE WAREHOUSE, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–15636 Filed 5–27–76;8:45 am]

federal register

FRIDAY, MAY 28, 1976



PART II:

FEDERAL ENERGY ADMINISTRATION

■

PETROLEUM

Miscellaneous Amendments

FEDERAL ENERGY ADMINISTRATION

ENERGY CONSERVATION CONTINGENCY PLANS

Opportunity for Written Comment and Public Hearings

The Federal Energy Administration (FEA) hereby gives notice that, as required by sections 201, 202, and 523(a) (42 U.S.C. 6261, 6262, and 6393(a)) of the Energy Policy and Conservation Act (EPCA) (89 Stat. 871 et seq.) and section 4(a) of Executive Order 11912 (41 FR 15825–27), it will hold public hearings and receive written comments with respect to five proposed energy conservation contingency plans which are set forth in the Appendix to this notice.

I. BACKGROUND AND PURPOSE OF STANDBY ENERGY AUTHORITIES

A. *General.* The energy conservation contingency plans proposed in this notice and the contingency gasoline and diesel fuel rationing regulations proposed in a companion notice are intended for implementation only in the event of a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program. Although such circumstances may seem remote during a period of abundant energy supplies, a sudden cutoff of foreign oil could plunge the United States into an energy crisis of even greater proportions than the 1973–74 oil embargo. At that time our inability to import sufficient quantities of oil caused an estimated $10–20 billion decline in gross national product, and considerable economic and social disruption. Since then, the country has grown even more dependent on foreign sources for petroleum supplies. Imports now exceed seven million barrels per day, while domestic production is declining steadily. In March 1976, the United States imported for the first time more than one half of its domestic petroleum requirements. While this month's import level might be somewhat aberrant, nonetheless it appears that the nation is more vulnerable now to a cutoff of foreign oil than it was just three years ago.

Titles I, II, and IV of the EPCA delineate the range of options available to the President under that Act for dealing with an energy emergency. These options, together with other statutory authority available to the President, comprise the basis for the country's energy shortfall management program. As described in the following paragraphs, the various components of this program would enable the President to alleviate the impact of a severe energy shortage by (1) increasing domestic supply (production in excess of the maximum efficient rate and drawdown of storage reserves); (2) reducing public and private demand for energy (voluntary and mandatory conservation programs); and (3) distributing the available supply in an equitable manner (allocation and rationing).

1. *Increased Supplies.* In order to increase the domestic energy supply during a severe shortage, section 106 of the EPCA (42 U.S.C. 6214) authorizes the President to require production of petroleum or natural gas, or both, from certain fields at or in excess of the maximum efficient rate. In addition, the strategic petroleum reserve program authorized by Title I, Part B of EPCA (42 U.S.C. 6231–6246) contemplates storage of 150 million barrels of crude oil by 1978, and an ultimate strategic petroleum reserve of up to a billion barrels. In the event of a severe energy shortage, careful drawdown of this reserve would compensate, in substantial part, for the shortfall of supplies during the period of the shortage.

2. *Demand Reduction.* Emergency conservation programs seek to reduce the effect of an energy shortfall by curtailing allowable demand for energy. Ongoing mandatory and voluntary conservation programs, such as the 55-mph speed limit and carpooling, could be intensified during an energy shortage, and other steps for the elimination of nonessential energy usage would be taken. Individual states could implement their own conservation contingency plans, as provided for within Part C of Title III of the EPCA (42 U.S.C. 6321–6326), and could take other actions as appropriate to meet the emergency. Assuming a deep shortage, however, even greater reduction in energy consumption might be needed on a national level. The five energy conservation contingency plans proposed today, if put into effect during a severe energy shortage, would reduce energy demand for up to nine months through various mandatory adjustments to normal business operations and living patterns. The plans have been designed to be minimally disruptive in achieving a significant short-term reduction in energy consumption.

3. *Distribution.* There are two principal emergency supply distribution mechanisms contemplated by the EPCA; allocation and rationing. In a shortage, FEA would either continue or, if they had been phased out, reimpose its Mandatory Petroleum and Price Regulations. Additionally, FEA may use its authority to control refinery yield. In the specific case of gasoline and diesel fuel, the allocation program would continue substantially the same as at present so far as distribution from suppliers to resellers is concerned. However, rationing would provide a method of gasoline distribution to *all* consumers and not just to bulk purchasers as under the current allocation program. The rationing program would only apply to diesel fuel sales at retail sales outlets; the current allocation program for middle distillates would continue to regulate distribution of diesel fuel other than at retail sales outlets.

The proposed contingency gasoline and diesel fuel rationing regulations, as required by sections 201 and 203 of the EPCA, are presented in a companion notice. Because of the high cost of rationing and the complexity of its administration, such a plan would be considered for implementation only if all other options for managing the shortfall should prove inadequate.

B. *Requirements Applicable to Energy Conservation Contingency Plans.* Section 201(a)(1) of the EPCA requires that within 180 days after the date of enactment of the EPCA the President shall transmit to the Congress one or more energy conservation contingency plans. Additional plans may be submitted at any time.

If the Congress approves an energy conservation contingency plan by resolution of each House in accordance with the procedures of section 552 of the EPCA (42 U.S.C. 6422), the plan would thereby be given standby status, but further actions would be necessary for the plan to become effective. These further actions include: (1) a Presidential finding that putting the plan into effect was required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program, and (2) transmittal of such finding to the Congress, together with a statement of the effective date and manner for exercise of such plan (section 201(b)(3) of the EPCA).

As defined in section 202(a)(1) of the EPCA, the term "energy conservation contingency plan" means a plan which imposes reasonable restrictions on the public or private use of energy which are necessary to reduce energy consumption. As specified in section 202(a)(2) of the EPCA, no energy conservation contingency plan may impose rationing or any tax, tariff, or user fee; contain any provision respecting the price of petroleum products; or provide for a credit or deduction in computing any tax.

No energy conservation contingency plan may deal with more than one logically consistent subject matter (section 202(c) of the EPCA), and section 202(a)(1) of the EPCA provides that in prescribing a plan the mobility needs of the handicapped must be taken into consideration.

Pursuant to section 202(b) of the EPCA, any energy conservation contingency plan shall apply in each State or political subdivision thereof, except as the plan may provide for procedures for exempting any State or political subdivision thereof from the plan, in whole or part, during a period for which (1) the President determines a comparable program is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

The administrative procedure and judicial review provisions of section 523 of the EPCA (42 U.S.C. 6393) apply to any rule, regulation or order issued under a plan and having the effect of a rule as defined in section 551(4) of Title 5, United States Code. Any person who fails to comply with any provision prescribed in, or pursuant to, a plan which is in effect shall be subject to the applicable penalties set forth in section 525 of the EPCA (42 U.S.C. 6395).

Section 4(a) of Executive Order 11912 of April 13, 1976 authorizes and directs

the Administrator of FEA, in consultation with the heads of appropriate agencies, to develop for the President's consideration the energy conservation contingency plans prescribed under the EPCA. That fact further requires a public comment period on proposed contingency plans of at least 30 days, except under certain conditions, not relevant to this proposal, which would justify a shorter comment period or complete waiver of such period (sections 202(a)(1) and 523(a) of the EPCA).

Section 201(f) of the EPCA provides that plans, when transmitted to Congress, shall contain an explanation of their need, rationale, and operation.

II. RATIONALE BEHIND THE DEVELOPMENT OF THE FIVE ENERGY CONSERVATION PLANS

In arriving at the five plans proposed today, FEA explored and evaluated many potential measures according to the following rationale:

(1) Because any serious energy supply-demand imbalance would most likely result from a shortfall of petroleum, demand reduction measures were selected which would significantly curtail consumption of petroleum and its substitute, natural gas. Demand reduction estimates for each of the five plans proposed today have been included in this notice in order to permit an assessment of the general potential of each plan to reduce energy consumption. The actual reduction in demand that would result from implementation of any plan would, of course, be a function of a number of complex and unpredictable factors, including level of implementation, degree of compliance, severity of the shortfall, adjustments to normal behavior patterns, extent of voluntary conservation achieved prior to any supply interruption, and the number and type of other shortfall management actions in effect at the same time. Copies of the analyses by which the demand reduction estimates included in this notice were derived will be made available for inspection by interested persons as provided for later in this notice. Comments are solicited on the estimates and analyses as well as on other aspects of this notice.

(2) Another consideration was that any energy emergency would be met by a number of interrelated and complementary actions to mitigate the emergency's adverse impact. Implementation of one or more energy conservation contingency plans would comprise only one part of this total shortfall management program. Other steps would include actions to increase domestic supply (mandatory oil production at or in excess of the maximum efficient rate and drawdown of strategic reserves) as well as reimposition of allocation and price controls. It is anticipated that States would implement their own demand curtailment programs. On the national level, voluntary and ongoing conservation efforts would be intensified, and stringent restraints would be imposed on all Federal government operations.

Therefore, these plans are not intended by themselves to alleviate the effects of an emergency energy shortfall situation. They would, however, be particularly useful in redirecting supply in concert with allocation and other measures authorized by law.

(3) A decision to implement one or more conservation contingency plans would be made in the context of the total shortfall management program described above. Other factors influencing the decision would include the severity of the shortfall, the cost of each plan, the potential reduction in energy consumption, the anticipated impact on the Nation's economy, and the degree of compliance that could be expected. Although all contingency plans approved by Congress would be available for possible use, they would not necessarily be implemented simultaneously.

(4) Since Congressional approval must be granted before any plan can become effective, and the EPCA does not appear to contemplate plans which are redundant with initiatives already specifically mandated by law, conservation contingency measures were selected for proposal which could not be implemented under existing authorities.

(5) Under section 202 of the EPCA, energy conservation contingency plans can be implemented for no more than nine moths. This provision, coupled with the shortage situation which the plans are intended to alleviate, necessitates a rapid startup capability. All the proposed plans can be fuliy implemented in 45 days or less.

(6) In light of obligations under the international energy program to develop 7 percent and 10 percent conservation capabilities, the United States should have Congressionally approved plans with a total demand reduction potential of at least 1,000,000 barrels of oil per day. Since no one plan could meet this goal, several plans are needed. It is recognized that the five plans proposed here accomplish only part of this demand restraint objective. Additional measures are presently being evaluated for future development into standby plans.

(7) The plans included in this proposal—in addition to any plans which might be proposed in the future—should attempt to spread any hardship across the economy and not unduly penalize particular industries, groups, or localities. The five plans proposed today cover transportation, residential, commercial, and industrial consumption of energy.

(8) FEA assumes that if the general public correctly perceives the severity of any future energy shortage requiring the implementation of one or more plans, widespread cooperation and support will contribute greatly toward general compliance with the plans. Accordingly, the plans provide that FEA may disseminate to the public information regarding the operation and goals of, and responsibilities under, the plans. To ensure general compliance, however, the plans provide for FEA to assume primary official responsibility for enforcement, should they be implemented. Various mechanisms have been explored through which each of the proposed plans could be implemented, administered, monitored and enforced. In general, it is contemplated that enforcement actions would follow procedures used by the FEA to enforce other programs for which it has responsibility, that these procedures would include the use of on-site inspections, and that in appropriate circumstances certain enforcement responsibilities could be delegated to other Federal agencies or to the States or could be contracted out.

III. THE PROPOSED PLANS

The five plans now proposed are set forth in the Appendix to this notice. These plans are as follows:

(1) *Emergency Heating, Cooling, Lighting and Hot Water Restrictions.* Approximately one quarter of the petroleum consumed in the United States is used for space heating and cooling, lighting, and hot water. Since the 1973–74 oil embargo, voluntary conservation efforts have reduced energy consumption for these purposes without causing undue discomfort. In the event of a severe petroleum shortage, the establishment of stringent, but tolerable, standards for the operation of some 5 million nonresidential buildings could further reduce demand for petroleum by 261,000 barrels per day. A substantial portion (195,000 barrels per day) of this reduction potential can be achieved through reduced heating alone, assuming an average thermostat setback of three degrees. Adherence to such standards would help to ensure the availability of adequate supplies of distillate for heating homes.

Under the plan, owners and operators of public, commercial, and industrial buildings would be required to maintain thermostats at no lower than 80° F for cooling, at no higher than 65° F for heating, and at no higher than 105° F for hot water intended for personal hygiene. Overhead lighting would be maintained at levels not to exceed 50 foot candles at work stations, 30 foot candles in areas surrounding work stations, and 10 foot candles in other areas. The plan would also permit FEA to establish other heating, cooling, lighting and hot water levels if reasonable and necessary.

(2) *Emergency Commuter Parking Management and Carpooling Incentives.* Transportation accounts for more than one-half of the petroleum consumed in the United States. Private automobiles use approximately one-half of all energy consumed for transportation. Therefore, a significant reduction in automobile vehicle miles travelled (VMT) is the objective of two proposed plans.

Commuting to and from work accounts for approximately one third of total automobile VMT. Voluntary carpooling programs have not succeeded in raising the national average occupancy factor in commuter vehicles above 1.2. An increase in the average occupancy factor to 1.3 would reduce commuter VMT by at least 6 percent, with a resulting decrease in gasoline consumption of over 100,000 barrels per day.

A feasible means of raising the average occupancy factor on an emergency basis is to reduce the quantity of com-

muter parking spaces available. To accomplish this the plan restricts the amount of commuter parking capacity in both employer-provided and for-compensation parking facilities. An employer who has 100 or more employees and who provides parking facilities at any employment site would be responsible for ensuring that the number of employee vehicles parked in those facilities does not exceed a certain percentage of his employees who work at that site. (All educational institutions and off-campus students enrolled above the secondary level are covered by the plan.) In allocating parking spaces, employers must give priority to carpools and handicapped persons. In addition, each employer must operate a carpool information program.

The plan further would require parking facilities in which vehicles are parked for compensation, whether privately or governmentally operated, to leave unfilled a certain percentage of parking spaces betwen 6:00 a.m. and 10:00 a.m. on weekdays.

(3) *Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions.* The objective of this plan is to achieve a significant reduction in gasoline consumption by discouraging discretionary driving, boating, and flying on weekends. More than 90 percent of weekend VMT is for purposes other than earning a living; therefore, the potential for curtailing non-essential vehicle usage is greatest on Saturday and Sunday. A 7 percent net reduction in weekend VMT would decrease total gasoline consumption by more than 100,000 barrels per day.

The plan would prohibit retail filling station owners and operators from pumping gasoline and diesel fuel to most motor vehicles during specified weekend hours. In order to avoid disrupting the normal flow of business and commerce, however, the following types of vehicles would be exempt from the restrictions: emergency vehicles, ICC registered vehicles, commercial passenger carriers for hire, commercial vessels and aircraft, heavy construction and farm equipment, and Federal, State and local government vehicles. Large trucks (i.e., with six or more tires and/or with a gross vehicle weight or gross vehicle weight rating of at least 10,000 pounds) would be permitted to receive gasoline, and all trucks would be able to purchase diesel fuel.

(4) *Emergency Boiler Combustion Efficiency Requirements.* Although boilers consume large amounts of fuel, many large boilers are not operated efficiently, due to untrained personnel, infrequent maintenance service, or inadequate combustion control equipment. The combustion efficiency of most boilers can be improved by 3 percent to 5 percent, with a corresponding decrease in wasted energy, if a proper air-fuel ratio is maintained. A mandatory plan to improve the efficiency of approximately 250,000 large boilers would reduce consumption by 125,000 barrel equivalents per day of fuel oil and natural gas.

Under this plan, owners and operators of boilers with a rated capacity greater than one million BTU/hour would be required to operate such boilers so that the components of the stack gas meet the following standards.

	In percentage	
	Natural gas	Fuel oil
Carbon dioxide	>10.0	>11.0
Oxygen	<2.0	<3.0
Carbon monoxide	<0.1	<0.1

The plan would also permit FEA to establish other stack gas component standards if reasonable and necessary.

(5) *Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting.* During an emergency period of reduced energy supply, illuminated advertising displays and natural gas lighting would constitute a conspicuous form of energy consumption with low utility. Elimination of advertising and gas lighting would conserve more than 80,000 barrel equivalents of natural gas and oil per day with minimal inconvenience or hardship. Of equal importance, the restriction would be consistent with the severity of the shortage situation which would warrant these conservation measures, and would lend credence to the necessity for other energy conservation programs.

Under the plan, electricity and natural gas could not be used for illuminating advertising signs or window displays. The use of natural gas for any type of outdoor lighting would likewise be prohibited, except where used by Federal, State and local governments for safety and security purposes.

The five plans proposed today, if and when put into effect, would be implemented, administered, monitored and enforced by FEA.

IV. ECONOMIC AND ENVIRONMENTAL ANALYSIS

A. *Economic Impacts.* Section 201(f) of the EPCA requires that any energy conservation contingency plan transmitted to the Congress be based upon a consideration of the potential economic impacts of such plan, including an analysis of:

(1) Any effects of such plan on—(A) vital industrial sectors of the economy; (B) employment (on a national and regional basis); (C) the economic vitality of States and regional areas; (D) the availability and price of consumer goods and services; and (E) the gross national product; and

(2) Any potential anticompetitive effects.

FEA's preliminary analysis indicates that the macroeconomic impacts of the plans will be negligible since the demand reduction potential associated with each plan constitutes only a small portion of the projected shortfall. This preliminary conclusion is being validated by means of an economic simulation. Since contingency plans developed under EPCA can be implemented only under conditions of a severe energy supply interruption or in order to fulfill obligations under the international energy program, the economic impacts of the plans are being assessed in terms of a supply shortfall scenario which is severe enough to warrant implementation of the plans, but not so severe as to eliminate the possibility of meaningful analysis based upon historical relationships between economic variables. Projections of economic conditions resulting from a supply interruption are based upon the results of the 1973–74 oil embargo and simulation of the effects of an allocation program in the context of a severe petroleum shortage.

In contrast to the negative findings of the macroeconomic analysis, a preliminary assessment of microeconomic effects indicates that the plans will have measurable impacts on certain regions and sectors of the economy. Listed below are the sectors which are likely to experience primary or secondary economic impacts due to implementation of the plans. The microeconomic analysis currently being performed will specify the nature and magnitude of each plan's impact upon these sectors.

Plan No. and Primary (major)	*Secondary*
(1) Buildings owners and operators, Electric utilities, Coal industry, Oil distributors.	Railroads, small appliance industry, clothing industry.
(2) Parking lot owners and operators.	Auto sales, production and maintenance, city government, individual drivers, retail sales.
(3) Tourism, recreation, hotels and restaurants, recreational boating and aviation, retail gas sales.	Tourist related activities, auto sales and production, State government.
(4) Boiler maintenance and repair, test equipment manufacturers, boiler owners and operators.	Industries using boilers.
(5) Electric utilities, natural gas utilities advertisers.	Coal industry, railroads, oil distributors.

Despite the nature of these preliminary findings, FEA would welcome comments with respect to the economic impacts of the proposed plans. Comments regarding the effects of the proposals in relation to the six areas specified in section 201(f) of the EPCA listed above would be particularly useful.

As part of its economic analysis FEA is also reviewing the inflationary impact of the proposed plans pursuant to Executive Order 11821, issued November 27, 1974 (3A CFR Ch. 2). The inflationary assessments will be included in the final plans submitted to Congress.

B. *Environmental Assessments.* FEA is preparing an environmental assessment of each proposed plan as required by § 208.1(c)(2) of FEA's regulations regarding compliance with the National

Environmental Policy Act (10 CFR Part 208). A negative determination is expected with respect to the effect of each plan, if implemented, on the quality of the human environment. Copies of the assessments and any negative determinations will be furnished to the Council on Environmental Quality and the Environmental Protection Agency. In addition, where a negative determination is justified, FEA shall, by notice in the FEDERAL REGISTER, announce the availability of such determination and the related assessment and provide for an opportunity for public comment on the determination prior to submission to the Congress of the plan for which it was prepared. If an environmental impact statement is required for a particular plan, it will be prepared before the plan is submitted to the Congress.

V. COMMENT PROCEDURES

A. *Written Comment Procedures.* Interested persons are invited to participate by submitting written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Washington, D.C. 20461. Comments on each plan should be sent to the appropriate box number as shown below:

(1) Emergency Heating, Cooling, Lighting and Hot Water Restrictions, Box HA.
(2) Emergency Commuter Parking Management and Carpooling Incentives, Box HB.
(3) Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions, Box HC.
(4) Emergency Boiler Combustion Efficiency Requirements, Box HD.
(5) Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting, Box HE.

Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Energy Conservation Contingency Plan", and the title of the specific plan to which the comments are addressed. Fifteen copies should be submitted. All comments received by June 28, 1976, 4:30 p.m., e.s.t., and all other relevant information will be considered by the FEA.

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.

B. *Public Hearings.* FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold regional hearings in Atlanta, Kansas City, San Francisco, and Anchorage.

1. *National Hearing.* In Washington, D.C., the hearing (hereinafter referred to as the National hearing) will be held beginning at 9:30 a.m., e.s.t., on June 23, 1976 at Room 2105, 2000 M Street, NW., Washington, D.C. 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 in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Box GO, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on June 16, 1976. A request may be held delivered 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.

Regional Hearings. The regional hearings in Atlanta, Kansas City, San Francisco, and Anchorage, will be held beginning at 9:30 a.m., local time, June 21, 1976 at the locations specified below. 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 must be received before 4:30 p.m., local time, on June 14, 1976.

FEA region	Submit requests to testify and questions to—	Hearing location
Atlanta, Ga.	FEA, 1655 Peachtree St., Atlanta, Ga. 30300.	FEA, 1655 Peachtree St., 5th Floor, Conference Room, Atlanta, Ga.
Kansas City, Mo.	FEA, Federal Office Bldg., 112 East 12th St., P.O. Box 2208, Kansas City, Mo. 64142.	Federal Building, 911 Walnut St., Room 302, Kansas City, Mo.
San Francisco, Calif.	FEA, 111 Pine St., San Francisco, Calif. 94111, Attention CIGR.	Federal Courthouse, Court Room 14, 7th and Mission Sts., San Francisco, Calif.
Anchorage, Alaska	FEA, Alaska Subregional Office, G-11 Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska 99501.	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 hearing in which they wish to appear. Requests should be labeled both on the document and on the envelope "Energy Conservation Contingency Plan".

The person making the request should briefly describe the interest concerned; if appropriate, state why he or she is a proper representative of a group or class of persons that has such interest; and give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 21, 1976 in the case of the regional hearings and through June 23, 1976 in the case of the National hearing. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., local time, June 16, 1976, in the case of the regional hearings, and by June 18, 1976, in the case of the National hearing. Fifty copies of his or her statement must be submitted to the Office of Regulation Development, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 9:00 a.m., e.s.t. on June 22, 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 or she so desires, to make a rebuttal statement which will be given in the ordes in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the National hearings, to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., June 21, 1976. Questions on each plan should be sent to the appropriate box number as shown below.

(1) Emergency Heating, Cooling, Lighting and Hot Water Restrictions, Box HA.
(2) Emergency Commuter Parking Management and Carpooling Incentives, Box HB.
(3) Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions, Box HC.
(4) Emergency Boiler Combustion Efficiency Requirements, Box HD.
(5) Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting, Box HE.

Any interested person may submit questions, to be asked of any person making a statement at the regional hearings, to the same address as that for submitting requests to testify, before 4:30 p.m., local time, June 18, 1976.

Any person who makes an oral statement and who wishes to ask a question at the 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 FEA, Freedom of Information Office, Room 3116, Federal Buildings, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

A copy of the analyses by which the demand reduction estimates set forth above in this notice were derived will also be made available for inspection at the FEA Freedom of Information Office. In addition, a copy of such analyses will also be made available for inspection in the Public Information Room of each of the FEA Regional Offices and at the Alaska Sub-Regional Office, at the following addresses:

Region I Boston, Mass., 150 Causeway Street, Boston, Mass. 02114.
Region II New York, N.Y., 26 Federal Plaza, New York, NY 10007.
Region III Philadelphia, Pa., 1421 Cherry Street, Philadelphia, PA. 19102.
Region IV Atlanta, Ga., 1655 Peachtree Street, Atlanta, GA 30309.
Region V Chicago, Ill., 175 West Jackson Blvd., Chicago, Illinois 60604.
Region VI Dallas, Tex., 2626 Mocking Bird Lane, Dallas, Texas 75235.
Region VII Kansas City, Mo., 112 East 12th Street, P.O. Box 2208, Kansas City, Missouri 64142.
Region VIII Lakewood, Colo., 1075 South Yukon Street, Lakewood, Colorado 80226.
Region IX San Francisco, Calif., 111 Pine Street, San Francisco, California 94111.
Region X Seattle, Wash., 1992 Federal Office Building, 915 Second Avenue, Seattle, Washington 98174.
Alaska Sub-Regional Office, G-11 Federal Office Building, 605 West Fourth Avenue, Anchorage, Alaska 99501.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Public Law 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator's comments were as follows:

EPA continues to support the development of energy conservation measures at both the State and National level. However, as stated in our comment letter on the preliminary draft notice for these particular plans, EPA believes that the reliability of plans in any conservation contingency program depends almost entirely on effective enforcement procedures. In this regard, we believe FEA should assume only the most realistic levels of compliance when ascribing energy demand reduction values to the individual or combined Energy Conservation Contingency Plans. Otherwise, energy benefits to accrue from the plans would be overstated and this could lead to unforeseen environmental impacts.

Although the limited time allowed for our review did not permit a thorough study of the data supporting FEA's analyses, EPA has identified at least one major environmental concern with the plans. It is our concern that, if conservation contingency plans are not as effective as anticipated in reducing petroleum consumption during an embargo, pollution control equipment may become an attractive and unplanned target for energy conservation. For this reason, we support development of the most efficacious energy conservation contingency plans possible. Both the public and private sector will then be able to gauge the capabilities and limits of this FEA program and plan accordingly.

Despite those enforcement provisions included in the plans, public attitude and acceptance will also be critical to the overall success of the FEA program. Therefore, EPA urges FEA to weigh seriously the public comments submitted on these plans. We believe that these comments will provide FEA and the Congress with a valuable indication of public response to the plans and will help validate the assumptions made regarding the success of each demand reduction proposal.

We appreciated the opportunity to review and comment on these proposed actions.

(Energy Policy and Conservation Act, Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11912, 41 FR 15825; E.O. 11790, 39 FR 23185).

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

1. *Emergency Heating, Cooling, Lighting and Hot Water Restrictions.*

ENERGY CONSERVATION CONTINGENCY PLAN NO. 1: EMERGENCY HEATING, COOLING, LIGHTING AND HOT WATER RESTRICTIONS

CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of FEA.

(b) "Covered building" means every building, but excludes residential buildings, hospitals and other health care facilities.

(c) "Domestic hot water" means hot water which is intended for use in a covered building for personal hygiene.

(d) "FEA" means Federal Energy Administration.

(e) "Foot candle" means the illuminance, as measured by an integrating meter, produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela, or a lumen/ft.

(f) "Fuel distributor" means any person who delivers oil or other fuel for use in a covered building.

(h) "In charge of" means to have the care or custody of, or to be intrusted with the management, administration or direction of.

(i) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of the heating, cooling, lighting or hot water of a covered building.

(j) "Owner" means the person in whom is vested legal title.

(k) "Person" means any individual, corporation, company association, firm partner ship, society trust, joint venture, joint stock company, the United States or any State or political subdivision thereof, or any agency of the United States or any State or political subdivision thereof.

(l) "Public utility" means a publicly regulated utility, whether publicly or privately owned and operated, which is engaged in the sale of electric power or natural gas to end-users.

(m) "Residential building" means any building in which over 50% of the gross square footage is used for residential purposes.

(n) "Special equipment" means equipment for which carefully controlled temperature levels are necessary for proper operation or maintenance.

HEATING AND COOLING

Section 3. (a) The owner of a covered building shall, with respect to such covered building:

(1) Maintain the thermostat or thermostats controlling the temperatures of areas being heated, at no higher than 65° F. or any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption;

(2) Maintain the thermostat or thermostats controlling the temperatures of areas being cooled at no lower than 80° F. or any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption; and

(3) Maintain all thermostats controlling the temperatures of areas being heated or cooled within reasonable tolerances of accuracy.

(b) Notwithstanding paragraphs (1) and (2) of subsection (a) of this section, where a manufacturer's warranty requires specific temperature levels for the operation of special equipment, such specified levels are permissible, and if a range is specified, that level within the range is permissible which is consistent with maximum energy savings.

LIGHTING

Section 4. The owner of a covered building shall maintain indoor illumination levels with respect to such covered building at levels which do not exceed:

(a) 50-foot candles at occupied work stations;

(b) 30-foot candles in areas surrounding work stations; and

(c) 10-foot candles in areas having minimum visual requirements, including hallways and corridors, or any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption.

HOT WATER

Section 5. The owner of a covered building shall:

(a) Maintain the thermostat or thermostats controlling the temperature of domestic hot water in such covered building at a level not in excess of 105° F. or at any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption.

(b) Maintain all thermostats controlling the temperatures of domestic hot water within reasonable tolerances of accuracy.

RECORDKEEPING

Section 6. (a) Within 30 days of the effective date of this Plan, the owner of a covered building shall, for such covered building, execute a Self-Certification Form certifying

compliance with the requirements of this Plan, pursuant to forms and instructions provided by FEA.

(b) Upon execution of the Self-Certification Form, one copy shall be filed with FEA and the other copy shall be displayed in a prominent location of the covered building to which it applies.

(c) In addition to the Self-Certification Form, the owner of a covered building shall keep such records and in such form, and shall submit such reports and other information, as the Administrator may require.

OPERATORS

Section 7. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a covered building is not the operator of such covered building, the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

CUSTOMER LISTS

Section 8. Any public utility or fuel distributor shall make available to the Administrator, upon request, information deemed necessary by the Administrator to administer and enforce this Plan.

RELATION TO STATE LAW

Section 9. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

ADMINISTRATION PROVISIONS AND JUDICIAL REVIEW

Section 10. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanindg the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

PUBLIC INFORMATION

Section 11. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

PENALTIES

Section 12. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

REPORT

Section 13. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

2. Emergency Commuter Parking Management and Carpooling Incentives.

ENERGY CONSERVATION CONTINGENCY PLAN NO. 2: EMERGENCY COMMUTER PARKING MANAGEMENT AND CARPOOLING INCENTIVES

CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President

(1) has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Authorized number" means the number equal to the employment level applicable to the employment site times the employee parking fraction. The effective date of an authorized number is the effective date of the employee parking fraction upon which it is based.

(c) "Authorized parking level" means the number equal to the maximum vehicle capacity times the commercial-governmental parking fraction. The effective date of an authorized parking level is the effective date of the commercial-governmental parking fraction upon which it is based.

(d) "Carpool program" means a program undertaken by an employer either alone or in cooperation with neighboring employers which matches on a regularly recurring basis (not less often than once every three months) the names, addresses, daily travel patterns, and work telephone numbers of all employees who commute to the employment site in commuter vehicles so that such employees with similar daily travel patterns are informed and aware of each other for the purpose of commuting together.

(e) "Commercial-governmental parking fraction" means a fraction as determined from time to time by FEA.

(f) "Commercial parking facility" means a parking facility in which commuter vehicles are parked for compensation and which is not operated by the Federal, a State, or a municipal government.

(g) "Commuter vehicle" means a motor driven vehicle with four or more wheels and a seating capacity for a driver and one or more passengers.

(h) "Control" means, with respect to a parking facility, the power or authority of an employer, whether derived from a lease, other contract, or other means, to allow the paking of commuter vehicles, with or without compensation, in or on such parking facility.

(i) "Employee" means (a) any person who performs work for an employer for more than 8 hours per week for compensation received from an employer, and, (b) any student enrolled at higher than the secondary level, whether full time or part time, who lives off-campus.

(j) "Employee parking fraction" means a fraction as determined from time to time by FEA.

(k) "Employer" means (a) any person or organization (including any agency of the Federal Government or a State or local government) which employed at least 100 employees at any one time during the calendar year immediately preceding the year in which this Plan is put into effect, and, (b) any educational institution which has at least 100 employees.

(l) "Employment level" means the average number of employees at an employment site at any one time during the day.

(m) "Employment site" means each building in the United States in which an employer's employees work or study or any combination of such buildings which are geographically closely related, if such combination would further the purposes of this Plan and assist the execution of responsibilities under this Plan.

(n) "FEA" means Federal Energy Administration.

(o) "Governmental parking facility" means a parking facility operated by the Federal, a State, or a municipal government within the United States which is not for the specific use of governmental employees and in which commuter vehicles are parked for compensation.

(p) "Handicapped employee" means any individual who by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities, and services and who has a substantial impediment to mobility.

(q) "In charge of" means to have the care or custody of, or to be intrusted with the management, administration, or direction of.

(r) "Maximum vehicle capacity" means for a given commercial or governmental parking facility, the number equal to the total area, in square feet, of the parking facility divided by the effective parking space value. The maximum vehicle capacity of any commercial or governmental parking facility which was not in actual use as a commercial or governmental parking facility on or before the effective date of this Plan shall be zero.

(s) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a commercial or governmental parking facility.

(t) "Owner" means the person in whom is vested legal title.

(u) "Park and ride facility" means a parking facility the use of which is limited exclusively to the parking of commuter vehicles whose occupants transfer at this facility to public transportation.

(v) "Parking facility" means (a) any space in the United States, such as a lot or garage or other space, or portion thereof, which is used for the parking of commuter vehicles, excluding any space constituting a park and ride facility; or (b) any combination of geographically closely related spaces which are used for the parking of commuter vehicles, if such combination would further the purposes of this Plan and assist the execution of responsibilities under this Plan.

(w) "Parking space value" means an area in square feet, as determined by FEA pursuant to section 7(a)(5), which is the minimum reasonable area that a single commuter vehicle would occupy when parked, taking into account the need for some area between parked commuter vehicles.

(x) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, the United States or any State or political subdivision thereof, or any agency of the United States or any State or political subdivision thereof.

(y) "Publication" means publication in the FEDERAL REGISTER and any additional notice deemed appropriate by FEA.

(z) "United States" means any State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

EMPLOYER-PROVIDED PARKING FACILITIES

Section 3. An employer shall, for each of its employment sites:

(a) Determine and certify the authorized number of employee commuter vehicles which may be parked at such site, prior to the effective date of such authorized number and pursuant to instructions provided by FEA;

(b) Ensure that any currently effective authorized number of employee commuter vehicles which may be parked at such site is not exceeded by the total number of employee commuter vehicles which are in fact parked at any one time in or on all parking facilities which are located at such site and which are subject to his ownership or control;

(c) Conduct a carpool program;

(d) Ensure that, to the maximum extent practicable, his handicapped employees who commute to work and his employees who participate in his carpool program, receive parking spaces if they request such spaces; and

(e) Keep such records and in such form, and submit such reports and other information, as the Administrator may require.

COMMERCIAL AND GOVERNMENTAL PARKING FACILITIES

Section 4. The owner of a commercial or governmental parking facility shall:

(a) Determine and certify any authorized parking level applicable to such parking facility prior to the effective date of such authorized parking level, pursuant to instructions provided by FEA;

(b) Ensure that between the hours of 6:00 a.m. and 10:00 a.m. local time, exclusive of Sunday, the total number of commuter vehicles parked at any one time in or on such parking facility does not exceed any authorized parking level in effect; and

(c) Keep such records and in such form, and submit such reports and other information, as the Administrator may require.

OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a commercial or governmental parking facility is not the operator of such parking facility, the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

AGENTS

Section 6. The owner or operator of a commercial or governmental parking facility is authorized to serve as the agent of an employer to the extent of such employer's responsibilities under this Plan with respect to any parking facility which is controlled by such employer and which is also within such commercial or governmental parking facility.

ESTABLISHMENT OF VALUES

Section 7. (a) The Administrator shall establish and may amend as necessary to achieve the objectives of this Plan, any or all of the following values:

(1) Employee parking fraction;

(2) Commercial-governmental parking fraction;

(3) Parking space value.

(b) Any established value shall have an effective date and shall receive publication prior to its effective date. The effective date shall not be less than two weeks after the date of publication of such value in the FEDERAL REGISTER, unless the President finds that a shorter time is necessary, and the Administrator shall endeavor to provide a period of at least 30 days between the effective date and the date of publication in the FEDERAL REGISTER.

(c) No established value shall remain effective beyond the effective date of any subsequently established value of identical type.

ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 8. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservationn Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

RELATION TO STATE LAW

Section 9. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d)(1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e)(1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon

to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

PUBLIC INFORMATION

Section 10. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

PENALTIES

Section 11. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

REPORT

Section 12. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

3. *Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions.*

ENERGY CONSERVATION CONTINGENCY PLAN NO. 3: EMERGENCY WEEKEND GASOLINE AND DIESEL FUEL RETAIL DISTRIBUTION RESTRICTIONS

CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President——

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of FEA.

(b) "Combination" means a truck-tractor plus truck-trailer.

(c) "Commercial aircraft" means aircraft piloted by an individual certified as a commercial pilot by the Federal Aviation Administration.

(d) "Commercial marine craft" means a vessel designed and used primarily for commercial activities as evidenced by a Federal, State or local registration document, insurance document or the presence of commercial equipment or cargo.

(e) "Diesel fuel" means No. 2–D diesel fuel as defined in American Society of Testing and Materials (ASTM) D975–71 and No. 1–D diesel fuel as defined in ASTM D975–71. Excluded from the definition is No. 4–D diesel fuel as defined in ASTM D975–71.

(f) "Emergency vehicle" means a motor vehicle equipped and used for law enforcement, fire fighting, or emergency medical services.

(g) "FEA" means Federal Energy Administration.

(h) "Federal, State and local motor vehicle" means a motor vehicle owned by or under lease to the Federal government, a State government or a local unit of government.

(i) "Gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

(j) "Gross vehicle weight (GVW)" means the empty weight of the motor vehicle ready for the road with fuel and driver plus the weight of the heaviest load which the motor vehicle is licensed or registered to carry.

(k) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(l) "Heavy construction equipment" means a motor vehicle such as a crane, backhoe, or grader which is designed and used primarily as equipment for hoisting, digging, or grading in construction.

(m) "Heavy farm equipment" means a motor vehicle such as a tractor, harvester, or mowing machine which is designed and used primarily as farm equipment in agricultural production.

(n) "In charge of" means to have the care or custody of, or to be intrusted with the management, administration or direction of.

(o) "Motor vehicle" means every device which is self-propelled and equipped with driver controls in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(p) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a retail filling station.

(q) "Owner" means the person in whom is vested legal title.

(r) "Restricted hours" is the period of time between Friday noon and Sunday midnight, or any hours within such period as are established by the Administrator.

(s) "Retail filling station" means a station which purchases diesel fuel or gasoline in bulk for distribution of all or some portion of such supplies to the ultimate consumer. Included are stations which pump diesel fuel of gasoline primarily for marine vessels or aircraft. Excluded are gasoline or diesel fuel stations which are operated exclusively to pump gasoline or diesel fuel for the fleets of companies, political subdivisions or other organizations.

(t) "Single unit truck" means a truck on which the primary cargo space is permanently affixed.

(u) "Taxicabs, limousines, buses and other commercial passenger carriers for hire" means passenger carriers for hire which are registered as such at the Federal, State or local level.

(v) "Truck" means a motor vehicle designed and maintained primarily for the transportation of property.

(w) "Truck-tractor" means the power unit designed for drawing and/or supporting a truck-trailer.

(x) "Truck-trailer" means a vehicle with or without auxiliary motor power designed to be drawn by a truck or truck-tractor.

EMERGENCY WEEKEND RESTRICTIONS

Section 3. (a) The owner of a retail filling station shall not pump gasoline or diesel fuel during restricted hours.

(b) Notwithstanding the provisions of subsection (a) of this section, during restricted hours, the owner of a retail filling station may:

(1) Pump diesel fuel to trucks;

(2) Pump gasoline to single unit trucks with six tires or more in contact with the road surface and/or with a gross vehicle weight or gross vehicle weight rating of 10,000 pounds or more, or combinations; and

(3) Pump gasoline or diesel fuel to:

(A) Emergency vehicles;

(B) Vehicles which are registered as common carriers with the I.C.C.;

(C) Taxicabs, limousines, buses and other commercial passenger carriers for hire;

(D) Heavy construction and farm equipment;

(E) Commercial marine craft;

(F) Commercial aircraft;

(G) Federal, State and local motor vehicles.

RECORDKEEPING

Section 4. The owner of a retail filling station shall keep such records and in such form, and shall submit such reports and other information, as the Administrator may require.

OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a retail filling station is not the operator of such retail filling station the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

RELATION TO STATE LAW

Section 6. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption

which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

ADMMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 7. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

PUBLIC INFORMATION

Section 8. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan; except that the Administrator shall take such steps as are necessary and appropriate to inform owners and operators of retail filling stations and the public of any restricted hours currently in effect and of any changes in such hours.

PENALTIES

Section 9. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

REPORT

Section 10. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

4. Emergency Boiler Combustion Efficiency Requirements

ENERGY CONSERVATION CONTINGENCY PLAN NO. 4.: EMERGENCY BOILER COMBUSTION EFFICIENCY REQUIREMENTS

CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President—

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than 9 months, and may be earlier rescinded by the President.

DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of Federal Energy Administration.

(b) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is sueprheated, or any combination thereof, under pressure or vacuum by application of heat from combustible fuels, electricity or nuclear energy.

(c) "Covered boiler" means any gas or oil-fired boiler with a designed capacity of one million BTU/hr. (1000 lb. steam/hr.) or greater, or a boiler of lesser capacity designated by the Administartor.

(d) "Designed capacity" means a manufacturer's stated capacity rating for a boiler, such as the stated maximum continuous capacity in pounds of steam per hour for which the boiler is designed.

(e) "In charge of" means to have the care or custody of, or to be intrusted with the management, administration or direction of.

(f) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a covered boiler.

(g) "Owner" means the person in whom is vested legal title.

(h) "Stack gas" means exhaust gas exiting the boiler.

BOILER COMBUSTION EFFICIENCY

Section 3. (a) The owner of a covered boiler shall, with respect to such covered boiler:

(1) When burning natural gas, ensure that the components of stack gas, by volume, are more than 10 percent CO_2, less than 2 percent O_2 and less than .1 percent CO,

(2) When burning fuel oil, ensure that the components of stack gas, by volume, are more than 11 percent CO_2, less than 3 percent O_2 and less than .1 percent CO.

(b) The Administrator may at any time require that components of stack gas with respect to a covered boiler are at such other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption.

REPORTS AND RECORDKEEPING

Section 4. (a) The owner of a covered boiler shall submit to the appropriate FEA Regional Administrator, within 50 days after the effective date of this Plan and every 90 days thereafter, a Boiler Owners Report in accordance with forms and instructions provided by FEA.

(b) Each Boiler Owners Report shall indicate the volume percentages of oxygen (O_2), carbon dioxide (CO_2) and carbon monoxide (CO) and the temperature of the stack gas of each covered boiler owned by the reporting owner, and such other information on boiler efficiency as the Administrator may require. An ORSAT Gas Analyzer or equivalent test equipment shall be used to conduct the stack gas analysis.

(c) In addition to the Boiler Owners Report, the owner of a covered boiler shall keep such records and in such form, and shall submit such other reports and information, as the Administrator may require.

OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a covered boiler is not the operator of such covered boiler the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

RELATION TO STATE LAW

Section 6. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected

savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President, who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the priod of time in which the special circumstances exist.

ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 7. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

PUBLIC INFORMATION

Section 8. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

PENALTIES

Section 9. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

REPORT

Section 10. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

5. *Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting*

ENERGY CONSERVATION CONTINGENCY PLAN NO. 5: EMERGENCY RESTRICTIONS ON ILLUMINATED ADVERTISING AND CERTAIN GAS LIGHTING

CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President—

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Advertising sign" means a sign or device which identifies or describes a firm, product, product characteristic, trademark, or service.

(c) "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas which has ever been transported by interstate or intrastate pipeline.

(d) "Outdoor lighting" means all lighting by any stationary lighting device which is located outdoors.

(e) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, joint stock company, the United States or any State or political subdivision thereof or any agency of the United States or any State or political subdivision thereof.

(f) "Window display" means any display of products, merchandise, and/or decorative items which is primarily intended for viewing by individuals through a window or windows on the perimeter of an area where business is transacted.

REDUCTION OF ADVERTISING AND GAS LIGHTING

Section 3. No person shall:

(a) use natural gas for any outdoor lighting; or

(b) use electricity or natural gas for illumination of any advertising sign or window display.

Notwithstanding the foregoing, these provisions shall not apply to Federal, State, or local governments in providing for the safety or security needs of the general public.

RELATION TO STATE LAW

Section 4. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 5. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

PUBLIC INFORMATION

Section 6. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

PENALTIES

Section 7. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

REPORT

Section 8. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

[FR Doc.76-15673 Filed 5-25-76;4:05 pm]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 700]

RATIONING CONTINGENCY PLAN

Proposed Rulemaking and Public Hearings To Establish Contingency Gasoline and Diesel Fuel Rationing Regulations

The Federal Energy Administration (FEA) hereby gives notice that, as required by sections 201, 203 and 523 of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94–163), it will hold public hearings and receive written comments with respect to its proposed contingency gasoline and diesel fuel rationing regulations and plan.

Section 203 of the EPCA requires the President to transmit to the Congress a rationing contingency plan. Any rationing contingency plan submitted to the Congress must be approved by each House of Congress. The plan would then remain in standby status until the President finds that putting the plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program and transmits such finding to the Congress, together with a statement of the effective date and manner for exercise of such plan. Pursuant to section 203(b) of EPCA, the President would also be required in order to implement a standby rationing plan to find that such plan is necessary to attain, to the maximum extent practicable, the objective specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 94–163), as amended, and the purposes of the EPCA. For the rationing contingency plan to become effective and be converted from standby status, the President's request to the Congress to put the plan into effect must not be disapproved by either House of Congress. After these steps are completed, the rationing contingency plan would be implemented for the period specified in the plan but for not more than nine months.

As directed by Section 4(a) of Executive Order No. 11912 (41 FR 15825), April 15, 1976) FEA, in consultation with other appropriate agencies, has developed a proposed rationing contingency plan. By this notice FEA is soliciting comments on the proposed rationing plan and the proposed contingency gasoline and diesel fuel rationing regulations. In developing this plan, FEA has considered a wide variety of rationing alternatives, especially regarding the number and type of end-user priority classes, feasibility, costs, the maintenance of essential public services and the avoidance of extreme hardship for any group or region. In this plan FEA has attempted to avoid unnecessary compexity while still meeting the requirements of the EPCA and the Emergency Petroleum Allocation Act. FEA would welcome comments on all aspects of the proposed plan to assist it in preparing a final rationing contingency plan for the President's consideration. In particular, FEA would appreciate comments which suggest alternatives to the proposed plan or parts of the plan which would assist FEA in designing a more efficient, equitable means of rationing gasoline and diesel fuels in the event of a future shortage.

THE CONTINGENCY GASOLINE AND DIESEL FUEL RATIONING REGULATIONS

Section 203(a)(1) of the EPCA provides that:

> The President shall prescribe, by rule in accordance with section 523(a) of this Act, a rationing contingency plan which shall, for purposes of enforcement under section 5 of the Emergency Petroleum Allocation Act of 1973, be deemed a part of the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 and which shall provide, consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of such Act—
>
> (A) For the establishment of a program for the rationing and ordering of priorities among classes of end-users of gasoline and diesel used in motor vehicles, and
>
> (B) For the assignment of rights, and evidence of such rights, to end-users of gasoline and such diesel fuel, entitling such end-users to obtain gasoline or such diesel fuel in precedence to other classes of end-users not similarly entitled.

The proposed contingency rationing regulations are intended to satisfy these provisions of the EPCA. Mandatory rationing would be implemented only if all other options for managing a petroleum shortfall proved inadequate, including the conservation contingency plans proposed in the companion notice issued today. In developing its proposed rationing plan and these proposed regulations, FEA has assumed that any supply interruption severe enough to occasion implementation of the rationing plan would cause FEA to continue or to reimpose, as the case may be, in whole or in part the current Mandatory Petroleum Allocation and Price Regulations, or regulations very closely resembling them in concept. With respect to gasoline, however, the rationing and allocation programs would be merged so that distribution of gasoline for *all* uses (motor vehicles, power equipment, marine engines, *etc.*) would be contained in one set of regulations (proposed part 700). However, the distribution of gasoline to wholesale purchaser-resellers (including retail sales outlets) would conform to the current allocation program in providing these purchasers with access to a prorata share of available gasoline supplies provided they subsequently provide their suppliers with redemption checks equal to the volume of gasoline their suppliers allocate to them.

With respect to the rationing of diesel fuel, FEA believes that the current allocation regulations affecting all middle distillates would provide an adequate means of rationing approximately 70 percent of all diesel fuel and that, therefore, a less comprehensive rationing plan for diesel fuel would be more appropriate Consequently, the proposed regulations, which apply to sales of diesel fuel *at retail only* should be reviewed with the understanding that sales of diesel fuel, other than at retail, would be regulated in accordance with current subpart G of the Mandatory Petroleum Allocation Regulations.

I. GASOLINE ALLOCATION AND RATIONING

A. *Gasoline Rationing to Consumers.* FEA's gasoline rationing plan controls the sale of gasoline to ultimate consumers by requiring that each consumer present to its gasoline supplier ration coupons or ration credit checks according to the quantity of gasoline purchased. These documents or "ration rights" would be periodically distributed to consumers of gasoline according to end-use priority classifications, and according to the estimated total quantity of gasoline available for sale within the United States during a ration period.

The proposed rationing plan is not a system to reduce national demand or to increase supply. Rationing is an attempt to spread the available gasoline supply equitably among all gasoline users, giving priority to certain activities which are considered essential to public health, safety, and welfare, and preventing hardship from falling disproportionately on any region or on any class of gasoline consumers.

FEA's rationing plan also assumes that gasoline prices would be subject to price controls during a period of rationing; otherwise, rapid price increases may occur which would not necessarily provide for the equitable distribution of severely limited supplies in the best interests of the nation.

Under FEA's proposed rationing plan, FEA would issue ration rights for each ration period equal to the total estimated available supply of gasoline for the ration period. FEA would then distribute these ration rights through four basic programs. *First*, FEA would provide ration coupons to all eligible individuals (generally, a persons holding valid driving permits). *Second*, FEA would provide ration credits to all firms (defined to include individuals, government units, corporations, partnerships, etc.) which are engaged in priority activities for which a ration credit level has been established. These ration credits would be in addition to any ration coupons received by a person as an eligible individual. *Third*, FEA would distribute three percent of all ration rights (the "State Hardship Reserves") issued for a ration period to State Rationing Offices which would be authorized to distribute these ration rights through local boards to handicapped persons and certain other classes of consumers. *Fourth*, FEA would reserve one percent of the issued ration rights to distribute itself (the "National Ration Reserve") under certain circumstances and to adjust deficiencies in the distribution of ration rights under the other three programs.

Persons to whom ration rights are issued would redeem their ration rights for gasoline or could sell or give them away. This provision for a ration rights

exchange market ("white market") for exchanging ration rights should assure the efficient use of all available gasoline.

Each supplier (including a retail sales outlet) of gasoline would be required (a) to collect and redeem ration coupons or ration credit checks for all gasoline sold (or make arrangements to do so within ten days of the transaction) and (b) to deposit redeemed ration coupons or ration credit checks in the supplier's special redemption account. Retail sales outlets could agree to supply gasoline to a consumer without ration rights provided the retail sales outlet itself obtained ration rights to cover the transaction within ten days of the transaction.

Ration periods for coupons would vary in length depending on projected supply conditions and other factors and would be announced by FEA's publication of a notice in the FEDERAL REGISTER at least ten days in advance of the ration period. FEA could announce more than one ration period at a time. Calculations would be performed in advance of each ration period to equate the total amount of gasoline estimated to be available for that ration period with the total ration rights to be issued. On the basis of these calculations, FEA would determine the length of the particular ration period.

The total number of ration credits to be issued to firms entitled to a ration credit level under the proposed plan would be determined without regard to the available supply of gasoline. By lengthening or shortening the term of a future ration period for coupons, FEA would match the ration rights remaining after giving firms their ration credit allotments with the number of ration coupons issued to eligible individuals for that ration period, taking into account the number of ration rights to be distributed to the State Hardship Reserves and the National Ration Reserve.

The anticipated calculations leading to a determination of the length of a ration period may be summarized in four steps as follows:

(1) FEA would estimate that total amount of available gasoline supplies during the coming ration period.

(2) Next FEA would compute the number of ration credits to be issued to firms entitled to a ration credit level.

(3) FEA then would compute the number of ration rights to be issued for the National Ration Reserve and the State Hardship Reserves by multiplying four percent by the total available supply of gasoline.

(4) FEA would then subtract the total number of ration credits to be issued to firms entitled to a ration credit level (Step 2) and the ration rights to be issued for the National Ration Reserve and the State Hardship Reserves (Sept. 3) from the total amount of gasoline supplies for the coming ration period (Step 1). The remaining gasoline would be for use by eligible individuals. Since their basic allotment would have been set by the ration coupons previously issued to each eligible individual, the available gasoline would be matched with the total of eligible individual allotments by adjusting the length of the ration period. The final allotment computation, therefore, is to determine the exact length of the ration period based on the supply of gasoline available for eligible individuals.

Ration rights exchange market. Under the proposed ration plan, anyone could enter the ration rights exchange market and function as a trader or broker of ration rights following their issuance by FEA. Thus, ration rights could be traded on a "white market" rather than a "black market." FEA would not impose any monetary or administrative barriers to entry. Any trader or broker could open a secondary ration credit account with a participating bank to handle his or her transactions.

There would be a free market in the trading of all ration rights in the form of coupons and ration credits transferred by checks drawn on appropirate ration credit credit accounts. Prices for ration rights would be determined by supply and demand, with the amount, form, and timing of payment determined by mutual agreement between the buyer and seller without interference by FEA. FEA does not expect to prohibit short selling, future sales, and trading in unissued series. However, such practices may be restricted if FEA were to determine that they were harmful to the stable operation of the exchange market.

Penalties. The provisions of FEA's Administrative Procedures and Sanctions regulations (Part 205 of 10 CFR), including the provisions on civil and criminal penalties, would apply to any violations of the gasoline and diesel fuel rationing regulations.

B. *Eligible individuals.* Under the proposed plan, an eligible individual is a natural person having a valid driver's permit, other than a learner's license, or any other person whom FEA designates as an eligible individual. Eligible individuals would receive the same basic allotment of ration coupons for each ration period. However, since FEA could vary the length of a ration period, those persons receiving these coupons would need to carefully monitor their use of ration coupons to match their need for gasoline with the number of coupons available for a current ration period. Unless declared invalid, however, unused ration coupons for a ration period which has ended could be used in subsequent ration periods.

Assuming a 15–25% shortfall in gasoline supply, FEA curently estimates that the average ration period would be four to six weeks and that each eligible individual would receive eight ration coupons for each ration period with a total value of forty (40) gallons.

Eligible individuals would apply for ration coupons at issuance points to be designed by FEA, on days designated by FEA. For the first three ration periods, an eligible individual would submit an application form and his or her valid driver's license at an issuance point in order to receive a ration coupon allotment. The clerk at the issuance point would make an indelible mark on the license (for paper licenses) or punch a hole in it (for plastic and laminated licenses) to indicate that the license has been used to secure the eligible individual's initial allotments of ration coupons. Each eligible individual would be issued ration coupons for the first three ration periods. The application forms submitted to obtain ration coupons for the first three ration periods would be forwarded to FEA for audit and for detection of multiple applications.

FEA currently plans to contract with savings and loan associations and credit unions to act as issuing points for ration coupons for eligible individuals. However, it would consider contracting with other institutions to perform this function, including the U.S. Postal Service. A final decision would depend on concluding acceptable arrangements at reasonable cost. FEA would appreciate comments on this aspect of the plan in terms of what agency or organizations should act as issuance points, and what procedures should be followed to assure efficient, equitable distribution of ratio coupons to eligible individuals.

Before the fourth ration period, most eligible individuals would receive authorization cards issued by their State departments of motor vehicles for subsequent series of ration coupons. FEA would enter into arrangements with each State for the issuance of authorization cards to each licensed individual in the State. (For any State which is unable to issue authorization cards prior to the fourth ration period, FEA would permit residents of that State to use procedures similar to those for the first three ration periods to obtain their ration coupons for the fourth, fifth and sixth ration periods.) An authorization card, when presented with other personal identification, would be surrendered to obtain ration coupons for eligible individuals for the ration periods for which it is issued. FEA solicits comments as to whether State agencies should be authorized to perform this function and as to the procedures to be followed in distributing authorizing cards in a timely, efficient manner.

Individuals who qualify as eligible individuals after the start of any ration period would receive no allotment for that period, but would be issued authorization cards to obtain ration coupons for subsequent ration periods.

Indians living on reservations under the jurisdiction of the Bureau of Indian Affairs (BIA) would receive their basic allotments by applying to BIA. BIA offices would serve as ordinary issuance points for Indians with State driver's licenses; BIA would also provide special allotments to Indians who may drive on reservations but who do *not* have State-issued driver's licenses. BIA officers would also administer Local Rationing Boards to meet the hardship needs of Indians living on reservations.

Foreign nationals living in or visiting the United States would be provided allotments of ration coupons only if they hold driver's licenses issued by a State. Foreign visitors without State driver's licenses would receive no allotment, but would be provided information on rationing as they enter the United States, including information on using the exchange market for ration rights to meet their gasoline requirements.

C. *Ration credit allotments.* Under FEA's proposed ration plan, certain consumers would receive (in addition to any ration coupons issued to them as eligible individuals) ration credits based upon their being engaged in certain priority activities. These consumers could be individuals, corporations, trusts, government units, partnerships, etc. However, the right to receive these ration rights would depend on whether the consumer is engaged in an activity for which these ration rights would be issued.

For each calendar month, the proposed rationing contingency plan calls for these consumers to receive ration credits equal to their base period use or current requirements for gasoline multiplied by their ration credit level. An alternative method, which may result in a reduction in the cost of the rationing program by approximately $500 million, would be to distribute all ration credits through competitive bidding in a "white market." FEA would appreciate comments addressed specifically to whether such a bidding system is feasible and would comply with the requirements of section 203 of the EPCA.

A ration credit would be redeemable for one gallon of gasoline. Under the proposed regulations, a firm with a base period use of 1000 gallons of gasoline for the calendar month of September and entitled to a ration credit level of 90 percent of its base period use would receive 900 ration credits for the calendar month of September.

Rather than being issued ration coupons, a firm's allotment of ration credits for a calendar month would be deposited by FEA on the first day of each month in the firm's primary ration account maintained with an FEA regional processing center. The firm could then withdraw its ration credits by issuing a ration credit check drawn on its primary ration account to the order of its gasoline supplier. The supplier would then redeem the ration credits represented by the check.

A firm could qualify for one of three gasoline ration credit levels depending on its end use of gasoline. These ration credit levels are:

(1) One hundred percent of current requirements for:—Department of Defense use,—Emergency services,—Passenger transportation services,—Agricultural production.

(2) One hundred percent of base period use for:—Sanitation services,—Energy production,—Telecommunications services.

(3) Ninety percent of base period use for:—All other government uses,—All other uses by firms which report gasoline purchases as an expense to the Internal Revenue Service on Schedules C or F or on Forms 1065, 1120, 1120S, 990 or 990PF,—All uses for religious, charitable, educational or other eleemosynary purposes not otherwise accorded a ration credit level.

FEA invites specific comments on the ration credit level definitions which are included in the regulations and the desirability of according ration credit levels to other types of firms not specifically included within the proposed plan. FEA is particularly interested in whether its limited definitions of "Department of Defense use" and "agricultural production" contained in proposed § 700.4 are too restrictive or too broad.

FEA would also appreciate receiving comments addressed to the need for establishing a ration credit level of 100 percent of current requirements, a concept which originated in the allocation program. Since firms may purchase additional ration rights in the "white market" or, in the case of emergencies or hardships, may obtain extra ration rights through the State Rationing Offices, the benefits associated with creating a ration credit level of 100 percent of current requirements may be more than offset by the attendant administrative problems of estimating current needs, filing and certifying forms with FEA in time for the regional processing centers to make monthly allotments based on these estimates and auditing by FEA to guard against abuses. In view of the complexity and expense of a system for providing current requirements during a short-term rationing program, which may be in force for a maximum of nine months under the EPCA, FEA requests specific comments addressed to this issue.

In order to receive monthly ration credits, firms (a term which includes individuals, corporations, partnerships, government units, etc.) entitled to a ration credit level would establish primary ration credit accounts with an FEA regional processing center. FEA would contract with local banks (defined as "participating banks") to act as FEA's agents to accept applications to establish primary ration credit accounts. The participating banks would probably be commercial banks (rather than the savings and loan associations and credit unions which may serve as issuance points for distributing ration coupons to eligible individuals). Although FEA has proposed that it contract with commercial banks to serve as participating banks, FEA would appreciate comments as to whether and how other institutions (including governmental agencies) might perform the same function.

In addition to providing certain other required information, a firm seeking to open a primary ration credit account would certify its base period use or estimated current requirements for gasoline, as appropriate, for each calendar month of the year. This would, of course, be only for its activities for which there is an established ration credit level. Any firm having multiple uses for gasoline subject to different ration credit levels would indicate its base period volumes for each end use separately in its application to establish its primary ration credit account.

The local participating bank would forward the application to the appropriate FEA regional processing center. At the beginning of a month, FEA would then deposit a firm's ration credit allotment for that month into the firm's primary ration credit account. Applications and their supporting documentation would be subject to audit and verification by FEA subsequent to the opening of a firm's account.

Since allotments would only be deposited in a firm's primary ration credit account by FEA, the opening of such an account would be a prerequisite to obtaining a ration credit allotment. Fees would be charged to all firms with primary ration credit accounts to cover the costs of maintaining these accounts.

All primary account owners would make withdrawals from their accounts by writing gasoline ration credit checks. These checks could be redeemed for gasoline, or could be cashed for coupons at specified coupon issuance points. An account holder could also sell his ration credits by drawing a ration credit check to the order of the firm purchasing the ration credits.

Firms would be able to open secondary ration credit accounts as necessary to meet their business needs, but FEA would only deposit a firm's monthly ration credit allotment into its primary ration account. Firms could then distribute their ration credit allotments among their secondary ration credit accounts. Thus, a large company headquartered in New York with a subsidiary in Atlanta might receive its ration credits in its primary ration credit account maintained at FEA's New York regional processing center and then distribute a portion of this allotment for the subsidiary's convenience to the subsidiary's secondary ration credit account maintained with FEA's Atlanta regional processing center.

Ration credit checks drawn on ration credit accounts would be redeemed or deposited in a ration credit account by the payee; the plan prohibits the endorsement of a ration credit check to third parties. However, having deposited a ration credit check in the payee's own ration credit account, the payee could then issue its own ration credit check to another payee.

Any firm that was not in operation during a base period would apply to FEA for assignment of a base period use and ration credit allotment. FEA would determine the appropriate base period use, taking into account the typical gasoline consumption patterns of similar firms.

Any firm whose average gasoline consumption for any three preceding months decreases by 25 percent or more from the corresponding period of the base year would be required to report the amount of the decrease to FEA. Allotments for succeeding months would be adjusted by FEA according to the circumstances of each case.

Firms whose growth or altered business practices since the base year require them in any month to use greater than 25 percent more gasoline than during the corresponding month of the base year could apply to FEA for an increase in the size of their ration credit allotments. FEA would process these requests on a case by case basis to relieve severe hardship or gross inequity.

All organizations receiving ration credit allotments would be required to maintain records of gasoline purchased during the rationing program.

Sales organizations using commissioned direct sales representatives would be allowed to include in their base period use that amount of gasoline used in the selling activities of their sales representatives, even if such gasoline was not paid for by the firm. These sales representatives would then receive their ration credit allotments from these firms, rather than from FEA. FEA solicits comments as to the types of firms which should be included in this category and alternative methods of determining allotments.

Vehicle rental companies would be allowed to include in their base period uses only that gasoline used by the rental company itself. Customers' usage of gasoline in rental vehicles would be excluded from the rental company's base period use and included in the customer's base period use if the customer is a firm. This method would avoid discrimination against rental companies whose customers normally buy their own gasoline, and would prevent distortions in rental vehicle use compared to owned-vehicle use for all individuals and firms.

D. *Redemption and clearing.* FEA would maintain regional processing centers to perform automated account posting activities in support of the majority of FEA's ration banking activities.

FEA would determine the number and location of these centers, which would serve as the sole processing facilities for all ration credit and redemption accounts within a given geographic region. In general, the regional processing centers would function in much the same way that commercial banks do in processing demand deposit accounts.

The regional processing centers would establish a check file for each ration credit account. The center would supply the necessary ration credit checks and deposit forms to account owners.

Ration credits would be posted automatically by the regional processing centers to primary ration credit accounts of firms entitled to a ration credit level.

On a daily basis, participating banks would forward deposited gasoline ration credit checks and their accompanying deposit tickets to the appropriate regional processing centers where the checks would be counted and proofed back to deposit tickets. Clearance of gasoline ration credit checks between the regional processing centers would be similar to the clearance procedure for monetary checks by the commercial banking system.

Each regional processing center would also supervise the collection, vertification and storage of redeemed, cancelled and void ration coupons deposited at participating banks in its service area.

In connection with FEA's banking function under the plan, FEA would appreciate comments as to how transactions and reconciliation of accounts could best be performed in order to coordinate transfers and redemptions of ration rights. Furthermore, FEA would appreciate comments as to the type of records and reporting requirements which would be necessary to provide a basis for testing compliance with the rationing plan and to assure all persons of the integrity of the rationing program.

E. *State Rationing Offices and Local Rationing Boards.* The States would be given an allotment each ration period, called the State Hardship Reserves, for use in meeting the hardship needs of firms and persons. The size of the State Hardship Reserves for each ration period would be three percent of the total available supply of gasoline, apportioned among the States according to population and other relevant factors. A State Hardship Reserve would be administered by a State Rationing Office. This office could be the same as the current State Energy Office. The State Rationing Office would in turn provide hardship allotments for distribution by Local Rationing Boards. Local Rationing Boards would receive petitions from persons requesting a greater number of ration rights than they would be entitled to receive under the regular allotment program for such individuals. The Local Rationing Board would determine if an applicant should be granted additional ration rights by reason of the applicant's hardship status. The Local Rationing Board would also be empowered to reclasify or modify a hardship applicant's entitlement to additional ration rights and to issue or deny such rights during the course of the Mandatory Gasoline Allocation and Rationing Program.

Hardship allotments could be made by Local Rationing Boards to the following classes of individuals:

Handicapped persons whose gasoline needs exceed their basic allotment, if any, for reasons related to their handicaps. A handicapped person would be any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

Low-income, long-distance commuters who without a supplemental allotment would be forced to spend over five percent of their adjusted gross incomes purchasing ration rights for travel to and from their place of employment and for whom carpooling or public transportation is not a reasonable alternative. (A table would be provided to compute the supplemental allotment according to each applicant's adjusted gross income, number of dependents, commute distance, and the prevailing price of coupons on the ration rights exchange market.)

Migrant workers who hold a driver's license issued by a State and who own motor vehicles used for travel from one agricultural work site to another. These workers would apply for supplemental allotments according to the distance between their current work sites and their new work sites. Migrant workers would apply for supplemental allotments at the Local Rationing Board serving the community in which the current work site is located. The Local Rationing Board would verify previous allotments, and record any new allotment. Vehicle registration must be shown with the applicant's driver's license when applying.

Other recurring or one-time hardship needs which a Local Rationing Board considers to be consistent with the spirit and intent of the hardship priority classification.

The State Rationing Office would hear appeals from decisions of Local Rationing Panels and would decide hardship applications filed by firms (including individuals) which have been assigned ration credit levels.

The State Rationing Office would not make an adjustment of a firm's base period use since the State Hardship Reserves are intended to be a means of meeting hardship needs caused by unusual circumstances. Firms which seek adjustments of their base period uses may petition the appropriate FEA regional office in accordance with forms and instructions to be issued by FEA.

As proposed, the Local Rationing Board would be headed by a volunteer panel (Local Rationing Panel) to be chosen by the local government (city or county council, town meeting, etc.) in accordance with FEA guidelines designed to ensure that the panel reflects the community as a whole. A paid Local Rationing Board Manager would be appointed by the Chief Executive of the State and would be primarily responsible for carrying out the day-to-day operations of the board. The manager would hire a paid staff to perform the various duties assigned to the local board, which would include assisting applicants in filing for hardship assistance and screening applications within general guidelines established by FEA and the local panel. The administrative staff could make routine hardship allotments for certain classes of applicants, especially when the allotment is a recurring grant to an applicant whose needs are constant from one ration period to the next.

An alternative approach to the Local Rationing Board organization would be to have the Local Rationing Panel appointed by the Chief Executive of the State in conformity with general guidelines. The panel would select the manager and either select the staff or permit the manger to select the staff. FEA would appreciate specific comments on these alternative methods of establishing the Local Rationing Boards. Alternatives other than the two outlined will also be considered by FEA.

Summary activity reports would be sent by the Local Rationing Boards to

their State Rationing Offices. States in turn would send activity reports to FEA to permit FEA monitoring of hardship allotment distribution, and to support any State's emergency request for an increased hardship allotment from the National Ration Reserve.

Local Rationing Boards would also distribute certain FEA rationing materials, including pamphlets and explanatory manuals, and would respond to general public inquiries about gasoline rationing and gasoline availability.

The EPCA requires that within 30 days of the date the rationing contingency plan is approved by Congress, FEA must propose a rule establishing the criteria for delegation of FEA's functions under EPCA, in whole or in part, with respect to the rationing plan to officers or local boards (of balanced composition reflecting the community as a whole) of States or political subdivisions of States. The proposed rule must also prescribe procedures for petitioning for the receipt of such delegated authority. At present, FEA believes the delegation procedures currently utilized in recognizing State Energy Offices under the Emergency Petroleum Allocation Act would suffice for petitioning by the States. However, FEA would like to receive specific suggestions as to the criteria FEA should establish for delegating any of its functions to State officers. These comments would guide FEA in formulating a future proposal for public comment following any Congressional approval of the rationing contingency plan submitted to Congress by FEA.

F. *The National Ration Reserve.* A National Ration Reserve (initially one percent of estimated supply) would be established as a special allotment which could be used by FEA to meet national disaster relief needs, or for interim replenishment of any State Hardship Reserves faced with unusually heavy demand. The National Ration Reserve would also be used by FEA to provide any special allotments deemed necessary for any reason during any ration period.

G. *Suppliers and wholesale purchaser-resellers.* The proposed gasoline rationing plan provides that suppliers would allocate gasoline to their wholesale purchaser-reseller customers (including retail sales outlets) in much the same fashion that they do under the current allocation program. That is, suppliers would calculate an allocation fraction each month to provide these customers with their pro-rata share of the supplier's gasoline supplies available for resale to customers. Suppliers would have an obligation to allocate supplies only to those wholesale purchaser-reseller customers which they supplied in the corresponding month of the base year. However, as a condition to receiving all or any portion of its allocation, a wholesale purchaser-reseller would be required to account for gasoline supplies it receives by issuing a redemption check drawn on its redemption account maintained with FEA. The redemption check would be drawn to the order of the wholesale purchaser-reseller's supplier for redeemed ration rights equal to the amounts of gasoline received from the supplier.

The base periods would be designated at the time that FEA determines that rationing would be necessary. Under the current allocation program, the base period is the calendar month of 1972 which correspondents to the current month. In the event the rationing program is implemented, however, it may be that a period such as 1975 would be more appropriate to reflect current consumption patterns, population shifts, distribution systems, etc.

The wholesale purchaser-reseller would generally sell gasoline to customers who would surrender ration rights or redemption checks to the wholesale purchaser-reseller equal to the amount of gasoline purchased. The wholesale purchaser-reseller would redeem the ration rights and redemption checks and deposit them in its redemption account. Although the redemption account would be maintained at FEA regional processing centers, participating banks would act as authorized agents of FEA to accept deposits into the wholesale purchaser-reseller's redemption account. The wholesale purchaser-reseller's local participating bank would then forward the wholesale purchaser-reseller's deposit slip and redeemed ration rights and redemption checks to FEA for posting to the wholesale purchaser-reseller's redemption account.

The wholesale purchaser-reseller would then issue a redemption check drawn on its redemption account to its supplier to account for gasoline delivered by its supplier and sold by the wholesale purchaser-reseller.

A retail sales outlet could supply customers without receiving ration rights provided that it acquired ration rights in the ration rights exchange market and deposited them in its redemption account within ten days of the transaction.

A retail sales outlet could, at its option, issue scrip for any unused value of a ration coupon transferred for purchase of gasoline. The type and form of such scrip would be within the retail sales outlet's discretion. Scrip could be redeemable for gasoline not only at the retail sales outlet which issued the scrip but also at other retail sales outlets if the outlets agree to accept scrip issued by each other.

H. *Gasoline rationing costs.* The annual operating cost of the total gasoline rationing program is estimated to be just under $2 billion. The following tables summarize these costs by function and by agency or industry initially bearing the cost.

Cost by function:	*In millions*
Coupon printing and distribution	$513
Ration banking accounts	340
Oil industry processing and reporting	401
State and local rationing offices	291
Audit and enforcement	247
Adjustments and appeals	78
Data processing, public education, miscellaneous	55
Total	1,925,000

Cost by agency or industry:	*In millions*
FEA direct costs	294
Other Federal agencies	124
State and local governments	453
Oil industry	401
All others (banks, etc.)	653
Total	1,925,000

In addition, start-up costs are estimated to total $398 million for the 90-day implementation period immediately preceding the commencement of ration operations.

FEA would reimburse the cost of gasoline rationing borne by the issuance points, commercial banks and other organizations which it authorizes to participate in the program. State and local Rationing Board's costs would also be reimbursed by FEA, according to a per-capita or per-transaction formula, to distinguish costs associated with rationing from costs connected with unrelated State and local services.

User fees would be collected or authorized by FEA to recover the total cost of gasoline rationing. The following are illustrative of expected types and ranges of such fees:

(1) A user fee of between 1.6¢ and 1.9¢ per gallon of all gasoline sold, depending on (a) the total gasoline supply available during a gasoline shortage, (b) the actual *operating* costs of rationing (other than costs to gasoline marketers), and (c) the amortization arrangements made to recover start-up costs of rationing. This fee would be collected through the same Internal Revenue Service (IRS) procedures that are used to collect the Federal excise tax on gasoline.

(2) Fees to cover the cost of opening and using gasoline checking accounts.

In addition to the fees described above, a mark-up estimated to total approximately 0.4¢ per gallon of gasoline would be permitted for suppliers to recover their direct costs associated with the handling, cancelling and depositing of ration coupons, ration credit checks and redemption checks.

FEA would collect no gasoline taxes, and the total amount of fees collected would not exceed the cost of the gasoline rationing program. In connection with any comments upon the proposed gasoline contingency rationing plan, FEA will be particularly interested in comments which suggest more efficient procedures than those suggested and which indicate a means of lowering the costs of the plan consistent with the requirements and objectives of EPCA and the Emergency Petroleum Allocation Act.

II. DIESEL FUEL ALLOCATION AND RATIONING

A. *Introduction.* In the event of a severe interruption in supplies of imported crude oil, it is anticipated that shortages of diesel fuel would not be as severe as gasoline shortages, principally because refinery yield would probably be altered to increase middle distillate production and reduce gasoline production. It is unlikely that the shortage of middle distillate fuels, including diesel fuel, would ever exceed ten percent of normal consumption. Comparable gasoline statistics suggest that a 15 to 25 percent

shortfall of gasoline is likely. Although diesel fuel rationing may not be necessary, even if gasoline rationing is imposed, FEA is proposing a simplified rationing program to carry out the mandate of EPCA.

Unlike the rationing plan designed for *all* gasoline sales, FEA's diesel fuel rationing plan would be achieved through controls on sales of diesel fuel at *retail sales outlets only*, leaving all other purchases of diesel fuel under the control of the middle distillate allocation program (subpart G of part 211 of 10 CFR). There are two basic reasons for this different approach for diesel fuel:

(1) Diesel fuels are very similar or identical to other middle distillates, especially heating oils, and a rationing program aimed at all diesel fuel would be extremely difficult to enforce, due to product substitutability.

(2) Whereas most gasoline is purchased at retail sales outlets, only 30 percent of all diesel fuel is purchased at retail sales outlets, which means that 70 percent of the diesel fuel market could be controlled by the middle distillate allocation program.

B. *Summary of Plan Operation.* All retail sales of diesel fuel would take place as follows:

(1) Eligible individuals would use their allotments of gasoline ration coupons for their diesel fuel requirements. This would assure equity between drivers of gasoline-powered and diesel-powered automobiles.

(2) Firms having an allocation level under the middle distillate allocation program and which operate diesel-powered vehicles would be issued a diesel fuel entitlement card for each such vehicle, to be used at the time of purchase of diesel fuel at a retail pump. This entitlement card would be evidence of ration rights only—it would not include the monetary cost of the fuel. Buyers of retail diesel fuel would make monetary payment in their usual way, separate from the entitlement card transaction. The entitlement card would be linked to a ration credit account maintained by FEA for all firms purchasing diesel fuel at retail sales outlets. FEA would post ration credits each month to each diesel fuel ration credit account, representing the account owner's retail ration entitlement for that month. Each retail purchase of diesel would generate an entitlement card purchase slip, one copy of which would be sent by the retailer to FEA to be charged against the account owner's ration credit balance.

Retail sales outlets would be required to submit to FEA each month the rotation coupons and entitlement card slips received from diesel fuel customers, accompanied by monthly reports balancing total diesel sales with the total value of the accompanying ration rights.

C. *Diesel fuel ration allotments. Eligible individuals.* Eligible individuals would not be assigned ration allotments for diesel fuel. They may use gasoline ration rights to purchase diesel fuel.

Firms. Firms will be given a ration credit level for purchases at retail sales outlets comparable to what they would be enttiled to receive under 10 CFR 211.-123 if they were purchasing from a supplier as wholesale purchaser-consumers or end-users.

D. *Allotments.* Each eligible individual purchasing diesel fuel at retail sales outlets would use ration coupons provided to each such individual under the gasoline rationing system.

Individuals could apply to the Local Rationing Board for hardship allotments, exactly as if they were requesting gasoline hardship allotments, and subject to the same decision criteria as for gasoline users.

Each firm which wishes to purchase diesel fuel at retail sales outlets would be required to fill out a form showing total base period purchases of diesel fuel and the volume purchased at retail sales outlets.

FEA would establish a ration credit account for each firm and would credit to each account the amount of diesel fuel purchased at retail sales outlets in the base period multiplied by the appropriate allocation level then applicable under the middle distillate allocation regulations.

E. *Diesel fuel entitlement cards.* FEA would prepare and mail to each qualified firm one or more diesel fuel entitlement cards. A separate card would be issued for each of the firm's vehicles which uses diesel fuel purchased at retail sales outlets.

All retail sales outlets of diesel fuel would be supplied by FEA with three-part purchaser's forms to be used with the entitlement cards. These forms would be designed to fit into common credit card imprinting equipment.

Each purchase of diesel fuel at retail would be accompanied either by the transfer of ration coupons or by the imprinting of a three-part form using the purchaser's diesel fuel entitlement card.

The three-part form, once imprinted, would be distributed as follows:

Copy 1 to the purchaser as a receipt.

Copy 2 to FEA regional processing center for rationing control accounting.

Copy 3 held by the retail sales outlet owner for his records, and for possible FEA audit.

F. *Redemption.* Each retail sales outlet would be required periodically to aggregate all ration coupons and second-copies of all imprinted diesel purchase forms and forward them with a transmittal form to be issued by FEA to a specified FEA regional processing center for review and audit. Diesel fuel ration rights would be freely transferrable, using the ration rights exchange market.

G. *Diesel fuel rationing costs.* The total cost of the diesel fuel rationing system is estimated to be less than $50 million per year. This relatively low cost (compared with gasoline rationing) is due in large part to the fact that many of the supporting functions for diesel fuel rationing at retail sales outlets would be carried out by either the gasoline rationing system (*e.g.*, State Rationing Offices and Local Rationing Boards, ration coupon issuance for eligible individual use, etc.) or by the middle distillate allocation program (*e.g.*, audit of suppliers, etc.).

The collection of fees incident to administration of the diesel fuel rationing program would be through mechanisms similar to those established for gasoline rationing. As with gasoline rationing fees, the retail diesel rationing fees would be adjusted from time to time to equal, but not to exceed actual program costs.

III. ECONOMIC ANALYSIS AND INFLATIONARY IMPACT

The EPCA requires that any rationing contingency plan submitted to Congress be based upon a consideration of the potential economic impacts of such plan, including an analysis of—

(1) Any effects of such plan on—(A) vital industrial sectors of the economy; (B) employment (on a national and regional basis); (C) the economic vitality of States and regional areas; (D) the availability and price of consumer goods and services; and (E) the gross national product; and

(2) Any potential anticompetitive effects.

Accordingly, FEA would appreciate any comments which address these potential effects to assist FEA in preparing its analysis for submission to Congress.

As part of its economic analysis, FEA is also reviewing the inflationary impact of the proposed regulation pursuant to Executive Order 11821, issued November 27, 1974. The inflationary assessment will be included in the final rationing plan submitted to Congress.

IV. ENVIRONMENTAL ASSESSMENT

FEA is preparing an environmental assessment of the proposed rationing plan as required by 10 CFR 208.4. It is anticipated that a negative determination will be made with respect to the effect of the plan, if implemented, on the quality of the human environment. Copies of his assessment will be furnished to the Council on Environmental Quality and the Environmental Protection Agency. As a result of the anticipated negative assessment, it is unlikely that an environmental impact statement will be required. However, FEA will be receptive to public comments and information concerning the environmental effects, if any, of the proposed rationing plan.

FEA will issue a subsequent notice regarding the completion of the environmental assessment. At that time copies of the environmental assessment will be made available.

Interested persons will be invited to submit data, views, or arguments with respect to the environmental impacts of the proposed rationing plan and the environmental assessment.

WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate by submitting written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GN, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation, "Gasoline and Diesel Fuel Rationing Plan." Fifteen copies should be submitted. All comments received by June 28, 1976, and all relevant information, will be considered by the Federal Energy Administration. 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.

PUBLIC HEARINGS

FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold regional hearings in Atlanta, Kansas City, San Francisco and Anchorage.

NATIONAL HEARING

The Washington, D.C. hearing (hereinafter referred to as the National hearing) will be held beginning at 9:30 a.m., June 24, 1976, at Room 2105, 2000 M Street, N.W., Washington, D.C. 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 in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Box GN, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on June 16, 1976. A request may be hand delivered between the hours of 8 a.m. and 4:30 p.m. Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

REGIONAL HEARINGS

The regional hearings in Atlanta, Kansas City, San Francisco and Anchorage will be held beginning at 9:30 a.m., local time, June 22, 1976, at the locations specified below. 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 must be received before 4:30 p.m., local time, on June 15, 1976.

FEA office	Submit requests and questions to testify to—	Hearing location
Atlanta, Ga.	FEA, 1655 Peachtree St., Atlanta, Ga. 30300.	FEA, 1655 Peachtree St., 5th Floor Conference Room, Atlanta, Ga.
Kansas City, Mo.	FEA, Federal Office Building, 112 East 12th St., P.O. 2208, Kansas City, Mo. 64142.	Federal Bldg., 911 Walnut St., Room 302, Kansas City, Mo.
San Francisco, Calif.	FEA, 111 Pine St., San Francisco, Calif. 94111. Attention: CIGR.	Post Office and U.S. Court of Appeals Bldg., Court Room 14, 7th and Mission Sts., San Francisco, Calif.
Anchorage, Alaska	FEA, Alaska Subregional Office, G-11 Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska 99501.	Z. J. Loussac Library, 427 F St., Anchorage, Alaska.

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 "Gasoline and Diesel Fuel Rationing Plan."

The person making the request should briefly describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 21, 1976 in the case of the regional hearings and through June 23, 1976 in the case of the National hearing. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., local time, June 17, 1976, in the case of the regional hearings, and by June 18, 1976, in the case of the National hearing. Fifty copies of his or her statement must be submitted to the Office of Allocation Regulation Development, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461 before 9:00 a.m., e.s.t. on June 23, 1976, for the National hearing, and to the loction of the hearing on the day the statement is scheduled to be presented, for the regional hearings.

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 or she 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 interested person may submit questions, to be asked of any person making a statement at the National hearing, to Executive Communications, FEA, Room 3309, Box GN, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C. before 4:30 p.m., e.s.t., June 22, 1976. Questions to be asked of persons making statements at the Regional hearings should be submitted to the appropriate FEA region by June 21, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether 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 Administrator's Reception Area, Room 3400, 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 copies of the transcripts 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 was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator's comments were as follows:

EPA intends to review the environmental assessment to be prepared by FEA for this rationing program. Should our review identify environmental impacts associated with the program, we will provide comments during the public review period indicated in this draft notice. We request that FEA provide EPA with copies of the environmental assessment once it is available.

(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); E.O. 11912 (41 FR 15825).)

In consideration of the foregoing, it is proposed that Chapter II, Title 10 of the Code of Federal Regulations be amended as set forth below.

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

10 CFR Chapter II is amended by adding a new Part 700, reading as follows:

PART 700—MANDATORY GASOLINE ALLOCATION AND RATIONING REGULATIONS AND DIESEL FUEL RATIONING REGULATIONS

Subpart A—General Provisions

Sec.

700.1 Scope.
700.2 Relationship of subparts.
700.3 Limitation on suppliers and purchasers of rationed products.
700.4 General definitions.

Sec.

700.5 Ration coupons as obligations of the United States, crimes and offenses.

Subpart B—Allocation of Gasoline to Wholesale Purchaser-Resellers

700.31 Supplier/wholesale purchaser-reseller relationship.
700.32 Supplier's method of allocation.
700.33 Retail sales outlets.
700.34 Procedures and reporting requirements.

Subpart C—Rationing of Gasoline

700.41 General.
700.42 Ration rights.
700.43 Validity of ration rights.
700.44 Issuance of ration rights to eligible individuals.
700.45 Issuance of ration rights to firms entitled to a ration credit level.
700.46 Calculations.
700.47 Recordkeeping requirements.

Subpart D—Redemption, Transfer and Invalidation of Ration Rights

700.51 Transfer of ration rights.
700.52 Invalidated ration rights.
700.53 Cancelled ration rights.
700.54 Redeemed ration rights.
700.55 Scrip.
700.56 Restriction on endorsements.

Subpart E—Ration Credit and Redemption Accounts

700.61 General.
700.62 Primary ration credit accounts.
700.63 Secondary ration credit accounts.
700.64 Redemption accounts.
700.65 Recordkeeping requirements and reports.

Subpart F—National Ration Reserve

700.71 National Ration Reserve.

Subpart G—State Rationing Offices and Local Rationing Boards

700.81 State Rationing Office.
700.82 Local Rationing Board.
700.83 Hardship applications.
700.84 Selection of Local Rationing Panel and Local Rationing Board Manager.
700.85 State Hardship Reserves.
700.86 Timeliness.
700.87 Appeals.

Subpart H—Diesel Fuel Rationing

700.91 General.
700.92 Issuance of ration rights.
700.93 Redemption.

Subpart A—General Provisions

§ 700.1 Scope.

(a) This part applies to the mandatory allocation of gasoline and end-use rationing of gasoline and diesel fuel produced in or imported into the United States.

(b) *Effective date.* The subparts of this part shall become effective severally or *in toto* on a date or dates to be specified by the Federal Energy Administration and published in the FEDERAL REGISTER, subject to the provisions of § 201(b) and (c) of the Energy Policy and Conservation Act (Pub. L. 94–163).

(c) *Relationship to other parts.* Unless otherwise specified, the provisions of parts 205 and 210 of this chapter shall apply to this part. The pricing provisions applicable to this part are provided in part 212 of this chapter. The provisions of part 211 of this chapter shall not apply to this part except as specifically indicated.

(d) Nothing in this part is intended to exclude or supersede exchange or borrow/payback operations which are normal operating procedures provided these procedures are not used to circumvent the intent of this part.

§ 700.2 Relationship of subparts.

Unless otherwise specified in a particular subpart, the general provisions set forth in this subpart apply.

§ 700.3 Limitation on suppliers and purchasers of rationed products.

(a) No supplier (including a retail sales outlet) shall supply a rationed product to any firm without redeeming ration rights or receiving redemption checks at the time the rationed product is transferred to such firm equal on a volume basis to the rationed product transferred; *provided*, That a retail sales outlet may supply gasoline to a purchaser without redeeming ration rights if the retail sales outlet agrees to obtain ration rights to cover the transaction and does so within ten (10) days of the transaction.

(b) Notwithstanding any other provisions of this part, no supplier shall supply and no firm (including an individual) shall purchase or accept gasoline or diesel fuel in excess of one hundred (100) percent of its current requirements.

§ 700.4 General definitions.

For purposes of this part—"Agricultural production" means:

(a) All the activities classified under the industry code numbers specified below, as set forth in the Standard Industrial Classification Manual, 1972 edition:

011 Cash Grains.
0133 Sugar crops.
0134 Irish potatoes.
016 Vegetables and Melons.
017 Fruits and Tree Nuts.
0182 Food crops grown under cover.
021 Livestock, excluding Dairy, Poultry, etc.
024 Dairy Farms.
025 Poultry and Eggs.
091 Commercial Fishing.
201 Meat Products.
202 Dairy Products.
203 Preserved Fruits and Vegetables.
204 Grain Mill Products (except 2047, Dog, cat, and other pet food, which is excluded from the definition).
205 Bakery Products.
2061 Raw cane sugar.
2062 Cane sugar refining.
2063 Beet sugar.
209 Miscellaneous Foods and Kindred Products (except 2095, Roasted coffee, which is excluded from the definition).

(b) The following activities classified in the industry code numbers specified below, but only to the extent that they relate directly to food for human consumption:

0139 Field crops, except cash grains, not elsewhere classified.
0191 General farms, primarily crop.
0271 Fur-bearing animals and rabbits.
0272 Horses and other equines.
0279 Animal specialties, not elsewhere classified.
0291 General farms, primarily livestock.
071 Soil Preparation Services.
072 Crop Services (except 0724, Cotton ginning, which is excluded from the definition).
092 Fish Hatcheries and Preserves.
207 Fats and Oils.
2097 Manufactured ice (when used for preserving food for human consumption).
4212 Local trucking, without storage (only trucking from farm to market or to processing plant).
4971 Irrigation systems.

"Allocated product" means gasoline distributed pursuant to subpart B of this part.

"Allotment" means the value in gallons of gasoline or diesel fuel of the ration rights issued to an eligible individual or any firm.

"Base period" means the calendar month in the base year corresponding to the current calendar month.

"Base period use" means base period use as defined in §§ 700.32 and 700.45 of this part.

"Base year" means a calendar year to be determined by FEA and published in the FEDERAL REGISTER.

"Branded independent marketer" means a firm which is engaged in the marketing or distributing of an allocated product pursuant to—

(a) An agreement or contract with a refiner (or a firm which controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such firm), or

(b) An agreement or contract under which any such firm engaged in the marketing or distributing of an allocated product is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or firm which controls, is controlled by, or is under common control with such refiner), but which is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in paragraph (a) or (b) of this definition), and which does not control such refiner.

"Current requirements" means the amount of gasoline or diesel fuel needed by a firm to meet its present supply requirements for a particular use of those products, but does not include any amounts which the firm (a) purchases or obtains for resale, (b) accumulates as an inventory in excess of that firm's customary inventory maintained in the conduct of its normal business practices, or (c) uses in excess of the supply necessary to meet present supply requirements as constrained by the implementation of the energy conservation program required in § 211.21 of part 211 of this chapter.

"Department of Defense use" means those activities of the United States armed forces directly connected with and essential to strategic defense operations (excluding administrative activities).

"Diesel fuel" means No. 2–D diesel fuel as defined in American Society of Test-

ing and Materials (ASTM) D975–71 and No. 1–D diesel fuel as defined in ASTM D975–71. Excluded from the definition is No. 4–D diesel fuel as defined in ASTM D975–71.

"Eligible individual" means a natural person having a valid motor vehicle operator's permit, other than a learner's permit, issued by a State in his or her name or any natural person designated as an eligible individual by the FEA. An Indian residing on a reservation under the jurisdiction of the Bureau of Indian Affairs of the Department of the Interior who has no State driver's permit but who is permitted by the Bureau of Indian Affairs to drive a motor vehicle on the reservation is included within the definition.

"Emergency services" means law enforcement, fire fighting, and emergency medical services.

"End-user" means any firm which is an ultimate consumer of gasoline or diesel fuel other than a wholesale purchaser-consumer.

"Energy production" means the exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, shale oil, nuclear fuels and electrical energy. It also includes the construction of facilities and equipment used in energy production, such as pipelines, mining equipment and similar capital goods. Excluded from this definition is synthetic natural gas manufacturing.

"FEA" means the Federal Energy Administration.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including a charitable, educational, or other eleemosynary institution, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The FEA may, in regulations and forms issued in this part, treat as a firm:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a firm.

"Gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties. Excluded from the definition is aviation fuel as defined in § 211.142 of part 211 of this chapter.

"Independent marketer" means either a branded independent marketer or a non-branded independent marketer.

"Individual" means a natural person.

"Local Rationing Board" means the group consisting of the Local Rationing Panel, the Local Rationing Board Manager and the Local Rationing Board Staff.

"National Ration Reserve" means the ration rights reserved by FEA for each ration period for distribution to meet special or urgent needs during that ration period pursuant to subpart F of this part.

"Nonbranded independent marketer" means a firm which is engaged in the marketing or distribution of an allocated product, but which (a) is not a refiner, (b) is not a firm which controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (c) is not a branded independent marketer.

"Passenger transportation services" means (a) surface facilities and services, excluding water and rail, which serve the general public for carrying passengers whether publicly or privately owned, including taxicabs; and (b) bus transportation of pupils to and from school.

"Rationed product" means gasoline distributed pursuant to subparts C and G of this part and diesel fuel distributed pursuant to subparts G and H of this part.

"Ration period" means the time span between the date one ration coupon series becomes valid and the date the immediately following ration coupon series become valid.

"Ration rights" means ration coupons and ration credits made available pursuant to subparts C, G, and H of this part which shall be evidence of an eligible individual's or firm's right to purchase specified volumes of gasoline and diesel fuels.

"Refiner" means refiner as defined in § 211.62 of part 211 of this chapter.

"Retail sales outlet" means a site on which a supplier maintains an ongoing business of selling any rationed product to eligible individuals, wholesale purchaser-consumers or end-users.

"Sanitation services" means the collection and disposal for the general public of solid wastes, whether by public or private entities, and the maintenance, operation and reptair of liquid purification and waste facilities during emergency conditions. Sanitation services also includes the provision of water supply services by public utilities, whether privately or publicly owned or operated.

"Scrip" means any certificate, writing or token which represents less than five (5) gallons of a rationed product, and which a retail sales outlet may offer to any firm (including an individual) which has accepted less rationed product than the gallon amount of the ration rights surrendered to the retail sales outlet.

"State" means any one of the fifty States, the District of Columbia, Puerto Rico or any territory or possession of the United States.

"State Rationing Office" means the office established by the Chief Executive of each State to carry out the authorities delegated to that office by FEA pursuant to subpart G of this part.

"State Hardship Reserves" means the ration rights provided to the State Rationing Offices by FEA for distribution within the States to meet the hardship needs of firms (including individuals) having needs for rationed products in addition to the amounts, if any, allotted to such firms pursuant to subparts C and H of this part.

"Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated or rationed product to wholesale purchasers or end-users, including, but not limited to, refiners, importers, resellers, jobbers, and retailers.

"Telecommunications services" means the repair, operation, and maintenance of voice, data, telegraph, video, and similar communications services to the public by a communications common carrier, during periods of substantial disruption of normal service.

"Vehicle rental company" means a firm which rents or leases motor vehicles to other firms (including individuals) who are bailees of the motor vehicles for the period of the rental or lease.

"Wholesaler purchaser" means a wholesale purchaser-reseller or wholesale purchaser-consumer, or both.

"Wholesale purchaser-consumer" means any firm that is an ultimate consumer of a rationed product which, as part of its normal business practices, purchases or obtains a rationed product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either (a) purchased or obtained more than 20,000 gallons of that product for its own use in agricultural production in any completed calendar year subsequent to the year prior to the base year; or (b) purchased or obtained more than 84,000 gallons of that product in any completed calendar year subsequent to the year prior to the base year.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated or rationed product and resells or otherwise transfers it to other purchasers without substantially changing its form.

§ 700.5 Ration coupons as obligations of the United States, crimes and offenses.

(a) Ration coupons are an obligation of the United States within the meaning of 18 U.S.C. 8. The provisions of title 18 of the United States Code, "Crimes and Criminal Procedure," relative to counterfeiting and alteration of obligations of the United States and the uttering, dealing in, etc., of counterfeit obligations of the United States are applicable to ration coupons.

(b) Any firm having custody, care and control of ration coupons shall at all

times, in receiving, storing, transmitting, or otherwise handling ration coupons, take all precautions necessary to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit ration coupons and to avoid any unauthorized transfer, negotiation, or use of ration coupons. Such persons shall also safeguard ration coupons from theft, embezzlement, loss, damage, or destruction.

Subpart B—Allocation of Gasoline to Wholesale Purchaser-Resellers

§ 700.31 Supplier/wholesale purchaser-reseller relationship.

(a) Each supplier of gasoline shall supply all wholesale purchaser-resellers which purchased or obtained gasoline from that supplier during the base period.

(b) Unless otherwise provided in this part or directed by FEA, the supplier/wholesale purchaser-reseller relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Gasoline Allocation and Rationing Program and may not be waived or otherwise terminated without the express written approval of FEA.

§ 700.32 Supplier's method of allocation.

(a) *General.* (1) Suppliers of gasoline shall allocate all their allocable supply in accordance with the provisions of this section. Each supplier shall determine its allocation fraction pursuant to the provisions of paragraph (b) of this section. Suppliers shall then allocate to wholesale purchaser-resellers with whom they have a supplier/purchaser relationship in accordance with the provisions of paragraph (c) of this section. The method of allocation for new suppliers is specified in paragraph (d) of this section. Suppliers with allocation fractions less than one (1.0) must act in accordance with the provisions of paragraph (e) of this section, while suppliers with allocation fractions in excess of one (1.0) must act in accordance with the provisions of paragraph (f) of this section.

(2) Except as provided in § 700.33 of this subpart, for purposes of defining a supplier in this subpart, a firm shall mean the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(b) *Allocation fraction.* Each supplier shall determine an allocation fraction prior to making any allocation. A supplier's allocation fraction for any period shall be equal to its allocable supply of gasoline, which is defined in paragraph (b) (1) of this section, for that period, divided by its supply obligation for all levels of distribution, which is defined in paragraph (b) (2) of this section. Suppliers shall adjust their allocation fractions for each such period to reflect adjustments in their supply obligation and in their allocable supply. Each supplier shall only have a single allocation fraction for an allocation period for all wholesale purchaser-resellers except to the extent permitted or required by order of the FEA. Suppliers with two or more distribution subsystems or regions independent of one another may apply to the FEA National Office, in accordance with subpart G of part 205 of this chapter, for permission to use multiple allocation fractions whenever use of a single allocation fraction would be impracticable or inconsistent with the objectives of the program.

(1) *Allocable supply.* Each supplier's allocable supply of gasoline for a period which corresponds to a base period shall be equal to its total supply for that period, which is the sum of its estimated production, including amounts received under processing and exchange agreements, imports (except to the extent imports may be excluded pursuant to § 211.12(g) of part 211 of this chapter), purchases and any reduction in inventory of gasoline made pursuant to § 211.22 of part 211 of this chapter except as otherwise ordered by FEA less (i) any amounts supplied to customers through exchange agreements and (ii) any amounts of gasoline supplied directly to firms other than wholesale purchaser-resellers. Any existing inventory, or production, importation or purchase of gasoline used to increase that inventory consistent with the provisions of § 211.22 of part 211 of this chapter shall not be included in the allocable supply of gasoline.

(2) *Supply obligation—(i) General.* A supplier's supply obligation of gasoline is the sum of (A) the amounts of its wholesale purchaser-resellers' base period volumes as adjusted which were supplied by the supplier during the appropriate base period provided that the wholesale purchaser-reseller is still in business; and (B) the amounts of base period uses of new wholesale purchaser-resellers assigned to the supplier by FEA.

(ii) *Base period use.* A wholesaler purchaser-reseller's base period use is its base period volume or adjusted base period volume, as appropriate. A wholesale purchaser-reseller's base period volume of gasoline is the volume of gasoline purchased or obtained during the appropriate base period. In the case of a new wholesale purchaser-reseller, base period volume means the volume assigned pursuant to § 211.12(e) of part 211 of this chapter. Base period volume, however, does not include any amounts of gasoline obtained pursuant to in kind exchange agreements of gasoline which are normal business operating procedures except the difference between the total amounts received under exchange agreements and the total amounts supplied to customers through exchange agreements. Suppliers do not have a base period volume except when acting in the capacity of wholesale purchaser-resellers.

(c) *Allocation by suppliers to wholesale purchaser-resellers.* Each supplier shall allocate to each wholesale purchaser-reseller a volume of gasoline equal to the product of that supplier's allocation fraction multiplied by the amount equal to that wholesale purchaser-reseller's base period use; *provided,* That, the wholesale purchaser-reseller has presented to the supplier redemption checks drawn upon the wholesale purchaser-reseller's redemption account in amounts equal to the supplier's deliveries to the wholesale purchaser-reseller made more than ten (10) days prior to a contemplated delivery by the supplier to the wholesale purchaser-reseller.

(d) A supplier which was not a supplier prior to a date to be determined by FEA and published in the FEDERAL REGISTER shall be considered to have no supply obligation and shall not allocate supplies to any wholesale purchaser-reseller without FEA approval.

(e) *Allocation fractions less than one.* (1) When a supplier's allocation fraction is less than one (1.0), a supplier shall reduce, on a pro-rata basis, the amounts of gasoline to be supplied to wholesale purchaser-resellers.

(2) Any supplier whose allocation fraction is equal to or less than one (1.0) and whose wholesale purchaser-resellers (other than retail sales outlets of gasoline owned and operated by that supplier) entitled to receive an allocation from that supplier either have not purchased or have notified the supplier of their intent not to purchase their allocation entitlement by the end of the allocation period may report and dispose of such volumes in accordance with the provisions of paragraph (f) of this section.

(f) *Allocation fractions greater than one.* (1) *General.* In allocating allocable supplies of gasoline among wholesale purchasers and end-users, no supplier may use an allocation fraction greater than one (1.0) except as provided herein.

(2) *Non-reporting suppliers.* Any wholesale purchaser-reseller which is a retail sales outlet or any other supplier not subject to subparagraph (3) of this paragraph and which has an allocable supply of sufficient magnitude that its allocation fraction will exceed one (1.0) shall distribute its surplus product as provided by subparagraph (5) of this paragraph. There is no requirement that such a wholesale purchaser-reseller report its surplus product to FEA.

(3) *Surplus product reports.* A supplier which is a refiner or importer, and which is not a retail sales outlet and which has an allocable supply of sufficient magnitude that its allocation fraction computed pursuant to paragraph (b) of this section will exceed one (1.0) for a period corresponding to a base period, shall make allocations based on an allocation fraction of one (1.0) and shall report the volume, location, price, availability of transportation and significant specifications of surplus gasoline available. The surplus gasoline report shall be submitted in writing to the FEA National Office, with a copy to the appropriate FEA Regional Office, within five (5) days of the supplier's determination that its allocation fraction will exceed one (1.0). The report must be clearly labeled "Surplus Gasoline Report" both on the document and on the outside of the envelope in which the document is transmitted and shall be addressed to: Federal Energy Administration, Surplus

Gasoline Report, Post Office Box 19407, Washington, D.C. 20036. The FEA shall provide written notification to each supplier submitting a surplus gasoline report of the exact time of receipt of the report.

(4) *Redirection.* The National or Regional FEA (whenever authorized by the National FEA) may within ten (10) days after actual receipt of notification made pursuant to subparagraph (3) above direct that the gasoline so reported be distributed among other suppliers, sold to designated wholesale purchasers or end-users, be distributed to the reporting supplier's purchasers on a pro-rata basis, such as using an allocation fraction greater than one (1.0), or be accumulated in inventory.

(5) *Distribution of surplus gasoline.* Any supplier subject to paragraph (f) (2) or any supplier which reports pursuant to paragraph (3) (f) of this paragraph and which is not notified to the contrary within ten (10) days of receipt by FEA of the supplier's notification under paragraph (f) (3) of this paragraph, may distribute its surplus gasoline at its discretion except that (i) the supplier shall supply, in the aggregate, to all purchasers in the category of (A) wholesale purchaser-resellers which are entitled to receive an allocation from that supplier and which are branded independent marketers, to the extent that such category of purchaser is willing to accept it, at least the same proportion of the supplier's surplus gasoline as the total base period volumes (prior to any adjustments) of branded independent marketers which are entitled to receive an allocation from that supplier bear to the total base period volumes (prior to any adjustments) of all purchasers, including those assigned by FEA, which are entitled to receive an allocation from that supplier; and (B) wholesale purchaser-resellers which are entitled to receive an allocation from that supplier and which are nonbranded independent marketers to the extent that such category of purchasers is willing to accept it, at least the same proportion of the supplier's surplus product as the total base period volumes (prior to any adjustments) of nonbranded independent marketers which are entitled to receive an allocation from that supplier bear to the total base period volumes (prior to any adjustments) of all purchasers including those assigned by FEA, which are entitled to receive an allocation from that supplier (ii) The supplier may not supply to retail sales outlets owned and operated by the supplier, in the aggregate, a greater proportion of the supplier's surplus gasoline than the total base period volumes (prior to any adjustments) of all such retail sales outlets bear to the total base period volumes (prior to any adjustments) of all purchasers, including those assigned by FEA, which are entitled to receive an allocation from that supplier unless the supplier first offers surplus gasoline to and meets all requests for surplus gasoline from all independent marketers which are entitled to receive an allocation from that supplier to the extent required in clause (f) (5) (i) of this paragraph; *provided,* That a supplier shall not be required to offer surplus gasoline available for distribution during a period corresponding to a base period to any purchaser which has refused to lift all of its allocation entitlement in that same period corresponding to a base period; and *provided further* That a supplier shall distribute its surplus product consistent with subpart C of this part.

(6) *Records of disposition of surplus gasoline.* Any supplier which reported surplus gasoline for a period corresponding to a base period as required by paragraph (f) (3) above shall maintain adequate records to allow FEA, upon request, to ascertain the disposition of the surplus gasoline.

(7) *Purchaser's rights.* Any wholesale purchaser or end-user may purchase gasoline from any supplier which certifies that it has surplus gasoline to distribute and that it has complied with the provisions of this paragraph; *provided,* That the purchaser shall comply with the provision of subpart C of this part with respect to such purchases.

§ 700.33 Retail sales outlets.

(a) *General.* Notwithstanding any other provisions of this part, the provisions of this section shall apply to retail sales outlets which sell gasoline.

(b) *Retail sales outlets as a firm.* (1) Each firm or part of a firm which operates an ongoing business at a retail sales outlet shall be considered a separate firm with respect to each such outlet for purposes of this part and, therefore, shall be a separate wholesale purchaser-reseller. The entity which merely holds a real property interest in a retail sales outlet on which another entity operates the ongoing business shall not be considered the wholesale purchaser-reseller with respect to that outlet.

(2) An independent marketer, or a small or independent refiner, which operates two or more retail sales outlets may apply to the FEA for treatment of some or all of such outlets as a single firm in accordance with the procedures established in Subpart G of Part 205 of this chapter. The FEA may allow such treatment to the extent that the petitioner can demonstrate that treatment of each outlet as a separate firm would tend to lessen its competitive market position and that allowance of the petition would not result in an inequitable distribution of gasoline in the market areas served by that marketer.

(3) (i) A supplier's obligation to provide gasoline shall be determined separately for each retail sales outlet for which it has a supply obligation without distinguishing between retail sales outlets operated by the supplier and retail sales outlets not operated by the supplier. A supplier may not reassign all or part of an allocation entitlement from one retail sales outlet to another, including reassignments among its own retail sales outlets, without the express written permission of FEA except as provided by paragraph (b) (3) (ii) of this section unless an application for treatment as a single firm of some or all of such supplier's retail sales outlets has been granted pursuant to paragraph (b) (2) of this section.

(ii) Each entity which operates two or more retail sales outlets which are supplied by a common supplier may reassign up to thirty (30) percent of the allocation entitlement of a retail sales outlet which it operates to another retail sales outlet which it operates provided that no retail sales outlet may have its allocation entitlement increased by more than thirty (30) percent pursuant to any reassignment permitted by this paragraph (b) (3) (ii).

(c) *Loss of allocation entitlement for going out of business.* (1) A wholesale purchaser-reseller which operates a retail sales outlet shall be deemed to have gone out of business with respect to that outlet if it vacates the site on which it conducts such business. Notwithstanding the foregoing, an independent marketer shall not be deemed to have gone out of business if (i) the independent marketer vacates the site on which it formerly operated a retail sales outlet, (ii) the former site is closed as a retail sales outlet or is operated as such by a firm that is not an independent marketer, and (iii) the independent marketer that occupied the former site, within a reasonable period of time, as determined by FEA, reestablishes another retail sales outlet at another location serving substantially the same customers or market that was served by the former site.

(2) *Closings of retail sales outlets.* An entity which operates more than one retail sales outlet and which intends to go or goes out of business at one or more such retail sales outlets may apply to FEA for an adjustment to the base period volumes of its retail sales outlets which will remain in business. FEA may allow such adjustments to the extent that the vacating of business at a particular retail sales outlet does not result in an inequitable distribution of motor gasoline in the market areas served by the entity and that such an adjustment would not otherwise be inconsistent with the objectives of the Mandatory Gasoline Allocation and Rationing Program. Pending FEA action on an application, FEA may provide adjustments to the base period volume of the pertinent retail sales outlets, which will remain in business.

(d) *Suppliers of retail sales outlets.* (1) The supplier of a retail sales outlet shall be that part of a firm which actually furnishes or physically delivers the gasoline to the retail sales outlet. The operator of one or more retail sales outlets shall not be considered the supplier of its own retail sales outlets unless it operates a terminal facility from which it furnishes a product to each outlet or unless it otherwise physically delivers the gasoline to each outlet.

(2) Whenever an operator of a retail sales outlet goes out of business with respect to that retail sales outlet under paragraph (c) of this section, the supplier of that outlet shall, in calculating its allocation fraction, remove the amount of the allocation entitlement of that retail sales outlet from its supply obligation, unless the right to such allocation has transferred to a successor wholesole purchaser-reseller under paragraph (e) of this section.

(3) Any supplier which supplies its own operated retail sales outlets shall report to the National and appropriate regional FEA and to the appropriate State office whenever it ceases to supply any retail sales outlet, without regard to whether such retail sales outlet is operated by the supplier.

(e) *Transfer of entitlement.* Whenever a wholesale purchaser-reseller is deemed to have gone out of business in accordance with paragraph (c) of this section, the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor on the site, provided such successor established the same ongoing business on the site within a reasonable period of time, as determined by FEA, after its predecessor vacates the premises.

§ 700.34 Procedures and reporting requirements.

(a) All applications by wholesale purchaser-resellers for adjustment of base period use or assignment of suppliers of gasoline shall be filed with the appropriate FEA Regional Office in accordance with subparts B and C of part 205, respectively, of this chapter. All other matters pertaining to the allocation of gasoline shall be addressed to the appropriate FEA Regional Office or State Rationing Office, as appropriate.

(b) The general reporting and recordkeeping requirements contained in subpart L of part 211 of this chapter shall apply to this subpart.

Subpart C—Rationing of Gasoline

§ 700.41 General.

(a) For the duration of the Mandatory Gasoline Allocation and Rationing Program, no firm shall obtain gasoline from any supplier without transferring to the supplier valid ration rights or redemption checks equal on a gallon basis to the amount of gasoline transferred; *provided*, That any retail sales outlet may transfer gasoline to any firm (including an individual) other than a supplier without obtaining and redeeming ration rights from such firm if the retail sales outlet agrees to obtain and redeem the appropriate amount of ration rights from any source within ten (10) days of the transaction.

(b) For purposes of this subpart, "ration rights" means ration coupons and ration credits issued pursuant to § 700.42 of this subpart.

§ 700.42 Ration rights.

(a) For each ration period, FEA shall issue ration rights equal to the estimated total available supply of gasoline for that ration period, as follows:

(1) One (1) percent shall be reserved for distribution pursuant to subpart F of this part (the National Ration Reserve).

(2) Three (3) percent shall be reserved for distribution to the States based on population and other relevant factors pursuant to subpart G of this part.

(3) FEA shall issue ration credits to all firms each calendar month pursuant to § 700.45 of this subpart. The total amount of ration rights issued to firms in a ration period is determined by adding together the pro-rata shares of all firms' allotments for calendar months which fall wholly or partially within the ration period.

(4) The remaining ration rights not issued according to subparagraphs (a)(1) through (a)(3) above will be issued to eligible individuals pursuant to § 700.44 of this subpart.

(b) Ration rights issued to firms will be distributed in the form of ration credits in a primary ration credit account for each firm. Ration rights issued to individuals will be distributed in the form of ration coupons. Ration credits may be used directly for gasoline or exchanged for coupons at coupon issuance points designated by FEA. Valid ration coupons may be deposited in ration credit accounts, and be subsequently withdrawn as ration credits.

§ 700.43 Validity of ration rights.

(a) *Ration credits.* Unless withdrawn by FEA, ration credits are valid from the date of issuance by FEA through the end of the Mandatory Gasoline Allocation and Rationing Program. Ration credits may be accumulated in ration credit accounts or may be withdrawn at any time after their issuance.

(b) *Coupons.* Unless declared invalid by FEA or redeemed or canceled pursuant to subpart D of this part, ration coupons of any series shall be valid from the first day of the ration period for which they are issued through the end of the Mandatory Gasoline Allocation and Rationing Program even though the ration period for which the ration coupons were issued has terminated. FEA may by public notice declare any series or any portion of a series of ration coupons to be invalid. By notice to any holder of particular ration coupons, FEA may declare any ration coupons held by that holder to be invalid and require that such invalid ration rights be immediately surrendered to FEA.

§ 700.44 Issuance of ration rights to eligible individuals.

(a) *Ration periods.* (1) A ration period shall be designated by FEA at least ten (10) days prior to the first day of that ration period by notice published in the FEDERAL REGISTER. A notice designating a ration period may designate more than one ration period and shall establish the term of each ration period designated in the notice.

(2) FEA may by notice published in the FEDERAL REGISTER advance the commencement date of a previously designated ration period.

(b) *Eligible individual's ration allotment.* (1) For each ration period, FEA shall distribute ration rights to eligible individuals equal to the difference between the total ration rights issued for that ration period minus the ration rights to be distributed pursuant to subparts F and G of this part and § 700.45 of this subpart. Ration rights issued for eligible individuals will be distributed in the form of ration coupons.

(2) Each eligible individual shall be entitled to receive ration rights equal to the number of ration rights issued under paragraph (b)(1) above divided by the number of eligible individuals for that ration period. This number shall be an eligible individual's ration allotment for that ration period. FEA shall provide notice of the number of ration rights to be issued each eligible individual for a ration period at least ten (10) days prior to the commencement of the ration period.

(c) *Ration coupons.* A ration coupon shall be redeemable for five (5) gallons of gasoline.

(d) *Distribution of ration rights to eligible individuals.* (1) Each eligible individual may obtain his or her ration allotment at an issuance point designated by FEA. For the first three (3) ration periods, an eligible individual will be required to fill out an application form and present his or her State driver's license. Unless otherwise provided by notice published in the FEDERAL REGISTER, for ration periods subsequent to the first three (3) ration periods an eligible individual will be issued his or her ration allotment for three (3) ration periods upon surrender of an authorization card issued to that eligible individual which is valid for that ration period. FEA by notice will designate the day or days on which eligible individuals may apply for their ration allotments. Upon an eligible individual's presentation of a valid authorization card and delivery of his or her ration allotment for one or more designated ration periods, the issuance point shall retain and mark or cancel the eligible individual's authorization card for the series of ration rights issued.

(2) The procedures of paragraph (d)(1) may be followed by agents of eligible individuals unable to personally apply for ration rights. Such agents must present documents authorizing the agent to act on behalf of a particular eligible individual signed by the eligible individual in accordance with FEA forms and instructions.

(3) Indians residing on reservations under the jurisdiction of the Bureau of Indian Affairs who do not possess driver's licenses issued by a State may apply to the Bureau of Indian Affairs for their allotments.

(4) Any individual who becomes an eligible individual after the start of a ration period will be given an authorization card for allotments beginning with the next subsequent ration period.

(e) *Authorization cards.* (1) Any person who is an eligible individual shall be provided with valid authorization cards by the State agency authorized by FEA to issue and distribute authorization

cards to licensed drivers holding driver's licenses from that State.

(2) Each eligible individual shall be issued one authorization card for designated ration periods by the appropriate State agency in accordance with notice given by FEA. No eligible individual shall accept or use more than one authorization card for any designated ration periods.

(3) An eligible individual shall receive authorization cards valid only for ration periods which commence after the date on which the authorization cards are issued and for which distribution of ration coupons has not commenced.

(4) Appropriate State agencies shall be authorized by FEA to issue and distribute authorization cards.

(5) State agencies which enter into agreements with FEA to issue and distribute authorization cards shall do so in accordance with forms and instructions issued by FEA.

(6) No firm (including a State agency) shall issue and distribute authorization cards which have not been approved by FEA in writing.

(7) *Records and reports.* Each State agency authorized by FEA to issue authorization cards shall keep records and submit such reports and other information as FEA may from time to time require.

(8) *Retention of records.* Each State agency shall retain all records and reports submitted to it for possible FEA audit for a period of three (3) years.

(9) *Lost, stolen, or misplaced authorization cards.* Any eligible individual whose authorization card is lost, stolen or misplaced shall immediately report such fact to the State agency. The State agency may issue to such eligible individual a new authorization card in accordance with procedures developed by the State agency and approved in writing by FEA. Within five (5) days of notification, the State agency must transmit the name and number of the lost, stolen, or misplaced authorization card to FEA.

(10) *Appeals concerning authorization cards.* Any individual aggrieved by any act or omission of the State agency with respect to any authorization card may file an appeal in accordance with the provisions of subpart Q of part 205 of the chapter.

(11) Each State agency shall establish procedures approved by FEA to ensure timely distribution of authorization cards to existing and new eligible individuals.

§ 700.45 Issuance of ration rights to firms entitled to a ration credit level.

(a) For each calendar month, FEA shall issue and distribute ration credits equal to the sum of the ration credit allotments of all firms entitled to a ration credit level and which have primary ration credit accounts with FEA.

(b) *Allotments.* Each firm entitled to a ration credit level and with a primary ration credit account shall receive from FEA ration credits on the first day of each calendar month equal to the firm's ration credit level multiplied by the firm's base period use or by the firm's estimated current requirements for those firms entitled to one hundred (100) percent of current requirements.

(c) *Base period use.* (1) Except as otherwise specified in paragraphs (c) (2) and (3) of this paragraph, base period use means base period volume or adjusted base period volume, as appropriate. A wholesale purchaser-consumer's or end-user's base period use is the volume of gasoline purchased or obtained in a base period for a use for which there is a ration credit level. In the case of a new wholesale purchaser-consumer or new end-user, base period use means the volume assigned by FEA. Suppliers do not have a base period use for the purposes of this subpart except when acting as a wholesale purchaser-consumer or end-user.

(2) For vehicle rental companies, base period use means the base period volume or adjusted base period volume, as appropriate, used by employees or agents of the firm on firm business. Volumes of gasoline used by customers of the vehicle rental company are not included in the firm's base period use. In those instances where a vehicle rental company has not distinguished between gasoline used by customers and gasoline used by employees and agents of the firm, reasonable estimates based on actual mileage records may be used in establishing the firm's base period use.

(3) For a firm having commissioned direct sales representatives, the gasoline used in the sales activities of the representatives during a base period shall be considered part of the firm's base period use even though the cost of the gasoline was borne by the sales representatives and not reimbursed by the firm. Commissioned direct sales representatives shall not be eligible for a ration credit level based on their activities as commissioned direct sales representatives. These persons must apply to the firms which pay their commissions for the ration rights, if any, necessary for their sales activities.

(d) *Ration credit levels.* A ration credit level is the percentage of current requirements or of base period use of an end-user or wholesale purchaser consumer that FEA shall use in computing the allotment for such firms each calendar month. The ration credit levels for gasoline are as follows:

(1) *One hundred (100) percent of current requirements.*

(i) Department of Defense use;

(ii) Agricultural production;

(iii) Emergency services; and

(vi) Passenger transportation services.

(2) *One hundred (100) percent of base period use.*

(i) Telecommunication services;

(ii) Sanitation services; and

(iii) Energy production.

(3) *Ninety (90) percent of base period use.*

(i) All other government uses;

(ii) All other uses by firms which report gasoline as an expense to the Internal Revenue Service on Schedule C or F, or Forms 1065, 1120, 1120S, 990 or 990PF; and

(iii) All uses for religious, charitable, educational or other eleemosynary purposes not otherwise accorded to a ration credit level in this paragraph.

(e) *Basis of entitlement to ration credits.* A firm entitled to a ration credit level shall receive ration credits based on its conduct of an ongoing business or maintenance of an established end-use for which there is a ration credit level.

(f) *End-users and wholesale purchaser-consumers as firms.* For purposes of defining an end-user or wholesale purchaser-consumer in this part, a firm shall mean all parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls and which act as ultimate consumers, including all sites, storage tanks and other facilities or entities of the end-user or wholesaler purchaser-consumer that use or store gasoline.

(g) *Loss of ration credit entitlement for discontinued activities.* A firm shall not be eligible to receive ration rights based upon discontinued activities and no firm shall accept or use ration rights issued or distributed to that firm or any other firm based upon discontinued activities.

(h) *Downward adjustments to base period use.* If a firm's average daily consumption during the three months immediately past has declined by twenty-five (25) percent or more as compared to the average daily consumption during the corresponding three (3) months of the base year, the firm must report the average daily consumption for both three-month periods to the appropriate FEA regional office and submit detailed information which will enable FEA to determine the amount of any downward adjustment, if any, in the firm's base period use which FEA should order.

(i) *New wholesale purchaser-consumers and end-users.* Wholesale purchaser-consumers and end-users which did not purchase gasoline during any base period may apply to FEA for assignment of a base period use pursuant to this subpart and to the provisions of § 211.12(e) of part 211 of this chapter. In determining base period use for a firm which was not in operation during the base year, FEA shall among other things review the firm's gasoline purchases preceding the firm's application to FEA, the types of vehicles used, and the number of miles driven. FEA will also consider typical consumption patterns of similar firms.

(j) *Adjustments to base period use.* Any firm which has substantially altered its business activities so that its needs for gasoline during a period corresponding to a base period are at least twenty-five (25 percent greater than during the base period may apply in accordance with subpart B of part 205 of this chapter to the appropriate FEA regional office for an adjustment to base period use. FEA may grant such adjustments in whole or in part upon a showing of extreme hardship or gross inequity.

§ 700.46 Calculations.

(a) This section establishes the formulae for calculating a firm's ration credit allotments; the total available supply; the adjusting term; and the length of the ration period. A "computation period" is used in these calculations initially, since the precise length of the ration period is not known until the final calculation is made. The first computation period will be 30 days; once rationing has begun the computation period will have the same number of days as the immediately preceding ration period.

(b) For purposes of paragraphs (c), (d), (e), and (f) of this section, the following symbols have the following meanings:

Symbol	Units	Meaning
REF	Gallons	Projected refinery output of gasoline during computation period.
IMP	do	Projected imports of gasoline during computation period.
EXP	do	Projected exports of gasoline during computation period.
LOS	do	Projected losses of gasoline from spillage, evaporation, and casualty losses during computation period.
NEI	Persons	Number of eligible individuals (latest count from State motor vehicle department and Bureau of Indian Affairs).
BM_iV	Gallons	The base period volume for a firm in month i (or current requirements for firms entitled to 100 pct of current requirements).
DM_i	Days	Number of days in calendar month i.
DM_iC	do	Number of days in calendar month i which fall within the computation period.
INV	Gallons	Amount of desired gasoline inventory drawdown during computation period from industry and any government-held (strategic) inventories.
NRR	do	Amount of allotment to be reserved for use in the national ration reserve for the upcoming ration period.
ΣSHR	do	Amount of allotment to be provided for the State hardship reserves for the upcoming ration period.
CP	Days	Length of the computation period.
BA	Gallons per individual per ration period.	The basic allotment for each eligible individual in a ration period (equal to NCU by VCU).
NCU	Coupons per ration period.	Number of coupons to be given to each eligible individual in a ration period.
VCU	Gallons per coupon	Gallon value of each coupon.
RCL	Fraction expressed as a decimal.	Ration credit level for a firm (90 pct equals 0.9; 100 pct equals 1.0).
TAS	Gallons	The total available supply of gasoline to be rationed during a ration period.
ADJ	do	An adjusting term representing errors, roundings, and unclaimed allotments in previous ration periods.
NAS	do	The net available supply of gasoline during a computation period, equal to the TAS minus amounts necessary for the national ration reserve and the State hardship reserves.
NDAS	do	The net daily available supply equal to the NAS divided by the number of days in the computation period.
FA_i	Gallons per month	The allotment for a firm in month i.
FD_{cp}	do	The weighted average daily allotment for a firm in the computation period.
ΣFD_{cp}	do	The total weighted average daily allotment for all firms in the computation period (computed by summing FD_{cp} for all firms).
RP	Days	The length of a ration period.

(c) *Total available supply (TAS).* The total available supply (TAS) of gasoline which can be sold during the computation period is determined from data available on the refining and importing of gasoline, adjusted for exports, losses, and inventory changes.

$$TAS=REF+IMP-EXP-LOS+ADJ+INV$$

(d) *Adjusting term (ADJ).* The adjusting term is the sum of adjustments required as a result of errors, roundings, and unclaimed allotments from previous ration periods.

$ADJ=(TAS_{\text{current est}}-TAS_{\text{prior est}})$ for all previous ration periods,

+ Unclaimed allotments from individuals, especially those with multiple licenses,

+ Returned allotments from firms with reduced or eliminated activities,

+ Rounding adjustment in computing the prior ration period, where rounding adjustment equals

$$\frac{RP-RP\text{ rounded}}{RP}\times BA\times NEI$$

(e) *Net available supply (NAS).* The net available supply is computed by subtracting from the *TAS* the allotments necessary to replenish or increase the National Ration Reserve and the State Hardship Reserves.

$$NAS=TAS-NRR-\Sigma SHR$$

(f) *Net daily available supply (NDAS).* The net daily available supply (*NDAS*) is computed by dividing the *NAS* by the number of days in the computation period.

$$NDAS=\frac{NAS}{CP}$$

(g) *Allotment for each firm (FA_i).* The monthly allotment for each firm is determined by multiplying the month's gasoline quantity on the application form (base period use or estimated current requirements) times the appropriate ration credit level.

$$FA_i=BM_iV\times RCL$$

(h) *Average daily allotment for each firm (FD_{cp}).* The average daily allotment for each firm during a computation period is calculated using a weighted average to take into account the fact that a computation period will usually overlap two calendar months.

$$FD_{cp}=\left[\frac{FA_1}{DM_1}\times\frac{DM_1C}{CP}\right]+\left[\frac{FA_2}{DM_2}\times\frac{DM_2C}{CP}\right]$$

(i) *Length of ration period.* The length of the ration period is determined from the figures developed above and by summing FD_{cp} derived above for all firms.

$$RP=\frac{BA\times NEI}{NDAS-\Sigma FD_{cp}}$$

The ration period length computed above will be rounded down to the nearest whole day.

§ 700.47 Recordkeeping requirements.

All firms must maintain at their principal business address records on gasoline purchased or obtained during each base period and each period corresponding to a base period. The records shall be subject to FEA audit and must be retained for three (3) years after the termination of the Mandatory Gasoline Allocation and Rationing Program.

Subpart D—Redemption, Transfer and Invalidation of Ration Rights

§ 700.51 Transfer of ration rights.

(a) Ration rights may be freely transferred for or without consideration provided that such ration rights have not been redeemed, cancelled or invalidated by FEA.

(b) No supplier (including a retail sales outlet) shall require any purchaser to purchase ration rights from any firm (including itself) as a condition of transferring gasoline.

(c) No supplier (including a retail sales outlet) shall refuse to sell gasoline to any purchaser which tenders the lawful price of the gasoline with sufficient ration rights to cover the transaction except as permitted or required by the Mandatory Gasoline Allocation and Rationing Regulations.

§ 700.52 Invalidated ration rights.

Ration rights which have been invalidated by FEA are not transferable for value and shall be surrendered to FEA.

§ 700.53 Cancelled ration rights.

(a) Ration rights which have not been exchanged for gasoline may be deposited into a ration credit account. Such ration rights are cancelled when deposited.

(b) An owner of a ration credit account shall endorse ration rights to be deposited into that ration credit account with the account owner's name and account number.

(c) Participating banks shall indelibly mark deposited ration rights with the legend "cancelled" at the time of deposit.

§ 700.54 Redeemed ration rights.

(a) Ration rights and redemption checks shall be redeemed by exchanging them for gasoline and shall be surrendered as provided by these regulations.

(b) A supplier (including a retail sales outlet) which accepts ration rights or redemption checks in exchange for gasoline shall redeem such ration rights and redemption checks by indelibly marking them at the time of the exchange with the supplier's name, its redemption account number and the legend "redeemed".

(c) A supplier (including a retail sales outlet) shall deposit redeemed ration coupons, ration credit checks and redemption checks in its redemption account.

(d) No supplier (including a retail sales outlet) shall accept from any firm ration coupons, ration credit checks or redemption checks marked "redeemed," "cancelled," or "specimen." No supplier shall deposit in its redemption account any redeemed ration right or redemption check which the supplier did not redeem for gasoline.

§ 700.55 Scrip.

A retail sales outlet may issue scrip for any unused value on a ration coupon or ration credit check transferred for a purchase of gasoline. The type and form of the scrip are discretionary with the issuer. The scrip must be redeemed upon demand by the retail sales outlet which issued it. Retail sales outlets may agree among themselves to accept scrip issued by other retail sales outlets.

§ 700.56 Restriction on endorsements.

Ration credit checks must be deposited by the payee and may not be endorsed to third parties.

Subpart E—Ration Credit and Redemption Accounts

§ 700.61 General.

(a) FEA shall establish, maintain and administer primary ration credit accounts, secondary ration credit accounts, and redemption accounts at FEA regional processing centers.

(b) FEA may authorize certain firms to act as participating banks to accept applications to establish primary ration credit accounts, secondary ration credit accounts and redemption accounts, to accept deposits into such accounts and to perform such other duties and services as FEA may authorize.

(c) FEA shall establish reasonable fees that participating banks may charge holders of ration credit and redemption accounts and other users of rationing services performed by participating banks and authorized by FEA.

§ 700.62 Primary ration credit accounts.

(a) Upon application by any firm (including an individual) entitled to a ration credit level in accordance with forms and instructions to be issued by FEA, FEA shall establish a primary ration account for such firm.

(b) On the first day of each calendar month, FEA shall deposit ration credits for that calendar month in a firm's primary ration credit account in an amount equal to the firm's ration credit allotment.

(c) A firm may deposit additional ration rights in its primary ration credit account; *provided*, That such ration rights have not been previously cancelled, redeemed or declared invalid.

(d) A firm may withdraw ration credits from its primary ration credit account by issuing a ration credit check to the order of the firm to which it wishes to transfer ration credits. Ration credit checks shall only be issued upon forms approved and distributed by FEA.

(e) No firm shall issue a ration credit check drawn upon a primary ration credit account in which there are insufficient ration credits to cover that ration credit check and other outstanding ration credit checks drawn on that account.

§ 700.63 Secondary ration credit accounts.

(a) Upon application of any firm in accordance with forms and instructions to be issued by FEA, FEA shall establish secondary ration credit accounts for that firm.

(b) A firm may deposit ration rights in its secondary ration credit account; *provided*, That such ration rights have not been previously cancelled, redeemed or declared invalid by FEA.

(c) A firm may withdraw ration credits from its secondary ration credit account by issuing a ration credit check to the order of the firm to which it wishes to transfer ration rights. Ration credit checks shall only be issued upon forms approved and distributed by FEA.

(d) No firm shall issue a ration credit check drawn upon a secondary ration credit account in which there are insufficient ration credits to cover that ration credit check and other outstanding ration credit checks drawn on that account.

§ 700.64 Redemption accounts.

(a) Every supplier including every retail sales outlet shall apply to FEA for the establishment of a redemption account in accordance with forms and instructions issued by FEA.

(b) Suppliers shall deposit in their redemption accounts all redeemed ration rights and redemption checks which they have accepted.

(c) A wholesale purchaser - reseller must issue a redemption check to its supplier drawn on its redemption account in exchange for gasoline received for resale from that supplier. Redemption checks shall only be issued upon forms approved and provided by FEA.

(d) Participating banks shall accept redeemed ration rights and redemption checks on behalf of FEA for deposit in a supplier's redemption account.

§ 700.65 Recordkeeping requirements and reports.

Participating banks shall maintain such records and issue such reports as may be required from time to time by FEA.

Subpart F—National Ration Reserve

§ 700.71 National Ration Reserve.

(a) The National Ration Reserve shall be used by FEA to meet national disaster relief needs or for emergency replenishment of a State Hardship Reserve or for any other emergency need at the discretion of the Administrator.

(b) Each ration period, one (1) percent of the ration rights issued by the FEA pursuant to subpart C of this part shall be reserved for distribution at the discretion of the FEA National Office through the National Ration Reserve. The percentage of ration rights to be retained in the National Ration Reserve may be increased or decreased during subsequent ration periods upon notice published in the FEDERAL REGISTER.

Subpart G—State Rationing Offices and Local Rationing Boards

§ 700.81 State Rationing Office.

(a) Any State may apply to the FEA National Office to create a State Rationing Office within the State. The Bureau of Indian Affairs shall be treated as a State Rationing Office with respect to the Indian reservations under its jurisdiction.

(b) After FEA review of the criteria in paragraph (d) of this section and upon certification by FEA, such State Rationing Office will be delegated authority (1) to administer the State Hardship Reserve alloted by FEA to that State, (2) to receive petitions from any user of rationed products with respect to the priority and entitlement of such user under these regulations, and (3) consistent with these regulations and guidelines issued by FEA, to order a reclassification or modification of any prior determination made with respect to such user's rationing priority or rights specified in paragraph (b)(2) above subject to review by FEA.

(c) The State Rationing Office may redelegate the authority given to it by FEA to one or more Local Rationing Boards.

(d) *Criteria for delegation of authority to State Rationing Offices.* [Reserved]

§ 700.82 Local Rationing Board.

(a) Local Rationing Boards may be established within a State by the State Rationing Office pursuant to § 700.81 of this subpart.

(b) Each Local Rationing Board shall include a Local Rationing Panel selected pursuant to § 700.84 of this subpart.

(c) The Local Rationing Board shall be allotted an equitable portion of the State Hardship Reserve by the State Rationing Office. The Local Rationing Board shall maintain a secondary ration credit account into which it shall deposit the portion of the State Hardship Reserve it receives from time to time. From this secondary account, the Local Rationing Board may issue ration rights to individuals other than firms entitled to a ration credit level determined pursuant to § 700.83 of this subpart to be experiencing hardships.

(d) Each Local Rationing Board shall accept hardship petitions pursuant to § 700.83 of this subpart and either approve or disapprove such petitions pursuant to instructions and guidelines to be issued by FEA.

(e) Each week the Local Rationing Board shall report to the State Rationing Office with respect to the preceding week (1) the number of hardship petitions received per category of hardship alleged, (2) the disposition made of hardship applications, and (3) the amount of ration rights issued to individuals found to be experiencing hardships.

(f) The Local Rationing Panel shall review and decide all appeals of decisions made by the Local Rationing Board pursuant to § 700.83(d) of this subpart and in accordance with guidelines to be issued by FEA. The Local Rationing Panel shall also review and decide appeals filed by any person aggrieved by a decision of the Local Rationing Board with respect to any matters redelegated to it by the State Rationing Office pursuant to § 700.81 of this subpart. Appeals from the decision of the Local Rationing

Panel may be further appealed pursuant to § 700.87 of this subpart.

(g) The Bureau of Indian Affairs may establish Local Rationing Board on Indian reservations under its jurisdiction. Such boards will carry out the duties and functions of Local Rationing Boards as set forth in this subpart.

§ 700.83 Hardship applications.

(a) An individual may file a hardship application for rationing rights in addition to any rationing rights he or she is entitled to receive pursuant to Subpart C of this part. The application shall be made in accordance with FEA forms and instructions and shall include the applicant's name; address; social security number; the specific hardship alleged; the total amount of ration rights sought in addition to the ration rights, if any, already provided to the applicant during the current ration period; certification that no other hardship application is now pending before any other Local Rationing Board, or if such an application is pending, the address of the Local Rationing Board in which the application was filed; a list of any previous hardship applications and where filed; and the signature of the applicant or his or her authorized representative.

(b) Hardship applications will be received by the Local Rationing Board for review and determination if the applicant alleges any one or more of the following hardships:

(1) *Handicapped persons.* Any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services, who has a substantial, permanent impediment to mobility and whose needs for rationed products exceed the amount represented by the ration rights issued pursuant to subpart C of this part may file a hardship application.

(2) *Low-income, long-distance commuters.* Persons who without ration rights in addition to the amount allotted to them pursuant to subpart C of this part would be forced to spend over five (5) percent of their adjusted gross incomes purchasing ration rights for travel to and from their place of employment, and for whom carpooling or public transportation is not a reasonable alternative, may file a hardship application.

(3) *Migrant workers.* An individual who holds a drivers license issued by a State and who travels from one agricultural work site to another agricultural work site may file a hardship application with the Local Rationing Board which serves the community in which the current work site is located. The application should be awarded sufficient ration rights to assist the individual in traveling to his or her next work site.

(4) *Other recurring or one-time hardship needs.* Any individual experiencing severe hardships on a recurring or one-time-only basis, who is not specified in paragraphs (b)(1), (2) and (3) above, may file a hardship application. The Local Rationing Panel must review and decide any application filed pursuant to this paragraph (b)(4) consistent with the objectives of the Mandatory Gasoline Allocation and Rationing Program.

(c) *Processing of applications.* (1) The Local Rationing Board may initiate an investigation of any statement in an application, whether written or verbal, and utilize in its evaluation any relevant facts obtained by such investigation. The Local Rationing Board may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an oportunity to resond to all third person submissions. In evaluating an application, the Local Rationing Board may consider any other source of information. The Local Rationing Board on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(2) If the Local Rationing Board determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the Local Rationing Board may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the Local Rationing Board may dismiss the application with prejudice.

(3) After processing, the Local Rationing Board or the Local Rationing Panel shall either grant or deny a hardship application. If the application is granted, the Local Rationing Panel or the Local Rationing Board shall determine the amount of ration rights to be granted, shall notify the applicant in writing of the amount determined, and shall issue ration rights to the applicant in that amount. If the Local Rationing Board or the Local Rationing Panel determines that the application is not to be granted, the applicant shall be notified in writing promptly upon such determination.

(d) An applicant who does not receive as many ration rights as he or she applied for or an applicant whose application is not granted may appeal to the Local Rationing Panel. The appeal must be filed within 15 calendar days of receipt of the notice of determination specified in paragraph (c)(3) of this section. There has not been an exhaustion of administrative remedies until an appeal has been filed and decided, and all further appellate proceedings provided in § 700.87 of this subpart have been completed.

§ 700.84 Selection of Local Rationing Panel and Local Rationing Board Manager.

The Local Rationing Panel shall consist of an odd number of volunteers selected by the local government in which the panel serves in accordance with FEA guidelines. The members of the Local Rationing Panel shall designate one of their members as the individual responsible for calling meetings of the panel to determine local procedures and to carry out the duties of the Local Rationing Panel. The Local Rationing Board Manager shall be selected by the Chief Executive of the State in which the Local Rationing Board is located.

§ 700.85 State Hardship Reserves.

(a) Pursuant to subpart C of this part, FEA shall distribute ration rights to each State Rationing Office to be utilized by Local Rationing Boards to meet the needs of approved individual hardship applicants pursuant to § 700.83 of this subpart and to meet the needs of approved hardship applications filed with the State Rationing Office by firms pursuant to paragraph (b) of this section.

(b) *Application by firms experiencing severe hardships.* (1) A firm entitled to a ration credit level, other than as a supplier or a wholesale purchaser-reseller, may file an application with the State Rationing Office for rationing rights in addition to any rationing rights it is entitled to receive pursuant to subparts C and H of this part. The application shall be made in accordance with FEA forms and instructions and shall indicate the firm's name; address; employer identification number; the facts alleged to support a finding of severe hardship; the total amount of ration rights sought in addition to any ration rights already provided to the firm during the current ration period; certification that no other application is now pending before any other State Rationing Office or if such an application is pending, the address of the State Rationing Office in which the application was filed; a list of any previous applications and where filed; and the signature of the chief executive officer of the firm or his or her authorized representative.

(i) The State Rationing Office may initiate an investigation of any statement in an application, whether written or verbal, and utilize in its evaluation any relevant facts obtained by such investigation. The State Rationing Office may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the State Rationing Office may consider any other source of information. The State Rationing Office on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(ii) If the State Rationing Office determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the State Rationing Office may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the State Rationing Office may dismiss the application with prejudice.

(2) The State Rationing Office shall notify the applying firm in writing of the decision made with respect to the application and the amount, if any, of ration

rights the firm is to receive from the State Hardship Reserve.

(3) Any firm aggrieved by the decision of the State Rationing Office with respect to its application may appeal that decision pursuant to § 700.87(c) of this subpart.

(4) At the end of a ration period, any ration rights remaining in the State Hardship Reserve shall be reported to FEA and the balance frozen pending FEA direction. FEA may, among other courses of action, cancel the balance, add it to the State Hardship Reserve for the next ration period, transfer all or a portion of the balance to another State Hardship Reserve, or treat the balance as an advancement on the State Hardship Reserve for the next ration period.

§ 700.86 Timeliness.

(a) If the Local Rationing Board or the State Rationing Office fails to take action on an individual's or a firm's application, respectively, within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in § 700.87 of this subpart.

(b) Notwithstanding paragraph (a) of this section, the Local Rationing Board or the State Rationing Office may temporarily suspend the running of the 10-day period if it finds that additional information is necessary or that the application was improperly filed. The temporary suspension shall remain in effect until the Local Rationing Board or the State Rationing Office serves upon the individual or firm notice that the additional information has been received and accepted or that the application has been properly filed, as appropriate. Unless otherwise provided in writing, the 10-day period shall resume running on the first day that is not a Saturday, Sunday, or Federal legal holiday and that follows the day on which the Local Rationing Board or the State Rationing Office serves upon the person the notice described in this paragraph.

§ 700.87 Appeals.

(a) Individuals aggrieved by a decision made by a Local Rationing Panel or a Local Rationing Board may appeal that decision to the Local Rationing Panel pursuant to § 700.83(d) of this part.

(b) Individuals aggrieved by an appeal decision of a Local Rationing Panel may appeal that decision to the State Rationing Office in accordance with the procedures established by the State office. The appeal shall be filed within 15 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(c) Any person aggrieved by a decision made by a State Rationing Office with respect to any matters coming within the authority delegated to it pursuant to § 700.81 of this subpart, or relating to its decisions on applications for additional ration rights made pursuant to § 700.85 of this subpart, or on an appeal decsion made pursuant to paragraph (b) of this section may file an appeal of that decision pursuant to subpart Q of part 205 of this chapter.

Subpart H—Diesel Fuel Rationing

§ 700.91 General.

(a) No firm shall obtain diesel fuel at retail sales outlets from any supplier without transferring to the supplier valid ration rights equal on a gallon basis to the amount of diesel fuel transferred and no supplier (including a retail sales outlet) shall transfer diesel fuel at retail sales outlets to any firm in its capacity as a wholesale purchaser-consumer or end-user, without obtaining and redeeming ration rights from such firms; *provided*, That a supplier at a retail sales outlet may transfer diesel fuel to any firm other than a supplier without obtaining and redeeming ration rights from such firm if the supplier at a retail sales outlet agrees to obtain and redeem the appropriate amount of ration rights from any source and does so within ten (10) days of the transaction.

(b) For purposes of this subpart, "ration rights" means ration coupons issued pursuant to subparts C and G of this part or charges against a diesel fuel entitlement card issued by FEA pursuant to § 700.92 of this subpart.

(c) In addition to the applicability of the parts specified in § 700.1(c) of this part, the provisions of part 211 of this chapter shall apply to this subpart.

§ 700.92 Issuance of ration rights.

(a) Ration coupons issued for gasoline pursuant to the provisions of subparts C and G of this part may be utilized to purchase diesel fuel at retail sales outlets in lieu of gasoline at the option of the holder. However, no ration coupon may be used for both gasoline and diesel fuel.

(b) Ration coupons issued pursuant to subparts C and G of this part which the holder uses to purchase diesel fuel at retail sales outlets shall be valid in the same manner as specified in § 700.43 of this part.

(c) A firm which purchases diesel fuel at retail sales outlets may apply pursuant to paragraph (f) of this section for issuance of a diesel fuel entitlement card which shall enable the holder to purchase diesel fuel at retail sales outlets in an amount equal to that portion of its base period use of diesel fuel purchased at retail sales outlets during the base period multiplied by the allocation levels specified in § 211.123 of part 211 of this chapter.

(d) Firms applying for a diesel fuel entitlement card shall be provided an account to which FEA will credit in each calendar month the amount of diesel fuel to which the firm is entitled pursuant to paragraph (c) above.

(e) A firm which wishes to purchase diesel fuel at retail sales outlets in excess of volumes purchased at retail sales outlets during the base period may petition FEA pursuant to subpart D of part 205 of this chapter to increase the amount of the firm's ration credits to be issued by FEA in a calendar month. A firm which did not purchase diesel fuel at retail sales outlets during a base period may apply for assignment of a base period use pursuant to subpart C of part 205 of this chapter.

(f) A firm may apply to FEA for a diesel fuel entitlement card in accordance with FEA forms and instructions. The applicant shall be required to determine its base period use of diesel fuel and to indicate for each period corresponding to a base period how much by volume of its base period use of diesel fuel was purchased at retail sales outlets.

(g) FEA may invalidate any diesel fuel entitlement card by notice to the firm to which it was issued if FEA finds, among other things, that the card is being improperly used or is reported lost or stolen.

(h) Sales to holders of diesel fuel entitlement cards at retail sales outlets of diesel fuel shall be made by imprinting the information on the card on an FEA form which shall, among other information, indicate the volume of diesel fuel sold; the date of sale; the name of the retail sales outlet; and certification by the card holder that he or she is currently authorized by the firm (including an individual) to which the card was issued to use the card for purchases of diesel fuel at retail sales outlets. A copy of the completed form shall be provided to the holder; a second copy held for transmittal to the FEA regional processing center; and a third copy maintained by the retail sales outlet.

§ 700.93 Redemption.

(a) The retail sales outlet of diesel fuel shall collect all ration rights exchanged for diesel fuel and after stamping any ration coupons redeemed for diesel fuel with the legend "redeemed for diesel," keep all such ration rights separate from ration rights exchanged for gasoline. Those ration rights exchanged for diesel fuel shall not be deposited in a wholesale purchaser-reseller's redemption account.

(b) From time to time and upon prior notification by FEA, retail sales outlets of diesel fuel may be required to transmit to a FEA regional processing center all ration rights exchanged for diesel fuel including copies of the transaction forms used by holders of diesel fuel entitlement cards which the owner of the retail sales outlet retained at the time of sale pursuant to § 700.92(h) of this subpart.

[FR Doc.76-15674 Filed 5-25-76;4:05 pm]

[10 CFR Part 212]

RETROACTIVE APPLICATION OF SEPARATE INVENTORIES RULE FOR RESELLERS/RETAILERS

Proposed Class Exception and Public Hearing

A. *Introduction and Summary*

The Federal Energy Administration hereby gives notice of a proposal to consider a class exception which would permit resellers and retailers, or some of them, to comply with the price rules of 10 CFR Part 212, Subpart F, for the period August 19, 1973, through April 30, 1976, as though the "separate inventories" amendment adopted by FEA effective May 1, 1976 (41 FR 19110, May 10, 1976) had been in effect during that period. Written comments will be received and a public hearing will be held with respect to this proposal.

On May 5, 1976, FEA issued an amendment to 10 CFR Part 212, Subpart F, effective May 1, 1976 which permits any reseller or retailer subject to that Subpart to calculate its cost of product in inventory under § 212.92 either on the basis of separate inventories (to the extent such inventories have been historically and consistently maintained under generally accepted accounting principles by the seller concerned) or on the basis of one firm-wide inventory computation. As explained in the preamble to this regulation amendment (41 FR 19110, May 10, 1976) applicable regulations had been interpreted prior to the amendment to permit cost of product in inventory to be computed only on the basis of overall or firm-wide inventory computations, without regard to whether or the extent to which the seller may have maintained separate inventory cost centers at different locations which reflected local or regional cost variations. It should be noted that the options with respect to inventory calculations under the amended § 212.92 and under consideration in this proceeding are only two: either a single firm-wide inventory or separate inventories (if such separate inventories were historically and consistently maintained by the seller concerned). Separate inventory calculations based on accounting practices adopted after May 15, 1973 cannot serve as a basis for calculating the increased cost of product in inventory.

The question of treatment of inventories is significant because increases in product costs are determined on a per-unit basis under § 212.92 by subtracting from the weighted average unit cost of product currently in inventory the weighted average unit cost of product in inventory on May 15, 1973. This unit increment reflecting product cost increases (e.g., 10 cents per gallon), together with the unit increment authorized under § 212.93(b) to reflect operating cost increases, is generally added to the weighted average price at which the product in question was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, to determine the maximum price which may be charged to the class of purchaser concerned today. To the extent that the unit increment to reflect product cost increases is not equally applied to each class of purchaser of the product concerned, product cost increases are nevertheless generally deemed to have been recovered under § 212.93(e) as though there had been equal application of product cost increases.

As explained in the preamble to the amendment permitting computation of increased product costs by "separate inventories" beginning May 1, 1976, a 20 cents/gallon increased product cost increment, computed on the basis of a single firm-wide weighted average inventory cost increase computation, might reflect the weighted average of a 15 cents/gallon increased product cost increment from a separate inventory in Region A, for example, and a 25 cents/gallon increased product cost increment from a separate inventory in Region B. Under the amendment which permits computation of increased product costs by separate inventories, the seller could add a 15 cents/gallon product cost increase increment to the May 15, 1973 price to determine maximum lawful prices to Region A (omitting non-product cost increases) and a 25 cents/gallon increment in Region B, rather than add 20 cents uniformly in both regions. Thus, the increased pricing flexibility afforded by the separate inventories concept permits local/regional prices to more closely reflect local/regional cost variations and eliminates market distortions which sometimes arise under the firm-wide inventory requirement when national or multi-state marketers compete with local marketers. The nature of such market distortions are discussed in further detail in 41 FR 19110, May 10, 1976.

B. *Substantive Issues*

In adopting the "separate inventories" amendment, FEA noted several issues to be considered in the class exception proceeding.

Based on a class exception petition from propane marketers already received, FEA intends to institute a class exception proceeding applicable to resellers/retailers generally in which FEA will solicit written comments and oral testimony on, among other things, the extent of noncompliance with the reseller/retailer inventory regulations prior to today's amendment, the appropriateness of those regulations as applied to specific segments of the industry, the extent of industry reliance on erroneous but good faith interpretations of the regulations, the extent to which noncompliance resulted in serious public injury and whether failure to provide retroactive relief would result in a serious hardship or gross inequity to a substantial segment of the industry.

FEA has already received information indicating that most, if not all, of the large propane resellers/retailers set prices since the beginning of Phase IV under the Economic Stabilization Program based on an interpretation that applicable regulations permitted inventory computations in a manner consistent with the "separate inventories" amendment adopted by FEA effective May 1, 1976. FEA requests data and information concerning the number of non-propane marketers which are large enough to have maintained separate inventories, or separate inventories with any significant cost variations, and the extent to which such non-propane marketers complied with applicable regulations between August 19, 1973, and April 30, 1976, on an inventory-by-inventory basis rather than on a firmwide basis of product cost increase computation.

FEA also requests that data and information be submitted relating to the alleged impossibility or difficulty in complying with the regulations on the basis of firm-wide inventory computations. In particular, FEA requests data with respect to specific firms and specific pricing situations in which the firm-wide inventory computation method, if employed prior to May 1, 1976, would have resulted in significant market dislocations or disruption of normal pricing patterns.

Depending upon comments submitted and other information available to FEA, FEA may wish to consider a class exception applicable only to certain segments of the reselling/retailing industry or only for limited periods of time prior to May 1, 1976. Therefore, each segment of the reselling/retailing industry affected by this proceeding should provide appropriate comment concerning the extent of compliance or non-compliance with the regulations prior to May 1, 1976, in that segment of the industry and the extent to which failure to provide a class exception applicable to that segment would result in a serious hardship or gross inequity.

Data and information touching on these issues which has already been submitted to FEA in connection with other proceedings should be resubmitted in accordance with the substantive considerations and procedural requirements of this notice.

C. *Comment Procedures*

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed class exception set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HI, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Retroactive Application of the Separate Inventories Rule." Fifteen copies should be submitted. All comments received by Tuesday, June 22, 1976, before 4:30 p.m., e.d.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed exception.

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 its determination.

The public hearing regarding the proposed class exception will be held at 9:30 a.m., e.d.s.t., on Tuesday, June 29, 1976, and will be continued, if necessary, on Wednesday, June 30, 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.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, 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.d.s.t., on Tuesday, June 22, 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 a.m. and 4:30 p.m., Monday through Friday. 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, June 25, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., Thursday, June 24, 1976 and must submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., on Friday, June 25, 1976.

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 interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., Friday, June 25, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, 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 on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-15620 Filed 5-25-76;12:18 pm]

[10 CFR Part 211]

INCLUSION OF NAPHTHA FEEDSTOCKS IMPORTED INTO PUERTO RICO UNDER ENTITLEMENTS PROGRAM

Notice of Proposed Rulemaking and Public Hearing

On April 12 and 13, 1976, FEA held public hearings in San Juan, Puerto Rico to obtain information as to the impact of the Mandatory Petroleum Allocation and Price Regulations on firms operating in Puerto Rico. No specific regulatory proposals were offered by FEA in that proceeding, but comments were solicited on all aspects of FEA regulations as they apply to Puerto Rico. FEA invited specific comments on the impact of FEA's regulatory programs upon the competitive position of Puerto Rico's petrochemical industry and the particular problems for that industry due to its dependence on imported naphtha feedstocks.

Numerous comments were directed to these issues, including extensive testimony from the Economic Development Administration of the Commonwealth of Puerto Rico. Based on the information submitted in the Puerto Rican hearings and other information available to FEA, the following facts have been established.

Puerto Rican petrochemical capacity comprises an important segment of total U.S. petrochemical capacity and makes up approximately 9 percent of total U.S. basic ethylene-propylene petrochemical capacity and 11 percent of domestic benzene capacity. Historically, 90 percent of petrochemicals produced in Puerto Rico have been shipped to the mainland. Of the total domestic supply of the products listed below Puerto Rico accounts for the following percentages (based on 1973 consumption figures): propylene—10.4 percent; benzene—11.1 percent; ethylene glycol—23.5 percent; and ethylene oxide—9 percent. Substantial quantities of ethylene, butadiene, para-xylene, vinyl chloride, phenol, and toluene are also shipped to the mainland. Motor gasoline and other covered products are also produced as by-products of these petrochemical operations and sold into the domestic market.

All the petrochemical facilities located in Puerto Rico use naphtha as a feedstock, the large percentage of which is imported into Puerto Rico. FEA estimates that total domestic use of naphtha as a petrochemical feedstock is currently approximately 345,000 barrels per day (including Puerto Rico). Approximately 135,000 barrels per day of this total volume are represented by imports, and of these imports approximately 74%, or 100,000 barrels per day, are processed by petrochemical plants in Puerto Rico.

The construction of the petrochemical capacity in Puerto Rico was premised upon the availability of naphthas imported into Puerto Rico, primarily from other Caribbean sources, for use as feedstocks. Caribbean refiners produce substantial volumes of naphtha as a by-product of residual fuel oil produced for sale in the domestic East Coast market.

The Mandatory Oil Import Program extended certain benefits to firms importing such naphtha feedstocks in an effort to stimulate the development of petrochemical capacity in Puerto Rico. As a result, prior to the commencement of FEA's regulatory program, foreign naphtha was available to Puerto Rican refiners in abundant quantities and at relatively low prices.

The imposition of the Arab oil embargo and the consequent increases in world crude prices dramatically increased feedstock costs for the entire Puerto Rican petrochemical industry. However, while world prices were rising, the imposition of domestic price controls kept the overall feedstock costs of domestic firms much lower than those of import dependent Puerto Rican companies and placed these companies at a severe competitive disadvantage.

The elimination of the supplemental import fee on crude oil on December 22, 1975 increased the disparity between domestic and imported crude oil costs and placed the Puerto Rican based petrochemical industry at an even greater competitive disadvantage than previously existed. In addition, the domestic crude oil price roll back mandated by the pricing provisions of the Energy Policy and Conservation Act, which were implemented on February 1,

1976, has also contributed to competitive imbalances with respect to Puerto Rican firms.

Reflecting this situation, by decision issued May 4, 1976 (Commonwealth Oil Refining Company, Inc., FEE–2248) FEA's Office of Exceptions and Appeals permitted the Commonwealth Oil Refining Company to include imported naphtha feedstocks for its aromatics plant in its crude runs for the months March, April, and May 1976 under the entitlements program, thus temporarily extending the cost equalization benefits of the program to such feedstocks.

From the above established facts, FEA has tentatively concluded that naphtha imported into Puerto Rico should participate in the benefits of the entitlements program to the same extent as imported crude oil. Therefore, FEA hereby proposes an amendment to its regulations which would permit refiners to make adjustments to their crude runs to stills for purposes of entitlements calculations to include volumes of naphthas imported for processing as a feedstock at a refinery or petrochemical plant in Puerto Rico. The amendments would also permit a firm other than a refiner operating a petrochemical plant in Puerto Rico to receive entitlements for imported naphtha processed at the facility on the same basis as if the volumes thereof were included in a refiner's crude oil runs volume. Thus, the high cost of imported naphthas would be reduced under the program to the same extent as imported crude oil processed by a refiner. FEA believes that this proposal will permit refiners and other firms located in Puerto Rico which are dependent upon imported naphtha as a feedstock again to become competitive with domestic firms with respect to the products produced from that naptha feedstock.

The inclusion of naphtha feed stocks under the entitlements program is proposed to be effective only with respect to refiners and petrochemical plants in Puerto Rico in order to alleviate the unique competitive disadvantages for Puerto Rico based companies and to recognize the pre-existing United States policy encouraging the construction of petrochemical facilities in Puerto Rico. However, information available to FEA suggests that significant volumes of naphthas are also being imported for use other than in Puerto Rico. Accordingly, FEA invites specific comments on the extent and use of such naphtha imports into the mainland, whether such imports should be eligible for benefits under the program, and whether extension of entitlement benefits might operate to encourage importation of naphtha for use as synthetic natural gas feedstock.

If adopted the amendments proposed hereby would be effective for May 1976 entitlement transactions, which take place in July 1976.

WRITTEN COMMENT AND PUBLIC HEARING PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HJ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Naphtha Imports into Puerto Rico Under Entitlements Program." Fifteen copies should be submitted. All comments received by June 11, 1976, and all relevant information, will be considered by the Federal Energy Administration. 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.

The public hearing will be held at 9:30 a.m. on June 15, 1976 in Room 2105, 2000 M Street NW., Washington, D.C.

Any person who has an interest in the subject matter of the hearing, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., June 9, 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. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 14, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.t., June 11, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C. before 4:30 p.m., e.d.t., on June 14, 1976.

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. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she 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 interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m. e.d.t., June 11, 1976. Any person who wishes to ask a question at the hearings, may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearings, 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 hearing will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 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.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, as amended by 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, it is proposed amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,
Acting General Counsel.

1. Section 211.62 is amended to add a new definition of "naphthas" in appropriate alphabetical sequence as follows:

§ 211.62 Definitions.

* * * * *

"Naphthas" mean petroleum fractions made up predominantly of hydrocarbons whose boiling points fall within the temperature range of 85° to 430° F. This definition does not include specific hydrocarbon constituents such as hexane or special napththas (solvents) as defined in § 211.182 of this part.

* * * * *

2. Section 211.67 is amended in paragraph (d) by adding a new subparagraph (5) as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.* * * *

(5) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in subparagraph (1) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include the total number of barrels of naphthas which are imported into Puerto Rico from other than the U.S. Virgin Islands and are utilized in that month as a feedstock at a refinery or petrochemical plant owned by that refiner in Puerto Rico. Notwithstanding any other provisions of this subpart, a firm other than a refiner that owns a petrochemical plant located in Puerto Rico shall be eligible to receive entitlements with respect to naphthas processed at such a plant on the same basis as is provided for refiners in the immediately preceding sentence of this subparagraph (5), except that such firm shall not be eligible for additional entitlements under the provisions of paragraph (e) of this section; any such firm shall file reports under § 211.66 on the same basis as a refiner.

[FR Doc.76-15457 Filed 5-25-76;12:22 pm]

[10 CFR Part 212]

REFINER PRICE REGULATIONS TO PERMIT SEPARATE PRICE COMPUTATION FOR NON-CANADIAN IMPORTS OF PROPANE AND BUTANE AND TO CLARIFY THE REFINERS' PRICE FORMULAE

Proposed Rulemaking and Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to revise the refiner price regulations to clarify the requirements of the refiners' price formulae respecting the calculation of increased product costs attributable to purchased product and to permit refiners to compute separately maximum lawful prices for non-Canadian imports of propane and butane which are maintained in a separate inventory for distribution to industrial customers pursuant to 10 CFR 211.12(g)(2). Opportunity for written comment and oral testimony on this proposal will be afforded to interested parties.

I. Calculation of the Increased Cost of Purchased Product

Currently, the refiners' price formulae of § 212.83(c)(2)(i) and (ii) which govern the total dollar amount of increased product costs that may be included by a refiner in prices charged for covered products, include an element designated by the term "B_i."

Section 212.83(c)(2)(iii) defines "B_i", in part, as follows:

$$B_i = B_i^1 + B_i^2 + B_i^3$$

"B_i" is, for $i=1$, $i=2$, $i=3$, and $i=4$, the sum of the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 and prior to or during the period "s" and not recovered in sales of that product through the period "t" and the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 in the period "t."

$$B_i^t = c_i^t - c_i^o - Y_i(q_i^t - q_i^o)$$

"B_i^t" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A_i". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that are purchased and refined or blended and that are attributable to the production of the covered products of the type "i." The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

c_i^o = The total cost of a covered product or products of the type "i" purchased or landed in the period "o".

c_i^t = The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

q_i^o = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "o".

q_i^t = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "t".

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred. Alternatively, the cost of the covered product or products concerned during the month of May 1973 may be used if computed by the use of accounting procedures generally accepted and consistently and historically applied by the firm concerned, and provided that the FEA has approved in writing of the cost figures used.

There are two significant features of the "B_i" element which are a subject of this proceeding. First, in many instances the computation performed in accordance with the "B_i" equation does not accurately reflect a firm's total increased cost of purchased product incurred, measured on a per unit basis and mutiplied by the current volume of product purchased. For example, where (1) a firm purchased 100,000 gallons of products of the type "i" during the month of May 1973 at a cost of $.05 per gallon, (2) the firm purchased 150,000 gallons of products of the type "i" during the month of measurement at a cost of $.15 per gallon, and (3) the lowest price at or above which at least 10 percent of the firm's products of the type "i" were priced in transactions during the month of May 1973 was $0.75., the "$B_i$" equation of the "$B_i$" element is computed as follows:

$$B_i^t = c_i^t - c_i^o - Y_i(q_i^t - q_i^o)$$

$$B_i^t = \$22{,}500 - \$5{,}000 - \$.075\ (150{,}000 - 100{,}000)$$

$$B_i^t = \$17{,}500 - \$3{,}750$$

$$B_i^t = \$13{,}750$$

Thus, the total increased cost of products of the type "i" purchased during the month of measurement and measured pursuant to the "B_i^t" equation is $13,750 while the actual total increased cost of such products incurred by the firm measured on a per unit basis ($.15—$.05=$.10 increased cost per gallon) and multiplied by the volume of products purchased during the month of measurement (150,000 gallons) is $15,000. The "$B_i^t$" equation contrasts markedly in this regard with the "A_i^t" equation which measures the total increased cost of crude oil purchased or landed in the period "t" on a per unit basis multiplied by the volume of crude oil purchased or landed during the period "t."

Second, the use of the "Y_i" factor in the "B_i^t" equation results in a comparison of the cost of product purchased in the month of measurement with the cost of product purchased in the month of May 1973, less an amount which consists of the volume differential between the two periods multiplied by a price charged for the product during May 1973. The use of a factor reflecting a May 1973 price for product in a formula designed to measure the increased costs of a specific covered product is not entirely consistent with FEA's cost-based pricing system. The fact that "Y_i" is defined as either "the lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or * * * [a]lternatively, the cost of the covered product or products concerned during the month of May 1973" (subject to certain conditions) indicates that the "Y_i" factor is defined to approximate the per unit cost of a particular product during May 1973 by reference to the lowest range of prices charged for that product at that time or by some other method of cost approximation. The use of such an approximate cost figure is appropriate only under circumstances in which the actual cost of product is not available (i.e., where product was not purchased during May 1973) or where the available May 1973 cost figure is unrepresentatively high (e.g., where product was purchased only on the spot market at unusually high prices occasioning sales of certain volumes of purchased product at a loss during that month). The use of an approximate cost figure where an actual representative cost figure is available is inappropriate. Moreover, the comparison of current costs to May 1973 costs, less a factor reflecting May 1973 prices, is not well-suited to the purpose of ascertaining actual increases in product costs incurred.

Accordingly, the FEA proposes to amend the "B_i^t" equation of the "B_i" element of the refiners' formulae to pat-

tern the "B_i'" computation of increased costs more closely to that provided in the "A_i'" element governing computation of the increased costs of crude oil and, in this manner, to provide for a method of computation which is better suited to the purpose of ascertaining actual increases in the cost of purchased products. The proposed amendment would provide that the result derived by subtracting the per unit cost of product incurred during the month of May 1973 from the per unit cost of product incurred during the month of measurement be multiplied by the quantity of product purchased during the month of measurement. The proposed amendment also would provide for an alternate method of computing the increased cost of purchased product where no product was purchased during May 1973 or where the per unit cost of product purchased during May 1973 exceeded the lowest price at or above which at least 10 percent of the product was priced in transactions during that month. Under such circumstances, a figure which is the equivalent of the current "Y_i" factor is proposed to be substituted for the per unit cost of product incurred during the month of May 1973 in the revised "B_i'" equation. Thus where no May 1973 cost figure is available or where that cost figure is abnormally high, an approximation of the May 1973 per unit cost will be permitted, but otherwise the use of actual cost figures is proposed as a requirement.

II. Caculation of Refiners' Increased Product Costs For non-Canadian Imports of Propane and Butane

On July 16, 1975, the FEA issued a notice of proposed rulemaking (40 FR 30671, July 22, 1975) proposing to amend the Mandatory Petroleum Price and Allocation regulations concerning propane and butane imports other than from Canada. On August 29, 1975, the FEA issued final amendments in the proceeding initiated by the July 16 Notice (40 FR 40821, September 4, 1975). Among the amendments adopted on August 29, 1975, was a revision of 10 CFR 212.93, the price rule for resellers and retailers, requiring sellers of propane and butane which distribute those products pursuant to 10 CFR 211.12(g) to calculate separately both the increased costs attributable to the amount of such products held in inventory and designated for sale to industrial users, and the maximum lawful prices permitted under § 212.93 to be charged for products so designated.

Since adoption of the August 29 amendments, the FEA has received comments from several refiners that the proposal contained in the July 16 Notice and the final rule adopted on August 29, 1975 (10 CFR 211.12(g)), contained provisions to modify the allocation regulations for all suppliers of propane and butane, including resellers, retailers, and refiners, so that they may maintain, upon satisfaction of certain prerequisites, separate inventories of non-Canadian imports of these products for allocation to industrial users.

With respect to the FEA's price regulations, however, no specific proposal was included in the July 16 Notice; although comments were solicited regarding the propriety of certain amendments to the price rules to facilitate the efforts of all suppliers to import supplemental supplies of non-Canadian propane and butane for their industrial customers. The amendments to § 212.93 adopted on August 29, 1975, have accomplished this purpose for resellers and retailers, permitting them to include the higher costs associated with supplemental imports of non-Canadian propane and butane in prices charged to the industrial customers which benefit from these supplemental imports while these higher costs are not generally permitted to be included in prices charged to their other customers. However, no similar amendment to the refiners' price regulations has been adopted.

Accordingly, the FEA is proposing an amendment to 10 CFR 212.83, the refiners' price rule respecting the computation of increased product costs, to permit a separate cost calculation for that portion of a refiner's non-Canadian imports of propane or butane which is maintained in a separate inventory for distribution to industrial customers pursuant to § 211.12(g)(2)(iii). The proposed amendment would create a separate pricing formula to be included in § 212.83(c)(2) for non-Canadian imports of propane or butane maintained in a separate inventory pursuant to § 212.12(g)(2)(iii). The proposed formula provides for a separate increased cost calculation consisting of a comparison of the per unit cost of propane or butane imported from a source other than Canada in the month of measurement with the per unit cost of all propane or butane purchased or landed in the month of May 1973 multiplied by the volume of product landed in the month of measurement. The increased costs represented by the calculation would then be used in accordance with the other provisions of Subpart E to calculate maximum lawful prices for all non-Canadian imports of propane and butane designated for industrial use.

The increased product cost calculation for the remainder of a refiner's propane or butane inventory would be computed separately as part of the total dollar amount a refiner may apportion to general refinery products (i=4) pursuant to the formula set forth in § 212.83(c)(2)(ii) for use in calculating the refiner's maximum lawful prices for these products in accordance with the remaining provisions of Subpart E. Thus, where non-Canadian imports have not been designated for industrial use, a refiner would be required to include the cost of such imports in the total of increased product costs attributable to the remainder of its inventory general refinery products, including the remainder of its propane and butane. Moreover, once offshore imports of propane or butane have been included in the refiners inventory from domestic and Canadian sources, they could not be designated thereafter for industrial use and the costs of such products therefore would not be taken into account in calculating the increased costs attributable to the inventory maintained for industrial use.

III. Procedures for Receiving Comments and Public Hearing

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 HG, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposed Amendments to Refiner Regulations Issued May 24, 1976." Fifteen copies should be submitted. All comments received by Wednesday, June 9, 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 its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Thursday, June 10, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, 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 Wednesday, June 2, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. 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 proposal oral presentation and a phone number where he may be contacted through Tuesday, June 8, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Friday, June 4, 1976 and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Tuesday, June 8, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the proce-

dures 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 interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Tuesday, June 8, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, 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 FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 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.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(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 set forth below.

Issued in Washington, D.C. May 24, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in subparagraph (c)(2) by redesignating clause (iii) as (iv), by revising the redesignated clause (iv), and by adding a new clause (iii) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

* * * * *

(c) *Allocation of increased product costs*—* * *

(2) *Formulae*—* * *

(iii) *Imports of propane or butane other than from Canada maintained in a separate inventory.* For imported propane or butane designated for industrial use pursuant to § 211.12(g)(2)(iii) ($i=5$):

$$I_i^u = B_i$$

(iv) *Definitions.* For purposes of paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section:

A) *Subscripts and superscripts.* (1) The type of covered product is referenced by the subscript i:

$i=1$ represents No. 2 oils.
$i=2$ represents aviation jet fuel.
$i=3$ represents gasoline.
$i=4$ represents all general refinery products except imported propane or butane designated for industrial use pursuant to § 211.12(g)(2)(iii).
$i=5$ represents imports of propane or butane other than from Canada designated for industrial use pursuant to § 211.12(g)(2)(iii).

(2) The time period for measurement is referenced by the superscript; where:

o=the month of May 1973.
u=the current month. Quantities calculated for current month will be estimates, which shall be based on the best available data.
t=the month of measurement (the month of measurement is the month preceding the current month).
s=the month preceding the month of measurement.
r=all months two or more months before the month of measurement.

(B) *The dollar amounts.* (1) d_i^u= The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the maximum allowable price to each class of purchaser, except that dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of gasoline to compute the maximum allowable prices to the classes of purchaser that purchase gasoline at retail from a refiner at any service station operated by employees of the refiner may be "d_i^u" plus a maximum of $.03 per gallon of gasoline provided that, in computing "d_i^u" for gasoline, the numerator of the formula in clause (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "d_i^u" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "d_i^u" must be computed separately for $i=1$, for $i=2$, and for $i=3$.

(2) D^u= The total dollar amount a refiner may apportion in the period "u" to general refinery products ($i=4$) in whatever amounts it deems appropriate to each particular general refinery product to compute the maximum allowable price provided that the total dollar amount for $i=4$ shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6-1300-M divided by the total nuber of such barrels processed during the month of May 1973. The formula for "D^u" must be computed only once for $i=4$ (all general refinery products except imported propane and butane designated for industrial use pursuant to § 211.12(g)(2)(iii)).

(3) I^u= The total dollar amount that may be applied in the period "u" to the May 15, 1973 selling prices of propane or butane designated for industrial use pursuant to § 211.12(g)(2)(iii) to compute maximum allowable prices for these products. The formula for "I^u" must be computed separately for propane and butane ($i=5$).

(D) *The "B" factor.*

$$B_i = B_i^t + B_i^s + B_i^r$$

"B_i" is, for $i=1$, $i=2$, $i=3$, $i=4$, and $i=5$, the sum of the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 and prior to or during the period "s" and not recovered in sales of that product through the period "t" and the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 in the period "t."

$$B_i^t = q_i^t \left(\frac{c_i^t}{q_i^t} - \frac{c_i^o}{q_i^o} \right)$$

except that where, in the period "o," no covered product or products of the type "i" were purchased or landed or, where

$$\frac{c_i^o}{q_i^o} > Y_i$$

in the period "o":

$$B_i^t = q_i^t \left(\frac{c_i^t}{q_i^t} - Y_i \right)$$

"B_i^t" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A_i". The cost of a specific covered product or products of the type

"i" shall include the cost of a specific covered product or products not of the type "i" that are purchased and refined or blended and that are attributable to the production of the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

c_i^o = The total cost of a covered product or products of the type "i" purchased or landed in the period "o".

c_i^t = The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

q_i^o = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "o".

q_i^t = The total quantity or volume of a covered product of the type "i"-purchased or landed in the period "t".

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred.

* * * * *

[FR Doc.76-15561 Filed 5-25-76;9:35 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1976-2]

MANDATORY PETROLEUM PRICE REGULATIONS

Production of "New" Crude Oil Due to Extra Day in February, 1976; Effect on Cumulative Deficiency Requirement and BPCL Adjustments

As provided in § 212.72, producers of crude oil may compute the base production control level ("BPCL") for months beginning after January 31, 1976, either by selecting calendar year 1975 as the base year or by certifying crude oil sales for 1972 under § 212.131(a)(1) and thereby selecting calendar year 1972 as the base year. Producers which select 1975 as the base year determine the BPCL for each month by dividing the total number of barrels of crude oil produced and sold during calendar year 1975 by 365 (*i.e.*, the number of days in that year) and multiplying the result by the number of days in the month in 1975 which corresponds to the month concerned. Producers using 1972 as the base year determine the BPCL by dividing the total number of barrels of crude oil produced and sold in calendar year 1972 by 366 (*i.e.*, the number of days in 1972) and multiplying the result by the number of days in the month in 1972 which corresponds to the month concerned.

Producers using 1972 as the base year compare actual total amounts produced and sold during the 29 days of February, 1976, with the average daily production during 1972 multiplied by 29. Thus, output from like periods is compared and there are no anomalous results due to the extra day in leap years. However, producers using 1975 as the base year compare actual total amounts produced and sold during the 29 days of February, 1976, with the average daily production during 1975 multiplied by 28. Since an extra day's yield is included in the total amount produced and sold in February, 1976, compared with the BPCL for that month, producers which obtain "new" crude oil for February by exceeding the BPCL for that month might do so only because the BPCL was based on a "short month" consisting of 28 days of 1975's average daily production.

Producers in these circumstances may suffer one of two adverse consequences under a literal reading of 10 CFR Part 212, Subpart D. First, exceeding the BPCL for February only because of the extra day in February this year would trigger application of the current cumulative deficiency requirement. Pursuant to that requirement, subsequent monthly production and sale of crude oil which, on a cumulative basis, fell short of the BPCL in any month after February would be required to be substracted from the total amount produced and sold in the month concerned before determining whether the BPCL was exceeded for that month. Second, a property which exceeds the BPCL for February only because of the 29-day factor and which does not exceed the BPCL during the months March through June, 1976, would be disqualified from the BPCL-adjustment program under § 212.76 for the period July 1–December 31, 1976.

These anomalous results were not intended under FEA regulations. FEA therefore interprets 10 CFR 212, Part D, as follows:

A property which exceeds the BPCL for the month of February, 1976, where the BPCL is based on calendar year 1975, will not be deemed to have exceeded the BPCL for that month, for the purpose of complying with the current cumulative deficiency requirement and qualifying for BPCL adjustments for the period July 1–December 31, 1976, under § 212.76, if the total amount of crude oil produced and sold from the property concerned during February, 1976, does not exceed 29/28 of the BPCL for that month.

The foregoing interpretation applies only for the purpose of complying with the cumulative deficiency requirement and qualifying for BPCL adjustments. This interpretation does not affect the right of a producer to charge upper tier prices for all amounts of crude oil produced and sold in February 1976, in excess of the BPCL as defined in § 212.72.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

MAY 24, 1976.

[FR Doc.76-15562 Filed 5-25-76;9:32 am]

[Ruling 1976-3]

NAVAL PETROLEUM RESERVES PRODUCTION ACT OF 1976

Interpretation

The Naval Petroleum Reserves Production Act of 1976 ("the Act") which became law on April 5, 1976 (Pub. L. 94-258), provides, among other things, for commencement of production of crude oil within 90 days at maximum efficient rates from certain naval petroleum reserves, including the large Elk Hills Reserve in California. The Secretary of the Navy is directed to sell U.S.-owned petroleum production from the reserves to the highest qualified bidder without regard to restrictions imposed by federal, state or local price or allocation controls. The purpose of this ruling is to clarify certain questions which have arisen under the Act concerning the extent to which "petroleum" produced at these naval reserves is exempt from FEA price and allocation regulations.

Section 201 of the Act amends various provisions of Chapter 641—"Naval Petroleum Reserves" of Title 10 of the U.S. Code (10 U.S.C. 7420–7438). As amended, 10 U.S.C. 7430(b) reads—

> Notwithstanding any other provision of law, each sale of the United States share of petroleum shall be made by the Secretary [of the Navy] at public sale to the highest qualified bidder, for periods of not more than one year, at such time, in such amounts, and after such advertising as the Secretary considers proper and without regard to Federal, State, or local regulations controlling sales or allocation of petroleum products.

The intent of Congress in amending this provision was explained in part as follows:

> * * * it is intended that the sales of petroleum from the reserves will continue to be at the highest bid price regardless of the current or previous distinction between "old" and "new" oil and would not be subject to Federal laws establishing ceiling or composite prices for first sales of domestic crude oil. [Conf. Rpt. 94-942, p. 27.]

FEA thus interprets the price and allocation exemption provision of 10 U.S.C. 7430(b), as amended by § 201 of the Act, to apply only to the first sale of U.S.-owned "petroleum" by the Secretary of the Navy from the naval reserves concerned. All such first sales of crude oil are exempt from the ceiling price regulations of 10 CFR Part 212, Subpart D—"Producers of Crude Oil." Prices charged in subsequent sales (i.e., resales) of "petroleum" and in all sales of covered products refined in whole or in part from "petroleum" produced from the affected naval reserves, remain subject to FEA price controls except to the extent certain products are exempted under 10 CFR Part 212, Subpart C. Thus, the resale by the highest qualified bidder of crude oil purchased from the Secretary of the Navy is subject to the same FEA price regulations as any other resale (i.e., sale other than the first sale) of crude oil (10 CFR Part 212, Subpart F—"Resellers and Retailers"). The sale of covered products refined from such crude oil would likewise be subject to the same FEA price regulations as are all other sales of covered products by refiners (10 CFR Part 212, Subpart E—"Refiners"). It should be noted that both the Reseller and the Refiner price regulations provide for the dollar-for-dollar passthrough of the increased cost of crude oil, which would include the increased cost of crude oil produced from the affected naval reserves. Similarly, all subsequent sales or resales of "petroleum" and all sales of covered products refined in whole or in part from "petroleum" produced from the affected naval reserves are subject to FEA allocation regulations.

Section 201 of the Act states that "petroleum," as used in the Act, "includes crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources." It was further explained in the Conference Report that, for purposes of the Act, the term "gases" in the definition of "petroleum" includes "gases of all kinds (natural gas, hydrogen, carbon dioxide, helium and any others)," and that the term "related hydrocarbons" in the definition of "petroleum" includes "tar sands, asphalt, propane, butane, etc." Conf. Rpt. 94-942, pp. 19–20, 24. It is therefore clear that certain petroleum products not specifically mentioned in the definition of "petroleum" in the Act (such as propane), which may be produced as a by-product

or associated product in the production of natural gas or crude oil from the naval petroleum reserves are within the meaning of "petroleum" as used in the Act and the sale of such petroleum products by the Secretary of the Navy is exempt from price and allocation controls to the same extent that the sale by the Secretary of crude oil produced from the affected naval petroleum reserves is exempted by the Act.

Crude oil produced from the affected naval petroleum reserves will be eligible for inclusion in the volume of a refiner's crude oil runs to stills for purposes of the domestic crude oil allocation program set forth in 10 CFR 211.67. In addition, since this crude oil may be sold by the Secretary of the Navy at market level prices, no entitlement obligations under § 211.67 will be in effect with respect to the inclusion of this crude oil in a refiner's crude oil receipts. Thus, for purposes of the entitlements programs it will be treated as imported crude oil.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

MAY 25, 1976.

[FR Doc.76-15621 Filed 5-25-76;12:22 p.m.]

federal register

FRIDAY, MAY 28, 1976



PART III:

DEPARTMENT OF LABOR

Employment and Training Administration

■

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocation of Funds

DEPARTMENT OF LABOR

Employment and Training Administration

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocation of Funds

Notice is hereby given that the Department of Labor, Employment and Training Administration, is allocating funds under the Comprehensive Employment and Training Act (CETA). The funds being allocated are the $1.2 billion appropriated under Title II of the Act by the recent supplemental appropriation as well as funds for the transition quarter (July 1, 1976 through September 30, 1976). In addition, funds are being allocated for the 1976 Summer Youth program under Title III of the Act.

FY 1976 TITLE II $1.2 BILLION SUPPLEMENTAL APPROPRIATION AND TRANSITION QUARTER FUNDING

Congress recently appropriated $1.2 billion in FY 1976 supplemental title II funds to continue nationwide some 260,000 jobs currently funded under the authority of title VI of CETA through January 1977. In addition to these supplemental funds, Congress has made available $100 million under title II for use in the transition quarter. Attached are the allocation of the funds under both appropriations.

A. *Supplemental Appropriation—$1.2 Billion.*

1. *Eighty Percent Formula Allocation.* The statutory formula was applied to 80 percent of the available funds ($960 million). Each title II prime sponsor received a formula allocation equal to his proportionate share of available funds based upon the same data and areas of substantial unemployment (ASUs) used for the earlier FY 1976 formula allocation. If a prime sponsor had a title VI program but no eligible title II area, it would receive no funds, and if the sponsor had only a partial area eligible for title II it would receive funds only for that area.

2. *Twenty Percent Discretionary Fund Allocation.* The 20 percent discretionary funds ($240 million) were allocated in a manner which (1) would ensure that prime sponsors could sustain the annual level of FY 1976 public service employment jobs for a 7-month period, (2) provides those prime sponsors who have increased enrollment above that level with additional funds for an orderly phasedown, and (3) provides enough funds to those prime sponsors which are in whole or in part not eligible for title II, to phase out their programs between July and January in an orderly manner.

In determining these levels, it was inappropriate to utilize current enrollment levels, since for the past several months some prime sponsors have been phasing down their levels in anticipation of no further funding while others have been continuing to increase their levels beyond their annualized FY 1976 levels. Consequently, some prime sponsors, utilizing their total (formula and discretionary) allocation, may not be able to sustain their current on-board level through January but may have to allow for attrition and even minor phasedowns to ensure that the program can be continued through January. This may be particularly true for those prime sponsors who have or will exhaust their funds *prior* to July 1. For these prime sponsors, the funds allocated under the urgent supplemental will be totally expended earlier in the fiscal year than for the other sponsors.

B. *Transition Quarter—$100 Million.*

Also provided are prime sponsor allocations for the transition quarter. The amount indicated for each prime sponsor is 25 percent of their FY 1976 title II allocation announced in June 1975. These funds will be available for obligation and expenditure on or after July 1, 1976. However, prime sponsors will be able to develop plans based on these allocations.

	TRANSITION QUARTER
BRIDGEPORT CSRT	210,966
HARTFORD CSRT	243,094
NEW HAVEN CSRT	148,679
STAMFORD CSRT	56,484
WATERBURY CITY	73,143
BAL OF CONN	617,729
CONNECTICUT	1,350,095
PENOBSCOT CNTY	71,521
CUMBERLAND CNTY	75,816
BAL OF MAINE	343,636
MAINE	490,973
BOSTON	652,551
EMHRDA CSRT	255,131
NEW BEDFORD CSRT	121,154
HAMPDEN CNTY CSRT	267,511
WORCESTER CSRT	137,190
LOWELL CSRT	142,903
BROCKTON CSRT	142,317
BAL OF MASS	1,722,547
MASSACHUSETTS	3,441,304
ROCKHM/STAFFRD CSR	75,316
HILLSBOROUGH CNTY	85,684
BAL OF NEW HAMPSHI	126,552
NEW HAMPSHIRE	287,552
PROVIDENCE	148,937
BAL OF R.I.	511,136
RHODE ISLAND	660,073
BAL OF VERMONT	472,252
VERMONT	472,252
REGION I	6,702,249

ATLANTIC COUNTY	252,086
BERGEN COUNTY	282,030
BURLINGTON COUNTY	156,293
CAMDEN COUNTY	148,104
CAMDEN CITY	75,191
CUMBERLAND COUNTY	116,047
ELIZABETH CITY	53,076
ESSEX COUNTY	200,826
GLOUCESTER COUNTY	96,800
HUDSON COUNTYY	571,554
JERSEY CITY	307,418
MERCER COUNTY	25,102
MIDDLESEX COUNTY	284,938
MONMOUTH COUNTY	256,985
MORRIS COUNTY	100,092
NEWARK CITY	615,622
OCEAN COUNTY	162,393
PASSAIC COUNTYD	226,981
PATERSON CITY	279,179
SOMERSET CNTY	32,369
TRENTON CITY	91,338
UNION COUNTY	142,992
BAL OF N.J.	169,444
NEW JERSEY	4,646,860
ALBANY CSRT	89,896
BROOME COUNTY	68,126
BUFFALO CITY	395,308
CHAUTAUQUA CSRT	113,103
CHEMUNG COUNTY	38,572
DUTCHESS COUNTY	21,895
ERIE CSRT	261,992
MONROE/ROCHSTR CSR	132,777
NASSAU COUNTY CSRT	404,850
NIAGARA COUNTY	233,212
ONEIDA COUNTY	103,500
ONONDAGA COUNTY	80,029
ORANGE COUNTY	105,837
OSWEGO CNTY	56,465
RENSSELAER CNTY	52,607
ROCKLAND COUNTY	61,808
ST LAWRENCE CNTY	63,702
SARATOGA COUNTY	43,378

SCHENCTADY CNTY	52,952
STEUBEN CNTY	42,794
SUFFOLK CNTY CSRT	358,916
SYRACUSE CITY	78,992
ULSTER COUNTY	70,682
WESTCHESTER CSRT	228,676
YONKERS CITY	79,222
BAL OF NEW YORK	1,133,928
NEW YORK CITY	6,323,564
NEW YORK	10,697,383
BAYAMON MUNICIPIO	202,212
CAGUAS MUNICIPIO	253,723
CAROLINA MUNICIPIO	67,073
MAYAGUEZ MUNICIPIO	158,295
PONCE MUNICIPIO	348,851
SAN JUAN CSRT	618,602
BAL OF PUERTO RICO	2,594,008
PUERTO RICO	4,242,764
VIRGIN ISLANDS	86,827
VIRGIN ISLANDS	86,827
REGION II	19,673,834

BAL OF DEL	183,498
WILMINGTON	85,728
DELAWARE	269,226
WASHINGTON D.C.	659,110
DIST OF COLUMBIA	659,110
BAL OF MD	153,514
BALTIMORE CSRT	689,685
MONTGOMERY COUNTY	0
PRINCE GEORGES CNT	49,590
WESTERN MD CSRT	185,947
MARYLAND	1,078,736
LEHIGH VALLEY CSRT	177,457
LANCASTER CSRT	142,686
BUCKS COUNTY	155,208
CHESTER COUNTY	42,746
DELAWARE COUNTY	207,681
MONTGOMERY COUNTY	139,144
PHILADELPHIA	794,797
BERKS COUNTY	85,837
LACKAWANNA COUNTY	75,239
SCRANTON	58,725
LUZERNE COUNTY	171,312
SCHUYKILL CSRT	103,345
ERIE CTY	44,958
ERIE CNTY	45,427
ALLEGHANY COUNTY	277,904
PITTSBURGH	277,487
BEAVER COUNTY	54,455
WASHINGTON COUNTY	60,965
WESTMORELAND CTY	188,620
TRI-COUNTY CSRT	80,294
FAYETTE COUNTY	168,105
LAWRENCE COUNTY	44,192
MERCER CNTY CSRT	137,076
S. ALLEGHN. CSRT	348,617
SUSQUEHANNA CSRT	28,520
YORK COUNTY	90,490
LYCOMING CSRT	74,607

FRANKLIN COUNTY	17,625
BAL OF PENN	317,998
CENTER CNTY	28,970
NORTHUMBERLAND CNT	56,286
PENNSYLVANIA	4,496,773
PENNINSULA CSRT	94,042
STAMA	249,051
RAMPS	42,507
HENRICO CNTY CSRT	0
ROANOKE CSRT	88,374
ARLINGTON COUNTY	9,440
FAIRFAX COUNTY	0
PRINCE WM COUNTY	2,901
ALEXANDRIA CITY	0
BAL OF VA	828,675
VIRGINIA	1,314,990
W. VA. STATEWIDE	851,487
WEST VIRGINIA	851,487
REGION III	8,670,322

BAL OF ALABAMA	731,436
BIRMINGHAM CSRT	122,504
HUNTSVILLE CSRT	74,167
MOBILE CSRT	71,429
MONTGOMERY CSRT	51,248
TUSCALOOSA COUNTY	19,836
ALABAMA	1,070,620
BAL OF FLORIDA	462,110
ALACHUA COUNTY	33,584
BREVARD COUNTY	258,304
BROWARD CSRT	408,134
MIAMI/DADE CSRT	593,738
ESCAMBIA CNTY	74,425
HRTLND MNP&R CSRT	338,980
LEE COUNTY	75,383
LEON/GADSDEN CSRT	53,067
NE FLA MNP&R CSRT	177,984
ORANGECNTY/ORLAND	230,265
MANATEE CNTY	50,262
PALM BEACH COUNTY	201,046
PASCO COUNTY	33,460
SEMINOLE CNTY	56,867
ST PETRSBG CSRT	217,389
SARASOTA COUNTY	64,632
TAMPA CSRT	249,355
VOLUSIA COUNTY	86,469
FLORIDA	3,665,454
BAL OF GEORGIA	1,052,698
CSRA CSRT	96,598
ATLANTA	345,915
CLAYTON CNTY	43,158
CORR COUNTY	105,808
COLUMBUS AREA CSRT	52,961
DEKALB COUNTY	142,848
FULTON COUNTY	71,706
MID. GA CSRT	93,381
SAV/CHATHAM CSRT	56,255
GEORGIA	2,061,328
BLUEGRASS MA CSRT	20,909

LOUISVILLE CSRT	112,912
KENTON COUNTY	43,972
BAL OF KENT	569,191
RURAL CEP	163,936
KENTUCKY	910,920
BAL OF MISS	622,210
JACKSON CSRT	59,165
MISSISSIPPI	681,375
BAL OF N.C.	1,902,789
ALAMANCE CNTY	55,546
BUNCOMBE COUNTY	77,470
CUMBERLAND COUNTY	48,462
CHARLOTTE	149,789
DURHAM CSRT	39,405
GASTON COUNTY	79,873
GREENSBORO-GUILFOR	113,850
ONSLOW COUNTY	20,287
RALEIGH CSRT	115,669
WAKE CNTY	0
WINSTON-SALEM CSRT	131,245
NORTH CAROLINA	2,734,385
S. CAROLINA CSRT	1,300,933
SOUTH CAROLINA	1,300,933
BALANCE OF TENN	968,470
CHATTANOOGA	43,866
MEMPHIS CSRT	107,646
HAMILTON COUNTY	15,892
KNOXVILLE CSRT	40,066
NASHVILLE/DAVIDSON	118,646
SULLIVAN COUNTY	0
TENNESSEE	1,294,586
REGION IV	13,719,601

CHICAGO	1,149,143
COOK COUNTY	149,732
DU PAGE COUNTY	4,241
KANE COUNTY	34,130
LAKE COUNTY	119,441
MACON COUNTY	56,169
MCHENRY COUNTY	37,471
ROCK ISLAND COUNTY	9,028
TAZEWELL COUNTY	3,791
LA SALLE COUNTY	42,823
ROCKFORD CSRT	121,710
CHAMPAIGNE CSRT	4,031
WILL COUNTY CSRT	140,664
SANGAMON CNTY CSRT	23,905
MADISON CNTY CSRT	137,160
ST CLAIR CSRT	126,022
PEORIA CSRT	13,240
EAST ST LOUIS	54,058
SHAWNEE CSRT	32,866
BAL OF ILLINOIS	598,104
MCLEAN CNTY	29,554
ILLINOIS	2,887,283
GARY	111,554
HAMMOND	12,082
LAKE CNTY	22,862
ELKHART CNTY	78,255
SOUTH BEND	52,607
ST JOSEPH CNTY	43,799
TIPPECANOE CNTY	18,515
MADISON CNTY	81,606
VIGO CNTY	6,443
INDIANAPOLIS	307,994
LA PORTE CNTY	36,610
FT WAYNE CSRT	212,040
DELAWARE CSRT	60,260
SOUTHWESTERN CSRT	172,968
BAL OF INDIANA	1,042,690
INDIANA	2,278,885
BAL OF MICHIGAN	896,858
GENESEE/FLINT CSRT	839,180

LANSING CSRT	212,793
JACKSON CSRT	168,879
KENT CNTY CSRT	335,903
MUSKEGON CSRT	93,812
DEARBORN	52,195
DETROIT	1,411,660
LIVONIA	40,554
WARREN CITY	97,306
BAY CNTY	74,636
BERRIEN CNTY	105,779
CALHOUN CNTYS	79,030
KALAMAZOO CNTY	92,462
MACOMB CNTY	272,361
MONROE CNTY	63,828
OAKLAND CNTY	612,838
OTTAWA CNTYS	66,441
SAGINAW CNTY	161,341
ST CLAIR CNTY	327,836
WAYNE CNTY	554,620
ANN ARBOR	48,988
WASHTENAW	121,777
MICHIGAN	6,730,577
DAKOTA CNTY	35,097
RAMSEY CNTY	39,348
ST PAUL CITY	210,404
URB. MINN. CSRT	420,321
REGION III CSRT	312,322
DULUTH	67,426
BAL OF MINNESOTA	527,582
MINN RCEP	804,429
MINNESOTA	2,416,934
CINCINNATI	208,045
BUTLER CNTY	125,539
CLARK CNTY	48,079
HAMILTON CNTY	49,754
LORAIN CNTY	101,337
AKRON CSRT	274,400
CANTON CSRT	165,337
CLEVELAND CSRT	600,191
COLUMBUS CSRT	205,738
MIAMI VALLEY CSRT	214,564
LICKING/DEL CSRT	53,067
TOLEDO CSRT	276,429
NE OHIO MNPWR CSRT	331,928
BAL OF OHIO	1,053,215
ALLEN CNTY	69,399
CLERMONT CNTY CSRT	103,098
GREENE CNTY	26,806
OHIO	3,906,926
OUTAGAMIE CNTY	7,161
ROCK CNTY	76,261
MILWAUKEE CNTY	383,893
MADISON-DANE CSRT	25,054
WOW CSRT	24,958
WINNE-FOND CSRT	51,362
TRICO CETAC	48,232
BAL OF WISCONSIN	570,982
RURAL CEP	72,576
MARATHON COUNTY	33,527
WISCONSIN	1,294,006
REGION V	19,514,611

CENT. ARK CSRT	134,328
TEXARKANA CSRT	109,444
BAL OF ARK	662,419
ARKANSAS	906,191
RAPIDES PARISH	65,340
BATON ROUGE	146,089
LAFAYETTE PARISH	10,475
CALCASIEU/JEFFERSO	190,212
OUACHITA PARISH	46,174
NEW ORLEANS CTY	803,215
JEFFERSON PARRISH	71,240
SHREVEPROT	68,432
BAL OF LOUISIANA	1,385,695
LOUISIANA	2,786,872
ALBUQUERQUE	357,041
BAL OF NEW MEXICO	323,759
NEW MEXICO	680,800
COMANCHE CNTY	15,301
OKLAHOMA CNTY	0
OKLAHOMA CTY CSRT	50,626
TULSA CSRT	27,919
BAL OF OKLAHOMA	184,704
OKLAHOMA	278,050
PANHANDLE MA CSRT	1,656
CAPITAL AREA CSRT	0
SE TEX COMP MA CSR	98,609
CAMERON COUNTY	115,813
COASTAL BEND CSRT	83,415
DALLAS CITY	9,947
DALLAS COUNTY	0
EL PASO CTY/CNTY	154,825
FT WORTH CSRT	33,929
TARRANT COUNTY	1,974
GALVESTON CNTY	0
HOUSTON	159,794
HARRIS COUNTY	0
CENTRAL TEXAS CSRT	2,633
HIDALGO CNTY CSRT	359,785
ALAMO CSRT	293,863
REGION IX CSRT	72,051
N TEXAS PLAN CSRT	0
WEBB COUNTY	155,268
BRAZORIA CSRT	0
BAL OF TEXAS	241,744
TEXAS	1,784,806
REGION VI	6,436,719

BAL OF IOWA	274,572
BLACKHAWK COUNTY	13,470
CENT IOWA HALG CRT	30,061
LINN CNTYCSRT	12,848
SCOTT COUNTY	9,890
WOODBURY COUNTY	25,428
IOWA	366,269
BAL OF KANSAS	17,865
KANSAS CITY CSRT	76,158
JOHNSON CNTY CSRT	0
TOPEKA CSRT	62,612
WICHITA CIY	21,359
KANSAS	177,994
BAL OF MISSOURI	79,375
SPRINGFIELD	48,194
BAL JACKSON CNTY	35,078
KANSAS CITY CSRT	277,099
JEFFERSON CSRT	65,235
ST LOUIS COUNTY	76,666
ST LOUIS CITY	250,475
INDEPENDENCE	33,632
ST CHARLES CNTY	38,339
MISSOURI	904,093
BAL OF NEBRASKA	19,377
LINCOLN CITY	10,684
OMAHO CSRT	167,309
NEBRASKA	197,370
REGION VII	1,645,726

ADAMS CNTY	32,436
ARAPAHOE COUNTY	5,313
BOULDER CNTY	7,104
COL SPRINGS CSRT	60,946
DENVER CTY/CNTY	94,951
JEFFERSON COUNTY	11,316
LARIMER COUNTY	14,983
PUEBLO CNTY	31,849
WELD CNTY	6,098
BAL OF COLORADO	68,509
COLORADO	333,505
BAL OF MONTANA	556,535
MONTANA	556,535
BAL OF N.D.	361,797
NORTH DAKOTA	361,797
BAL OF S.D.	15,461
SOUTH DAKOTA	15,461
STATEWIDE CSRT	380,916
UTAH	380,916
BAL OF WYOMING	0
WYOMING	0
REGION VIII	1,648,214

BAL OF ARIZONA	167,730
PHOENIX/MARICOPA	528,714
TUCSON-PIMA COUNTY	117,239
ARIZONA	813,683
CNTY OF ALAMEDA	362,976
BERKELEY	222,008
CONTRA COSTA CNTY	303,756
MARIN COUNTY	75,721
OAKLAND	425,660
RICHMOND	71,475
SAN FRANCISCO	855,187
SAN MATEO COUNTY	72,923
SONOMA COUNTY	135,559
SANTA BARABARA CNT	81,060
GLENDALE	44,020
LONG BEACH	222,079
LOS ANGELES COUNTY	1,294,950
LOS ANGELES	2,288,142
ORANGE CNTY MANP	582,719
PASADENA	38,477
TORRANCE	45,762
VENTURA COUNTY	140,091
BAL OF CALIFORNIA	1,286,488
HUMBOLT CNTY	120,985
SANTA CLARA VALLEY	445,730
SOLANO COUNTY	119,174
SUNNYVALE	43,167
BUTTE COUNTY	119,395
SACRAMENTO/YOLO	651,142
STOCKTON/SAN JOAQU	203,001
STANISLAUS COUNTY	369,938
MONTEREY COUNTY	103,711
SANTA CRUZ COUNTY	90,930
FRESNO CTY/CNTY	298,583
IMPERIAL COUNTY	82,464
KERN COUNTY	120,997
MERCED COUNTY	91,045
INLAND MANP ASSOC	535,582
SAN LOUIS OBISPO C	30,731
TULARE/KINGS CNTY	137,597
SAN DIEGO METC	1,867,513
CALIFORNIA	13,980,738
HONOLULU/HAWAII CR	928,924
HAWAII	928,924
BAL OF NEVADA	235,316
LAS VEGAS CSRT	0
WASHOE CNTY	73,047
NEVADA	308,363
AMERICAN SAMOA	21,215
AMERICAN SAMOA	21,215
GUAM	64,669
GUAM	64,669
PACIFIC ISLANDS	55,260
PACIFIC ISLANDS	55,260
REGION IX	16,172,852

ANCHORAGE BOROUGH	102,536
BAL OF ALASKA	328,030
ALASKA	430,566
STATEWIDE CSRT	326,786
IDAHO	326,786
PORTLAND CITY	192,047
CLACKAMAS COUNTY	70,452
LANE COUNTY	127,138
MULTNOMAH/WASH CRT	135,821
M-WILM VAL MPR CST	126,793
JACKSON CNTY CSRT	97,910
BAL OF OREGON	391,820
OREGON	1,141,981
SPOKANE CSRT	246,845
CLARK COUNTY	56,312
KING SNO. CSRT	1,294,181
KITSAP COUNTY	152,749
TACOMA CITY	175,529
PIERCE CNTY	221,636
YAKIMA COUNTY	325,101
BAL OF WASH	994,131
WASHINGTON	3,466,484
REGION X	5,365,817
INDIAN ORGANIZATIONS	450,055
NATIONAL TOTAL	100,000,000

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
PUBLIC SERVICE JOBS PROGRAM
TITLE II -- $1.2 BILLION SUPPLEMENTAL

	BASE	DISCRETIONARY	TOTAL
BRIDGEPORT CSRT	2,200,948	1,017,494	3,218,442
HARTFORD CSRT	3,115,011	224,069	3,339,080
NEW HAVEN CSRT	1,905,172	160,361	2,065,533
STAMFORD CSRT	723,794	0	723,794
WATERBURY CITY	937,251	190,329	1,127,580
BAL OF CONN	7,915,607	76,485	7,992,092
CONNECTICUT	16,797,783	1,668,738	18,466,521
PENOBSCOT CNTY	679,261	84,040	763,301
CUMBERLAND CNTY	969,639	0	969,639
BAL OF MAINE	4,403,365	1,929,443	6,332,808
MAINE	6,052,265	2,013,483	8,065,748
BOSTON	4,685,893	2,380,358	7,066,251
EMHRDA CSRT	2,110,415	1,390,711	3,501,126
NEW BEDFORD CSRT	1,552,476	407,246	1,959,722
HAMPDEN CNTY CSRT	3,251,062	687,931	3,938,993
WORCESTER CSRT	1,757,459	206,368	1,964,327
LOWELL CSRT	1,609,646	459,598	2,069,244
BROCKTON CSRT	1,300,377	276,274	1,576,651
BAL OF MASS	22,072,783	6,084,556	28,157,339
MASSACHUSETTS	38,340,611	11,893,042	50,233,653
ROCKHM/STAFFRD CRT	965,099	3,302	968,401
HILLSBOROUGH CNTY	1,097,958	0	1,097,958
BAL OF N.H.	1,380,117	33,660	1,413,777
NEW HAMPSHIRE	3,443,174	36,962	3,480,136
PROVIDENCE	1,908,485	158,367	2,066,852
BAL OF R.I.	6,549,720	1,708,324	8,258,044
RHODE ISLAND	8,458,205	1,866,691	10,324,896
BAL OF VERMONT	2,562,231	940,756	3,502,987
VERMONT	2,562,231	940,756	3,502,987
REGION I	75,654,269	18,419,672	94,073,941
ATLANTIC COUNTY	1,106,179	890,755	1,996,934
BERGEN COUNTY	3,613,939	118,711	3,732,650
BURLINGTON COUNTY	1,696,622	464,305	2,160,927
CAMDEN COUNTY	1,897,813	411,833	2,309,646
CAMDEN CITY	963,505	332,531	1,296,036
CUMBERLAND COUNTY	899,957	762,300	1,662,257
ELIZABETH CITY	680,120	83,784	763,904
ESSEX COUNTY	2,573,397	0	2,573,397
GLOUCESTER COUNTY	1,039,686	457,545	1,497,231
HUDSON COUNTY	2,184,140	2,137,083	4,321,223
JERSEY CITY	1,299,885	2,192,093	3,491,978
MERCER COUNTY	321,656	112,600	434,256
MIDDLESEX COUNTY	2,785,014	760,088	3,545,102
MONMOUTH COUNTY	1,990,803	644,425	2,635,228
MORRIS COUNTY	1,282,585	0	1,282,585
NEWARK CITY	3,178,561	2,810,599	5,989,160
OCEAN COUNTY	1,145,925	591,301	1,737,226
PASSAIC COUNTY	1,485,374	550,857	2,036,231
PATERSON CITY	1,085,690	1,433,288	2,518,978
SOMERSET CNTY	414,772	11,767	426,539
TRENTON CITY	579,157	332,884	912,041
UNION COUNTY	1,832,303	0	1,832,303
BAL OF N.J.	2,171,257	397,825	2,569,082
NEW JERSEY	36,228,340	15,496,574	51,724,914
ALBANY CSRT	1,151,936	0	1,151,936
BROOME COUNTY	872,968	0	872,968
BUFFALO CITY	3,802,986	2,192,579	5,995,565
CHAUTAUQUA CSRT	1,449,306	36,139	1,485,445
CHEMUNG COUNTY	494,265	94,769	589,034
DUTCHESS COUNTY	280,562	101,734	382,296
ERIE CSRT	3,357,177	642,897	4,000,074
MONROE/ROCHSTR CRT	1,701,408	2,124	1,703,532
NASSAU COUNTY CSRT	5,187,761	59,628	5,247,389
NIAGARA COUNTY	1,743,363	780,086	2,523,449
ONEIDA COUNTY	1,326,259	58,365	1,384,624
ONONDAGA COUNTY	1,033,186	0	1,033,186
ORANGE COUNTY	1,356,193	0	1,356,193
OSWEGO CNTY	723,548	122,278	845,826
RENSSELAER CNTY	674,112	0	674,112
ROCKLAND COUNTY	792,004	0	792,004
ST LAWRENCE CNTY	703,429	42,206	745,635
SARATOGA COUNTY	555,849	25,336	581,185
SCHENECTADY CNTY	678,526	0	678,526
STEUBEN CNTY	548,366	96,688	645,054
SUFFOLK CNTY CSRT	4,599,161	0	4,599,161
SYRACUSE CITY	1,012,207	51,746	1,063,953
ULSTER COUNTY	905,725	0	905,725
WESTCHESTER CSRT	2,930,263	0	2,930,263
YONKERS CITY	1,015,153	47,746	1,062,899
BAL OF NEW YORK	9,941,864	3,487,472	13,429,336
NEW YORK CITY	41,179,471	22,236,925	63,416,396
NEW YORK	90,017,048	30,078,718	120,095,766

	BASE	DISCRETIONARY	TOTAL
BAYAMON MUNICIPIO	779,490	647,191	1,426,681
CAGUAS MUNICIPIO	839,233	607,222	1,446,455
CAROLINA MUNICIPIO	404,098	245,779	649,877
MAYAGUEZ MUNICIPIO	591,181	606,939	1,198,120
PONCE MUNICIPIO	1,187,512	1,577,548	2,765,060
SAN JUAN CSMT	2,983,137	2,381,988	5,365,125
BAL OF PUERTO RICO	11,296,096	8,712,731	20,008,827
PUERTO RICO	18,080,747	14,779,398	32,860,145
VIRGIN ISLANDS	833,559	89,003	922,562
VIRGIN ISLANDS	833,559	89,003	922,562
REGION II	145,159,694	60,443,693	205,603,387
BAL OF DEL	2,351,350	0	2,351,350
WILMINGTON	683,555	299,762	983,317
DELAWARE	3,034,905	299,762	3,334,667
WASHINGTON D.C.	2,964,612	2,816,337	5,780,949
DIST OF COLUMBIA	2,964,612	2,816,337	5,780,949
BAL OF MD	1,967,128	0	1,967,128
BALTIMORE CSMT	8,837,646	0	8,837,646
MONTGOMERY COUNTY	0	245,750	245,750
PRINCE GEORGES CO.	524,076	483,100	1,007,176
WESTERN MD CSRT	1,716,985	354,792	2,071,777
MARYLAND	13,045,835	1,083,642	14,129,477
LEHIGH VALLEY CSRT	2,273,940	0	2,273,940
LANCASTER CSMT	1,828,378	0	1,828,378
BUCKS COUNTY	1,988,839	0	1,988,839
CHESTER COUNTY	547,751	0	547,751
DELAWARE COUNTY	2,661,231	0	2,661,231
MONTGOMERY CUUNTY	1,782,990	0	1,782,990
PHILADELPHIA	9,967,382	3,172,649	13,140,031
BERKS COUNTY	1,099,921	33,289	1,133,210
LACKAWANNA COUNTY	964,117	262,319	1,226,436
SCRANTON	752,500	116,254	868,754
LUZERNE COUNTY	1,890,697	475,726	2,366,423
SCHUYKILL CSMT	1,313,504	202,757	1,516,261
ERIE CTY	576,091	0	576,091
ERIE CNTY	582,102	0	582,102
ALLEGHANY COUNTY	3,561,066	645,806	4,206,872
PITTSBURGH	2,633,713	778,255	3,413,968
BEAVER COUNTY	697,786	54,462	752,248
WASHINGTON CUUNTY	781,207	0	781,207
WESTMORELAND CTY	1,805,190	669,149	2,474,339
TRI-COUNTY CSRT	1,028,892	52,386	1,081,278
FAYETTE COUNTY	689,566	388,737	1,078,303
LAWRENCE COUNTY	566,276	32,694	598,970
MERCER CNTY CSRT	1,574,680	478,887	2,053,567
S. ALLEGHN. CSRT	2,363,861	838,372	3,202,233
SUSQUEHANNA CSRT	365,453	166,418	531,871
YORK COUNTY	1,159,544	0	1,159,544
LYCOMING CSRT	956,020	169,283	1,125,303
FRANKLIN COUNTY	225,848	100,634	326,482
BAL OF PENN	4,074,838	434,901	4,509,739
CENTRE CNTY	371,221	0	371,221
NORTHUMBERLAND CNT	703,429	0	703,429
PENNSYLVANIA	51,790,033	9,072,978	60,863,011
PENNINSULA CSRT	1,205,055	0	1,205,055
STAMA	2,549,227	41,372	2,590,599
RAMPS	544,685	91,680	636,365
HENRICO CNTY CSRT	0	89,520	89,520
ROANOKE CSRT	1,132,432	0	1,132,432
ARLINGTON COUNTY	120,960	102,172	223,132
FAIRFAX COUNTY	0	314,932	314,932
PRINCE WM COUNTY	37,170	59,837	97,007
ALEXANDRIA CITY	0	113,226	113,226
BAL OF VA	10,618,675	0	10,618,675
VIRGINIA	16,208,204	812,739	17,020,943
W. VA. STATEWIDE	7,023,504	4,429,425	11,452,929
WEST VIRGINIA	7,023,504	4,429,425	11,452,929
REGION III	94,067,093	18,514,883	112,581,976
BAL OF ALABAMA	9,372,648	0	9,372,648
BIRMINGHAM CSRT	1,569,776	190,158	1,759,934
HUNTSVILLE CSRT	950,381	61,440	1,011,821
MOBILE CSRT	915,291	163,370	1,078,661
MONTGUMERY CSRT	656,689	51,752	708,441
TUSCALOOSA COUNTY	254,185	195,674	449,859
ALABAMA	13,718,970	662,394	14,381,364

	BASE	DISCRETIONARY	TOTAL
BAL OF FLORIDA	5,921,496	1,195,754	7,117,250
ALACHUA COUNTY	430,351	0	430,351
BREVARD COUNTY	1,526,592	977,559	2,504,151
BROWARD CSRT	5,229,840	197,708	5,427,548
MIAMI/DADE CSRT	7,608,180	562,485	8,170,665
ESCAMBIA CNTY	953,690	0	953,690
HRTLND MNPWR CSRT	1,830,954	986,312	2,817,266
LEE COUNTY	965,958	0	965,958
LEON/GADSDEN CSRT	679,997	5,481	685,478
NE FLA MNPWR CSRT	2,280,687	0	2,280,687
ORANGE/ORLANDO CRT	2,950,626	316,424	3,267,050
MANATEE CNTY	644,054	0	644,054
PALM BEACH COUNTY	2,576,216	374,185	2,950,401
PASCO COUNTY	428,757	27,521	456,278
SEMINOLE CNTY	728,700	0	728,700
ST PETRSBG CSRT	2,785,626	137,018	2,922,644
SARASOTA COUNTY	826,192	154,657	982,849
TAMPA CSRT	3,195,243	338,515	3,533,758
VOLUSIA COUNTY	1,108,019	0	1,108,019
FLORIDA	42,673,178	5,273,619	47,946,797
BAL OF GEORGIA	13,489,311	0	13,489,311
CSRA CSRT	1,237,810	149,728	1,387,538
ATLANTA	4,432,563	257,118	4,689,681
CLAYTON CNTY	553,026	0	553,026
COBB COUNTY	1,355,825	16,661	1,372,486
COLUMBUS AREA CSRT	678,649	105,112	783,761
DEKALB COUNTY	1,830,462	0	1,830,462
FULTON COUNTY	918,849	0	918,849
MID. GA CSRT	1,196,591	0	1,196,591
SAV/CHATHAM CSRT	720,849	3,215	724,064
GEORGIA	26,413,935	531,834	26,945,769
BLUEGRASS MA CSRT	267,927	185,012	452,939
LOUISVILLE CSRT	1,446,853	570,342	2,017,195
KENTON COUNTY	563,457	160,578	724,035
BAL OF KENTUCKY	7,293,639	487,553	7,781,192
KENTUCKY CEP	1,311,048	349,897	1,660,945
KENTUCKY	10,882,924	1,753,382	12,636,306
BAL OF MISS	7,973,021	0	7,973,021
JACKSON CSRT	758,143	12,590	770,733
MISSISSIPPI	8,731,164	12,590	8,743,754
BAL OF N.C.	24,382,417	0	24,382,417
ALAMANCE CNTY	711,772	0	711,772
BUNCOMBE COUNTY	992,701	88,246	1,080,947
CUMBERLAND COUNTY	620,990	33,052	654,042
CHARLOTTE	1,919,404	0	1,919,404
DURHAM CSRT	504,939	91,987	596,926
GASTON COUNTY	1,023,494	7,075	1,030,569
GREENSBORO-GUILFRD	1,458,875	0	1,458,875
ONSLOW COUNTY	259,953	52,487	312,440
RALEIGH CSRT	1,482,183	80,485	1,562,668
WAKE CNTY	0	134,233	134,233
WINSTON-SALEM CSRT	1,681,778	28,347	1,710,125
NORTH CAROLINA	35,038,506	515,912	35,554,418
S. CAROLINA CSRT	16,670,200	485,323	17,155,523
SOUTH CAROLINA	16,670,200	485,323	17,155,523
BALANCE OF TENN	12,410,006	0	12,410,006
CHATTANOOGA	562,106	9,095	571,201
MEMPHIS CSRT	1,379,376	286,943	1,666,319
HAMILTON COUNTY	203,644	92,446	296,090
KNOXVILLE CSRT	513,403	124,268	637,671
NASHVILLE/DAVIDSON	1,520,335	874,760	2,395,095
SULLIVAN COUNTY	0	158,610	158,610
TENNESSEE	16,588,870	1,546,122	18,134,992
REGION IV	170,717,747	10,781,176	181,498,923
CHICAGO	14,725,163	0	14,725,163
COOK COUNTY	1,918,666	782,252	2,700,918
DU PAGE COUNTY	54,344	367,376	421,720
KANE COUNTY	437,344	188,483	625,827
LAKE COUNTY	1,530,519	0	1,530,519
MACON COUNTY	719,746	0	719,746
MCHENRY COUNTY	480,156	0	480,156
ROCK ISLAND COUNTY	115,684	141,264	256,948
TAZEWELL COUNTY	48,580	138,189	186,769
LA SALLE COUNTY	548,733	15,650	564,383
ROCKFORD CSRT	1,559,592	112,848	1,672,440
CHAMPAIGNE CSRT	51,648	129,942	181,590
WILL COUNTY CSRT	1,252,287	0	1,252,287
SANGAMON CNTY CSRT	305,323	81,192	387,515
MADISON CNTY CSRT	1,484,515	493,933	1,978,448
ST CLAIR CSRT	1,263,451	0	1,263,451
PEORIA CSRT	169,663	74,003	243,666
EAST ST LOUIS	566,522	350,347	916,869
SHAWNEE CSRT	421,149	86,905	508,054
BAL OF ILLINOIS	7,669,121	553,751	8,222,872
MCLEAN CNTY	378,703	0	378,703
ILLINOIS	35,696,909	3,521,135	39,218,044

	BASE	DISCRETIONARY	TOTAL
GARY	864,135	194,376	1,058,511
HAMMOND	154,818	59,044	213,862
LAKE CNTY	292,953	119,276	412,229
ELKHART CNTY	1,002,762	634	1,003,396
SOUTH BEND	674,110	0	674,110
ST JOSEPH CNTY	561,246	0	561,246
TIPPECANOE CNTY	237,257	0	237,257
MADISON CNTY	1,045,697	0	1,045,697
VIGO CNTY	82,562	104,585	187,147
INDIANAPOLIS	3,946,642	651,495	4,598,137
LA PORTE CNTY	469,116	0	469,116
FT WAYNE CSRT	2,724,778	216,946	2,941,724
DEL/BLACKFORD CSRT	874,684	37,105	911,794
SOUTHWESTERN CSRT	1,703,861	0	1,703,861
BAL OF INDIANA	11,880,406	3,185,219	15,065,625
INDIANA	26,515,032	4,568,680	31,083,712
BAL OF MICHIGAN	11,492,377	2,379,372	13,871,749
GENESEE/FLINT CSRT	5,005,956	3,076,506	8,082,462
LANSING CSRT	2,720,739	123,760	2,850,499
REGION II CSRT	2,164,021	479,137	2,643,158
GRAMPC	4,297,864	988,534	5,286,398
MUSKEGON-CSRT	1,202,113	415,797	1,617,910
DEARBORN	668,834	0	668,834
DETROIT	14,834,713	4,633,345	19,468,058
LIVONIA	519,660	2,429	522,089
WARREN CITY	1,246,889	0	1,246,889
BAY CNTY	956,389	212,876	1,169,265
BERRIEN CNTY	1,355,458	231,818	1,587,276
CALHOUN CNTY	1,012,697	29,918	1,042,615
KALAMAZOO CNTY	1,184,813	0	1,184,813
MACOMB CNTY	3,490,039	178,684	3,668,723
MONROE CNTY	817,888	0	817,888
OAKLAND CNTY	7,852,925	711,231	8,564,156
OTTAWA CNTY	851,378	51,414	902,792
SAGINAW CNTY	1,446,973	248,581	1,695,554
ST CLAIR CNTY	1,328,222	1,328,528	2,656,750
WAYNE CNTY	7,106,922	0	7,106,922
ANN ARBOR	627,737	0	627,737
WASHTENAW CNTY	1,560,451	336,260	1,896,711
MICHIGAN	73,751,058	15,428,190	89,179,248
DAKOTA CNTY	449,732	8,595	458,327
RAMSEY CNTY	504,203	17,892	522,095
ST PAUL CITY	1,463,537	107,496	1,571,033
URB. MINN. CSRT	5,386,010	907,550	6,293,560
REGION III CSRT	766,240	930,660	1,696,900
DULUTH	456,359	173,196	629,555
BAL OF MINNESOTA	3,267,011	1,377,133	4,644,144
MINN RCEP	1,544,502	2,428,524	3,973,026
MINNESOTA	13,837,594	5,951,046	19,788,640
CINCINNATI	2,665,894	1,131,402	3,797,296
BUTLER CNTY	1,608,662	0	1,608,662
CLARK CNTY	616,083	0	616,083
HAMILTON CNTY	637,552	348,583	986,135
LORAIN CNTY	1,298,535	0	1,298,535
AKRON CSRT	3,516,167	238,576	3,754,743
CANTON CSRT	2,118,630	49,764	2,168,394
CLEVELAND CSRT	7,690,864	690,964	8,381,828
COLUMBUS CSRT	2,636,329	84,947	2,721,276
MIAMI VALLEY CSRT	2,749,435	0	2,749,435
LICKING/DEL CSRT	680,000	23,255	703,255
TOLEDO CSRT	3,542,177	78,769	3,620,946
NE OHIO MNPWR CSRT	4,253,331	0	4,253,331
BAL OF OHIO	13,495,937	0	13,495,937
ALLEN CNTY	889,284	0	889,284
CLERMONT CNTY CSRT	1,321,107	0	1,321,107
GREENE CNTY	343,496	26,263	369,759
OHIO	50,053,483	2,672,523	52,736,006
OUTAGAMIE CNTY	91,761	102,504	194,265
ROCK CNTY	866,222	0	866,222
MILWAUKEE CNTY	4,919,223	354,116	5,273,339
MADISON-DANE CSRT	321,044	110,126	431,170
WOW CSRT	319,819	233,028	552,847
WINNE-FOND CSRT	658,161	101,107	759,268
TRICO CETAC	618,045	243,272	861,317
BAL OF WISCONSIN	7,316,583	293,695	7,610,278
WISC CEP	902,903	0	902,903
MARATHON COUNTY	429,616	0	429,616
WISCONSIN	16,443,377	1,437,848	17,881,225
REGION V	216,307,453	33,579,422	249,886,875
CENT. ARK CSRT	1,721,280	0	1,721,280
TEXARKANA CSRT	481,750	456,069	937,819
BAL OF ARK	8,488,264	0	8,488,264
ARKANSAS	10,691,294	456,069	11,147,363

	BASE	DISCRETIONARY	TOTAL
RAPIDES PARISH	561,493	126,463	687,956
BATON ROUGE	853,956	316,447	1,170,403
LAFAYETTE PARISH	103,906	91,013	194,919
CALCASIEU/JEFFRSO	716,676	754,796	1,471,472
OUACHITA PARISH	591,670	63,866	655,536
NEW ORLEANS CTY	2,875,916	452,885	3,328,801
JEFFERSON PARRISH	521,497	278,011	799,508
SHREVEPORT	876,895	80,338	957,233
BAL OF LOUISIANA	6,382,148	3,058,321	9,440,469
LOUISIANA	13,484,157	5,222,140	18,706,297
ALBUQUERQUE	1,522,788	1,038,908	2,561,696
BAL OF NEW MEXICO	2,828,808	457,487	3,286,295
NEW MEXICO	4,351,596	1,496,395	5,847,991
COMANCHE CNTY	131,388	70,950	202,338
OKLAHOMA CNTY	0	129,440	129,440
OKLAHOMA CTY CSRT	648,718	387,892	1,036,610
TULSA CSRT	351,348	187,350	538,698
BAL OF OKLAHOMA	2,366,809	872,807	3,239,616
OKLAHOMA	3,498,263	1,648,439	5,146,702
PANHANDLE MA CSRT	21,224	157,362	178,586
CAPITAL AREA CSRT	0	326,068	326,068
SE TEX COMP MA CRT	1,263,573	1,115	1,264,688
CAMERON COUNTY	985,957	352,961	1,338,918
COASTAL BEND CSRT	1,068,885	92,319	1,161,204
DALLAS CITY	127,460	621,478	748,938
DALLAS COUNTY	0	455,328	455,328
EL PASO CTY/CNTY	1,856,716	54,641	1,911,357
FT WORTH CSRT	434,768	392,113	826,881
TARRANT COUNTY	18,891	139,170	158,061
GALVESTON CNTY	0	182,141	182,141
HOUSTON	2,047,600	356,409	2,404,009
HARRIS COUNTY	0	345,603	345,603
CENTRAL TEXAS CSRT	33,736	94,045	127,781
HIDALGO CNTY CSRT	1,134,396	1,455,753	2,590,149
ALAMO CSRT	3,765,570	168,429	3,934,499
REGION XI CSRT	923,268	0	923,268
N TEXAS PLAN CSRT	0	141,485	141,485
WEBB COUNTY	657,794	664,567	1,322,361
BRAZORIA CSRT	0	474,027	474,027
BAL OF TEXAS	3,097,717	1,585,066	4,682,783
TEXAS	17,437,555	8,060,580	25,498,135
REGION VI	49,462,865	16,883,623	66,346,488
BAL OF IOWA	3,518,374	417,928	3,936,302
BLACKHAWK COUNTY	172,605	60,042	232,647
CENT IOWA RALG CRT	385,204	191,218	576,422
LINN CNTY CSRT	164,633	32,318	196,951
SCOTT COUNTY	126,724	54,213	180,937
WOODBURY COUNTY	325,830	0	325,830
IOWA	4,693,370	755,719	5,449,089
BAL OF KANSAS	228,916	574,920	803,836
KANSAS CITY CSRT	975,896	0	975,896
JOHNSON CNTY CSRT	0	239,574	239,574
TOPEKA CSRT	802,308	0	802,308
WICHITA CTY	273,692	80,502	354,194
KANSAS	2,280,812	894,996	3,175,808
BAL OF MISSOURI	1,017,119	2,004,349	3,021,468
SPRINGFIELD	617,555	7,124	624,679
BAL JACKSON CNTY	449,489	11,403	460,892
KANSAS CITY CSRT	3,550,761	0	3,550,761
JEFFERSON CSRT	835,921	165,438	1,001,359
ST LOUIS COUNTY	982,396	1,177,833	2,160,229
ST LOUIS CITY	3,209,598	0	3,209,598
INDEPENDENCE	430,964	7,758	438,722
ST CHARLES CNTY	482,243	158,121	640,364
MISSOURI	11,576,046	3,532,026	15,108,072
BAL OF NEBRASKA	248,298	677,337	925,635
LINCOLN CITY	136,906	235,460	372,366
OMAHO CSRT	2,143,901	816,143	2,960,044
NEBRASKA	2,529,105	1,728,940	4,258,045
REGION VII	21,079,333	6,911,681	27,991,014
ADAMS CNTY	415,630	77,353	492,983
ARAPAHOE COUNTY	68,087	119,130	187,217
BOULDER CNTY.	91,026	157,823	248,849
COL SPRINGS CSRT	780,961	135,129	916,090
DENVER CTY/CNTY	1,216,711	139,156	1,355,867
JEFFERSON COUNTY	145,003	140,070	285,073
LARIMER COUNTY	191,989	94,405	286,394
PUEBLO CNTY	225,112	53,773	278,885
WELD CNTY	78,145	40,110	118,255
BAL OF COLORADO	877,874	0	877,874
COLORADO	4,090,538	956,949	5,047,487
BAL OF MONTANA	3,340,372	1,856,986	5,197,358
MONTANA	3,340,372	1,856,986	5,197,358

	BASE	DISCRETIONARY	TOTAL
BAL OF N.D.	1,996,934	383,427	2,380,361
NORTH DAKOTA	1,996,934	383,427	2,380,361
BAL OF S.D.	198,123	674,748	872,871
SOUTH DAKOTA	198,123	674,748	872,871
UTAH STATEWIDE CRT	4,881,071	835,356	5,716,427
UTAH	4,881,071	835,356	5,716,427
BAL OF WYOMING	0	402,219	402,219
WYOMING	0	402,219	402,219
REGION VIII	14,507,038	5,109,685	19,616,723
BAL OF ARIZONA	2,149,300	0	2,149,300
PHOENIX/MARICOPA	6,774,958	32,829	6,807,787
TUCSON-PIMA COUNTY	1,502,302	0	1,502,302
ARIZONA	10,426,560	32,829	10,459,389
CNTY OF ALAMEDA	2,838,379	1,213,787	4,052,166
BERKELEY	1,019,077	952,733	1,971,810
CONTRA COSTA CNTY	2,228,057	1,010,161	3,238,218
MARIN COUNTY	876,037	79,576	955,613
OAKLAND	2,630,695	2,150,417	4,787,112
RICHMOND	525,916	250,044	775,960
SAN FRANCISCO	4,842,183	3,115,008	7,957,191
SAN MATEO COUNTY	934,432	247,908	1,182,340
SONOMA COUNTY	1,533,462	226,358	1,759,820
SANTA BARABARA CO.	1,038,704	0	1,038,704
GLENDALE	564,069	0	564,069
LONG BEACH	1,863,831	747,117	2,610,948
LOS ANGELES COUNTY	16,593,537	6,152,986	22,746,523
LOS ANGELES	17,280,043	8,787,400	26,073,443
ORANGE CNTY MANP	7,466,977	675,861	8,142,838
PASADENA	493,039	26,253	519,292
TORRANCE	580,396	14,374	600,770
VENTURA COUNTY	1,795,132	94,275	1,889,407
BAL OF CALIFORNIA	6,490,591	7,059,703	13,550,294
HUMBOLT CNTY	1,009,019	409,904	1,418,923
SANTA CLARA VALLEY	5,711,596	0	5,711,596
SOLANO COUNTY	649,084	272,694	921,778
SUNNYVALE	553,149	0	553,149
BUTTE COUNTY	838,251	369,914	1,208,165
SACRAMENTO/YOLO	3,594,069	1,161,121	4,755,190
STOCKTON/SAN JOAQU	1,897,444	271,504	2,168,948
STANISLAUS COUNTY	2,016,074	930,889	2,946,963
MONTEREY COUNTY	1,328,958	0	1,328,958
SANTA CRUZ COUNTY	1,050,972	852,952	1,903,924
FRESNO CTY/CNTY	2,572,166	505,430	3,077,596
IMPERIAL COUNTY	547,997	485,840	1,033,837
KERN COUNTY	1,371,407	105,259	1,476,666
MERCED COUNTY	693,124	254,421	947,545
INLAND MANP ASSOC	6,788,205	1,266,564	8,054,769
SAN LOUIS OBISPO	393,793	0	393,793
TULARE/KINGS CNTY	1,238,422	206,859	1,445,281
SAN DIEGO REIC	7,534,454	7,541,177	15,075,631
CALIFORNIA	111,400,741	47,438,489	158,839,230
HONOLULU/HAWAII CR	3,365,032	3,158,793	6,523,825
HAWAII	3,365,032	3,158,793	6,523,825
BAL OF NEVADA	710,311	1,560,765	2,271,076
LAS VEGAS CSMT	2,176,781	0	2,176,781
WASHOE CNTY	936,506	0	936,506
NEVADA	3,823,598	1,560,765	5,384,363
AMERICAN SAMOA	203,666	21,826	225,492
AMERICAN SAMOA	203,666	21,826	225,492
GUAM	620,837	225,181	846,018
GUAM	620,837	225,181	846,018
PACIFIC ISLANDS	530,510	0	530,510
PACIFIC ISLANDS	530,510	0	530,510
REGION IX	130,370,944	52,437,883	182,808,827
GREATER ANCHORAGE	724,040	228,366	952,406
BAL OF ALASKA	1,342,820	1,417,392	2,760,212
ALASKA	2,066,860	1,645,758	3,712,618
IDAHO STATEWIDE	4,187,452	0	4,187,452
IDAHO	4,187,452	0	4,187,452

	BASE	DISCRETIONARY	TOTAL
PORTLAND CITY	2,460,901	0	2,460,901
CLACKAMAS COUNTY	902,780	0	902,780
LANE COUNTY	1,629,150	157,231	1,786,381
MULTNOMAH/WASH CRT	1,740,419	134,277	1,874,696
M-WILM VAL MPR CRT	1,624,734	178,442	1,803,176
JACKSON CNTY CSRT	1,254,617	0	1,254,617
BAL OF OREGON	5,020,800	0	5,020,800
OREGON	14,633,401	469,950	15,103,351
SPOKANE CSRT	1,471,266	750,053	2,221,319
CLARK COUNTY	721,585	1,663	723,248
KING SNO. CSRT	6,712,515	4,413,728	11,126,243
KITSAP COUNTY	411,457	570,728	982,185
TACOMA CITY	755,200	863,382	1,618,582
PIERCE CNTY	854,077	670,364	1,524,441
YAKIMA COUNTY	926,947	1,084,233	2,011,180
BAL OF WASH	15,433,608	5,245,320	10,678,928
WASHINGTON	17,280,655	13,599,471	30,886,126
REGION X	34,174,368	15,715,179	53,889,547
INDIAN ORGANIZATIONS	4,815,812	1,203,103	6,018,915
NATIONAL TOTAL	960,316,616	240,000,000	1,200,316,616

1976 SUMMER YOUTH PROGRAM

	ALLOCATION
REGION I	30,674,253
CONNECTICUT	7,472,657
BRIDGEPORT CSRT	1,397,071
HARTFORD CSRT	1,506,548
NEW HAVEN CSRT	1,447,670
STAMFORD CSRT	448,633
WATERBURY CITY	383,183
BALANCE OF CONN	2,292,552
MAINE	2,883,986
PENOBSCOT CNTY	327,252
CUMBERLAND CNTY	432,568
BALANCE OF MAINE	2,124,166
MASSACHUSETTS	14,764,434
BOSTON	2,952,412
EMHRDA CSRT	907,382
NEW BEDFORD CSRT	515,868
HAMPDEN CNTY CSRT	1,170,373
WORCESTER CSRT	560,493
LOWELL CSRT	544,428
BROCKTON CSRT	476,002
BALANCE OF MASS	7,637,476
NEW HAMPSHIRE	1,405,401
ROCK/STRAFFORD CSR	390,323
HILLSBOROUGH CNTY	386,158
BALANCE OF N H	628,920
RHODE ISLAND	2,872,086
PROVIDENCE	977,592
BALANCE OF R I	1,894,494
VERMONT	1,275,689
BALANCE OF VERMONT	1,275,689
REGION II	75,165,114
NEW JERSEY	16,856,472
ATLANTIC COUNTY	577,749
HUDSON COUNTY	1,084,693
JERSEY CITY	1,275,094
MONMOUTH COUNTY	802,066
ESSEX COUNTY	746,730
NEWARK CITY	4,097,206
MORRIS COUNTY	375,448
UNION COUNTY	466,483
ELIZABETH CITY	317,137
MIDDLESEX COUNTY	1,075,173
BERGEN COUNTY	681,875
PASSAIC COUNTY	659,860
PATERSON CITY	647,365
MERCER COUNTY	318,923
TRENTON CITY	397,463
CUMBERLAND COUNTY	254,067
BURLINGTON COUNTY	471,243
CAMDEN COUNTY	722,335
CAMDEN CITY	411,148
GLOUCESTER COUNTY	258,827
OCEAN COUNTY	345,103
SOMERSET CNTY	154,701
BALANCE OF N J	715,790
NEW YORK	45,354,802
ALBANY CSRT	515,274
RENSSELAER CNTY	227,292
SARATOGA COUNTY	255,257
SCHENECTADY CNTY	177,906
ERIE CSRT	580,725
BUFFALO CITY	1,757,048
NIAGARA COUNTY	448,038
BROOME COUNTY	441,493
CHEMUNG COUNTY	276,082

NEW YORK CITY	29,124,868
ROCKLAND COUNTY	178,501
WESTCHESTER CSRT	1,173,348
YONKERS CITY	329,037
NASSAU COUNTY CSRT	1,170,968
SUFFOLK CNTY CSRT	1,295,920
DUTCHESS COUNTY	297,502
MONROE/ROCHESTER	875,252
OSWEGO CNTY	208,516
ONONDAGA CNTY	279,652
SYRACUSE CITY	565,849
ONEIDA COUNTY	633,680
CHAUTAUQUA CSRT	536,329
ORANGE COUNTY	209,442
ST LAWRENCE CNTY	207,657
ULSTER COUNTY	150,536
STEUBEN CITY	201,706
BAL OF NEW YORK	3,224,924
PUERTO RICO	12,953,840
PONCE MUNICIPIO	812,181
BAYAMON MUNICIPIO	652,125
CAROLINA MUNICIPIO	592,624
SAN JUAN CSRT	1,911,749
MAYAGUEZ MUNICIPIO	480,169
CAGUAS MUNICIPIO	571,204
BAL OF PUERTO RICO	7,933,788
REGION III	56,304,662
DELAWARE	1,166,804
WILMINGTON	490,804
DEL INTGOV MA S.C.I.	667,000
MARYLAND	7,656,515
BALTIMORE CSRT	5,281,853
MONTGOMERY COUNTY	308,212
PRINCE GEORGES CO.	815,156
WESTERN MD CSRT	393,298
BALANCE OF MD	857,996
PENNSYLVANIA	23,653,805
LEHIGH VALLEY CONS	398,058
S. ALLEGANY CSRT	957,363
ERIE CTY	346,808
ERIE CNTY	246,927
SUSQUEHANNA CSRT	520,035
LANCASTER CSRT	312,377
BUCKS COUNTY	408,173
CHESTER COUNTY	391,513
DELAWARE COUNTY	564,659
MONTGOMERY COUNTY	472,433
PHILADELPHIA	5,136,078
ALLEGHANY COUNTY	1,969,464
PITTSBURGH	3,056,537
BEAVER COUNTY	373,663
WASHINGTON COUNTY	346,293
WESTMORELAND CNTY	458,153
BERKS COUNTY	428,908
LACKAWANNA COUNTY	306,427
SCRANTON	306,427
LUZERNE COUNTY	887,746
YORK COUNTY	170,766
LYCOMING CSRT	310,593
TRI-COUNTY CSRT	448,633
FAYETTE COUNTY	517,654
FRANKLIN COUNTY	142,801
LAWRENCE COUNTY	231,457
MERCER CNTY CSRT	753,277
SCHUYKILL CSRT	494,468
CENTRE CNTY	260,612
NORTHUMBERLAND CO.	333,797
BALANCE OF PENN	2,101,551
VIRGINIA	10,038,907

PENNINSULA CSRT	691,989
STAMA CSRT	1,860,578
RAMPS CSRT	1,168,58[illegible]
HENRICO CNTY CSRT	129,115
ROANOKE CSRT	402,816
ARLINGTON COUNTY	342,012
FAIRFAX COUNTY	349,152
PRINCE WM COUNTY	155,891
ALEXANDRIA CITY	201,111
BALANCE OF VA	4,757,65[illegible]
WEST VIRGINIA	5,978,009
W. VA. STATEWIDE	5,978,009
WASHINGTON D. C.	7,810,622
WASHINGTON D. C.	7,810,622
REGION IV	86,542,189
ALABAMA	9,302,298
BIRMINGHAM CSRT	1,455,975
HUNTSVILLE CSRT	422,453
MOBILE CSRT	873,467
MONTGOMERY CSRT	803,851
TUSCALOOSA COUNTY	277,867
BALANCE OF ALABAMA	5,468,685
FLORIDA	17,634,145
VOLUSIA COUNTY	453,393
LEE COUNTY	107,101
ALACHUA COUNTY	224,912
BREVARD COUNTY	636,655
ORANGE/ORLANDO CRT	588,459
ESCAMBIA COUNTY	467,673
SARASOTA COUNTY	104,126
PASCO COUNTY	107,696
PALM BEACH COUNTY	650,340
HRTLND MUPWR CNSRT	943,678
MIAMI/DADE CNSRT	3,796,723
NE FLA MUPWR CNSRT	1,446,455
BROWARD CSRT	1,508,931
LEON/GADSDEN CNSRT	454,583
ST PETERSBURG CSRT	934,156
TAMPA CSRT	1,611,867
MANATEE CNTY	254,067
SEMINOLE CNTY	255,257
BALANCE OF FLORIDA	3,088,073
GEORGIA	11,631,141
ATLANTA	1,773,113
FULTON COUNTY	249,902
DEKALB COUNTY	555,139
COBB COUNTY	366,523
CSRA CSRT	643,197
SAV/CHATHAM CSRT	384,373
MID. GA CSRT	604,524
COLUMBUS AREA CSRT	781,835
CLAYTON CNTY	193,376
BALANCE OF GEORGIA	6,079,159
KENTUCKY	8,625,182
KENTON COUNTY	212,417
LVILLE/JEFF CSRT	1,642,807
BLUEGRASS MA CSRT	647,363
BALANCE OF KENT	6,122,595
MISSISSIPPI	7,666,036

JACKSON CSRT	669,975
BALANCE OF MISS	6,996,061
NORTH CAROLINA	13,550,628
BUNCOMBE COUNTY	389,728
CUMBERLAND COUNTY	870,491
GASTON COUNTY	177,906
ONSLOW COUNTY	121,976
CHARLOTTE	498,019
WINSTON-SALEM CSRT	315,947
RALEIGH CSRT	730,664
WAKE CNTY	150,536
GREENSBOR CSRT	411,743
DURHAM CSRT	534,314
ALAMANCE CNTY	248,117
BALANCE OF N.C.	9,101,187
SOUTH CAROLINA	7,096,617
S. CAROLINA CSRT	7,096,617
TENNESSEE	11,036,142
CHATTANOOGA	396,868
HAMILTON COUNTY	322,492
NASHVILLE/DAVIDSON	991,872
SULLIVAN COUNTY	257,042
KNOXVILLE CSRT	847,882
MEMPHIS CSRT	1,830,234
BALANCE OF TENN	6,389,752
REGION V	100,434,939
ILLINOIS	31,282,352
CHICAGO	22,860,662
COOK COUNTY	1,942,699
DUPAGE COUNTY	230,267
KANE COUNTY	190,996
LAKE COUNTY	298,692
MACON COUNTY	190,601
MCHENRY COUNTY	79,136
ROCK ISLAND COUNTY	133,281
TAZEWELL COUNTY	76,756
LASALLE COUNTY	78,541
ROCKFORD CSRT	283,951
CHAMPAIGNE CSRT	201,706
WILL COUNTY CSRT	279,652
SANGAMON CNTY CSRT	258,232
MADISON CNTY CSRT	502,184
ST CLAIR CSRT	329,037
PEORIA CSRT	323,087
EAST ST LOUIS	539,669
SHANNEE CSRT	312,972
MCLEAN CNTY	60,690
BAL OF ILLINOIS	2,189,751
INDIANA	12,653,360
GARY	3,229,089
HAMMOND	245,142
LAKE CNTY	665,215
ELKHART CNTY	183,856
SOUTH BEND	622,375
ST JOSEPH CNTY	114,036
TIPPECANOE CNTY	162,436
MADISON CNTY	227,292
VIGO CNTY	276,677
INDIANAPOLIS	1,684,457
LA PORTE CNTY	152,321
FT WAYNE CSRT	762,795
DELAWARE CSRT	230,266
SOUTHWESTERN CSRT	954,385
BAL OF INDIANA	3,142,218

MICHIGAN	20,304,521
WAYNE CNTY	1,532,731
DETROIT	6,159,485
DEARBORN	85,681
LIVONIA	63,070
MONROE CNTY	204,681
BAY CNTY	252,877
SAGINAW CNTY	390,818
OAKLAND CNTY	1,712,580
ST CLAIR CNTY	298,682
CALHOUN CNTY	295,122
KALAMAZOO CNTY	346,293
BERRIEN CNTY	385,563
OTTAWA CNTY	183,856
WASHTENAW CNTY	307,617
ANN ARBOR	151,726
KENT CNTY CSRT	1,056,728
MUSKEGON CSRT	521,923
GENESSEE/FLINT CSR	985,327
LANSING CSRT	693,775
JACKSON CSRT	556,728
MACOMB CNTY	734,235
WARREN CITY	186,831
BAL OF MICHIGAN	3,599,181
MINNESOTA	6,507,561
DULUTH	267,587
DAKOTA CNTY	97,581
URB MINNESOTA CSRT	1,701,116
ST PAUL CITY	674,140
RAMSEY CNTY	101,746
REGION III CSRT	531,931
BAL OF MINNESOTA	3,137,458
OHIO	22,038,364
CINCINNATI	1,026,078
BUTLER CNTY	360,573
CLARK CNTY	273,107
HAMILTON CITY	310,592
LICKING/DEL CSRT	316,543
LORAIN CNTY	450,818
AKRON CSRT	1,043,637
CANTON CSRT	549,785
CLEVELAND CSRT	6,118,429
COLUMBUS CSRT	1,251,889
MIAMI VALLEY CSRT	920,471
GREENE CNTY	65,456
TOLEDO CSRT	1,087,667
NE OHIO MSPWD CSRT	1,489,265
ALLEN CNTY	240,877
CLERMONT CNTY CSRT	592,625
BAL OF OHIO	5,189,020
WISCONSIN	7,648,781
OUTAGAMIE CNTY	141,641
ROCK CNTY	237,407
MILWAUKEE CNTY	1,740,983
MADISON-DANE CSRT	529,593
WOW CSRT	368,807
WINNE-FOND CSRT	208,682
TRICO CETAC	521,223
MARATHON CNTY	193,971
BAL OF WISCONSIN	3,810,488
REGION VI	52,526,383
ARKANSAS	5,704,706

CENT. ARK CSRT	1,007,937
TEXARKANA CSRT	129,711
BALANCE OF ARK	4,566,658
LOUISIANA	11,160,497
RAPIDES PARISH	357,598
BATON ROUGE	756,251
LAFAYETTE PARISH	257,637
CALCASIEU/JEFF CRT	549,189
OUACHITA PARISH	337,367
NEW ORLEANS CTY	2,084,895
JEFFERSON PARISH	728,800
SHREVEPORT	500,39[illegible]
BAL OF LOUISIANA	5,586,281
NEW MEXICO	2,748,756
ALBUQUERQUE CSRT	746,136
BAL OF NEW MEXICO	1,958,620
OKLAHOMA	6,208,276
COMANCHE CNTY	192,186
OKLAHOMA CNTY	408,438
OKLAHOMA CTY CSRT	952,602
TULSA CSRT	896,292
BAL OF OKLAHOMA	3,768,758
TEXAS	26,708,548
PANHANDLE MA CSRT	633,677
CAPITAL AREA CSRT	880,606
SE TEX COMP MA CRT	681,280
CAMERON COUNTY	636,060
COASTAL BEND CSRT	1,175,134
DALLAS CITY	1,495,246
DALLAS CNTY	343,913
EL PASO CTY/CNTY	971,047
FT WORTH CSRT	836,575
TARRANT COUNTY	98,771
GALVESTON CNTY	498,804
HOUSTON	2,879,226
HARRIS COUNTY	492,664
CENTRAL TEXAS CSRT	308,806
HIDALGO CNTY CSRT	979,377
ALAMO CSRT	3,449,240
REGION IX CSRT	632,489
N TEXAS PLAN CSRT	566,442
WEBB COUNTY	749,705
TEXARKANA CSRT	181,476
BRAZORIA CSRT	915,116
BALANCE OF TEXAS	7,301,894
REGION VII	23,447,926
IOWA	4,322,108
CENT IOWA BALG	640,818
LINN CNTY CSRT	125,545
BLACKHAWK COUNTY	159,461
WOODBURY COUNTY	193,971
SCOTT COUNTY	183,261
BALANCE OF IOWA	3,019,052
KANSAS	4,017,469
KANSAS CITY CSRT	465,293
TOPEKA CSRT	330,227
JOHNSON CNTY CSRT	148,751
WICHITA CTY	625,945

BAL OF KANSAS	2,447,253
MISSOURI	11,833,446
KANSAS CITY CSRT	2,009,330
INDEPENDENCE	190,401
JEFFERSON CSRT	314,162
SPRINGFIELD	211,822
ST LOUIS CITY	3,344,519
ST LOUIS COUNTY	1,340,545
BAL JACKSON CNTY	198,136
ST CHARLES CNTY	185,641
BAL OF MISSOURI	4,038,890
NEBRASKA	3,274,903
OMAHA CSRT	1,295,919
LINCOLN CITY	288,577
BAL OF NEBRASKA	1,690,407
REGION VIII	11,939,357
COLORADO	4,347,697
ARAPAHOE COUNTY	88,686
JEFFERSON COUNTY	129,711
COL SPRINGS CSRT	370,687
LARIMER CNTY	174,336
DENVER CTY/CNTY	1,401,081
ADAMS CNTY	323,682
BOULDER CNTY	232,647
PUEBLO CNTY	271,917
WELD CNTY	210,632
BAL OF COLORADO	1,054,348
MONTANA	1,669,582
BAL OF MONTANA	1,669,582
NORTH DAKOTA	1,372,080
BALANCE OF N.D.	1,372,080
SOUTH DAKOTA	1,232,254
BALANCE S.D.	1,232,254
WYOMING	660,455
BALANCE OF WYOMING	660,455
UTAH	2,657,289
UTAH STATEWIDE CRT	2,657,289
REGION IX	61,767,400
ARIZONA	5,256,863
PHOENIX/MARICOPA	2,914,331
TUCSON-PIMA COUNTY	969,262
BALANCE OF ARIZONA	1,373,270
CALIFORNIA	52,768,554
SUNNYVALE	121,976
BERKELEY	523,604
GLENDALE	130,901
LONG BEACH	1,012,697
LOS ANGELES	9,051,206
OAKLAND	2,029,560
PASADENA	487,904
SAN FRANCISCO	2,764,390
TORRANCE	127,331
BUTTE COUNTY	179,691
CONTRA COSTA CNTY	774,696
KERN COUNTY	925,232
LOS ANGELES COUNTY	8,108,124
MARIN COUNTY	304,047
MERCED COUNTY	411,743
MONTEREY COUNTY	661,050
SAN LOUIS OBISPO	283,817
SAN MATEO COUNTY	756,846
SANTA BARBARA CNTY	622,970
SANTA CRUZ COUNTY	346,888
SOLANO COUNTY	402,223
SONOMA COUNTY	578,939
STANISLAUS COUNTY	603,334
VENTURA COUNTY	710,435
SAN DIEGO RETC	3,497,435

ORANGE CNTY MANP	1,842,728
INLAND MANP ASSOC	2,321,707
FRESNO CTY/CNTY	1,550,581
TULARE/KINGS CNTY	959,147
SACRAMENTO/YOLO	2,034,319
STCKTN/SAN JOAQUIN	1,151,334
SANTA CLARA VALLEY	1,910,559
CNTY OF ALAMEDA	1,577,952
RICHMOND	301,667
IMPERIAL COUNTY	332,607
HUMBOLT CNTY	305,832
BAL OF CALIFORNIA	3,063,082
HAWAII	2,203,301
HAWAII ST/CNTY CRT	2,203,301
NEVADA	1,538,682
LAS VEGAS CSRT	888,342
WASHOE COUNTY	401,033
BALANCE OF NEVADA	249,307
REGION X	19,855,295
ALASKA	1,669,582
ANCHORAGE BOROUGH	293,337
BALANCE OF ALASKA	1,376,245
IDAHO	2,099,770
IDAHO STATEWIDE	2,099,770
OREGON	5,740,603
PORTLAND CITY	1,257,839
CLACKAMAS COUNTY	399,248
MULTNOMAH/WASH CRT	533,124
LANE COUNTY	568,824
M-WILM VAL MPR CRT	540,860
JACKSON CNTY CSRT	411,743
BALANCE OF OREGON	2,028,965
WASHINGTON	10,345,340
KING SNO CSRT	4,923,065
TACOMA CITY	762,796
PIERCE CTY	552,759
SPOKANE CSRT	581,319
CLARK COUNTY	170,171
KITSAP COUNTY	139,231
YAKIMA COUNTY	502,779
BALANCE OF WASH	2,713,220
FORMULA TOTAL	518,657,518
INDIAN ORGS.	8,884,940
VIRGIN ISLANDS	276,432
AMERICAN SAMOA	39,770
GUAM	488,972
PACIFIC ISLANDS	72,368
GRAND TOTAL	528,420,000

Signed at Washington, D.C., this 21st day of May, 1976.

ALBERT J. ANGEBRANNDT,
Administrator,
Administration and Management.

[FR Doc.76-15612 Filed 5-27-76;8:45 am]

federal register

FRIDAY, MAY 28, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

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

Illinois	IL76–2067, IL76–2068.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:	
AK76–5011	Jan. 30, 1976.
Arkansas:	
AR76–5041	May 7, 1976.
California:	
CA75–5148; CA75–5149	Dec. 12, 1975.
Colorado:	
CO76–5034	Apr. 16, 1976.
Indiana:	
IN76–2005	Jan. 23, 1976.
IN76–2056; IN76–2057	Apr. 16, 1976.
IN76–2133	Dec. 19, 1975.
Kentucky:	
AQ–4122	June 7, 1974.
Louisiana:	
AR76–5041	May 7, 1976.
Maryland:	
MD76–3140	Feb. 20, 1976.
MD76–3160	Apr. 9, 1976.
MD76–3164	Apr. 30 ,1976.
Massachusetts:	
MA75–2110	Sept. 12, 1975.
MA75–2117	Oct. 31, 1975.
MA75–2118	Oct. 24, 1975.
MA75–2119; MA75–2121; MA75–2122; MA75–2123.	Nov. 7, 1975.
MA75–2124; MA75–2125; MA75–2126; MA75–2128.	Nov. 14, 1975.
MA75–2130	Nov. 21, 1976.
Mississippi:	
AR76–5041	May 7, 1976.
Montana:	
MT76–5035	Apr. 9, 1976.
Nevada:	
NV76–5005	Jan. 16, 1976.
New Mexico:	
NM75–4137	Aug. 1, 1975.
North Carolina:	
NC76–1019	Jan. 30, 1976.
North Dakota:	
ND76–5037	Apr. 16, 1976.
Tennessee:	
AR76–5041	May 7, 1976.
Utah:	
UT76–5017	Feb. 13, 1976.
Wyoming:	
WY76–5018	Feb. 20, 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 number of the decision being superseded.

Florida:	
FL76–1022 (FL76–1069)	Feb. 6, 1976.
Nebraska:	
NE76–4069 (NE76–4093)	Mar. 26, 1976.
New Mexico:	
NM75–4204 (NM76–4094)	Dec. 19, 1975.
North Carolina:	
AR–4063 (NC76–1068)	Dec. 6, 1974.
Ohio:	
AR–3037 (OH76–2065)	Aug. 23, 1974.
AR–3038 (OH76–2066)	Aug. 24, 1974.
Pennsylvania:	
PA75–3082, PA75–3083; PA 75–3084, PA75–3087 (PA76–3172).	Aug. 22, 1975.
PA76–3150 (PA76–3172)	Mar. 19, 1976.
PA76–3170 (PA76–3172)	May 14, 1976.
South Carolina:	
SC75–1021 (SC76–1067)	Feb. 21, 1975.
Wyoming:	
WY76–5018 (WY76–5049)	Feb. 20, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decision No. AM–1846, City of Baltimore, Baltimore, Cecil, Harford and Howard Counties, Maryland, is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1 (29 CFR) Section 1.5. Contracts for which bids have been opened shall not be affected by this notice and consistent with 29 (CFR 1.7(b)(2)), the incorporation of Decision No. AM–1846 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 21st day of May 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

STATE: Illinois COUNTY: McLean
DECISION NUMBER: IL76-2067 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO. IL76-2067

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.96	.66	.72		.12
BOILERMAKERS	10.15	.65	.85		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble Tile-Terrazzo Workers	9.45	.45	.30		
CARPENTERS:					
Carpenters & Soft Floor Layers	9.36	.40	.40		.05
Millwrights & Piledrivermen	9.86	.40	.40		.05
CEMENT MASONS	10.63	.40			
ELECTRICIANS	9.65	.40	1%+.30		.2%
ELEVATOR CONSTRUCTORS:					
Constructors	9.59	.495	.32	4%+a&b	.02
Helpers	70%JR	.495	.32	4%+a&b	.02
Helpers (Prob.)	50%JR				
GLAZIERS	9.985	.45	.30		
IRONWORKERS:					
Eastern Part of County	9.55	.40	.60		.08
Western Part of County	10.775	.40	.475		
LABORERS:					
Unskilled	8.60	.40	.42		.035
Semi-Skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035
LATHERS	9.37	.40	.40		.01
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Brush	8.30	.45			.06
Structural Steel & Spray					
PLASTERERS	10.25				.01
PLUMBERS & STEAMFITTERS	9.80	.45	.95		.15
ROOFERS:					
Composition-Slate-Tile & Asbestos Damp & Waterproof	8.85		.15		
SHEET METAL WORKERS	9.32	.50	.55		.05
SPRINKLER FITTERS	11.40	.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
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.
c- Nine Paid Holidays - A through F plus Washington's Birthday, Good Friday & Christmas Eve providing Employee has worked 45 Full Days During the 120 Calendar Days prior to the Holiday & the Regular Scheduled Work Days immediately preceding and following the Holiday.

DECISION NO. IL76-2067

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.67	.45	.55		.05
Group 2	9.47	.45	.55		.05
Group 3	9.095	.45	.55		.05
Group 4	8.82	.45	.55		.05
Group 5	8.21	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 on lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, form-less finishing machine, jeeps w/ditching machine, or other attachments, tune-luger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL76-2067

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL76-2067

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatcher.

FOOTNOTES

a. Per week Per Employee

NEW DECISION

STATE: Illinois

COUNTIES: Fulton, Hancock, McDonough & Schuyler

DECISION NUMBER: IL76-2068

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:					
Fulton & Schuyler Counties	$11.38	.45	.62		
Hancock & McDonough Counties	9.75	.30	.50		.10
BOILERMAKERS	10.15	.65	.85		.03
BRICKLAYERS:					
Schuyler County					
Bricklayers, Stonemasons, Plasterers, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers-Caulkers-Cleaners	8.55	.35	.52		.02
Marble & Tile Setters' Helpers	7.85				
Fulton County					
Bricklayers, Stonemasons, Cement Blocklayers, Cleaners-Pointers & Caulkers	9.52	.45	.55		.10
Marble-Tile-Terrazzo Workers	9.30	.45	.55		.07
Marble & Tile Setters' Helpers	8.60	.45			
Hancock & McDonough Counties					
Bricklayers, Stonemasons, Cement Block Layers, Marble-Tile & Terrazzo Workers	9.90				
Marble & Tile Setters' Helpers	8.60	.45			
CARPENTERS:					
Schuyler County					
Carpenters & Soft Floor Layers	8.10	.45	.25		.02
Millwrights	8.35	.45	.25		.02
Piledrivermen	8.60	.45	.25		.02
Fulton County					
Carpenters & Soft Floor Layers	10.21	.40	.40		.05
Millwrights & Piledrivermen	10.71	.40	.40		.05
McDonough Co. & Eastern 1/3 of Hancock Co.					
Carpenters & Soft Floor Layers	10.025	.40	.40		.05
Millwrights & Piledrivermen	10.52	.40	.40		.05
Remainder of Hancock County					
Carpenters & Soft Floor Layers	9.45	.45	.40		.02
Millwrights & Piledrivermen	10.13	.45	.40		.02

DECISION NO IL76-2068

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS & PLASTERERS:					
Hancock, McDonough & Schuyler Counties					
Cement Masons	$9.95				
Hancock & McDonough Counties					
Plasterers	9.70				
Fulton County					
Cement Masons	10.00	.45	.50		.05
Plasterers	9.40	.45	.50		.01
ELECTRICIANS:					
Hancock & Schuyler Cos., Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	9.60	.40	1%		.2%
Twps. of Cass, Deerfield, Ellisville, Harris, Lee, Union, Young & Hickory in Fulton Co., & the Northern 2/3 of McDonough County	9.35	.40	1%+.30		.25%
Remainder of Fulton County	9.87	.40	1%+.40		1%
IRONWORKERS:					
Hancock & McDonough Cos., the western ½ of Schuyler County	10.35	.40	.30		
Eastern ½ of Schuyler Co., & the Southern Tip of Fulton Co., incl. Marbletown, Astoria & Summum	9.50	.55	.70		.05
LABORERS:					
Hancock & McDonough Counties					
Unskilled	8.60	.40	.42		.035
Semi-Skilled	8.80	.40	.42		.035
Skilled	9.00	.40	.42		.035
Schuyler County					
Unskilled	7.24	.30	.30		.035
Semi-Skilled	7.44	.30	.30		.035
Skilled	7.59	.30	.30		.035
Fulton County					
Projects Under $300,000					
Unskilled	8.65	.40	.40		.035
Semi-Skilled	8.85	.40	.40		.035
Skilled	9.05	.40	.40		.035

DECISION NO. IL76-2068

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Projects in Excess of $300,000					
Unskilled	$9.05	.40	.40		.035
Semi-Skilled	9.25	.40	.40		.035
Skilled	9.45	.40	.40		.035
PAINTERS:					
Fulton County					
Brush	9.65	.45	.30		.03
Structural Steel & Spray	10.15	.45	.30		.03
Remainder of Counties					
Brush	8.70				
Structural Steel & Spray	9.20				
PLUMBERS & STEAMFITTERS:					
Fulton & McDonough Counties	9.48	.35	.35	.38	.05
Hancock & Schuyler Counties	9.60	.35	.50		.03
ROOFERS:					
Schuyler County					
Composition	10.83				
Slate-Tile & Precast Slab	11.08				
Fulton Co., & Eastern ½ of McDonough Co., excluding Macomb					
Slate-Tile-Composition-Damp & Waterproof	9.55	.40	.35		.025
Hancock Co., & Western ½ of McDonough including Macomb					
Slate-Tile-Damp & Waterproof	7.85				
SHEET METAL WORKERS:					
Fulton & McDonough Counties	9.25	.45	.40		.10
Hancock County	8.70	.45	.40		.10
Schuyler County	9.69	.35	.25		.05
SPRINKLER FITTERS	11.40	.60	.90		.08
Welders - Receive Rate Prescribed For Craft Performing Operation To Which Welding is Incidental.					

DECISION NO. IL76-2068

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: SCHUYLER COUNTY	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clain shell, C.M.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt oporation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL76-2068

ILL-6-PEO-1

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.67	.45	.55		.05
Group 2	9.47	.45	.55		.05
Group 3	9.095	.45	.55		.05
Group 4	8.82	.45	.55		.05
Group 5	8.21	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, $.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hoptoes-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades dumore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tourna-dozer, work boats, ross carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze cretes-screw-type pumps and gypsum bulker and pump, dinkeys, power launches, tournapulls (all), multiple unit, earth movers, $.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-end-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tuneluger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

DECISION NO. IL76-2068

POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hoptoe oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreed, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO IL76-2068

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatcher.

FOOTNOTES

a. Per week Per Employee

DECISION #AK76-5011 - Mod. #3 (41 FR 4743 - January 30, 1976) Statewide, Alaska	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$15.06	.44	.97		.10
Elevator Constructors	15.715	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Sprinkler Fitters	14.82	.60	.90		.08

DECISION NO. AR76-5041 - Mod.#1 (41 FR 19017 - May 7, 1976) Arkansas, Louisiana, Mississippi and Tennessee					
ADD:					
Carpenters	$4.50				

DECISION #CA75-5148 - Mod. #4 (40 FR 58016 - December 12,1975) Imperial, Inyo, Kern, Los Angeles, Mono, Orange,Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Orange County					
Electricians	$ 11.50	.45	1%+$1.35		.02
Cable Splicers	12.03	.45	1%+ 1.35		.02
Plasterers:					
San Luis Obispo County	11.00				
Plaster Tenders:					
Kern County (China Lake Naval Ordnance Test Station, & Edwards AFB)	1..175	.85	1.65	.50	
Kern County (Remainder of County)	8.55	.85	1.65	.50	
Imperial, Inyo, Mono Riverside, and San Bernardino Counties	10.33	.85	1.65	.45	
Soft Floor Layers:					
Imperial County	9.39	.55	1.00		.07
Sheet Metal Workers:					
Orange County	11.02	.99	1.80		.02

MODIFICATIONS P. 3

DECISION #CA75-5149 - Mod. #3
(40 FR 58026-December 12, 1975)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Orange County					
Electricians	$ 11.50	.45	1%+$1.35		.02
Cable Splicers	12.03	.45	1%+ 1.35		.02
Plasterers:					
San Luis Obispo County	11.00				
Plaster Tenders:					
Kern County (China Lake Naval Ordnance Test Station & Edwards AFB)	11.175	.85	1.65	.50	
Kern County (Remainder of County)	8.55	.85	1.65	.50	
Imperial, Riverside and San Bernardino Counties	10.33	.85	1.65	.45	
Soft Floor Layers:					
Imperial County	9.39	.55	1.00		.07
Sheet Metal Workers:					
Orange County	11.02	.99	1.80		.02

MODIFICATIONS P. 4

DECISION #CO76-5034 - Mod. #2
(41 FR 16353 - April 16, 1976)
Statewide, Colorado

Change:

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatio and/or Appr. Tr
LABORERS	*Zone I	*Zone II				
Group 1	$6.20	$6.70	.47	.52		.05
Group 2	6.30	6.80	.47	.52		.05
Group 3	6.60	7.10	.47	.52		.05
Group 4	6.75	7.25	.47	.52		.05
Group 5	6.95	7.45	.47	.52		.05
LABORERS (Tunnels)						
Group 1	6.20	6.70	.47	.52		.05
Group 2	7.10	7.60	.47	.52		.05
Group 3	7.20	7.70	.47	.52		.05
Group 4	7.28	7.78	.47	.52		.05
Group 5	7.35	7.85	.47	.52		.05
Group 6	7.50	8.00	.47	.52		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	7.20	7.70	.47	.52		.05
Group 2	7.35	7.85	.47	.52		.05
Group 3	7.45	7.95	.47	.52		.05
Group 4	7.63	8.13	.47	.52		.05
Group 5	7.73	8.23	.47	.52		.05
Group 6	7.78	8.28	.47	.52		.05

DECISION NO. C076-5034 (Cont'd)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr
	*Zone I	*Zone II				
Group 1	$7.15	$7.90	.40	.69	.30	.06
Group 2	7.50	8.25	.40	.69	.30	.06
Group 3	7.85	8.60	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.30	9.05	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.30	8.05	.40	.69	.30	.06
Group 2	7.65	8.40	.40	.69	.30	.06
Group 3	7.75	8.25	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.55	9.30	.40	.69	.30	.06

DECISION #C076-5034 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$7.15	$7.65	.45	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30	

DECISION #C076-5034 (Cont'd) MODIFICATIONS P. 7

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Educatio and/or Appr. T
	*Zone I	*Zone II				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$7.60	$8.10	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	8.55	.45	.30	.30	
MECHANIC	8.15	8.65	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	8.85	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds to and including 104 cu. yds.	8.45	8.95	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30	

MODIFICATIONS P. 8

DECISION NO. IN76-2005 - Mod. #2
(41 FR 3602 - January 23, 1976)
Marion County, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians, not exceed 2½ stories above ground	$5.60	3%	5%		½%

DECISION NO. IN76-2056 - Mod. #3
(41 FR 16374 - April 16, 1976)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana

Change:					
Cement masons:					
Vigo County	$9.55	.60	.25		
Electricians:					
Grant County	9.90	.40	1%+.30		.2%
Glaziers:					
Vanderburgh County	9.305	.48	.50	.25	
Painters:					
Delaware County:					
Brush; Taping	8.00		.50		
Sandblasters; Spray	8.75		.50		
Steeplejack; Water towers	9.00		.50		
Vigo County:					
Brush; Drywall finishing; Paperhangers; & Rollers	8.50			.25	
Spray	9.50			.25	
Structural steel to 30'	8.75			.25	
Structural steel 30' to 100'	9.50			.25	
Structural steel over 100'	10.50			.25	
Plasterers:					
Vigo County	9.00	.50	.50		
Plumbers; Steamfitters:					
Vigo County	11.25	.40	.80		.10

DECISION NO. IN76-2056 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Truck drivers:					
Benton & Tippecanoe Counties:					
Single axles; Straight trucks; Warehousemen	6.75	k	l	m	
Helpers; Greasers; Tiremen	6.70	k	l	m	
Tandem axles; Straight trucks & Doglegs	6.85	k	l	m	
Bituminous distributors	6.90	k	l	m	
Semi-trucks; Mechanics; & Tri-axle	7.05	k	l	m	
Marion County:					
Up to & incl. 3 tons & helpers	7.865	n	o	p	
Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch	8.015	n	o	p	
Truck mechanics	7.94	n	o	p	
Footnotes:					
k. $17.00 per week per employee					
l $14.00 per week per employee					
n. $20.00 per week per employee					
o. $22.00 per week per employee					
Power equipment operators:					
Monroe & Vigo Counties:					
Group I	10.05	.40	.50		.07
Group II	9.95	.40	.50		.07
Group III	9.75	.40	.50		.07
Group IV	7.50	.40	.50		.07
Truck drivers:					
Bartholomew, Dearborn, Delaware, Grant, & Monroe Cos.:					
Group 1	8.05	13.50a	13.00a	b	
Group 2	8.10	13.50a	13.00a	b	
Group 3	8.15	13.50a	13.00a	b	
Group 4	8.20	13.50a	13.00a	b	
Group 5	8.25	13.50a	13.00a	b	
Group 6	8.30	13.50a	13.00a	b	
Group 7	8.40	13.50a	13.00a	b	
Group 8	8.45	13.50a	13.00a	b	
Group 9	8.50	13.50a	13.00a	b	
Group 10	8.55	13.50a	13.00a	b	
Group 11	8.70	13.50a	13.00a	b	

DECISION NO. IN76-2057 - Mod. #2
(41 FR 16383 - April 16, 1976)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Painters:					
LaPorte County (Excluding Michigan City); St. Joseph Co.:					
Brush; Drywall tapers & finish; Paperhanging; Spray & Vinyl	$8.29		.20		
Truck Drivers (Heavy & Highway Construction):					
LaPorte County					
Class 1	7.98	21.50a	22.00a		
Class 2	8.13	21.50a	22.00a		
Class 3	8.18	21.50a	22.00a		
Class 4	8.23	21.50a	22.00a		
Class 5	8.28	21.50a	22.00a		
Class 6	8.33	21.50a	22.00a		
Class 7	8.38	21.50a	22.00a		
Class 8	8.43	21.50a	22.00a		
Class 9	8.48	21.50a	22.00a		
Truck Drivers (Heavy & Highway Construction):					
St. Joseph County					
Group A	8.38	19.50a	22.00a		
Group B	8.33	19.50a	22.00a		
Group C	8.28	19.50a	22.00a		
Group D	8.23	19.50a	22.00a		
Group E	8.18	19.50a	22.00a		
Group F	8.13	19.50a	22.00a		
Group G	8.08	19.50a	22.00a		
Group H	8.03	19.50a	22.00a		
Group I	7.98	19.50a	22.00a		
Group J	7.93	19.50a	22.00a		
Group K	7.88	19.50a	22.00a		
Group L	7.78	19.50a	22.00a		

MODIFICATIONS P. 11

DECISION NO. IN75-2133 - Mod. #4
(40 FR 59155 - December 19, 1975)
Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Daviess, Gibson, Knox, Martin, & Pike Cos.	$8.90	.60	.50		
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos.	9.00				
Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	9.55	.60	.25		
Painters:					
Blackford, Carroll, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, Wells (to the south city limits of Bluffton), & White Cos.:					
Brush	8.00		.50		
Spray	8.75		.50		
Elkhart, Kosciusko, Marshall, Pulaski, & Starke Cos.:					
Brush; Drywall taping & finish; Paperhangers; Spray; & Vinyl	8.29		.20		
Sullivan, & Vigo Cos.:					
Brush	8.50			.25	
Spray	9.50			.25	
Structural steel up to 30'	8.75			.25	
Structural steel 30' to 100'	9.50			.25	
Structural steel over 100'	10.50			.25	
Truck drivers:					
Group A	8.38	19.50a	22.00a		
Group B	8.33	19.50a	22.00a		
Group C	8.28	19.50a	22.00a		
Group D	8.23	19.50a	22.00a		
Group E	8.18	19.50a	22.00a		
Group F	8.13	19.50a	22.00a		
Group G	8.08	19.50a	22.00a		
Group H	8.03	19.50a	22.00a		
Group I	7.98	19.50a	22.00a		
Group J	7.93	19.50a	22.00a		
Group K	7.88	19.50a	22.00a		
Group L	7.78	19.50a	22.00a		

MODIFICATIONS P. 12

DECISION NO. IN75-2133 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Power Equipment Operators (Sewer & Water Construction) Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Monroe, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, & Warren Cos.:					
Group I	$10.05	.40	.50		.07
Group II	9.95	.40	.50		.07
Group III	9.75	.40	.50		.07
Group IV	7.50	.40	.50		.07
Omit:					
Power Equipment Operators (Tunnel & Sewer Construction) Adams, Allen, Blackford, Dekalb, Huntington, Jay, Steuben, Wells, & Whitley Cos.					
Add:					
Power Equipment Operators (Tunnel & Sewer Construction) Adams, Allen, Blackford, Dekalb, Huntington, Jay, Steuben, Wells, & Whitley Cos.					

DECISION NO. IN75-2133 Cont'd MODIFICATIONS P. 13

Adams, Allen, Blackford, DeKalb, Huntington, Jay, Steuben, Wells, & Whitley Cos.

POWER EQUIPMENT OPERATORS: TUNNEL AND SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$9.05	.40	.40		.05
GROUP II	8.35	.40	.40		.05
GROUP III	7.85	.40	.40		.05
GROUP IV	7.25	.40	.40		.05

CLASSIFICATIONS

GROUP I

Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patrol; Back filler; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling machine; Cherry picker; Compactor (with dozer blade); Concrete mixer (dual drum); Concrete plant; Concrete pump; Crane with all attachments; Crane - electric overhead; Derrick; Dual purpose truck (pitman type); Ditching machine (18" and over); Dredge; Elevators (when hoisting material or tools); Fork lift; Formless paver; Generator (power for welders or compressors); Gradall; Helicoptor; Helicoptor winch operator; High lift - front end loader; Hoist; Locomotive and/or dinky engine; Mechanic on job site; Mucking machine; Panel board concrete plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Spreader - tractor mounted; Straddle carrier - ross type; Sub base finish machine (C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over); Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II

A frame truck; Batcher plant (automatic dry batch); Bending machine - Power driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman; Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft. or over); Concrete spreader - power driven; Ditching machine (less than 18"); Drilling machine; Finish machine & bull float; Finishing machine; Fireman - Pile driving and boilers; Gunite machine; Head greaser; Mechanic in shop; Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt, Stone & sub base; Rotary drill; Sheepsfoot roller - self-propelled; Shop mule; Spreader or base paver-self-propelled; Sub grader; Throttle valve with air compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high lift - farm type; Tractor - industrial type; Tractor with winch; Well points; Winch truck

GROUP III

Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart; Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane; Form grader; Hydrohammer; Jacks - hydraulic - power driven; Minor equipment operator 2,3,4, or 5; Paving joint machine; Post hole digger; Roller - earth; Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane driver

GROUP IV

Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding machine; Helpers

MODIFICATION P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AQ-4122 - Mod. #2 (39 FR 20281 - June 7, 1974) Daviess County, Kentucky					
Change:					
Plumbers & Steamfitters	10.68	.50	.80		.10
DECISION #76-MD-3141 - Mod. #2 (41 FR 7909 - February 20, 1976) Allegany and Garrett Counties, Maryland					
Change:					
Carpenters	$ 9.70	.45	.25		.02
Millwrights	10.06	.45	.25		.02
Piledrivermen	10.00	.45	.25		.02
DECISION #76-MD-3164 - Mod. #1 (41 FR 18268 - April 30, 1976) Allegany and Garrett Counties, Maryland					
Change:					
Carpenters	9.59	.45	.25		.02
Millwrights	9.94	.45	.25		.02
Piledrivermen	9.88	.45	.25		.02
DECISION #76MD-3160 - Mod. #2 (41 FR 15243 - April 9, 1976) Baltimore, Harford, Howard, Counties and Baltimore City, Maryland					
Change:					
Lathers	$ 9.59		.35	a	.01
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 NO. MA75-2110- Mod #2 (40 FR 42496- September 12, 1975) Franklin County, Massachusetts					
Change:					
Elevator constructors	$9.71	.445	.29	3%+a	.02
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	$9.45	.85	.75	a	.05
Class II	9.25	.85	.75	a	.05
Class III	9.05	.85	.75	a	.05
Class IV	8.68	.85	.75	a	.05
Class V	8.00	.85	.75	a	.05
Class VI	7.55	.85	.75	a	.05
Class VII	6.82	.85	.75	a	.05
DECISION NO. MA75-2117- Mod #2 (40 FR 50906- October 31, 1975) Barnstable County, Massachusetts					
Change:					
Asbestos workers:					
Remainder of county	$10.26	.80	.80		.01
Roofers:					
Roofers, kettlemen, and waterproofers	9.20	.50	.05		
Roofers' helpers, Class A	8.50	.50	.05		
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom length including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA75-2118- Mod #2 (40 FR 49950- October 24, 1975) Berkshire County, Massachusetts					
Change:					
Elevator constructors	$9.71	.445	.29	3%+a+b	.02
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	$9.45	.85	.75	a	.05
Class II	9.25	.85	.75	a	.05
Class III	9.05	.85	.75	a	.05
Class IV	8.68	.85	.75	a	.05
Class V	8.00	.85	.75	a	.05
Class VI	7.55	.85	.75	a	.05
Class VII	6.82	.85	.75	a	.05

DECISION NO. MA75-2119- Mod #2 (40 FR 52264- November 7, 1975) Bristol County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters; soft floor layers:					
Remainder of county:					
All work over $1½ million, including residential	$9.30	.50	.65		.02
Electricians:					
Easton: Residential	6.60	.50	5%		.5%
Remainder of county	10.40	.55	1%		.1%
Residential	7.40	.50	1%		.1%
Glaziers: Easton	9.80	.52	.59		.03
Ironworkers: Easton, Mansfield, and N. Easton	9.99	1.00	1.50		.06
Painters: Remainder of county:					
Steel	11.58	.72	.85		.04
Brush; taper	9.46	.72	.85		.04
Spray; sandblasting	10.46	.72	.85		.04
Roofers and kettlemen:					
Remainder of county	9.20	.50	.05		
Helpers, Class "A"	8.50	.50	.05		
Sheet metal workers:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Rehoboth, Seekonk, Somerset, Swansea, & Westport	9.48	.95	.45		
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

DECISION NO. MA75-2121- Mod #2 (40 FR 52259- November 7, 1975) Essex County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians: Remainder of Co:					
Work over $30,000	$10.05	.60	1%+.20		.02
Work $30,000 and less	9.55	.60	1%+.20		.02
Glaziers	9.80	.52	.59		.03
Plumbers and steamfitters:					
Remainder of County	9.90	1.05	.47		.05
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

DECISION NO. MA75-2122- Mod #2 (40 FR 52264- November 7, 1975) Hampden County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator constructors	$9.71	.445	.29	3%+a+b	.02
Laborers (Building):					
Laborers, wrecking, carpenter and cement finisher tenders	7.50	.50	.45		.10
Asphalt rakers, carbide core driller ops, saw ops, pipelayers, jackhammer and paving breaker ops, barco-type jumping tampers, laser beam ops, concrete pump ops, wagon drill ops, mason tenders, mortar mixers, and ride-on motorized buggy ops	7.75	.50	.45		.10
Air track ops, block pavers, rammers and curb setters	8.00	.50	.45		.10
Blasters and powdermen	8.25	.50	.45		.10
Open air caisson; cylindrical work, and boring crew:					
Bottom man	8.25	.50	.45		.10
Top man	7.50	.50	.45		.10
Test boring:					
Driller	8.37	.50	.45		.10
Helper	7.62	.50	.45		.10
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	$9.45	.85	.75	a	.05
Class II	9.25	.85	.75	a	.05
Class III	9.05	.85	.75	a	.05
Class IV	8.68	.85	.75	a	.05
Class V	8.00	.85	.75	a	.05
Class VI	7.55	.85	.75	a	.05
Class VII	6.82	.85	.75	a	.05

DECISION NO. MA75-2123- Mod #2 (40 FR 52264- November 7, 1975) Hampshire County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Middlefield, Cummington, and Plaindfield	$9.54	.45	1%+.49		.02
Elevator constructors	9.71	.445	.29	2%+b+c	.02
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	$9.45	.85	.75	a	.05
Class II	9.25	.85	.75	a	.05
Class III	9.05	.85	.75	a	.05
Class IV	8.68	.85	.75	a	.05
Class V	8.00	.85	.75	a	.05
Class VI	7.55	.85	.75	a	.05
Class VII	6.82	.85	.75	a	.05

DECISION NO. MA75-2124- Mod #2 (40 FR 53184- November 14, 1975) Middlesex County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley & Townsend: residential	$6.40	.45	1%+.35		.02
Glaziers	9.80	.52	.59		.03
Ironworkers	9.99	1.00	1.50		.06
Lathers: Hudson and Marlboro	9.57	1.45	.25		.01
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

DECISION NO. MA75-2125- Mod #2 (40 FR 53184- November 14, 1975) Norfolk County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Avon, Holbrook, Randolpy, and Stoughton: Residential	$6.60	.50	5%		.5%
Glaziers: Remainder of County	9.80	.52	.59		.03
Ironworkers: Remainder of Co.	9.99	1.00	1.50		.06
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

MODIFICATIONS P. 23

DECISION NO. MA75-2126- Mod #2 40 FR 53198- November 14, 1975) Plymouth County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters, soft floor layers: Abington, Bridgewater, Brockton, Carver, E. Bridgewater, Halifax, Hanson, Kingston, Plymouth, Plympton, W. Bridgewater, Whitman, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, and Wareham:					
All work over $1½ million including residential	$9.30	.50	.65		.02
Work from $1 million - $1½ million	8.83	.50	.65		.02
From $500,000- 1 million	8.37	.50	.65		.02
From $200,000- 500,000	7.44	.50	.65		.02
Residential up to 4 stories and commercial up to $200,000	6.97	.50	.65		.02
Electricians:					
Lakeville and Middleboro	10.40	.55	1%		.1%
Residential	7.40	.55	1%		.1%
Remainder of County:					
Residential	6.60	.50	5%		.5%
Glaziers- Remainder of County	9.80	.52	.59		.03
Roofers:					
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham, Hingham:					
Roofers and kettlemen	9.20	.50	.05		
Helpers- Class "A"	8.50	.50	.05		
Sheet metal workers- Marion, Mattapoisett, Rochester, and Wareham	9.48	.95	.45		
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

MODIFICATIONS P. 24

DECISION NO. MA75-2128- Mod #2 (40 FR 53198- November 14, 1975) Worcester County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters and soft floor layers:					
Blackstone, Millville	$9.20	.60	.60		
Elevator constructors	10.01	.445	.29	3%+b+c	.02
Glaziers- Remainder of county	9.80	.52	.59		.03
Lathers:					
Blackstone and Lunenburg	9.25	.45	.55		
Remainder of county	9.57	1.45	.25		.01
Sprinkler fitters	11.38	.60	.90		.08
Power equipment operators: Building, Heavy, and Highway: Remainder of county:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02
For areas of: Sturbridge, Brookfield, N. & E. Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W. Brookfield, and Warren:					
Power equipment operators: Building, Heavy, and Highway:					
Class I	$9.45	.85	.75	a	.05
Class II	9.25	.85	.75	a	.05
Class III	9.05	.85	.75	a	.05
Class IV	8.68	.85	.75	a	.05
Class V	8.00	.85	.75	a	.05
Class VI	7.55	.85	.75	a	.05
Class VII	6.82	.85	.75	a	.05

MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA75-2130- Mod #2 (40 FR 54408- November 21, 1975) Suffolk County, Massachusetts					
Change:					
Glaziers	$9.80	.52	.59		.03
Ironworkers- ornamental, reinforcing, structural	9.99	1.00	1.50		.06
Power equipment operators: Building, Heavy and Highway:					
Class I	10.61	1.10	.80	a	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					
Over 150 feet: + $ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 250 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	10.49	1.10	.80	a	.02
Class III	8.86	1.10	.80	a	.02
Class IV	9.67	1.10	.80	a	.02
Class V	7.84	1.10	.80	a	.02
Class VI	8.32	1.10	.80	a	.02

MODIFICATIONS P. 26

DECISION #MT76-5035 - Mod. #1 (41 FR 15264 - April 9, 1976) Statewide, Montana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers:					
Cascade, Chouteau, Glazier, Pondera and Teton Counties	$9.80	.50	.55		
Carpenters:					
Flathead, Lincoln, Lake (Northern area including Town of Ravalli from a point where Hwy. #10A and Hwy. #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S. E. portion) Counties					
Carpenters	8.22	.45	.75		.02
Sawmen; Filers, Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material	8.42	.45	.75		.02
Millwrights and Machine erectors	8.57	.45	.75		.02
Beaverhead and Silverbow Counties					
Carpenters	7.76	.45	1.00	.75	.02
Millwrights and Piledrivermen	8.16	.45	1.00	.75	.02
Electricians:					
Gallatin County	9.55	.42	1%		1/2%
Broadwater, Lewis and Clarke and Meagher Counties	9.23	.42	1%+.25		1/2%
Sprinkler Fitters	9.82	.60	.90		.02
Terrazzo Workers and Tile Setters:					
Cascade, Chouteau, Galzier, Pondera and Teton Cos.	7.65	.50	.55		

DECISION #NV76-5005 - Mod. #4
(41 FR 2601 - January 16, 1976)
Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Group 1	$7.23	.36	.95	1.00	
Group 2	7.28	.36	.95	1.00	
Group 3	7.31	.36	.95	1.00	
Group 4	7.33	.36	.95	1.00	
Group 5	7.35	.36	.95	1.00	
Group 6	7.36	.36	.95	1.00	
Group 7	7.38	.36	.95	1.00	
Group 8	7.41	.36	.95	1.00	
Group 9	7.42	.36	.95	1.00	
Group 10	7.44	.36	.95	1.00	
Group 11	7.49	.36	.95	1.00	
Group 12	7.52	.36	.95	1.00	
Group 13	7.54	.36	.95	1.00	
Group 14	7.57	.36	.95	1.00	
Group 15	7.59	.36	.95	1.00	
Group 16	7.55	.36	.95	1.00	
Group 17	7.68	.36	.95	1.00	
Group 18	7.75	.36	.95	1.00	
Power Equipment Operators:					
Group 7-c	7.67	.75	1.75	.30	
Add:					
Brick Tenders	7.77	.36	1.25	1.00	

DECISION NO. NM75-4137 - Mod. #2
(40 FR 32656 - August 1, 1975)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LINE CONSTRUCTION (BERNALILLO CO.)					
Cable splicers	$9.30	.40	1%		1/2%
Linemen	8.65	.40	1%		1/2%
Technicians	8.65	.40	1%		1/2%
Equipment Operators	8.23	.40	1%		1/2%
Equipment Mechanics	7.53	.40	1%		1/2%
Powderman	7.53	.40	1%		1/2%
Groundmen and Jackhammers Oprs.:					
1st 6 months	4.53	.40	1%		1/2%
2nd 6 months	5.16	.40	1%		1/2%
Experienced	6.01	.40	1%		1/2%
LINE CONSTRUCTION (Statewide except Bernalillo County)					
Cable splicers	10.16	.40	1%		1/2%
Linemen	9.47	.40	1%		1/2%
Technician	9.47	.40	1%		1/2%
Equipment operators	9.00	.40	1%		1/2%
Equipment mechanics	8.23	.40	1%		1/2%
Powdermen	8.23	.40	1%		1/2%
Groundmen & Jackhammer operator:					
1st 6 months	4.96	.40	1%		1/2%
2nd 6 months	5.64	.40	1%		1/2%
Experienced	6.61	.40	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # NC76-1019 - Mod. # 1 (41 FR-4796 - January 30, 1976) Carteret, Craven, Jones, Lenior, Onslow, & Pamlico Counties, North Carolina.					
Change:					
Electricians	4.56				
Laborers:					
Laborers	2.71				
Sprinkler fitters	6.50				
Truck drivers	2.71				
Omit:					
Laborers:					
Air tool operator	2.60				
DECISION #ND76-5037 - Mod. #1 (41 FR 16416 - April 16, 1976) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Change:					
Carpenters:					
Burleigh and Morton Counties					
Carpenters	$8.50				
Piledrivermen	8.625				
Sprinkler Fitters:					
(except Walsh County)	8.75	.50	.80		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT76-5017 - Mod. #4 (41 FR 7043 - February 13, 1976) Statewide, Utah					
Change:					
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		8/10%
Cable Splicers	10.25	.45	1%+.50		8/10%
Zone 2: Box Elder (East of 112.5° Longitude) - Morgan Counties:					
Electricians	10.50	.45	1%+.50		8/10%
Cable Splicers	10.75	.45	1%+.50		8/10%
Zone 3: Box Elder (west of 112.5° Longitude) - Rich Counties:					
Electricians	12.00	.45	1%+.50		8/10%
Cable Splicers	12.25	.45	1%+.50		8/10%
In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
Plasterers	8.86	.50	.60		.01
Sheet Metal Workers	9.83	.50	.54		.06+.02

DECISION #WY76-5018 - Mod. #1
(41 FR 7928 - February 20, 1976)
Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Working on scaffold, swing stage or temporary platform over 20' high	$9.95	.50			.05
Electricians:					
Goshen, Laramie, Niobrara and Platte Counties					
Electricians	10.00	.42	1%+.25		3/4 of 1%
Cable Splicers	10.25	.42	1%+.25		3/4 of 1%
Elevator Construcrors	9.81	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Millwrights	9.48	.68	.75		.06
Sprinkler Fitters	10.30	.60	.90		.08

SUPERSEDEAS DECISION

STATE: Florida COUNTY: Duval
DECISION NUMBER: FL76-1069 DATE: Date of Publication
Supersedes Decision No.: FL76-1022 dated February 6, 1976 in 41 FR-5529
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	9.86	.45	.30		.04
Boilermakers - Blacksmith	8.80	.60	1.00		.02
Bricklayers:					
Bricklayers	8.46	.45	.50		.02
Stonemasons	8.46	.45	.50		.02
Tile setters	7.29	.30	.50		.02
Marble masons	7.29	.30	.50		.02
Terrazzo workers	7.29	.30	.50		.02
Carpenters:					
Carpenters	8.10	.48	.40	.30	.04
Millwrights	8.88	.48	.40		.04
Piledrivermen	8.10	.48	.40	.30	.04
Soft floor layers	8.10	.48	.40	.30	.04
Acoustical workers	8.10	.48	.40	.30	.04
Cement masons	7.12	.45	.40		.01
Electricians	9.00	.40	1%+.56	.56	.07
Elevator Constructors	8.62	.445	.29	3%+a&b	.02
Elevator Constructors' helpers	70%JR	.445	.29	3%+a&b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Glaziers	8.00		.20		.01
Ironworkers:					
Structural	8.55	.55	.75		.02
Ornamental	8.55	.55	.75		.02
Reinforcing	8.55	.55	.75		.02
Linemen:					
Linemen	8.28	.40	5%+1%		½ of 1%
Cable splicers	8.48	.40	5%+1%		½ of 1%
Heavy equipment operators	8.03	.40	5%+1%		½ of 1%
Winch truck operators	6.43	.40	5%+1%		½ of 1%
Groundmen 1st class	4.47	.40	5%+1%		½ of 1%
Groundmen 2nd class	4.10	.40	5%+1%		½ of 1%
Laborers:					
Laborers	5.10	.20	.10		
Mechanic tool, power buggy, pipelayers & gunnite workers	5.17	.20	.10		
Form setters	5.57	.20	.10		
Lathers	7.85	.25	.10		.025
Leadburners	6.35	.25		o	.01

FL76-1069 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Painters, brush	6.90	.30	.35		.02
Spray	7.42	.30	.35		.02
Swing stage	7.42	.30	.35		.02
Structural steel erected	7.42	.30	.35		.02
Smoke stacks steeples flag pole, tank on legs above 15 ft., radio towers & lighthouses	8.185	.30	.35		.02
Sandblasters	7.42	.30	.35		.02
Bridge	8.185	.30	.35		.02
Plasterers	7.41	.25	.30		.02
Plumbers:					
Plumbers	9.95	.50	.50		.08
Steamfitters	9.95	.50	.50		.08
Air conditioning & speculative housing & refrigeration service	6.40	.30	.35		.06
Roofers	8.28	.50	.25		.025
Kettlemen	6.21	.50	.25		.025
Roofers helpers	4.55	.50	.35		.025
Sheet metal workers	8.83	.80+3%	.40	(.70)	.085+.02
Sprinkler fitters	9.61	.50	.80		.10
Welders - rate for craft to which welding is incidental.					

FL76-1069 - (Cont'd)

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holidays.

PAID HOLIDAYS:

A-New Years' Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FL76-1069 - (Cont'd)

POWR EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	8.98	.50	.35		.05
GROUP II	7.86	.50	.35		.05
GROUP III	6.92	.50	.35		.05
GROUP IV	5.87	.50	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scraper), front end loaders, (over 4 cu, cap.,), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ten cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bridge crane (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging), including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer, (mobile palnt), pavement breakers, street sweeping machines.

GROUP IV: Tractor operated sweeper, trenching machine, (ladder & wheel type maximum cut 6' maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. raduis), self-propelled sweepers, combination pump, compressor & combustion type welding machine.

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NUMBER: NE76-4093
COUNTIES: Douglas and Sarpy
DATE: Date of Publication
Supersedes Decision No. NE76-4069 dated March 26, 1976 in 41 FR 12860
DESCRIPTION OF WORK: Building Construction (including single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.91	.40	.51		.015
BOILEMAKERS	9.05	.70	1.00		.02
BRICKLAYERS, STONEMASONS	8.78	.50	.40	.75	
CARPENTERS:					
Carpenters	7.88	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
CEMENT MASONS	8.34	.35	.30	.40	.05
DRYWALL:					
Tapers and Finishers	7.34	.35		.50	.01
Spray	7.59	.35		.50	.01
ELECTRICIANS	11.23	.48	1%+.50		1/4%
ELEVATOR CONSTRUCTORS	10.41	.495	.32	3%+ a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%	.495	.32	3%+ a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%				
GLAZIERS	8.45	.40	.35		
IRONWORKERS	8.43	.50	.40	.70	
LABORERS:					
Common Laborers	6.17	.35	.30		.15
Buggymobile operators, Mortar Mixers	6.315	.35	.30		.15
Mason tenders	6.315	.35	.30		.15
LATHERS	7.62				
MARBLE SETTERS; Tile and Terrazzo workers	7.70	b	.25		
MARBLE, Tile and Terrazzo workers' Helpers'	6.50				
PAINTERS:					
Brush	8.50		.25		
Structural steel and paperhangers	8.80		.25		
Spray, Swing Stage; hazardous and Sandblasting	9.05		.25		
PLASTERERS	9.03	.50	.40		
PLASTERERS TENDERS	6.485	.35	.30		.15
PLUMBERS	9.76	.35	.55		.10
ROOFERS:					
Composition	8.08	.15	.20	.20	.01
Slate; tile	8.38	.15	.20	.20	.01
SHEET METAL WORKERS	9.76	.35			
SOFT FLOOR LAYERS	8.95			c	
SPRINKLER FITTERS	10.55	.50	.80		.08

DECISION NO. NE76-4093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Single Axle	$6.145	.25	.25		
Tandem Axle	6.22	.25	.25		
Lowboy, Trailer	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G- Christmas Eve; H- Day after Thanksgiving.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 6 paid holidays - A through F

b. Employer agrees to provide one-half cost of a Health and Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay $0.20 per hour in cash.

c. Eight paid Holidays, A thru H; also employees with one years' continuous service with the same employer, but less than 4 years shall receive 1 week's paid vacation; after 4 year's continuous service with the same employer shall receive 2 weeks paid vacation.

DECISION NO.: NE76-4093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$8.86	.35	1%		½%
Cable Splicers	9.26	.35	1%		½%
Truck Driver	6.42	.35	1%		½%
Equipment Operators	8.33	.35	1%		½%
Groundmen:					
(Inexperienced) 1st 6 months	3.01	.35	1%		½%
(Inexperienced) 2nd 6 months	4.40	.35	1%		½%
Thereafter	5.81	.35	1%		½%
POWER EQUIPMENT OPERATORS:					
Group 1	7.51	.50	.40		
Group 2	7.61	.50	.40		
Group 3	7.86	.50	.40		
Group 4	8.75	.50	.40		
Group 5	8.85	.50	.40		
Group 6	9.10	.50	.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group 1: Oilers; Greasers; Mechanics helpers
Group 2: Oiler drivers (motor truck crane)
Group 3: Conveyors; Heaters; Tractors, 35 HP or under; Air Compressors; Pump and welding machine operator
Group 4: Bulldozers; Forklifts; Concrete Pumps; Tractors over 35 PH; one drum hoists; Straddle Trucks; Spread Oiler
Group 5: Blades; End Loaders; self propelled scrapers
Group 6: Two drum hoists; Trenching Machines; Pile drivers; Dredges; Heavy duty mechanics; Shovels; Draglines; Clamshells; Orange Peels; Cranes; Derricks; Backhoes; Winch Trucks and side booms or cat booms; Locomotives; Firemen used on high pressure boilers in construction work; Economobile; Electric Hammers and extractors

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO.: NM76-4094 DATE: Date of Publication
Supersedes Decision No. NM75-4204 dated December 19, 1975 in 40 FR 59167
DESCRIPTION OF WORK: Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, San Juan and Bernalillo Counties but not on the Navajo Indian Reservation)

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	$9.86	.50	.97a		.03
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.50	.35	.30		.02
BOILERMAKERS	10.85	.65	1.00		.02
BRICKLAYERS-Stonemasons:					
Zone I-A	8.36	.48	.40		.02
Zone I-B	8.86	.48	.40		.02
Zone I-C	9.36	.48	.40		.02
Zone II	8.66	.48			
Zone III	9.16	.48			
Zone IV	7.34	.48			
Zone V	7.345	.48			
Zone VI	7.89	.48			
Zone VII	8.015	.48			

BRICKLAYERS' ZONE DEFINITIONS

ZONE I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Scorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles

ZONE II - Chaves, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy, and Otero Counties

ZONE III - Lincoln County

ZONE IV - Dona Ana County

ZONE V - Luna County

ZONE VI - Grant County Communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE VII - Grant County, except communities listed in Zone VI.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height:					
Zone I-A	$7.50	.80	.80	.60	.20
Zone I-B	8.50	.80	.80	.60	.20
Zone I-C	9.25	.80	.80	.60	.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	8.50	.80	.80	.60	.02
Zone 2-B	9.50	.80	.80	.60	.02
Zone 2-C	10.25	.80	.80	.60	.02

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities of Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
ZONE I - Dwelling houses & apartments not to exceed two stories in height:
Zone I-A - 0 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	9.00	.80	.80	.60	.20
Zone 2	10.00	.80	.80	.60	.20
Zone 3	10.75	.80	.80	.60	.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE)
From nearest basing points of the following cities or towns:
Albuquerque City Limits; Santa Fe City Limits; the Main Post Office at Las Cruces and Carlsbad.
Zone 1 - 0 to 15 road miles from nearest basing point
Zone 2 - 15 to 35 road miles from nearest basing point
Zone 3 - Over 35 road miles from nearest basing point

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Dwelling houses and apartments not to exceed two stories in height;					
Cement masons	$7.11	.48	.30		
Dwelling houses & apartments over two stories in height:					
Cement masons	7.32	.48	.30		
Composition or mastic	7.57	.48	.30		
ELECTRICIANS (ZONE I)					
AREA - 1					
1-A	9.20	.40	1%+.70		1/4%
1-B	9.85	.40	1%+.70		1/4%
1-C	10.41	.40	1%+.70		1/4%
1-D	11.06	.40	1%+.70		1/4%
AREA - 2					
2-A	8.40	.40	1%+.70		1/4%
2-B	9.00	.40	1%+.70		1/4%
2-C	9.51	.40	1%+.70		1/4%
2-D	10.10	.40	1%+.70		1/4%
ZONE II	10.41	.40	1%+.70		1/4%
ZONE III	5.80	.30	1%		1/4%
ZONE IV					
4-A	8.75	.25	1%		1/2%
4-B	10.20	.25	1%		1/2%
ZONE V					
5-A	9.20	.40	1%		1/2%
5-B	9.84	.40	1%		1/2%
5-C	10.40	.40	1%		1/2%
5-D	11.04	.40	1%		1/2%
ZONE VI					
6-A	9.00	.40	1%		.01
6-B	9.35	.40	1%		.01
6-C	9.50	.40	1%		.01
6-D	9.75	.40	1%		.01

ELECTRICIANS ZONE DEFINITIONS

ELECTRICIANS:

ZONE I

AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation.

AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

AREAS 1-B & 2-B

Area 1-B & 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D - anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation

ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 4-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo

Zone 4-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE V - McKinley County

Zone 5-A - Includes that City of Gallup and extending 10 road miles from main post office

Zone 5-B - Extending up to 20 road miles beyond Zone 5-A

Zone 5-C - Extending up to 30 road miles beyond Zone 5-A

Zone 5-D - Anything extending 30 road miles beyond Zone 5-A

ZONE VI - Eddy and Lea Counties - the following zones shall be designated from the main post office of Arteasia, Carlsbad, Hobbs and Lovington:

Zone 6-A - 0 to 12 miles from main post office
Zone 6-B - 12 to 22 miles from main post office
Zone 6-C - 22 to 40 miles beyond main post office
Zone 6-D - 40 miles and beyond main post office

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CABLE SPLICERS:					
ZONE I					
AREA 1					
1-A	$10.13	.40	1%+.70		1/4%
1-B	10.78	.40	1%+.70		1/4%
1-C	11.34	.40	1%+.70		1/4%
1-D	11.99	.40	1%+.70		1/4%
AREA 2					
2-A	9.25	.40	1%+.70		1/4%
2-B	9.85	.40	1%+.70		1/4%
2-C	10.36	.40	1%+.70		1/4%
2-D	10.95	.40	1%+.70		1/4%
ZONE II	11.34	.40	1%+.70		1/4%
ZONE III					
3-A	9.00	.25	1%		1/2%
3-B	10.45	.25	1%		1/2%
ZONE IV					
4-A	10.12	.40	1%		1/2%
4-B	10.76	.40	1%		1/2%
4-C	11.32	.40	1%		1/2%
4-D	11.96	.40	1%		1/2%
ZONE V					
5-A	9.35	.40	1%		.01
5-B	9.70	.40	1%		.01
5-C	9.85	.40	1%		.01
5-D	10.10	.40	1%		.01

CABLE SPLICERS ZONE DEFINITIONS

CABLE SPLICERS:

ZONE I

AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation.

AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

AREAS 1-B & 2-B

Area 1-B & 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D - anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 3-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo

Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE IV- McKinley County

Zone 4-A - Includes that City of Gallup and extending 10 road miles from main post office

Zone 4-B - Extending up to 20 road miles beyond Zone 5-A

Zone 4-C - Extending up to 30 road miles beyond Zone 5-A

Zone 4-C - Anything extending 30 road miles beyond Zone 5-A

ZONE V- Eddy and Lea Counties - the following zones shall be designated from the main post office of Arteasia, Carlsbad, Hobbs and Lovington:

Zone 5-A - 0 to 12 miles from main post office

Zone 5-B - 12 to 22 miles from main post office

Zone 5-C - 22 to 40 miles beyond main post office

Zone 5-D - 40 miles and beyond main post office

DECISION NO: NM76-4094 Page 7

GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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
Elevator constructors prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	7.51	.495	.32	3%+a+b	.02
Elevator constructors helper	70%JR	.495	.32	3%+a+b	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	6.24	.30	.10		.02
Zone II	7.34	.35	.20		.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS

Zone I - Dona Ana, Luna, Otero and Quay Counties

Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties.

IRONWORKERS:					
Zone I	7.99	.50	.75		
Zone II	9.23	.55	.60		.10
Zone III	10.23	.55	.60		.10

IRONWORKERS ZONE DEFINITIONS

IRONWORKERS

Zone I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance and Valencia Counties.

Zone II - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

Zone III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

Page 8

DECISION NO: NM76-4094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: GENERAL BUILDING, HEAVY ENGINEERING AND RESIDENTIAL CONSTRUCTION (Dwelling Houses and Apartments over two stories in height):					
Group I	$5.57	.34	.30		
Group II	5.87	.34	.30		
Group III	5.97	.34	.30		
Group IV	6.175	.34	.30		
Group V	6.325	.34	.30		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, - and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

DECISION NO. NM76-4094

	Basic Hourly	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
RESIDENTIAL CONSTRUCTION (Dwelling houses and apartments not to exceed two stories in height):					
Group I	$5.12	.34	.30		
Group II	5.42	.34	.30		
Group III	5.52	.34	.30		
Group IV	5.725	.34	.30		
Group V	5.875	.34	.30		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine operator, power buggy operator, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hod carriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

DECISION NO. NM76-4094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Zone I	$7.895	.48		.50	.02
Zone II	8.75				.01

LATHERS' ZONE DEFINITIONS

LATHERS

Zone I - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties.

Zone II - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties.

LINE CONSTRUCTION:					
BERNALILLO COUNTY ONLY					
Cable splicers	9.30	.40	1%		1/2%
Linemen - Technicians	8.65	.40	1%		1/2%
Equipment Operators	8.23	.40	1%		1/2%
Equipment Mechanics	7.53	.40	1%		1/2%
Powderman	7.53	.40	1%		1/2%
Groundmen and Jackhammer Opers.:					
1st 6 months	4.53	.40	1%		1/2%
2nd 6 months	5.16	.40	1%		1/2%
Experienced	6.01	.40	1%		1/2%
LINE CONSTRUCTION:					
STATEWIDE (Except Bernalillo Co.)					
Cable splicers	10.16	.40	1%		1/2%
Linemen - Technicians	9.47	.40	1%		1/2%
Equipment Operators	9.00	.40	1%		1/2%
Equipment Mechanics	8.23	.40	1%		1/2%
Powdermen	8.23	.40	1%		1/2%
Groundmen and Jackhammer Oprs.:					
1st 6 months	4.96	.40	1%		1/2%
2nd 6 months	5.64	.40	1%		1/2%
Experienced	6.61	.40	1%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	7.345	.48			
MARBLE, TILE & TERRAZZO HELPERS	5.65	.30			

DECISION NO. NM76-4094 Page 11

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: ZONE I					
Zone 1-A	$7.22	.35	.20		.05
Zone 1-B	7.72	.35	.20		.05
Zone 1-C	7.47	.35	.20		.05
Zone 1-D	7.80	.35	.20		.05
Zone 1-E	7.55	.35	.20		.05
PAINTERS: ZONE II					
Zone 2-A	6.25	.35	.20		.01
Zone 2-B	6.50	.35	.20		.01
Zone 2-C	6.90	.35	.20		.01
Zone 2-D	6.75	.35	.20		.01
Zone 2-E	6.75	.35	.20		.01
Zone 2-F	6.75	.35	.20		.01
Zone 2-G	7.25	.35	.20		.01
Zone 2-H	8.25	.35	.20		.01
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
Zone 3-F - 12½c above scale		.30			.02
Zone 3-G - 25c above scale		.30			.02
Zone 3-H - 50c above scale		.30			.02
Zone 3-I - 75c above scale		.30			.02
Zone 3-J - $1.00 above scale		.30			.02
PAINTERS: ZONE IV					
Zone 4-A	5.95	.35			
Zone 4-B	6.45	.35			
Zone 4-C	6.20	.35			
PAINTERS: ZONE V					
Zone 5-A	6.90	.35			
Zone 5-B	7.40	.35			
Zone 5-C	7.15	.35			

DECISION NO. NM76-4094 PAINTERS' ZONE AND CLASSIFICATION DEFINITIONS PAGE 12

PAINTERS

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:
- Zone 1-A - Painters, roller and hand textures
- Zone 1-B - Painters, spray, sandblasting, painter on steel beidges, tanks towers, pipe and structural
- Zone 1-C - Paperhanger
- Zone 1-D - Drywall finisher; Ames tool operator
- Zone 1-E - Hand finisher machine texture

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio, Arriba, Taos, Union, and Santa Fe Counties,
- Zone 2-A - Painters and roller
- Zone 2-B - Paperhangers
- Zone 2-C - Spray, Sandblast, pressure roller and gunnite operator
- Zone 2-D - Steel painter; bridges, structural steel, machinery tank, towers, pipe boiler rooms and power plant brush and spray
- Zone 2-E - Drywall finisher tool and machine texture
- Zone 2-F - High pay - 30 to 75 feet
- Zone 2-G - High pay - 75 to 100 feet
- Zone 2-H - High pay - 100 feet and over

ZONE III- Luna, Otero and Dona Ana Counties
- Zone 3-A - Brush, tapers and rollers
- Zone 3-B - Spray, sandblasting
- Zone 3-C - Ames tool and steel brush after erection
- Zone 3-D - Stripping machine
- Zone 3-E - Radio towers, water tanks, smoke stacks
- Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
- Zone 3-G - Radio towers, water tanks, smoke stacks 75 feet to 100 feet
- Zone 3-H - Radio towers, water tanks, smoke stacks 100 feet to 200 feet
- Zone 3-I - Radio towers, water tanks, smoke stacks 200 feet to 300 feet
- Zone 3-J - Radio towers, water tanks, smoke stacks 300 feet to 400 feet

ZONE IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico
- Zone 4-A - Brush and roller
- Zone 4-B - Paperhangers and sandblaster
- Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties
- Zone 5-A - Brush, roller and drywall finisher
- Zone 5-B - Spray
- Zone 5-C - Paperhanger and sandblaster

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Statewide, (except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	$8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	7.27	.48			.01
PLUMBERS-PIPEFITTERS:					
Area I	10.00	.63	1.36	.50	.12
Area II	10.50	.63	1.36	.50	.12
Area III	11.75	.63	1.36	.50	.12
Specific Area	10.63	.63	1.36	.50	.12
Residential	7.38	.63	.25		.12

PLUMBERS - PIPEFITTERS' ZONE DEFINITIONS

BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumari, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas 1 or 2, or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Comples Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp in Dona Ana and Otero Counties.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: (Residential and General Building Construction)					
Group 1	$6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10
Group 10 - $.15 per hour above regular rate		.35	.40		.10
POWER EQUIPMENT OPERATORS (Heavy Engineering Construction)					
Group 1	6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10

RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveybr, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plant, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver-single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, Slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Fornt End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers-equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment:
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble, (No.20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

Group 10: Shaft and Tunnel Work

HEAVY ENGINEERING CONSTRUCTION
POWER EQUIPMENT OPERATORS

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck, Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 Hp w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver - single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment - Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers - equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of Boom (20 tons and under), Concrete Paver - double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist - 2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader - Finisher, Mechanic - Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel Type Equipment:
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
ROOFERS (Dona Ana & Otero Cos.)	$5.60				
ROOFERS (Statewide, except Dona Ana & Otero Counties)	6.80	.25			
SHEET METAL WORKERS:					
Zone 1	9.06	.48	.40		.02
Zone 2	8.465	3%+.45	.30		.005
Zone 3	8.35	.20			.05
Zone 4	10.06	.48	.40		.02

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SOFT FLOOR LAYERS:					
Zone 1	7.23	.30	.10		.02
Zone 2	6.90	.35			

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

DECISION NO. NM76-4094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
SOUND INSTALLERS:					
Zone I - Bernalillo County					
Zone II - Valencia, Sandoval, Santa Fe, Torrance and Socorro, Counties					
Zone III - Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.					
Soundman:					
Zone I	$8.10	.30	1%		1/4%
Zone II	8.225	.30	1%		1/4%
Zone III	8.475	.30	1%		1/4%
Technicians:					
Zone I	6.48	.30	1%		1/4%
Zone II	6.48	.30	1%		1/4%
Zone III	6.605	.30	1%		1/4%
Sound Installers:					
Zone I	5.27	.30	1%		1/4%
Zone II	5.395	.30	1%		1/4%
Zone III	5.645	.30	1%		1/4%
SPRINKLER FITTERS	10.20	.50	.80		.08
Truck Drivers (General Building and Residential Construction - Dwelling houses and apartments over two stories in height)					
Group 1	5.40	.48	.45		
Group 2	5.52	.48	.45		
Group 3	5.60	.48	.45		
Group 4	5.72	.48	.45		
Group 5	5.77	.48	.45		
Group 6	5.87	.48	.45		
Group 7	5.97	.48	.45		
Group 8	6.11	.48	.45		
Group 9	6.26	.48	.45		

DECISION NO. NM76-4094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd) (RESIDENTIAL CONSTRUCTION - Dwelling houses and apartments not to exceed two stories in height)					
Group 1	$5.10	.48	.45		
Group 2	5.22	.48	.45		
Group 3	5.30	.48	.45		
Group 4	5.42	.48	.45		
Group 5	5.47	.48	.45		
Group 6	5.57	.48	.45		
Group 7	5.67	.48	.45		
Group 8	5.81	.48	.45		
Group 9	5.96	.48	.45		
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)					
Group 1	5.60	.48	.40		
Group 2	5.72	.48	.40		
Group 3	5.80	.48	.40		
Group 4	5.92	.48	.40		
Group 5	5.97	.48	.40		
Group 6	6.07	.48	.40		
Group 7	6.17	.48	.40		
Group 8	6.31	.48	.40		
Group 9	6.46	.48	.40		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bobtail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder Helper; Forklift, under 5 ton MRC

Group 3: Dump Truck (including all hgihway and off-highway) 8 up to 16 C.Y.W.L.C.; Water, Fuel or Oil Trucks less than 3,000 gallons; Flatbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Yound Buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-trailer Driver (flatbed or van single axle); Forklift 5 ton and over M.R.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3,000 to 6,000 gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under 6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flaherty Truck type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C, Head Field Equipment Serviceman

Group 8: Euclid Diesel powered Turnarocker; Terra Cobra; DW 10; DW 20; LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal. and over (including tank wagon drivers); Semi-trailer Driver (flatbed or van tandems); Light equipment mechanic; Dump Trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double gooseneck); Heavy equipment mechanics; Welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Wilkes
DECISION NUMBER: NC76-1068 DATE: Date of Publication
Supersedes Decision No.: AR-4063 dated December 6, 1974 in 39 FR-42803
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.
Air conditioning mechanic	3.92				
Bricklayers	5.02				
Carpenters	3.57				
Carpet layers	3.35				
Electricians	3.54				
Laborers:					
Laborers	2.50				
Mason tenders	2.50				
Painters, brush	3.30				
Plasterers	4.50				
Plumbers & Pipefitters	3.91				
Roofers	3.11				
Sheet metal workers	2.90				
Sprinkler fitters	4.11				
Tile setters	3.35				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Front end loader	3.75				
Tractor operator	3.50				

SUPERSEDEAS DECISION

STATE: Ohio — COUNTIES: Greene & Montgomery
DECISION NUMBER: OH76-2065 — DATE: Date of Publication
Supersedes Decision No. AR-3037, dated August 23, 1974 in 39 FR 30782
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	$10.67	.37	.60		.01
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS AND STONEMASONS	10.05	.55	.75		.01
CARPENTERS AND PILEDRIVERMEN	9.60	.60	1.00		.05
Millwrights	9.69	.60	.72		
CEMENT MASONS: Building	9.28	.50	.50		.07
ELECTRICIANS: Communication installer and lineman within 11 mi. radius from 3rd and Main Streets, Dayton	10.53	.45	1%+.85		.5%
ELECTRICIANS: Communications installer and lineman beyond 11 mi. radius of 3rd & Main Sts, Dayton	10.76	.45	1%+.85		.5%
ELEVATOR CONSTRUCTORS	10.635	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.44	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.32				
GLAZIERS	9.48		.50		.01
IRONWORKERS, ALL					
Within 15 mile of Dayton	9.96	.65	.90		.02
Beyond 15 mile of Dayton	10.11	.65	.90		.02
LABOREPS:					
Unskilled	7.94	.55	.40		.05
All machine Tools and Swing scaffold over 15 ft.	8.09	.55	.40		.05
Tenders to bricklayers	8.57	.55	.40		.05
Tenders to Plasterers & Lathers	8.61	.55	.40		.05
Sewerpipe layer (non-metallic) and Bottom men	8.14	.55	.40		.05
Torchmen on wrecking	8.24	.55	.40		.05
Gunnite operator	8.44	.55	.40		.05
LATHERS	10.29		.20		.01
MARBLE SETTERS	9.11	.55	.10		
PAINTERS:					
Brush & Rollers	10.55	.40	.40		.02
Structural steel & swing stage	10.95	.40	.40		.02
Spray and Sandblasting	11.05	.40	.40		.02
Paperhanging	10.80	.40	.40		.02
PLASTERERS	10.45				
PLUMBERS AND STEAMFITTERS:					
Townships of Miami, Cedarville, Ross, Jefferson, Caesar Creek & New Jasper in Greene County	$10.61	.35	.60		.04
Remainder of Greene County and all of Montgomery County	10.81	.35	.70		.03
ROOFERS: Composition, damp & waterproof	10.25	.60	.50		
ROOFERS: Slate, tile and Asbestos	10.47	.60	.50		
SHEET METAL WORKERS	10.21	.40	.60		.12
SOFT FLOOR LAYERS - Resilient Floor layer	8.85	.60	.50		.05
SPRINKLER FITTERS	12.05	.60	.90		.08
TERRAZZO WORKERS	9.11	.55	.10		
TILE SETTERS	9.11	.55	.10		
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.
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business for more than 5 years, and 2% for employe who has worked in business less than 5 years.

DECISION NO OH76-2065

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.46	.46	.80		.11
GROUP B	10.30	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.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 trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete, pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types) hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on side), 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, tollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum 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 sub-grader, tire repairman, 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: Ohio COUNTIES: Hamilton & Clermont
DECISION NUMBER: OH76-2066 DATE: Date of Publication
Supersedes Decision No. AR-3038, dated August 24, 1974 in 39 FR 30784.
DESCRIPTION OF WORKL 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	$10.76	.60	.85		.02
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS AND STONEMASONS	10.895	.45	.35		.01
CARPENTERS	10.55	.45	.55		.025
Millwrights	10.44	.40	.85		.10
Piledrivermen	10.55	.45	.55		.025
CEMENT MASONS	10.395	.45	.60		.12
ELECTRICIANS:					
Zone I Up to 18 mi.	10.80	.60	1%+.30		.5%
Zone II 18 mi. to 21 mi.	11.10	.60	1%+.30		.5%
Zone III 21 mi. to 25 mi.	11.20	.60	1%+.30		.5%
Zone IV over 25 mi.	11.35	.60	1%+.30		.5%
ELEVATOR CONSTRUCTORS	10.635	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.44	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.32				
GLAZIERS	10.10		.35		.005
IRONWORKERS: Structural and ornamental	10.545	.65	.70		.03
Reinforcing	9.895	.65	1.30		.02
LABORERS: (Demolition)					
Wrecking laborers	8.77	.55	.40		.05
Jackhammer man, burner & wall man	8.92	.55	.40		.05
LATHERS	11.145		.25		.025
MARBLE SETTERS	10.385	.45	.35		
MARBLE SETTERS HELPERS	9.235				
PAINTERS: Commercial Brush	10.05		.25		
Industrial Brush	10.20		.25		
Commercial Spray	10.55		.25		
Industrial Spray	10.70		.25		
LINEMEN	10.80	.60	1%+.30		.5%
PIPEFITTERS	10.80	.70	.975		.06
PLASTERERS	10.995		.45		.01
PLUMBERS AND GAS FITTERS	10.92	.65	.90		.05
ROOFERS	10.745		.85		.01
SHEET METAL WORKERS	10.585	.40	.70		.02
RESILIENT FLOOR LAYERS	8.95	.45	.55		.05
SPRINKLER FITTERS	12.05	.60	.90		.08
TERRAZZO WORKERS	10.335	.45	.35		
TERRAZZO HELPERS & GRINDERS	9.185				
TILE SETTERS	10.335	.45	.35		
TILE SETTERS HELPERS	9.135				

DECISION NO OH76-2066

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.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years 2% for less than 5 years.

DECISION NO OH76-2066

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.46	.46	.80		.11
GROUP B	10.05	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.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), bopm trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum) mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip 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, bull floats, 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 sub-grader, tire repairman, 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 fire), powered boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

DECISION NO OH76-2066

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 9.05	.55	.40		.05
GROUP 2	9.15	.55	.40		.05
GROUP 3	9.20	.55	.40		.05
GROUP 4	9.25	.55	.40		.05
GROUP 5	9.40	.55	.40		.05
GROUP 6	9.55	.55	.40		.05
GROUP 7	9.80	.55	.40		.05

GROUP 1 - Common laborers, cement masons helpers, hand operated mechanical mule, mechanical sweeper, signal man.

GROUP 2 - Bottom man, pipelayer.

GROUP 3 - Burning torch operator, jackhammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man.

GROUP 4 - Plasterer's tender, mason tender, stone mason tender, bottom jackhammer man.

GROUP 5 - Plaster mixer pump operator

GROUP 6 - Tunnel laborer

GROUP 7 - Gunnite nozzle operator

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Bucks, Chester, Delaware, Montgomery & Philadelphia

DECISION NO.: PA76-3172

DATE: Date of Publication

Supersedes Decision Nos.: PA75-3082, dated August 22, 1975, in 40 FR 36972; PA75-3083, dated August 22, 1975, in 40 FR 36980; PA75-3084, dated August 22, 1975, in 40 FR 36983; PA75-3087, dated August 22, 1975, in 40 FR 40031; PA76-3150, dated March 19, 1976, in 41 FR 11767; PA76-3170, dated May 14, 1976, in 41 FR 20143.

DESCRIPTION OF WORK: Building Construction, including 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					
ZONE 1	$ 11.17	.60	.60		.06
ZONE 2	9.85	.50	.50		

AREA COVERED BY ASBESTOS WORKERS

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia, and Remainder of Bucks County

ZONE 2 - Bridgeton, Durham, Lower Makefield, Middletown Falls, Morristown, New Hope, Newton, Noxkamixon, Plumstead, Riegelsville, Solebury, Tullytown, Tinicum, Upper Makefield and Yardley Townships in Bucks County

BOILERMAKER	11.05	.65	1.00		.01
BRICKLAYERS					
ZONE 1	10.75	.95	.78		.01
ZONE 2	10.96	.62	1.00		.01
ZONE 3	11.21	.67	.60		.01

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Bucks, Chester, Philadelphia Counties, Radnor and Haverford Township in Delaware County, Lower Marion, Abington, Upper Moreland and Cheltenham Townships in Montgomery County

ZONE 2 - Remainder of Delaware County

ZONE 3 - Remainder of Montgomery County

CARPENTERS	9.77	1.88	1.30		.12

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
ZONE 1	$10.00	1.19	1.25		
ZONE 2	8.70	.58	.42		
ZONE 3	9.69		.50		

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bucks, Delaware and Philadelphia Counties, Remainder of Chester County and Remainder of Montgomery County

ZONE 2 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County

ZONE 3 - Pennsburg and Pottstown Townships in Montgomery County

DRYWALL FINISHERS	9.60	.89	.50	.85	.03
ELECTRICIANS:					
Up to and including three stories	11.43				
Four story garden type apartments					
ZONE 1	12.22	.61	1%+.49		.24
ZONE 2	10.35	.30	1%+.104		.02
ZONE 3	9.99	.53	1%		.03
ZONE 4	10.37	9½%	1%+.7%		¼ of 1%
ZONE 5	11.71	4.4%	1%+3%		¼ of 1%
ZONE 6	11.55	4.4%	1%+2.6%		1.5%
ZONE 7	12.15	5%	1%+.40		.10

DECISION NO. PA76-3172

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Delaware & Philadelphia Counties, Springfield, Glenside, Jenkingtown Townships in Montgomery County, starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad bridge to Route 09113, north 09113 to Route 152, north along Route 152 to the Humeville Road, east on Humeville Road to Route 344, north on Route 344 to the junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 113, north on TR 113 to TR 232 at Anchor Inn, Northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough line at the southwest corner of the Borough of New Hope. The Borough of New Hope is excluded. Starting at the Delaware River and proceeding southwest along the Plumstead-Solebury and the Plumstead-Buckingham Township lines to Route 09064, northwest on 09064 to U.S. Highway 611, south on 611 to the spur of Route 270, northwest along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041, southwest on 09041 to the Montgomery County line Remainder Townships in Bucks County

ZONE 2 - East Rick Hill, West Rock Hill, Milford and Richland Townships in their entirety and that portion of Haycock and Springfield Townships west of a line following State Highway 212 from Northampton County south to route 09071 along 09071 to State Highway 212, along Highway 212 to route 09068 and along 09068 to State Highway 313, Township in Bucks County, Upper Hanover Township in Montgomery County

ZONE 3 - West Clan, West Brandywine, Honey Brook, Wallace, West Natmeal, East Natmeal, Warwick, South Coventry, Valley and Coatesville Townships in Chester County, Pottsgrove, Upper Pottsgrove, Douglas and Pottstown Townships in Montgomery County

ZONE 4 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County

DECISION NO. PA76-3172

AREA COVERED BY ELECTRICIANS ZONES (CONT'D)

ZONE 5 - Parkersburg, West Grove & West Chester Townships in Chester County

ZONE 6 - Remainder of Chester and Montgomery Counties

ZONE 7 - That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the PA., Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152, north along 152 to the Hulmeville Rd., east on the Hulmerville To Route 344, north on Route to the junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 532, north on TR 532 to TR 113, north, TR 113 to TR 232 at Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, nor north on 402 to the Borough Line at the southwest corner of the Borough of New Hope. The Borough of New Hope and Briston are included, Townships and or Boroughs in Bucks County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	$11.35	.495	.32	4%+a+b	.02
Elevator Constructors Helpers	7.945	.495	.32	4%+a+b	.02
Elevator Constructors Helpers (Prob.)	5.675				
GLAZIERS					
ZONE 1	9.58	.40	.20		.01
ZONE 2	8.64	.35	.10		.01

DECISION NO. PA76-3172

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Delaware and Philadelphia Counties, Remainder of Bucks, Chester and Montgomery Counties

ZONE 2 - Milford, West Rockville, Rickland, E. Rockville, Haycock, Durham, Springfield, Richlandtown, Sqoherton, Nockamixon Townships in Bucks County, Warwick, S. Coventry, E. Coventry, N. Coventry, Spring City and Royersford Townships in Chester County, Pottstown, Lower Pottsgrove, Limrick, Lower Drederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Marlboro Twps. in Montgomery County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
IRONWORKERS					
ZONE 1	$10.36	.79	1.11		.05
ZONE 2	10.53	.79	1.11		.05
ZONE 3					
Structural & ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Bucks County

ZONE 2 - Chester County

ZONE 3 - Delaware, Montgomery and Philadelphia Counties

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LABORERS					
CLASS I	$ 7.95	.90	.65		
CLASS II	8.05	.90	.65		
CLASS III	8.10	.90	.65		
CLASS IV	8.25	.90	.65		
CLASS V	8.35	.90	.65		
CLASS VI	7.89	.90	.65		

CLASSIFICATIONS DEFINITIONS

CLASS I - Stripping & dismantling concrete form work, loading, carrying 7 handling of all reinforced steel 7 steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers 7 sll other pheumatic tools, building scaffolds, raking, shoveling 7 tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers

CLASS II - Mason tender, power buggies, burners on demolition

CLASS III - Wagon drill operator (single)

CLASS IV - Powdermen, wagon drill operator (multiple), circular caissons excavation: Caisson groundmen, Underpinning excavation: Laborers, working at depth of 8 feet or under

CLASS V - Caisson bottom man

CLASS VI - Yard workers

LANDSCAPE LABORERS					
CLASS I	6.60	.95	.65	c	
CLASS II	7.10	.95	.65	c	

DECISION NO. PA76-3172

CLASSIFICATIONS DEFINITIONS

CLASS I - Landscape Laborers

CLASS II - Farm tractor driver, hydroseeder nozzle man, and mulcher nozzle man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$ 8.61	.225	.10		
ZONE II	9.15	.50	.15		.01
ZONE III	7.69	.40	.25		
ZONE IV	7.75	.25	.25		.02

AREAS COVERED BY LATHERS ZONES

ZONE 1 - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE II - Coatesville & lower part of Chester County

ZONE III - Milford, Trumbersville, Richland, Quakertown, Springfield, Durham, Riegelsville, Bridgetown, Noxkamixon, Tinicum, Plumstead, Dublin, Bedminister, Haycock, East Rockhill, Perkasie, Sellersville, West Rockhill Townships in Bucks County

ZONE IV - Solebury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown Townships in Bucks County

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEAD BURNERS	$ 9.25	.35		d	.01
LINE CONSTRUCTION					
Linemen	13.09	.30	1%		1%
Groundmen	7.85	.30	1%		1%
Winch truck operator	9.61	.30	1%		1%
MARBLE SETTERS	9.30	.77	.75		
MILLWRIGHTS	10.27	1.88	1.30		.12
PAINTERS:					
ZONE 1					
Brush	8.325	.375	.30	.30	.02
Spray, steel & swing	8.505	.375	.30	.30	.02
Roller	8.325	.375	.30	.30	.02
ZONE II					
Commercial, brush	9.05	.65	.50		
Commercial, spray	9.40	.65	.50		
ZONE III					
Brush	7.85	.55	.40		
Steel and spray	8.90	.55	.40		
Roller	7.85	.55	.40		
ZONE IV					
Brush	9.64	.55	.60	.75	
Steel	10.39	.55	.60	.75	

AREA COVERED BY PAINTERS ZONES

ZONE I - Bucks & Phiadelphia Counties: Randnor, Haverford, Newton, Maple, Springfield, Upper Darby, Barby, Ridley, Tinicum & Yeodon Townships in Delaware County, Cheltenahm, Abington, Upper and Lower Moreland, Springfield, Whitemarsh, Plymouth, Upper Dubling, Horsham, Whitpain, Upper and Lower Gwynodd, Lower Marion, Upper Sputhampton, Lower Southampton Townships in Montgomery County

ZONE II - Chester County and R emainder of Delaware County

ZONE III - Pottstown, Pottsgrove, New Hanover and Douglas Townships in Montgomery County

ZONE IV - Remainder of Montgomery County

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN	$10.17	1.58	1.10		.12
POINTERS, CAULKERS AND CLEANERS	9.25	.45	.50		
PLASTERERS:					
ZONE I	9.47	.53			.01
ZONE II	9.71		.53		.01
ZONE III	8.97	.65			.01
ZONE IV	9.45				.01

AREA COVERED BY PLASTERERS ZONES

ZONE I - Bucks & Philadelphia Counties; Remainder of Chester County, Remainder of Montgomery County

ZONE II - Pennsburg Township in Montgomery County

ZONE III - Longwood, Kennett Square, Avondale and Oxford Townships in Chester County

ZONE IV - Delaware County

PLUMBERS:					
ZONE I	11.96	.57	1.00		.12
ZONE II	8.50	.485	.82		.035
ZONE III	10.02	.57	.92		.08

AREA COVERED BY PLUMBERS ZONES

ZONE I - Delaware & Philadelphia Counties; Remainder of Bucks County: Tedyffrin, E. Whiteland, W. Whiteland, Easttown, Willistown, E. Goshen, W. Goshen, W. Chester, E. Bradford, Westtown, Birmingham, Twps. & Thornbury City Townships in Chester County, Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield and Cheltenham Townships in Montgomery County

ZONE II - Remainder of Chester & Montgomery County

ZONE III - Milford, Trumbaversville, West Rockhill, Sellerville, Perkasie, East Rockhill, Richland, Quackertown, Haycock, Noxkamixon, Bridgeton, Durham, Riegelsville Townships in Bucks County

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE I					
Composition, damp & waterproofers	$10.36	1.55	.82	e	
Roofers Assistant	5.20	1.55	.82	e	
Slate, tile and asbestos	10.00	1.00	.50		
Asphalt shingle	8.54	1.00	.50		
ZONE II					
Composition & state	8.35	.25	.25		
Helpers	4.63	.25	.25		
ZONE III					
Composition roofers	9.70	.40	.50		
ZONE IV					
Composition, damp & waterproofing	9.85	.45	.225	f	
Slate, tile & asbestos	10.30	.45	.225	f	
Precast slab	10.65	.45	.225	f	

AREA COVERED BY ROOFERS ZONES

ZONE I - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE II - Milford, Trumbbaversville, Richland, Quakertown, Springfield, Durham, Reigllville Townships in Bucks County

ZONE III - Solesbury, New Hope, Upper Makefield, Wrightstown, Newtown, Yardley, Lower Makefield, Morrisville, Falls, Tullytown and Bistol Townships in Bucks County

ZONE IV - Parkersbury Township in Chester County

DECISION NO. PA76-3172	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$11.84	1.01	.65		.03
SOFT FLOOR LAYERS	8.58	1.58	1.30		.12
SPRINKLER FITTERS					
ZONE I	11.61	.60	.90		.08
ZONE II	11.41	.50	.80		.10

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE I - Bucks, Chester, Delaware & Montgomery Counties

ZONE II - Philadelphia County

STEAMFITTERS:					
ZONE I	12.04	.57	.92		.11

AREA COVERED BY STEAMFITTERS ZONES

ZONE I - Bucks, Delaware, Philadelphia Counties and Remainder of Montgomery County

STONE MASONS					
ZONE I	8.70	.77	.75		
ZONE II	10.51	.67	.60		.01
ZONE III	10.75	.95	.78		.01
ZONE IV	9.30	.77	.75		

AREA COVERED BY STONE MASONS ZONES

ZONE I - Delaware & Philadelphia Counties; Remainder of Bucks County

ZONE II - Montgomery County

ZONE III - Chester County

ZONE IV - Bristol Township in Bucks County

DECISION NO. PA76-3172	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 8.99	.77	.75		
TILE SETTERS	9.06	.85	.65		
WELDERS - 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. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F.

c. Paid Holidays: July 4th; Labor Day and Thanksgiving Day.

d. Paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday

e. Paid Holidays: Election Day.

f. Paid Holidays: Labor Day and Election Day.

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	$11.91	5.5%	9.5%	a	1.2%
CLASS II	11.65	5.5%	9.5%	a	1.2%
CLASS III	10.78	5.5%	9.5%	a	1.2%
CLASS IV	10.57	5.5%	9.5%	a	1.2%
CLASS V	10.26	5.5%	9.5%	a	1.2%
CLASS VI	10.09	5.5%	9.5%	a	1.2%
CLASS VII	9.58	5.5%	9.5%	a	1.2%
CLASS VIII	8.84	5.5%	9.5%	a	1.2%

CLASSIFICATIONS DEFINITIONS

CLASS I - Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machines; Helicopters; machines similar to the above

CLASS II - Engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes; cableways; draglines; keystones, all types of shovels; derricks; trench shovels; trenching machines; pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists - double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cu. yd., boat captain; tandem scraper; tower type crane operation, erecting, dismantling, jumping or jacking; drill self-contained (drillmaster type); fork lift (20 ft. and over), mortar patrols (fine grade), batch plant with mixer: Machines similar to the above

CLASS III - Conveyors (except building conveyors), building hoists (single drum), scrapers and tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with frontend overhead loaders and rubber-tired loaders 2 c.y. up to & including 3 c.y., maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, fork-lift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above

CLASS IV - Concrete breaking machines, rollers and machines similar to the above

DECISION NO. PA76-3172

CLASSIFICATIONS DEFINITIONS (CONT'D)

CLASS V - All bulldozers under D-7, tractors including rubber-tired type with front and overhead loaders under 2 c.y., seaman pulverizing mixer, welders and maintenance engineers, tireman on power equipment, maintenance engineer (power boat), and machines similar to the above

CLASS VI - Conveyors (building), welding machines, heaters, wellpoints, compressors, farm tractors, form line graders, road finishing machines, pumps, power broom (self contained), seed spreader and machines similar to the above

CLASS VII - Fireman

CLASS VIII - Oilers and deck hand (personnel boats)

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day providing the employee works the day before and after the holiday.

DECISION NO. PA76-3172

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
CLASS I	$ 7.67	.5675	.55	a+b	
CLASS II	7.77	.5675	.55	a+b	
CLASS III	7.97	.5675	.55	a+b	

CLASSIFICATIONS DEFINITIONS

CLASS I - Warehouseman, checker, fork lift driver, stake body truck (single axle), 1½ ton and under vehicles

CLASS II - Truck driver over 1½ tons, dump trucks, tandem and batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)

CLASS III - Euclid type, off-highway equipment - back or belly dump trucks and double - hitched equipment straddle (Ross) carrier, lowbed trailers

FOOTNOTES:

a. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation, employees with five (5) years or more senority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays foe employees who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: SC76-1067 DATE: Date of Publication
Supersedes Decision No.: SC75-1021 dated February 21, 1975 in 40 FR-7859
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Charleston, Berkeley, & Dorchester

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning	4.50				
Bricklayers	6.00				
Carpenters	5.00				
Carpet layers	5.48				
Cement masons	5.50				
Drywall finishers	5.00				
Drywall hangers	4.50				
Electricians	5.14				
Form setters	4.00				
Insulation Installers	3.60				
Ironworkers	3.88				
Laborers:					
Laborers	2.77				
Mason tenders	3.25				
Painters	3.50				
Paperhanger	5.00				
Plumbers	6.00				
Roofers	5 0				
Sheet metal workers	4.60				
Soft floor layers	4.00				
Tile setters	5.25				
Truck drivers	2.77				
Power Equipment Operators:					
Asphalt finishers	2.95				
Asphalt paving machine	4.63				
Backhoe	3.75				
Bulldozers	3.75				
Forklift	3.75				
Grader	3.75				
Loaders	3.75				
Mechanic	3.40				
Pan operator	3.75				
Cranes	4.10				
Tractor operator	3.75				
Trenching machine	3.75				

SUPERSEDEAS DECISION

STATE: Wyoming

COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY76-5049

DATE: Date of Publication

Supersedes Decision No. WY76-5018 dated February 20, 1976, in 41 FR 7928

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS; Stonemasons:					
Goshen, Laramie and Platte Cos.	9.00		.20		
Converse, Natrona & Niobrara Counties	9.00				
CARPENTERS:					
Carpenters	8.25	.35	.30	.20	.10
Piledrivermen	8.50	.35	.30	.20	.10
CEMENT MASONS:					
Cement Masons	8.55	.50			.05
Working with composition material; Scaffold, swing stage or temporary platform over 8' high; Operator of power machines	8.80	.50			.05
Working on scaffold, swing stage or temporary platform over 20' high	9.95	.50			.05
ELECTRICIANS:					
Goshen,, Laramie, Niobrara and Platte Counties					
Electricians	10.00	.42	1%+.25		3/4 of 1%
Cable Splicers	10.25	.42	1%+.25		3/4 of 1%
Converse and Natrona Counties					
Electricians	9.04	.42	1% + .25		4/10%
ELEVATOR CONSTRUCTORS	9.81	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	9.15	.55	.85		.25
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona & Niobrara Counties	8.50				
MILLWRIGHTS	9.48	.68	.75	6%	.06
PAINTERS:					
Converse, Natrona & Niobrara Counties					
Painters, Brush & Roll; Hardwood Finishers; Sandblast Pot Tenders	7.95	.50			.05

DECISION NO. WY76-5049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Painters; Spray; Swing stage & Chair; Sandblast (exterior); Hazardous Work	$ 8.70	.50			.05
Paperhanging; Drywall Finishers-Hand	8.20	.50			.05
Sandblast (interior); Steeplejack	9.39	.50			.05
Goshen, Laramie and Platte Cos.					
Painters, Brush	5.00				
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Cos.					
Zone 1 (10 miles radius from Cheyenne P. O.)	7.59	$ 1.00	.50	.35	.18
Zone 2 (10 miles radius beyond Zone 1)	8.34	1.00	.50	.35	.18
Zone 3 (15 miles radius beyond Zone 2)	9.11	1.00	.50	.35	.18
Zone 4 (Jurisdiction beyond Zone 3)	10.18	1.00	.50	.35	.18
Zone 5 (Footnote "b")					
General Contracts $700,000.00 or less	7.59	1.00	.50	.35	.18
General Contracts over $700,000.00	8.09	1.00	.50	.35	.18
PLUMBERS; Steamfitters:					
Converse, Natrona & Niobrara Cos.					
Zone 1 (10 miles radius from P. O. in Casper)	8.86	.60	.75	$1.00	.10
Zone 2 (10 miles radius beyond Zone 1)	9.36	.60	.75	1.00	.10
Zone 3 (20 miles radius beyond Zone 2)	9.86	.60	.75	1.00	.10
Zone 4 (40 miles beyond Zone 3)	10.71	.60	.75	1.00	.10
Zone 5 (Jurisdiction beyond Zone 4)	11.21	.60	.75	1.00	.10
ROOFERS	8.65				
SHEET METAL WORKERS:					
Converse, Natrona & Niobrara Cos.	8.51	.37	.70		.05
Goshen, Laramie and Platte Cos.	9.41	.37	.10		.02
SPRINKLER FITTERS	10.30	.50	.80		.08

WELDER; RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.

DECISION NO. WY76-5049

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within a 5 mile radius from the Post Office of each of the above Cities.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. WY76-5049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING CONSTRUCTION)					
Group 1:	$ 5.80	.33	.20		.05
Group 2:	6.02	.33	.20		.05
Group 3:	6.08	.33	.20		.05
Group 4:	6.30	.33	.20		.05
Group 5:	6.30	.33	.20		.05
Group 6:	6.55	.33	.20		.05
Group 7:	6.39	.33	.20		.05
Group 8:	6.28	.33	.20		.05
Group 9:	6.12	.33	.20		.05
LABORERS (HEAVY CONSTRUCTION)					
Group 1 :	$ 4.36				
Group 2 :	4.46				
Group 3 :	4.61				
Group 4 :	4.86				
Group 5 :	4.84				
Group 5A:	4.68				
Group 5B:	5.11				
Group 5C:	4.95				
HEAVY CONSTRUCTION					
Carpenters	6.46				
Cement Masons	6.45				
Ironworkers, structural	6.21				
Ironworkers, reinforcing	4.91				
Painters, brush and spray	6.63				

LABORERS (Building Construction)

Group 1: Axeman and hand faller; Concrete worker(wet or dry)(curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Riprap man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage lif belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

LABORERS (Heavy Construction)

Group 1: Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer(including the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right-of-way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker

Group 4: Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work: Brakeman; Swamper; Vibrator man

Group 5A: Bull gang; Dumpman; Mucker; Trackman

Group 5B: Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers

Group 5C: Chucktender; Topman; Toplander

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.11	.25	.35		.02
Group 2	6.16	.25	.35		.02
Group 3	6.21	.25	.35		.02
Group 4	6.25	.25	.35		.02
Group 5	6.28	.25	.35		.02
Group 6	6.33	.25	.35		.02
Group 7	6.37	.25	.35		.02
Group 8	6.39	.25	.35		.02
Group 9	6.50	.25	.35		.02
Group 10	6.56	.25	.35		.02
Group 11	6.58	.25	.35		.02
Group 12	6.76	.25	.35		.02
Group 13	6.80	.25	.35		.02
Group 14	6.87	.25	.35		.02
Group 15	6.93	.25	.35		.02
Group 16	7.10	.25	.35		.02
Group 17	7.44	.25	.35		.02

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helpers; Crusher Oiler; Oiler, Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (Welder or Heavy Duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (Farm, Crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1-1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or plant operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1-1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3-1/2 yards, all attachments;

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include disking, pulling or rollers, and similar unskilled actions), Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman, Mechanics, Machine Doctors, Welders and Helpers; Heavy duty mechanic machine doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, All Truck Mounted Cranes, (manufacturer's rating) 3-1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

HEAVY CONSTRUCTION

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1 DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$ 5.73				
GROUP 2 FIELD MECHANICS	5.68				
GROUP 3 DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	5.68				
GROUP 4 DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	5.58				
GROUP 5 DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	5.48				
GROUP 6 DUMP (Water level capacity box), 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	5.48				
GROUP 7 LOWBOY and Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	5.24				
GROUP 8 HELPERS - FIELD (Welders, Mechanics etc.)	5.18				
GROUP 9 OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	....				

HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	$ 5.08				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals., Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.98				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.88				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck; Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service; Greasemen, Tiremen, Servicemen and helpers	4.73				
GROUP 14 PILOT CAR DRIVERS; Pick-up	4.68				

[FR Doc.76-15337 Filed 5-27-76;8:45 am]

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HERBERT HOOVER

1929 ..... $13.30

HARRY S. TRUMAN

1945 ..... $11.75
1946 ..... $10.80
1947 ..... $11.15
1948 ..... $15.95
1949 ..... $11.80
1950 ..... $13.85
1951 ..... $12.65
1952–53 ..... $18.45

DWIGHT D. EISENHOWER

1953 ..... $14.60
1954 ..... $17.20
1955 ..... $14.50
1956 ..... $17.30
1957 ..... $14.50
1958 ..... $14.70
1959 ..... $14.95
1960–61 ..... $16.85

JOHN F. KENNEDY

1961 ..... $14.35
1962 ..... $15.55
1963 ..... $15.35

LYNDON B. JOHNSON

1963–64 (Book I) $15.00
1963–64 (Book II) $15.25
1965 (Book I) $12.25
1965 (Book II) $12.35
1966 (Book I) $13.30
1966 (Book II) $14.35
1967 (Book I) $12.85
1967 (Book II) $11.60
1968–69 (Book I) $14.05
1968–69 (Book II) $12.80

RICHARD NIXON

1969 ..... $17.15
1970 ..... $18.30
1971 ..... $18.85
1972 ..... $18.55
1973 ..... $16.50
1974 ..... $12.30

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402