

# federal register

FRIDAY, OCTOBER 1, 1976



## highlights

### PART I:

#### PRIVACY ACT

OFR lists agencies fulfilling annual publication requirement.....

viii

#### INFLATION IMPACT STATEMENTS

OFR announces revised guidelines for publication in the Federal Register of documents that implement the Program.....

43476

#### COUNTRY MUSIC MONTH

Presidential proclamation.....

43381

#### ADJUSTMENT OF COST OF LIVING ALLOWANCES AND POST DIFFERENTIALS FOR FEDERAL EMPLOYEES

Executive order.....

43383

#### CHILD SUPPORT ENFORCEMENT

HEW/CSEO issues proposal on audit and penalty; comments by 11-1-76.....

43414

HEW/SRS proposes penalty on State for failure to have an effective program; comments by 11-1-76.....

43420

#### SUPPLEMENTAL SECURITY INCOME

HEW/SSA solicits comments by 11-15-76 and expands good cause provisions for extension of time to request an appeal; effective 10-1-76.....

43399

#### HOME MORTGAGES IN DEFAULT

HUD/FHA issues notice of policy and implementation procedures regarding acceptance of assignment.....

43431

#### WATER POLLUTION

EPA extends comment period to 10-31-76 on interim rule establishing photographic point source category....

43409

#### NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

FCC extends time to file comments to 11-15-76 on proposed changes relating to assignment and operation.....

43422

CONTINUED INSIDE



## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

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
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	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 program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

**ATTENTION:** For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Copies of documents.....	523-5215
Corrections .....	523-5286
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
Public Briefings: "How To Use the Federal Register.".....	523-5282
Code of Federal Regulations (CFR).....	523-5266
Finding Aids.....	523-5227

### PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.....	523-5233
Weekly Compilation of Presidential Documents.....	523-5235
Public Papers of the Presidents.....	523-5235
Index .....	523-5235

### PUBLIC LAWS:

Public Law dates and numbers.....	523-5237
Slip Laws.....	523-5237
U.S. Statutes at Large.....	523-5237
Index .....	523-5237
U.S. Government Manual.....	523-5230
Automation.....	523-5240
Special Projects.....	523-5240

## HIGHLIGHTS—Continued

### FROZEN HASH BROWN POTATOES

USDA/AMS establishes new U.S. standards for grades; effective 11-15-76..... 43385

### SURETY BOND GUARANTEE

SBA amends policy and application procedures; effective 10-1-76..... 43409

### NEW ANIMAL DRUGS

HEW/FDA approves supplemental application for safe and effective use of disophenol sodium injection for treating hookworm infections in dogs and cats; effective 10-1-76..... 43400

### MANDATORY PETROLEUM PRICE REGULATIONS

FEA issues technical amendments to certification requirements for crude oil producers; effective 9-1-76..... 43393

### RADIOLOGICAL HEALTH

HEW/FDA repropose procedures for exemptions from electronic product performance standards; comments by 11-30-76..... 43412

### SAVINGS AND LOAN ASSOCIATIONS

FHLBB amends flood disaster regulations; effective 10-4-76..... 43395

### FREEDOM OF INFORMATION

USDA issues regulations on public availability; effective 10-1-76..... 43392

### NONFOOD ASSISTANCE PROGRAM

USDA/FNS announces initial apportionment of funds for period 7-1 thru 9-30-76..... 43388

### BUSINESS AND INDUSTRIAL LOANS

USDA/FmHA adopts miscellaneous amendments; effective 10-1-76..... 43390

### BIOLOGICS

HEW/FDA permits use of alternative monkey kidney tissue culture for safe testing of vaccines; effective 10-1-76..... 43400

### NON-NUCLEAR ENERGY-RELATED INVENTIONS

Commerce/NBS promulgates procedures for evaluation; effective 11-1-76..... 43396

### ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Telecommunications Policy Office announces availability of report on closed meeting..... 43477

### PAROLE DECISIONS

Justice/Parole Commission publishes index and announces availability..... 43424

### MEETINGS—

Administrative Conference of the United States:  
 Judicial Review Committee, 10-18-76..... 43438  
 Commerce/NOAA: Caribbean Regional Fishery Management Council, 10-21 and 10-22-76..... 43428  
 Coastal Zone Management Advisory Committee, 10-20 and 10-21-76..... 43429  
 PTO: Patent and Trademark Office Advisory Committee, 10-25-76..... 43430  
 CRC: California Advisory Committee, 10-20, 10-21 and 10-22-76 (2 docs.)..... 43476, 43477



## HIGHLIGHTS—Continued

HEW/OE: Community Education Advisory Council, 10-19 and 10-20-76.....	43430
NASA: Research and Technology Advisory Council; Panel on Aviation Safety and Operating Systems, 10-20 and 10-21-76.....	43475
NSF: Advisory Panel for Psychobiology, 10-20 and 10-21-76.....	43476
Privacy Protection Study Commission, 10-20 thru 10-22-76.....	43477
SBA: SBIC National Advisory Council, 10-13-76.....	43484
SEC: National Market Advisory Board, 10-18 and 10-19-76.....	43482
State: Advisory Committee on International Intellectual Property, 11-4-76.....	43423
<b>CANCELLED MEETING—</b>	
SEC: National Market Advisory Board, 10-6 thru 10-8-76.....	43482
<b>MEETING CHANGED—</b>	
Commerce/NOAA: Mid-Atlantic Regional Fishery Management Council, 10-19 thru 10-21-76.....	43429
HEW/FDA: Vitamin, Mineral, and Hematinic Drug Products Review Panel, 10-17 and 10-18-76.....	43430

## PART II:

### COAL MINE SAFETY

Interior/MESA promulgates mandatory standards for underground illumination; effective 10-1-76.....	43531
--	-------

## PART III:

### ADP PROCUREMENT

GSA updates and regroups contracting policies applicable to equipment, software, maintenance services and supplies (2 documents); effective 11-30-76.....	43537
---	-------

## PART IV:

### MARINE MAMMALS

Commerce/NOAA adopts expedited hearing procedures for considering regulations on taking incidental to yellow fin tuna purse seining operations; effective 10-1-76.....	43549
--	-------

## PART V:

### MINIMUM WAGES

Labor/ESA issues index and general wage determinations for Federal and federally assisted construction (2 documents).....	43553
---	-------

# contents

## THE PRESIDENT

<b>Executive Orders</b>	
Cost of living allowances and post differentials for Federal employees; adjustment.....	43383
<b>Proclamations</b>	
Country Music Month.....	43381

## EXECUTIVE AGENCIES

### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

<b>Notices</b>	
Meetings:	
Judicial Review Committee.....	43438

### AGRICULTURAL MARKETING SERVICE

<b>Rules</b>	
Lemons grown in Calif. and Ariz.....	43389
Milk marketing orders:	
Chicago.....	43390
Pears (Beurre D'Anjou, Beurre Bosc, etc.) grown in Calif., Oreg., and Wash.....	43389
Potatoes, hash brown (frozen); grade standards.....	43385

### AGRICULTURE DEPARTMENT

<i>See also Agricultural Marketing Service; Farmers Home Administration; Food and Nutrition Service; Forest Service; Rural Electrification Administration.</i>	
<b>Rules</b>	
General Sales Manager's Office, freedom of information.....	43392

## AIR FORCE DEPARTMENT

<b>Notices</b>	
Draft environmental statements; public hearing (2 documents).....	43498

## ARMY DEPARTMENT

<b>Notices</b>	
Lands, transfer of jurisdiction; joint order with Agriculture Department:	
Headwaters Reservoirs, Mississippi River, Minn. and Remer Administrative Site, Chipewewa National Forest.....	43500

### BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

<b>Notices</b>	
Procurement list 1976; additions (2 documents).....	43441

### CHILD SUPPORT ENFORCEMENT OFFICE

<b>Proposed Rules</b>	
Audit and penalty requirements.....	43414

### CIVIL AERONAUTICS BOARD

<b>Rules</b>	
Charters:	
Advance booking; correction.....	43396
<b>Notices</b>	
Hearings, etc.:	
American Airlines, Inc., et al. (2 documents).....	43438
Societe Anonyme Belge D'Exploration De La Navigation Aeriennne.....	43438

Sole Source Supplier Joint Negotiating and Purchasing Committee.....	43438
--	-------

## CIVIL RIGHTS COMMISSION

<b>Notices</b>	
Meetings:	
California State Advisory Committee (2 documents).....	43476, 43477

## CIVIL SERVICE COMMISSION

<b>Rules</b>	
Excepted service:	
Agriculture Department.....	43385
<b>Notices</b>	
Noncareer executive assignments: Health, Education, and Welfare Department.....	43439
Justice Department.....	43439

## COMMERCE DEPARTMENT

*See National Bureau of Standards; National Oceanic and Atmospheric Administration; Patent and Trademark Office.*

## DEFENSE DEPARTMENT

*See Air Force Department; Army Department.*

## DRUG ENFORCEMENT ADMINISTRATION

<b>Rules</b>	
Schedules of controlled substances: Dextrophan and nalbuphine; removal from schedules.....	43401
<b>Notices</b>	
Registrations, actions affecting: Lynnfield Drug, Inc., hearing.....	43424



# CONTENTS

## EDUCATION OFFICE

### Notices

#### Meetings:

Community Education Advisory Council 43430

## EMPLOYMENT AND TRAINING ADMINISTRATION

### Notices

Employment transfer and business competition determinations; financial assistance applications 43484

## EMPLOYMENT STANDARDS ADMINISTRATION

### Notices

Index to general wage determination decisions and modifications 43652

Minimum wages for Federal and federally assisted construction 43554

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### Notices

Environmental statement: Commercially-generated radioactive wastes; management 43446

## ENVIRONMENTAL PROTECTION AGENCY

### Rules

Air quality implementation plans; various States, etc.: 43406

Iowa 43406

New Jersey 43408

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.: 43408

Difenoquat 43408

Water pollution; effluent guidelines for certain point source categories: 43409

Photographic processing; extension of comment time 43409

### Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.: 43421

5 - Ethoxy - 3 - trichloromethyl-1,2,4-thiadiazole 43421

Air quality implementation plans; various States, etc.: 43421

Virgin Islands 43421

### Notices

Pesticides, specific exemptions and experimental use permits: 43444

Louisiana 43444

U.S. Army 43445

U.S. Department of Agriculture 43445

## ENVIRONMENTAL QUALITY COUNCIL

### Notices

Environmental impact statements; availability 43442

## FARMERS HOME ADMINISTRATION

### Rules

Business and industrial loans, guaranteed: 43390

Lenders, applications, liquidation, and transfer; requirement and eligibility changes 43390

## FEDERAL COMMUNICATIONS COMMISSION

### Proposed Rules

#### Radio broadcast services:

FM broadcast stations, non-commercial educational; extension of time 43422

### Notices

International record carriers; scope of operations in continental U.S. 43448

## FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

### Notices

Contract sanctions: Honeywell, Inc. 43487

## FEDERAL ENERGY ADMINISTRATION

### Rules

Petroleum price regulations, mandatory: 43393

Crude oil, domestic; clarification 43393

### Notices

Appeals and applications for exceptions, etc.; cases filed with Exceptions and Appeals Office (4 documents) 43453-43457

## FEDERAL HIGHWAY ADMINISTRATION

### Notices

Highway needs study to solve energy problems; public hearings; correction 43438

## FEDERAL HOME LOAN BANK BOARD

### Rules

Federal savings and loans; Flood disaster protection; certain loan exemptions; bank members; operations 43395

Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Notices: Applications, etc.: City Federal Savings and Loan Association, San Francisco, Calif 43498

Flood Insurance Program, National: Areas eligible for sale of insurance 43402

Cities Service Gas Co. 43460

Columbia Gas Transmission Corp. (2 documents) 43460

Consolidated Natural Gas Co. 43460

Distrigas Corp. 43460

Duke Power Co. 43460

Eastern Shore Natural Gas Co. (4 documents) 43461

Florida Gas Transmission Co. 43462

Gulf States Utilities Co. 43462

Hobbs, James Edwin 43462

Inter-City Minnesota Pipelines Ltd., Inc. 43463

Iowa Electric Light and Power Co. 43463

McCulloch Interstate Gas Corp. 43463

Messena, N.Y., et al. 43469

Michigan Pipe Line Co. 43463

Natural Gas Pipeline Co. of America 43464

Nevada Power Co. 43465

Northern Natural Gas Co. 43465

Pacific Power & Light Co. (2 documents) 43465, 43466

Rocky Mountain Natural Gas Co., Inc. 43466

South Texas Natural Gas Gathering Co. 43467

Southern Natural Gas Co. 43467

Southwestern Public Service Co. 43467

Tennessee Gas Pipeline Co. 43468

Tennessee Gas Pipeline Co. and Consolidated Gas Supply Corp. 43468

Transcontinental Gas Pipe Line Corp. 43469

Washington Natural Gas Co. 43469

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

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Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459

Wilson, Charles B. 43459



# CONTENTS

Biological products:  
Virus vaccines, safety testing;  
monkey kidney tissue culture. 43400

## Proposed Rules

Radiological health:  
Electronic products; performance standards. 43412

## Notices

Medical devices:  
Performance standards activities; correction. 43430

Meetings:  
Vitamin, Mineral, and Hematinic Drug Products Review Panel. 43430

## FOOD AND NUTRITION SERVICE

### Rules

Nonfood assistance program:  
Funds, initial State apportionment for 1976 FY. 43388

## FOREST SERVICE

### Notices

Environmental statements; availability, etc.:  
Deer Island, Unit Management Plan, Alaska. 43428

Lands, transfer of jurisdiction; joint order with Army Department:  
Headwaters Reservoirs, Mississippi River, Minn. and Remer Administrative Site, Chipewewa National Forest; cross reference. 43428

## GENERAL SERVICES ADMINISTRATION

See also Federal Register Office.

### Rules

Procurement; Government-wide automated data processing equipment, software, maintenance services, and supplies. 43538

Property management; Government-wide automated data management services. 43546

## HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Child Support Enforcement Office; Education Office; Food and Drug Administration; Health Services Administration; Social and Rehabilitation Service; Social Security Administration.

### Notices

Contract awards:  
Syracuse University; research on disability insurance applications. 43431

## HEALTH SERVICES ADMINISTRATION

### Notices

Professional Standards Review Organizations; nominations, designations, etc.:  
Texas. 43430

## HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

### Notices

Applications, etc.:  
B & E Coal Co. 43425

B. and Z. Coal Co. 43425  
Kay Bob Coal Co. 43425  
Little and Mullins Coal Co. 43426  
Preece Coal Co., Inc. 43426  
Skyview Mining, Inc. 43427

## HOUSING AND URBAN DEVELOPMENT OFFICE

See also Federal Insurance Administration.

### Notices

Home mortgages in default; acceptance of assignment. 43431

## IMMIGRATION AND NATURALIZATION SERVICE

### Rules

Nationality regulations:  
Citizenship certificates. 43393

## INTERIOR DEPARTMENT

See also Hearings and Appeals Office; Land Management Bureau; Mining Enforcement and Safety Administration; Reclamation Bureau.

### Notices

Meetings:  
Federal Metal and Nonmetal Mine Safety Advisory Committee. 43427

## INTERNATIONAL TRADE COMMISSION

### Notices

Import investigations:  
Chicory root, crude and prepared. 43474  
Sugar. 43474

## INTERSTATE COMMERCE COMMISSION

### Notices

Motor carriers:  
Temporary authority applications. 43500

## JUSTICE DEPARTMENT

See Drug Enforcement Administration; Immigration and Naturalization Service; Parole Commission.

## LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Federal Contract Compliance Programs Office; Occupational Safety and Health Administration; Wage and Hour Division.

### Notices

Adjustment assistance:  
Alcan Western Products. 43488  
Bethlehem Steel Corp. 43488  
C. M. Gray-Premier Marble Corp. 43490  
Central Screw Co. 43489  
Continental Screw Co. 43490  
Dole Co. 43491  
Enzel-Arthur Richards Manufacturing Corp. 43491  
Evans-Aristocrat Industries, Inc. 43492  
F. Mezzzio & Co., Inc. 43493  
General Electric Co. 43493  
International Shoe Co. 43493

Krasno Brothers Gloves & Mittens Co., Inc. 43494  
Leverenz Shoe Co. 43494  
Maremont Corp. 43494  
Milwaukee Glove Co. 43495  
Mohawk Data Sciences. 43495  
Morehouse Garment Corp. 43495  
Nunn Busch Shoe Co. 43496  
Oomphies, Inc. 43496  
Paris Shoe Co., Inc. 43497  
Phelps Cooperative Society. 43497  
Star Metal Products Co., Inc. 43497  
Wilbar's Inc. 43498

## LAND MANAGEMENT BUREAU

### Proposed Rules

Withdrawals, restorations, and relocations; intention to relinquish. 43411

## MANAGEMENT AND BUDGET OFFICE

### Notices

Clearance of reports; list of requests. 43477

## MANPOWER POLICY, NATIONAL COMMISSION FOR

### Notices

Meeting. 43475

## MINING ENFORCEMENT AND SAFETY ADMINISTRATION

### Rules

Coal mine health and safety:  
Illumination standards for working places. 43531

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Notices

Environmental impact statements, availability:  
Space shuttle solid rocket motor design, development, test and evaluation program. 43474

### Meetings:

Research and Technology Advisory Council, Panel on Aviation Safety and Operating Systems. 43475

## NATIONAL BUREAU OF STANDARDS

### Rules

Inventions, energy-related; procedures for evaluating. 43396

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

### Rules

Marine mammals; incidental taking in course of commercial fishing operations; interim regulations. 43549

### Notices

Marine mammal permit applications, etc.:  
Kings Productions, Taft Broadcasting Co., withdrawal. 43429  
Oklahoma City Zoo, Okla. 43429

### Meetings:

Caribbean Regional Fishery Management Council. 43428  
Coastal Zone Management Advisory Committee. 43429  
Mid-Atlantic Regional Fishery Management Council; location change. 43429



## CONTENTS

### NATIONAL SCIENCE FOUNDATION

#### Notices

#### Meetings:

Psychobiology Advisory Panel... 43476

### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

#### Rules

State plans for enforcement of standards:

Alaska ..... 43405

California ..... 43404

Virgin Islands ..... 43406

#### Proposed Rules

State plans; development, enforcement, etc.:

Virgin Islands ..... 43411

#### Notices

State plans; development, enforcement, etc.:

Oregon (4 documents) ..... 43485-

43486

### PAROLE COMMISSION

#### Notices

Index to decisions; public reading room ..... 43424

### PATENT AND TRADEMARK OFFICE

#### Notices

#### Meetings:

Patent and Trademark Advisory Committee ..... 43430

### PRIVACY PROTECTION STUDY COMMISSION

#### Notices

Meetings ..... 43477

### RECLAMATION BUREAU

#### Notices

Environmental statements; availability, etc.:

Dallas Creek Project, Colo. .... 43424

### RURAL ELECTRIFICATION ADMINISTRATION

#### Notices

Environmental statements; availability, etc.:

Arizona Electric Power Cooperative, Inc. .... 43428

### SECURITIES AND EXCHANGE COMMISSION

#### Rules

#### Securities Act:

Real estate limited partnerships, interests ..... 43398

#### Notices

#### Meetings:

National Market Advisory Board ..... 43482

Self-regulatory organizations; proposed rule changes:

American Stock Exchange, Inc. .... 43478

Midwest Stock Exchange, Inc. .... 43481

National Association of Securities Dealers, Inc. .... 43481

TAD Depository Corp. .... 43483

#### Hearings, etc.:

Arkansas Power & Light Co. .... 43479

Eastern Utilities Associates, et al ..... 43480

Louisiana Power and Light Co. .... 43480

National Bank of North America ..... 43483

Northeast Utilities, et al ..... 43483

### SMALL BUSINESS ADMINISTRATION

#### Rules

#### Surety bond guarantee:

Application procedures and policy ..... 43409

#### Notices

#### Meetings:

SBIC National Advisory Council ..... 43484

### SOCIAL AND REHABILITATION SERVICE

#### Proposed Rules

#### Public assistance programs:

Child support enforcement; penalty for failure to have effective program ..... 43420

### SOCIAL SECURITY ADMINISTRATION

#### Rules

Aged, blind, and disabled; supplemental security income for: Appeals; time period for requesting, good cause extensions ..... 43399

### STATE DEPARTMENT

#### Notices

#### Meetings:

International Intellectual Property Advisory Committee ..... 43423

### TELECOMMUNICATIONS POLICY OFFICE

#### Notices

#### Meetings:

Electromagnetic Radiation Management Advisory Council ..... 43477

### TEXTILE AGREEMENTS, IMPLEMENTATION COMMITTEE

#### Notices

#### Cotton textiles:

Malaysia ..... 43440

Cotton, wool and man-made textiles:

Republic of Korea ..... 43440

### TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

#### Notices

Alloy tool steel quantitative limitations; modifications ..... 43484

### TRANSPORTATION DEPARTMENT

See Federal Highway Administration.

### TREASURY DEPARTMENT

See Fiscal Service.

### WAGE AND HOUR DIVISION

#### Rules

Puerto Rico; wage orders; certain industries:

Agriculture ..... 43403

Employment, newly covered, other than government service ..... 43403

## "THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the  
Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: JANET SOREY, 523-5282



# PRIVACY ACT OF 1974

## ANNUAL PUBLICATION OF SYSTEMS OF RECORDS

This listing identifies those agencies that have submitted documents to the Office of the Federal Register in compliance with the annual publication requirements of 5 U.S.C. 552a(e) (4). The date of publication and page citation follow each agency.

Agency	Publication Date	Page
Administrative Conference of the United States	9-16-76	40040
Agency for International Development	9-13-76	38900
Agriculture Department	9-14-76	39196
American Battle Monuments Commission	9-16-76	40043
Central Intelligence Agency	9- 7-76	37692
Civil Aeronautics Board	9-17-76	40418
Civil Service Commission	9-24-76	42158
Commerce Department	9-13-76	38950
Committee for Purchase from Blind and Other Severely Handicapped	9-22-76	41526
Commodity Futures Trading Commission	9-14-76	39152
Community Services Administration	9-15-76	39684
Consumer Product Safety Commission	9- 2-76	37292
*Defense Department		
Environmental Protection Agency	9-15-76	39689
Equal Employment Opportunity Commission	9-24-76	42170
Farm Credit Administration	9-15-76	39693
Federal Communications Commission	9-22-76	41528
Federal Deposit Insurance Corporation	9-17-76	40424
Federal Energy Administration	9-16-76	40076
Federal Home Loan Bank Board	9-14-76	39168
Federal Paperwork Commission	9-22-76	41524
Federal Power Commission	9-13-76	38932
Federal Reserve System	9-15-76	39702
Federal Trade Commission	9-15-76	39711
General Services Administration	9- 8-76	38088
Correction	9-15-76	39389
Harry S. Truman Scholarship Foundation	8-27-76	36278
Health, Education, and Welfare Department	9-20-76	40707
Interior Department	9-21-76	41222
International Boundary and Water Commission—United States Section	8-25-76	36004
International Trade Commission	9-16-76	40045
Interstate Commerce Commission	9-17-76	40430
Justice Department	9-16-76	39916
Management and Budget Office	To be published 10-7-76	
Marine Mammal Commission	9-15-76	39731
National Aeronautics and Space Administration	9-13-76	38918
National Labor Relations Board	9-14-76	39184
National Study Commission on Records and Documents of Federal Officials	9-16-76	40048
Nuclear Regulatory Commission	9-27-76	42328
Panama Canal Zone	9-21-76	41358
Postal Rate Commission	8-31-76	36749
Postal Service	To be published 10-14-76	
President's Commission on Personnel Interchange	9-16-76	40050
President's Commission on White House Fellowships	To be published 10-5-76	
Privacy Protection Study Commission	9-17-76	40436
Railroad Retirement Board	9-16-76	40051
Securities and Exchange Commission	9-22-76	41550
Small Business Administration	9-22-76	41648
State Department	9-21-76	41330
Tennessee Valley Authority	9-17-76	40437
*Transportation Department	9-27-76	42228
United States Information Agency	9-23-76	41884
Veterans Administration	9- 7-76	37718

\*The Defense and Transportation Departments have submitted magnetic tapes containing the text of the agency's Systems of Records. The full printed text will appear in the *Privacy Act Issuances, 1976 Compilation*, that is being published by the Office of the Federal Register under § 3 of the Privacy Act.



# 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.

<b>3 CFR</b>		<b>13 CFR</b>		<b>30 CFR</b>	
PROCLAMATIONS:		115.....	43409	75.....	43532
4465.....	43381	<b>14 CFR</b>		<b>40 CFR</b>	
EXECUTIVE ORDERS:		371.....	43396	52 (2 documents).....	43406-43408
10000 (Amended by EO 11938).....	43383	<b>15 CFR</b>		180.....	43408
11938.....	43383	270.....	43396	459.....	43409
<b>5 CFR</b>		<b>17 CFR</b>		PROPOSED RULES:	
213.....	43385	231.....	43398	52.....	43421
<b>7 CFR</b>		<b>20 CFR</b>		180.....	43421
52.....	43385	416.....	43399	<b>41 CFR</b>	
230.....	43388	<b>21 CFR</b>		1-1.....	43538
910.....	43389	522.....	43400	1-4.....	43538
927.....	43389	630.....	43400	101-32.....	43546
1030.....	43390	1308.....	43401	<b>43 CFR</b>	
1980.....	43390	PROPOSED RULES:		PROPOSED RULES:	
2507.....	43392	1010.....	43412	2370.....	43411
<b>8 CFR</b>		<b>24 CFR</b>		<b>45 CFR</b>	
341.....	43393	1914.....	43402	PROPOSED RULES:	
<b>10 CFR</b>		<b>29 CFR</b>		205.....	43420
212.....	43393	701.....	43403	302.....	43414
<b>12 CFR</b>		727.....	43403	303.....	43414
523.....	43395	1952 (3 documents).....	43404-43406	305.....	43414
545.....	43395	PROPOSED RULES:		<b>47 CFR</b>	
563.....	43395	1952.....	43411	PROPOSED RULES:	
				73.....	43422
				<b>50 CFR</b>	
				216.....	43550

## FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	Date
43381-43704.....	Oct. 1



# 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

CASB—Cost of money; element of facilities cost..... 37091; 9-2-76  
 Final cost objectives; business unit general and administrative expenses allocation..... 27311; 7-2-76  
 Commerce/FMC—Filing of tariffs by common carriers by water in the foreign commerce of the U.S. and by conferences of such carriers; further postponement of effective date..... 32590; 8-4-76  
 DOT/CG—Anchorage regulations; Port of New York..... 36018; 8-26-76  
 Personal flotation devices; exceptions. 23951; 6-14-76  
 FAA—Airworthiness directive; Boeing. 36487; 8-30-76  
 Airworthiness directive; Dowty Rotol. 37093; 9-2-76  
 Airworthiness directive; Messerschmitt-Bolkow-Blohm (2 documents)..... 37094; 9-2-76  
 FHA—Certificate of qualification for drivers who are regularly employed by another carrier. 36656; 8-31-76  
 Commercial vehicles, all; automatic device for reducing front-wheel braking efforts.... 29130; 7-15-76  
 Federal-aid programs approval and authorization..... 8168; 2-25-76  
 Motor carrier regulations; photographic copies of records or documents..... 34968; 8-18-76

Parts and accessories necessary for safe operation; exemption from loading restrictions for other than front tires on special permit vehicles..... 36656; 8-31-76  
 FRA—Railroad safety and appliance standards; road and switching locomotives..... 37782; 9-8-76  
 MTB—Internal organization; miscellaneous amendments..... 39752; 9-16-76  
 EPA—Requests for information; confidentiality of business information..... 36902; 9-1-76  
 ERDA—Procurement instruments, solicitation and procurement request numbers; numbering requirements..... 26219; 6-25-76  
 GSA—Federal property management; U.S. Government national credit card. 17732; 4-28-76  
 HUD—Low income housing; review of applications for housing assistance; allocation of housing assistance funds. 35660; 8-23-76  
 ICC—Performance standards for the transportation of perishable commodities; investigation into need for defining personable dispatch.. 32594; 8-4-76  
 Perishable commodities; transportation performance standards..... 31824; 7-30-76  
 Interior—Motor equipment management; U.S. Government national credit card..... 26571; 6-28-76

BLM—Waiver of regulations for Cook Inlet Region, Inc..... 33267; 8-9-76  
 Justice—Procurement regulations. 32426; 8-3-76  
 NTSB—Fee schedule; public availability of information..... 39759; 9-16-76  
 SEC—Brokers and dealers effecting transactions in municipal securities; interpretative releases..... 23668; 6-11-76  
 State/AID—Extraordinary contractual actions; protection of foreign policy interests of the United States... 39320; 9-15-76  
 Treasury/AT&F—Distilled spirits; labeling and advertising; metric standards of fill..... 10217; 3-10-76  
 USDA/AMS—Milk marketing order; Ohio Valley..... 36806; 9-1-76  
 Milk marketing order; Tennessee Valley..... 36796; 9-1-76

## List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 327..... Pub. Law 94-422  
 To amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes (Sept. 28, 1976; 90 Stat. 1313)



# FEDERAL REGISTER

Table of Effective Dates and Time Periods—October 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month. All January dates are in 1977.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 18	November 1	November 15	November 30	December 30
October 4	October 19	November 3	November 18	December 3	January 3
October 5	October 20	November 4	November 19	December 6	January 3
October 6	October 21	November 5	November 22	December 6	January 4
October 7	October 22	November 8	November 22	December 6	January 5
October 8	October 26	November 8	November 22	December 7	January 6
October 12	October 27	November 11	November 26	December 13	January 10
October 13	October 28	November 12	November 29	December 13	January 11
October 14	October 29	November 15	November 29	December 13	January 12
October 15	November 1	November 15	November 29	December 14	January 13
October 18	November 2	November 17	December 2	December 17	January 17
October 19	November 3	November 18	December 3	December 20	January 17
October 20	November 4	November 19	December 6	December 20	January 18
October 21	November 5	November 22	December 6	December 20	January 19
October 22	November 8	November 22	December 6	December 21	January 20
October 26	November 10	November 26	December 10	December 27	January 24
October 27	November 11	November 26	December 13	December 27	January 25
October 28	November 12	November 29	December 13	December 27	January 26
October 29	November 15	November 29	December 13	December 28	January 26

## AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

### USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service  
 ARS—Agricultural Research Service  
 ASCS—Agricultural Stabilization and Conservation Service  
 APHIS—Animal and Plant Health Inspection Service  
 CCC—Commodity Credit Corporation  
 CEA—Commodity Exchange Authority  
 CSRS—Cooperative State Research Service  
 EMS—Export Marketing Service  
 ERS—Economic Research Service  
 FmHA—Farmers Home Administration  
 FCIC—Federal Crop Insurance Corporation  
 FAS—Foreign Agricultural Service

### FNS—Food and Nutrition Service

FS—Forest Service  
 PSA—Packers and Stockyards Administration  
 RDS—Rural Development Service  
 REA—Rural Electrification Administration  
 RTB—Rural Telephone Bank  
 SCS—Soil Conservation Service

### COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau  
 DIBA—Domestic and International Business Administration  
 EDA—Economic Development Administration  
 MA—Maritime Administration

### MBE—Minority Business Enterprise Office

NBS—National Bureau of Standards  
 NOAA—National Oceanic and Atmospheric Administration  
 NSA—National Shipping Authority  
 NTIS—National Technical Information Service  
 PTO—Patent and Trademark Office

### DOD—DEFENSE DEPARTMENT

AF—Air Force Department  
 Army—Army Department  
 DCPA—Defense Civil Preparedness Agency  
 DIA—Defense Intelligence Agency



# FEDERAL REGISTER

DSA—Defense Supply Agency  
Engineers—Engineers Corps  
Navy—Navy Department

## HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration  
CDC—Disease Control Center  
FDA—Food and Drug Administration  
HDO—Human Development Office  
HRA—Health Resources Administration  
HSA—Health Services Administration  
NIH—National Institutes of Health  
OE—Education Office  
PHS—Public Health Service  
RSA—Rehabilitation Services Administration  
SRS—Social and Rehabilitation Service  
SSA—Social Security Administration

## HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary  
CP&D—Community Planning and Development, Office of Assistant Secretary  
FDAA—Federal Disaster Assistance Administration  
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary  
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing  
FIA—Federal Insurance Administration  
GNMA—Government National Mortgage Association  
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary  
ILSRO—Interstate Land Sales Registration Office  
NCA—New Communities Administration  
NCDC—New Community Development Corporation

## INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration  
BIA—Indian Affairs Bureau  
BLM—Land Management Bureau  
FWS—Fish and Wildlife Service  
GS—Geological Survey  
MESA—Mining Enforcement and Safety Administration  
Mines—Mines Bureau  
NPS—National Park Service  
OHA—Hearings and Appeals Office  
O & G—Oil and Gas Office  
Reclamation—Reclamation Bureau

## JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration  
INS—Immigration and Naturalization Service  
LEAA—Law Enforcement Assistance Administration  
NIC—National Institute of Corrections

## LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau  
EBSO—Employee Benefits Security Office  
ESA—Employment Standards Administration  
ETA—Employment and Training Administration  
FCCPO—Federal Contract Compliance Programs Office  
LMSEO—Labor Management Standards Enforcement Office  
OSHA—Occupational Safety and Health Administration  
W&H—Wage and Hour Division

## STATE—STATE DEPARTMENT

AID—Agency for International Development  
PSGB—Foreign Service Grievance Board

## DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard  
FAA—Federal Aviation Administration  
FHWA—Federal Highway Administration  
FRA—Federal Railroad Administration  
HMOO—Hazardous Materials Operations Office  
MTB—Materials Transportation Bureau  
NHTSA—National Highway Traffic Safety Administration  
OHMO—Hazardous Materials Operations Office  
PSOO—Pipeline Safety Operations Office  
SLS—Saint Lawrence Seaway Development Corporation  
UMTA—Urban Mass Transportation Administration

## TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau  
Customs—Customs Service  
Comptroller—Comptroller of the Currency  
ESO—Economic Stabilization Office (temporary)  
FS—Fiscal Service  
IRS—Internal Revenue Service  
Mint—Mint Bureau  
RSO—Revenue Sharing Office

## INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board  
CASE—Cost Accounting Standards Board  
CEQ—Council on Environmental Quality  
CFTC—Commodity Futures Trading Commission  
CITA—Textile Agreements Implementation Committee  
CPSC—Consumer Product Safety Commission  
CRC—Civil Rights Commission

CSC—Civil Service Commission  
EEOC—Equal Employment Opportunity Commission  
EXIMBANK—Export-Import Bank of the U.S.  
EPA—Environmental Protection Agency  
ERDA—Energy Research and Development Administration  
FCC—Federal Communications Commission  
FCSC—Foreign Claims Settlement Commission  
FDIC—Federal Deposit Insurance Corporation  
FEA—Federal Energy Administration  
FHLBB—Federal Home Loan Bank Board  
FPC—Federal Power Commission  
FTC—Federal Trade Commission  
GSA—General Services Administration  
GSA/ADTS—Automated Data and Telecommunications Service  
GSA/FMPO—Federal Management Policy Office  
GSA/FPA—Federal Preparedness Agency  
GSA/FSS—Federal Supply Service  
GSA/NARS—National Archives and Records Service  
GSA/PBS—Public Buildings Service  
ICC—Interstate Commerce Commission  
ICP—Interim Compliance Panel (Coal Mine Health and Safety)  
LSC—Legal Services Corporation  
NASA—National Aeronautics and Space Administration  
NCUA—National Credit Union Administration  
NFAH/NEA—National Endowment for the Arts  
NFAH/NEH—National Endowment for the Humanities  
NLRB—National Labor Relations Board  
NRC—Nuclear Regulatory Commission  
NSF—National Science Foundation  
NTSB—National Transportation Safety Board  
OFR—Federal Register Office  
OMB—Management and Budget Office  
OPIC—Overseas Private Investment Corporation  
PADC—Pennsylvania Avenue Development Corporation  
PRC—Postal Rate Commission  
PS—Postal Service  
RB—Renegotiation Board  
RRB—Railroad Retirement Board  
SBA—Small Business Administration  
SEC—Securities and Exchange Commission  
TVA—Tennessee Valley Authority  
USIA—United States Information Agency  
VA—Veterans Administration  
WRC—Water Resources Council



# presidential documents

## Title 3—The President

PROCLAMATION 4465

### Country Music Month, 1976

*By the President of the United States of America*

#### A Proclamation

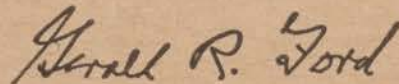
Country music is a descriptive and entertaining chronicle of American life. The melodies and lyrics of a country song are drawn from the very heart of America and its people.

The music reflects the joys and sorrows of daily life and it reminds us that truth, compassion and moral character should guide our actions and shape our beliefs.

Country music is the spirit of America in song. It has grown in popularity among a wide range of people in all walks of life. It is a uniquely American art form which will flourish as long as the story of our Nation is the story of common people. It is fitting that we pay tribute to the music, to the hundreds of talented people who perform it and to the millions more who enjoy it.

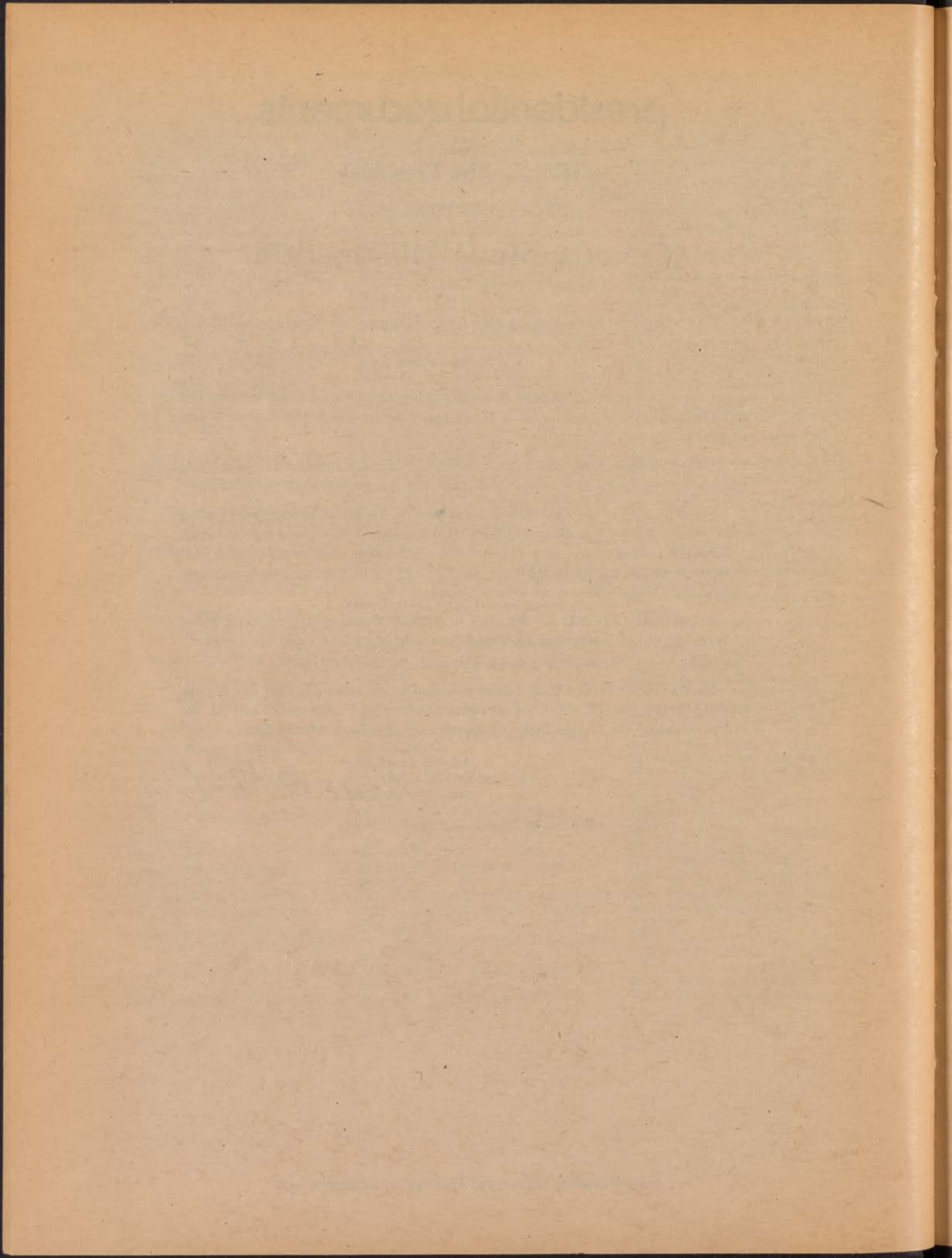
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, designate October 1976 as Country Music Month, and encourage all Americans to commemorate this designation with suitable observances.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of September, in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundred and first.



[FR Doc.76-29068 Filed 9-29-76;4:36 pm]







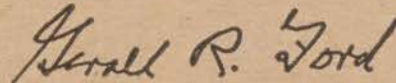
Executive Order 11938

September 29, 1976

**Relating to Adjustment of Cost of Living Allowances and Post Differentials**

By virtue of the authority vested in me by Section 5941 of Title 5 of the United States Code, and as President of the United States, in order to authorize the gradual reduction of allowances and differentials payable in nonforeign areas if the reduction is based on program or methodology revisions, Executive Order No. 10000 of September 16, 1948, as amended, is further amended by revising Section 210 to read as follows:

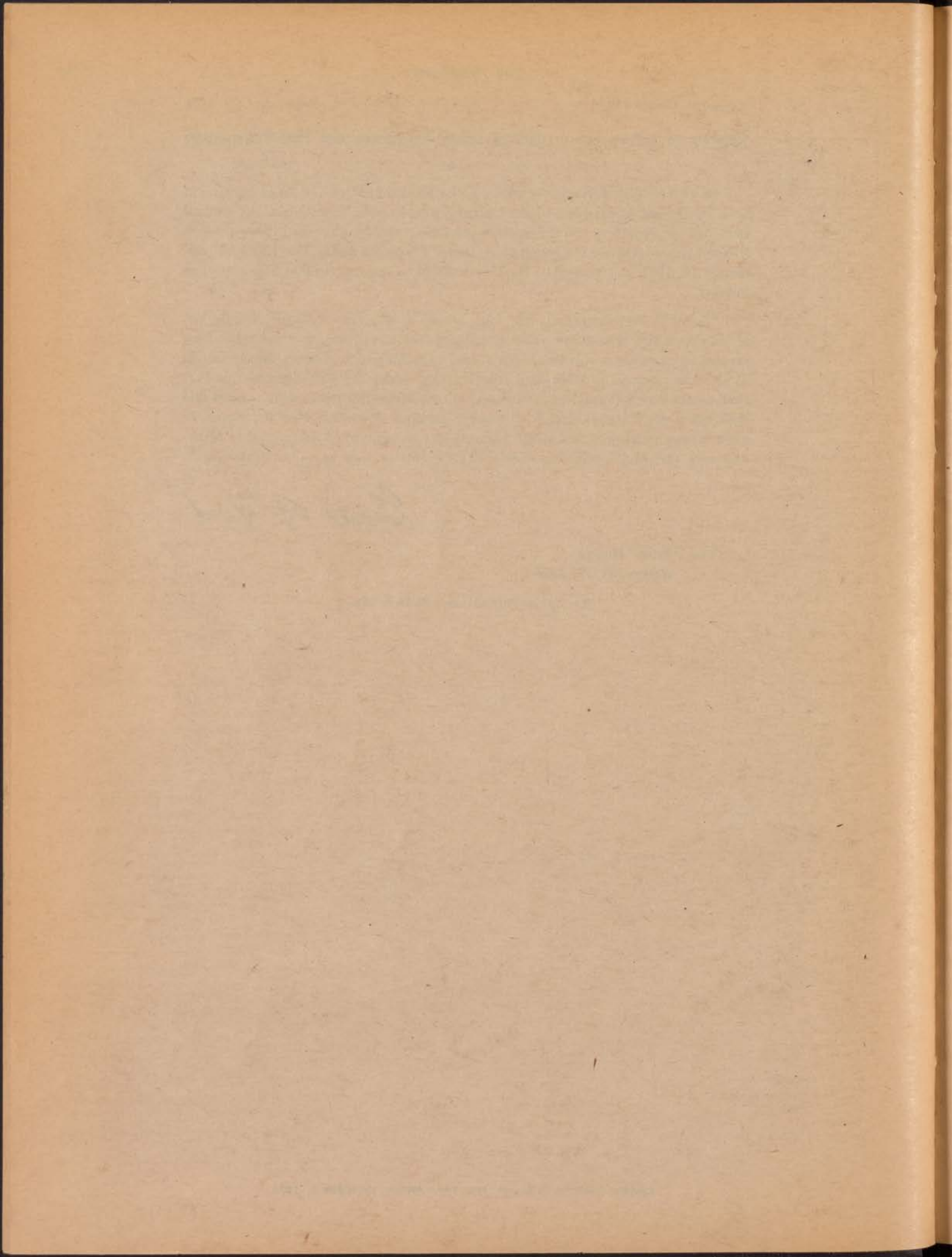
"Sec. 210. Periodic review. The Civil Service Commission shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to this Part, with a view to making such changes therein as will insure that payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified: *Provided*, That if program or methodology revisions would substantially reduce an established differential or allowance rate, then the rate of such additional compensation may be reduced gradually."



THE WHITE HOUSE,  
September 29, 1976.

[FR Doc.76-29069 Filed 9-29-76;4:38 pm]







# 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 1—General Provisions

### CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

#### CFR CHECKLIST

#### 1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	\$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0-45	5.80
46-51	3.80
52	5.70
53-209	5.50
210-699	6.20
700-749	3.80
750-899	1.70
900-944	3.90
945-980	2.70
981-999	2.40
1000-1059	4.00
1060-1119	4.50
1120-1199	2.80
1200-1499	4.50
1500-end	6.90
8	2.40
9	6.80
10 Parts:	
0-199	4.60
200-end	4.90
12 Parts:	
1-299	11.00
300-end	7.50
13	3.60
14 Parts:	
1-59	5.30
60-199	5.60
200-1199	6.20
1200-end	2.00
15	5.40
16 Parts:	
0-149	6.50
150-end	6.80
CFR Unit (Rev. as of April 1, 1976):	
17	\$6.00
18 Parts:	
1-149	4.85
150-end	4.10

Title	Price
19	\$5.65
20 Parts:	
1-399	2.45
400-end	7.50
21 Parts:	
1-9	2.60
10-199	5.20
200-299	2.10
300-499	*5.95
500-599	3.75
600-1299	2.75
1300-end	1.90
23	4.55
24 Parts:	
0-499	6.65
500-end	6.90
25	5.25
26 Parts:	
1 (\$§ 1.0-1-1.169)	5.95
1 (\$§ 1.170-1.300)	3.90
1 (\$§ 1.301-1.400)	3.30
1 (\$§ 1.401 to 1.500)	3.55
1 (\$§ 1.501-1.640)	4.05
1 (\$§ 1.641-1.850)	4.45
1 (\$§ 1.851-1.1200)	6.05
1 (\$§ 1.1201 to end)	6.95
2-29	4.05
30-39	3.45
40-299	5.40
300-499	3.60
600-end	2.20
27	7.70

CFR Unit (Rev. as of July 1, 1976):

Title	Price
28	\$3.10
29 Parts:	
1920-end	4.05
30	4.80
31	5.65
32 Parts:	
1-39 (V.I)	5.80
(V.II)	7.40
(V.III)	5.10
400-599	5.20
590-699	3.10
1000-1399	2.20
1400-1599	3.65
1600-end	1.95
32A	2.90
35	3.50
36	3.40
37	2.20
40 Parts:	
0-49	3.15
60-99	5.70
41 Chapters:	
7	1.85
8	1.80
10-17	4.15
19-100	3.55

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1975):

Title	Price
42	\$5.15
43 Parts:	
1-999	2.90
1000-end	7.10
44 [Reserved]	
45 Parts:	
1-99	3.25
100-199	6.80
200-499	3.55

Title	Price
500-end	\$4.90
46 Parts:	
1-29	2.20
30-40	2.15
41-69	4.40
70-89	2.05
90-109	1.95
110-139	1.90
140-149	7.50
150-165	3.75
166-199	2.60
200-end	6.50
47 Parts:	
0-19	4.25
20-69	5.25
70-79	4.60
80-end	5.60
48 [Reserved]	
49 Parts:	
1-99	1.85
100-199	6.80
200-999	5.90
1000-1199	3.55
1200-1299	7.65
1300-end	2.95
50	4.15

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

#### Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Deputy Under Secretary is excepted under Schedule C.

Effective on October 1, 1976, § 213.3313(c) (13) is added as set out below:

§ 213.3313 Department of Agriculture.

(c) Office of the Under Secretary. \* \* \*

(13) One Confidential Assistant to the Deputy Under Secretary.

(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. 76-28749 Filed 9-30-76; 8:45 am]

## Title 7—Agriculture

### CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

#### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

##### Subpart—United States Standards for Grades of Frozen Hash Brown Potatoes

A notice of proposed rulemaking to issue new United States Standards for



Grades of Frozen Hash Brown Potatoes (7 CFR 52.6401-52.6411) was published in the FEDERAL REGISTER of January 22, 1976 (41 FR 3309). Interested persons were allowed until March 31, 1976 to submit written comments in connection with the proposal.

This new grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

#### Statement of Considerations.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

There are, at present, no United States Standards for Grades of Frozen Hash Brown Potatoes.

A member of the potato processing industry requested that the Department develop U.S. standards for this type of product. Other government agencies have also made similar requests.

The USDA inspection service is frequently called upon to inspect this product. Since there are no standards for this product the certificate must be issued on a descriptive basis, where no grade is assigned, or optionally as meeting or failing a specification provided by the applicant. Development of U.S. standards would not only provide a more meaningful statement of quality level but may help control the proliferation of non-uniform specifications.

The USDA has had administrative guides, to aid in issuing uniform descriptive certificates, for this product in effect for several years. These standards draw heavily on the knowledge gained from application of these administrative guides.

Production of frozen hash brown potatoes has increased rapidly, almost doubling since 1968 to approximately two hundred million pounds annually. This dramatic increase points up the need for U.S. standards to facilitate orderly marketing of frozen hash brown potatoes.

Five comments were received on the proposal.

Two of the comments were from consumers, one supported the proposal as an aid to consumers and one opposed it because "we have enough Federal Regulations."

Two comments were received from other government agencies requesting changes of an editorial nature. Where feasible the changes have been adopted in these standards.

One comment was received from a food processor requesting the definition of shredded style be changed to allow loose frozen shredded hash browns to meet the style requirements since it is "possible to 'loose freeze' hash brown potatoes." The Department has no objection

to including loose frozen shredded hash brown potatoes as a style in these standards. However, we are not aware that such a product is on the market in sufficient quantities to justify including it in these standards at this time. In addition it would appear that loose frozen hash brown potatoes would be a somewhat more fragile product and may well require some maximum tolerance for allowable mechanical damage.

During the comment period on the proposal it was pointed out that a standard sample unit size of 340 grams (12 ounces) for shredded style frozen hash brown potatoes would be more appropriate, as this product is usually packed in 85 gram (3 ounce) and 170 gram (6 ounce) portions.

This change and other minor changes of an editorial nature have been incorporated in these standards.

The Department after consideration of the above comments and all other relevant material hereby adopts the U.S. Standards for Grades of Frozen Hash Brown Potatoes as proposed with minor changes as noted above. The standards shall become effective November 15, 1976.

#### Subpart—U.S. Standards for Grades of Frozen Hash Brown Potatoes

Sec.	
52.6401	Product description.
52.6402	Styles.
52.6403	Grades.
52.6404	Determining the grade.
52.6405	Determining the rating for the factors which are scored.
52.6406	Color.
52.6407	Defects.
52.6408	Texture.
52.6409	Methods of analyses.
52.6410	Determining the grade of a lot.
52.6411	Score sheet.

AUTHORITY: Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

#### Subpart—U.S. Standards for Grades of Frozen Hash Brown Potatoes

##### § 52.6401 Product description.

Frozen hash brown potatoes are prepared from mature, sound, white or Irish potatoes (*Solanum tuberosum*) that are washed, peeled, sorted and trimmed to assure a clean and wholesome product. The potatoes so prepared are blanched, may or may not be fried and are shredded or diced or chopped and frozen and stored at temperatures necessary for their preservation.

##### § 52.6402 Styles.

(a) *Shredded*. "Shredded" means potatoes cut into thin strips with cross-sectional dimensions from 1 mm by 2 mm to 4 mm by 6 mm and formed into a solid mass before freezing.

(b) *Diced*. "Diced" means potatoes cut into approximate cube shaped units from 6 mm to 15 mm on an edge and loose frozen and which contain not more than 90 grams, per sample unit, of units smaller than one-half the volume of the predominant size unit.

(c) *Chopped*. "Chopped" means potatoes random cut into pieces predominantly less than 32 mm in their greatest dimension and loose frozen.

##### § 52.6403 Grades.

(a) "U.S. Grade A" is the quality of frozen hash brown potatoes which has the following attributes:

- (1) Normal flavor and odor;
- (2) Good color;
- (3) Practically free from defects;
- (4) Good texture; and scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of frozen hash brown potatoes which has at least the following attributes:

- (1) Normal flavor and odor;
- (2) Reasonably good color;
- (3) Reasonably free from defects;
- (4) Reasonably good texture; and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen hash brown potatoes that fails to meet the requirements of Grade B.

##### § 52.6404 Determining the grade.

In addition to considering the other requirements outlined in this subpart, the following quality factors are evaluated:

(a) *Factor not rated by score points.* Flavor and odor.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on a scale of 100. The maximum points that may be given such factors are:

Factor:	Score points
Color	30
Defects	40
Texture	30
Total score	100

(c) *Sample unit size.* Sample unit size for evaluation of quality factors shall be 450 grams (15.9 ounces) for diced and chopped styles, and 340 grams (12 ounces) for shredded style.

(d) *Factor evaluation.*—(1) The factors of flavor and odor and color are determined before and after heating.

(2) The factor of defects is determined before heating.

(3) The factor of texture is determined after heating.

(e) "Normal flavor and odor" means the characteristic flavor and odor of properly prepared potatoes. Such flavor is free from bitterness, from pronounced scorched or caramelized flavors, and from off-flavors and off-odors of any kind.

##### § 52.6405 Determining the rating for the factors which are scored.

The essential variations within each factor, which is scored, are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor, which is scored, is inclusive (for example "27 to 30 points" means 27, 28, 29, or 30 points).

##### § 52.6406 Color.

(a) (A) *classification.* Frozen hash brown potatoes that have a good color may be given a score of 27 to 30 points.



"Good color" means the product, as a mass before heating, has a bright, uniform white to light cream color, which may include light brown units if processing included frying of any portion of the product. Such color is not more than slightly affected by yellowish units, greenish units, grayish units, or units which are otherwise discolored. After heating, the product surface shall have a fairly uniform brown color at least as dark as USDA No. 1 but not as dark as USDA No. 4 of the USDA Color Standards for Frozen French Fried Potatoes.

(b) (B) *classification*. Frozen hash brown potatoes that have a reasonably good color may be given a score of 24 to 26 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means the product, as a mass before heating, has a reasonably bright, uniform white to cream color, which may include brown units if processing included frying of any portion of the product. Such color is not seriously affected by yellowish units, greenish units, grayish units, or units which are otherwise discolored. After heating, the product surface may brown only slightly or unevenly, but is not charred.

(c) (SStd.) *classification*. Frozen hash brown potatoes that fail to meet the requirements of (B) classification may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### § 52.6407 Defects.

(a) *General*. This factor is concerned with imperfections in the product, such as necrosis, crushed units, discolored eyes, and discolorations which affect its appearance or edibility.

(b) *Minor defects*. Minor defects are imperfections which detract only slightly from the appearance or edibility of the product. Among such minor defects are:

(1) Very light surface or internal discolorations of any size;

(2) Light brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 4 mm diameter;

(3) Dark brown surface or internal discolorations smaller in size than the area of a circle, or the volume of a sphere, of 2 mm diameter; and

(4) In chopped and diced styles only, individual clusters of units which are not readily broken or separated manually, which weigh 5 grams or more but less than 10 grams.

(c) *Major defects*. Major defects are imperfections which materially detract from the appearance or edibility of the product. Among such major defects are:

(1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 4 mm diameter but smaller in size than the area of a circle, or the volume of a sphere, of 8 mm diameter;

(2) Dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a

sphere, of 2 mm diameter but smaller in size than the area of a circle, or the volume of a sphere, of 4 mm diameter; and

(3) In chopped and diced styles only, individual clusters of units which are not readily broken or separated manually, which weigh 10 grams or more.

(d) *Severe defects*. Severe defects are imperfections which seriously detract from the appearance or edibility of the product. Among such severe defects are:

(1) Light brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 8 mm diameter;

(2) Dark brown surface or internal discolorations equal to or larger in size than the area of a circle, or the volume of a sphere, of 4 mm diameter; and

(3) Any condition of a potato unit which is offensive because of color, odor, character, or for any other reason.

(e) (A) *classification*. Frozen hash brown potatoes that are practically free from defects may be given a score of 36 to 40 points.

"Practically free from defects" means that:

(1) Any combination of defects present may no more than slightly detract from the appearance or edibility of the product; and

(2) The minor, major and severe defects, that may be present in the sample unit, do not exceed the allowances set forth in Table I.

(f) (B) *classification*. Frozen hash brown potatoes that are reasonably free from defects may be given a score of 32 to 35 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) Any combination of defects present does not seriously detract from the appearance or edibility of the product; and

(2) The minor, major and severe defects, that may be present in the sample unit, do not exceed the allowances set forth in Table I.

(g) (SStd.) *classification*. Frozen hash brown potatoes that fail to meet the requirements of (B) classification, may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—Defects—Maximum defect allowance per sample unit

[Chopped and diced styles—450 g; shredded style 340 g]

Defect	Grade A	Grade B
Chopped and diced styles:		
Total minor, major and severe...	18	36
Total major and severe...	9	18
Severe...	2	4
Clusters <sup>1</sup> ...		
Total minor and major...	6	18
Major...	2	6
Shredded style:		
Total minor, major and severe...	14	27
Total major and severe...	7	14
Severe...	2	3

<sup>1</sup> The allowance for clusters in chopped and diced styles is in addition to the allowances for other defects that may be present.

#### § 52.6408 Texture.

(a) The factor of texture is evaluated within 3 minutes after heating as specified in § 52.6409 and while the product is well above room temperature.

(b) (A) *classification*. Prepared hash brown potatoes that have a good texture may be given a score of 27 to 30 points. "Good texture" means the potato units are firm and tender and the product is not more than slightly affected by units which are hard, mushy, pasty, soggy, dry or oil soaked.

(c) (B) *classification*. Prepared hash brown potatoes that have a reasonably good texture may be given a score of 24 to 26 points. Frozen hash brown potatoes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means the potato units are reasonably firm and tender and the product is not seriously affected by units which are hard, mushy, pasty, soggy, dry, or oil soaked.

(d) (SStd.) *classification*. Frozen hash brown potatoes that fail to meet the requirements of (B) classification may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### § 52.6409 Methods of analyses.

*Heating*. The sample unit or a representative portion should be heated according to the manufacturers' directions, or in a manner which will give equivalent results.

In the absence of such directions the following method may be used: Place approximately three tablespoons of cooking oil or fat in a frying pan—enough to properly fry the sample without excessive sticking—and preheat to 175 degrees C (347 degrees F). Add 170 to 225 grams (6 to 8 ounces) of the product and cook for 10 to 12 minutes; turning the product once or twice during cooking. A frying pan approximately 25 centimeters (10 inches) in diameter is appropriate for this method, however any suitable frying appliance may be used which will properly cook the desired amount of product.

#### § 52.6410 Determining the grade of a lot.

The grade of a lot of frozen hash brown potatoes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

#### § 52.6411 Score sheet.

Size and kind of container.....  
 Container mark or identification.....  
 Label.....  
 Net contents.....  
 Style.....  
 Color designation.....



## RULES AND REGULATIONS

Factor	Score points
Color.....	30 (A) 27 to 30. (B) 24 to 26. <sup>1</sup> (SStd) 0 to 23. <sup>1</sup>
Defects.....	40 (A) 36 to 40. (B) 32 to 35. <sup>1</sup> (SStd) 0 to 31. <sup>1</sup>
Texture.....	30 (A) 27 to 30. (B) 24 to 26. <sup>1</sup> (SStd) 0 to 23. <sup>1</sup>
Total score.....	100
Grade.....	
Flavor and odor.....	

<sup>1</sup> Indicates limiting rule.

Dated: September 28, 1976.

DONALD E. WILKINSON,  
Administrator.

[FR Doc.76-28753 Filed 9-30-76;8:45 am]

CHAPTER II—FOOD AND NUTRITION  
SERVICE, DEPARTMENT OF AGRICULTUREPART 230—NONFOOD ASSISTANCE  
PROGRAMAppendix—Initial Apportionment of Non-  
food Assistance Funds Pursuant to Child  
Nutrition Act of 1966, for the Transition  
Quarter July 1–September 30, 1976

Pursuant to section 5 of the Child Nutrition Act of 1966, as amended, Public Law 89-642, 80 Stat. 887, \$7,000,000 nonfood assistance funds contained in the Second Supplemental Appropriation Act, 1976, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	\$119,262	\$108,500	\$10,762
Alaska.....	9,001	9,001	
Arizona.....	66,954	66,954	
Arkansas.....	63,655	60,612	3,043
California.....	684,141	684,141	
Colorado.....	72,842	62,165	10,677
Connecticut.....	105,611	105,611	
Delaware.....	18,704	18,704	
District of Columbia.....	21,092	21,092	
Florida.....	257,789	257,789	
Georgia.....	173,400	173,400	
Hawaii.....	3,920	3,920	
Idaho.....	33,082	26,644	6,438
Illinois.....	24,872	24,872	
Indiana.....	428,690	428,690	
Iowa.....	166,324	166,324	
Kansas.....	95,184	95,184	
Kentucky.....	69,559	69,559	
Louisiana.....	111,687	111,687	
Maine.....	168,713	168,713	
Maryland.....	38,063	32,925	5,138
Massachusetts.....	105,319	105,319	
Michigan.....	194,747	194,747	
Minnesota.....	304,993	304,993	
Mississippi.....	135,334	135,334	
Missouri.....	91,085	91,085	
Montana.....	133,265	133,265	
Nebraska.....	28,711	28,278	2,433
Nevada.....	51,624	45,561	9,063
New Hampshire.....	13,304	13,304	
New Jersey.....	30,504	30,504	
New Mexico.....	374,306	374,306	
New York.....	36,665	36,665	
North Carolina.....	479,105	479,105	
North Dakota.....	186,588	186,588	
Ohio.....	21,098	19,285	2,813
Oklahoma.....	306,164	239,335	66,829
Oregon.....	69,241	69,241	
Pennsylvania.....	62,405	62,405	
Puerto Rico.....	422,315	422,315	
Rhode Island.....	100,902	100,902	
	22,474	22,474	

State	Total apportionment	State agency	Withheld for private schools
Samoa, American.....	1,664	1,664	
South Carolina.....	96,218	91,807	4,411
South Dakota.....	23,166	23,166	
Tennessee.....	115,983	113,039	2,944
Texas.....	318,881	289,700	29,181
Trust Territory.....	14,367	14,367	
Utah.....	39,893	39,893	
Vermont.....	16,294	16,294	
Virginia.....	142,844	132,220	10,624
Virgin Islands.....	5,138	5,138	
Washington.....	99,085	73,510	25,575
West Virginia.....	53,004	53,004	
Wisconsin.....	155,108	155,108	
Wyoming.....	12,601	12,601	
Total.....	7,000,000	6,810,559	189,441

Pursuant to Sections 5(b) and 5(e) of the Child Nutrition Act of 1966, as amended, Public Law 89-642, 80 Stat. 887, \$7,000,000 nonfood assistance funds contained in the Second Supplemental Appropriation Act, 1976, for the transition quarter June 1–September 30, 1976 are apportioned among the States as follows:

## Section 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	\$110,328	\$108,456	\$1,872
Alaska.....	6,263	6,263	
Arizona.....	42,716	42,716	
Arkansas.....	61,454	60,380	1,074
California.....	267,727	267,727	
Colorado.....	52,511	51,020	1,491
Connecticut.....	40,904	40,904	
Delaware.....	14,520	14,520	
District of Columbia.....	13,131	13,131	
Florida.....	181,315	181,315	
Georgia.....	172,982	172,982	
Hawaii.....	3,512	3,512	
Idaho.....	28,168	26,644	1,522
Illinois.....	18,662	18,662	
Indiana.....	190,158	190,158	
Iowa.....	127,752	127,752	
Kansas.....	86,972	86,972	
Kentucky.....	58,691	58,691	
Louisiana.....	107,756	107,756	
Maine.....	141,585	141,585	
Maryland.....	24,010	22,730	1,280
Massachusetts.....	67,704	67,704	
Michigan.....	134,000	134,000	
Minnesota.....	134,689	134,689	
Mississippi.....	112,488	112,488	
Missouri.....	82,275	82,275	
Montana.....	115,005	115,005	
Nebraska.....	14,894	14,429	465
Nevada.....	36,842	33,269	3,573
New Hampshire.....	7,615	7,615	
New Jersey.....	14,624	14,624	
New Mexico.....	101,556	101,556	
New York.....	32,799	32,799	
North Carolina.....	298,440	298,440	
North Dakota.....	173,696	173,696	
Ohio.....	18,049	16,471	1,578
Oklahoma.....	214,217	201,897	12,320
Oregon.....	68,216	68,216	
Pennsylvania.....	45,646	45,646	
Puerto Rico.....	228,116	228,116	
Rhode Island.....	79,583	79,583	
Samoa, American.....	14,215	14,215	
South Carolina.....	92,571	91,807	76
South Dakota.....	19,628	19,628	
Tennessee.....	114,028	112,523	1,505
Texas.....	288,482	283,086	5,396
Trust Territory.....	12,065	12,065	
Utah.....	37,933	37,933	
Vermont.....	10,511	10,511	
Virginia.....	133,538	132,220	1,318
Virgin Islands.....	4,236	4,236	
Washington.....	60,421	59,453	968
West Virginia.....	46,083	46,083	
Wisconsin.....	91,944	91,944	
Wyoming.....	7,845	7,845	
Total.....	4,606,667	4,631,541	35,126

## Section 5(e)

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	\$8,934	\$44	\$8,890
Alaska.....	2,738	2,738	
Arizona.....	24,238	24,238	
Arkansas.....	2,201	232	1,969
California.....	416,414	416,414	
Colorado.....	20,331	11,145	9,186
Connecticut.....	64,707	64,707	
Delaware.....	4,184	4,184	
District of Columbia.....	7,961	7,961	
Florida.....	76,474	76,474	
Georgia.....	418	418	
Hawaii.....	408	408	
Idaho.....	4,916		4,916
Illinois.....	6,210	6,210	
Indiana.....	238,532	238,532	
Iowa.....	38,572	38,572	
Kansas.....	8,212	8,212	
Kentucky.....	10,868	10,868	
Louisiana.....	3,931	3,931	
Maine.....	27,128	27,128	
Maryland.....	14,053	10,195	3,858
Massachusetts.....	37,615	37,615	
Michigan.....	60,747	60,747	
Minnesota.....	170,304	170,304	
Mississippi.....	22,846	22,846	
Missouri.....	8,810	8,810	
Montana.....	18,290	18,290	
Nebraska.....	13,817	11,849	1,968
Nevada.....	17,782	12,292	5,490
New Hampshire.....	5,689	5,689	
New Jersey.....	15,430	15,430	
New Mexico.....	272,750	272,750	
New York.....	3,866	3,866	
North Carolina.....	180,665	180,665	
North Dakota.....	12,892	12,892	
Ohio.....	3,559		745
Oklahoma.....	91,947	87,438	54,509
Oregon.....	1,025	1,025	
Pennsylvania.....	16,759	16,759	
Puerto Rico.....	194,199	194,199	
Rhode Island.....	21,319	21,319	
Samoa, American.....	8,259	8,259	
South Carolina.....	66	66	
South Dakota.....	3,647		3,647
Tennessee.....	3,538	3,538	
Texas.....	1,955	516	1,439
Trust territory.....	30,399	6,614	23,785
Utah.....	2,302	2,302	
Vermont.....	1,960	1,960	
Virginia.....	5,783	5,783	
Virgin Islands.....	9,306		9,306
Washington.....	902	902	
West Virginia.....	38,664	14,057	24,607
Wisconsin.....	6,921	6,921	
Wyoming.....	63,164	63,164	
	4,756	4,756	
Total.....	2,333,333	2,179,018	154,315

Data on schools without the facilities to prepare or receive hot meals will not be available until fiscal year 1977 for inclusion in the formula as mandated by Pub. L. 94-105.

(Secs. 2, 5, 6 and 9 through 16, 80 Stat. 885-890; 42 U.S.C. 1771, 1774, 1775, 1778-1785.)

In a message to Congress dated July 28, 1976, the \$7,000,000 apportioned above has been proposed for rescission. This apportionment, therefore, is informational only unless Congress denies the proposed rescission, in which event the apportionment will become effective.

Dated: September 23, 1976.

P. ROYAL SHIFF,  
Acting Administrator.

[FR Doc.76-28497 Filed 9-30-76;8:45 am]



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

[Lemon Reg. 60]

**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 October 3-9, 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.

**§ 910.360 Lemon Regulation 60.**

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to improve. Average f.o.b. price was \$6.16 per carton the week ended September 25, 1976, compared to \$6.05 per carton the previous week. Track and rolling supplies at 80 cars were down 20 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 September 28, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 3, 1976, through October 9, 1976, is hereby fixed at 200,000 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: September 30, 1976.

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

[FR Doc. 76-29169 Filed 9-30-76; 12:17 pm]

**PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA**

**Expenses, Rate of Assessment, and Carryover of Unexpended Funds**

This document authorizes \$103,947 of Control Committee expenses, under Marketing Order No. 927, for the 1976-77 fiscal period and the assessment rate of \$0.005 per standard western pear box of winter pears, handled during the period, to be paid to the committee by each first handler as his pro rata share of such

expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1975-76 and prior years.

On September 13, 1976, notice of rule-making was published in the FEDERAL REGISTER (41 FR 38776) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1976, through June 30, 1977, and the carryover of unexpended 1975-76 assessment income, pursuant to the amended marketing agreement and Order No. 927 (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice allowed until September 24, 1976, during which interested persons could submit written data, views, or arguments in connection with said proposal. No such material was submitted.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

**§ 927.216 Expenses, rate of assessment, and carryover of unexpended funds.**

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1976, through June 30, 1977, will amount to \$103,947.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 927.41, is fixed at \$0.005 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1976, and prior years shall be carried over as a reserve in accordance with the applicable provisions of §§ 927.42 and 927.202 of said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1976, and the rate of assessment will automatically apply to all such pears beginning with such date.



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

Dated: September 27, 1976.

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

[FR Doc.76-28725 Filed 9-30-76;8:45 am]

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

[Milk Order No. 30]

## PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

### Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b) (6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 40156) concerning a proposed decrease in the supply plant shipping percentages for the month of October 1976. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of October 1976 the supply plant shipping percentage of 35 percent set forth in § 1030.7(b) (4) should be decreased to 30 percent. Pursuant to the provisions of § 1030.7(b) (6) the supply plant shipping percentages set forth in § 1030.7(b) (4) may be increased or decreased by up to 10 percentage points during the months of August-March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Seventeen cooperative associations, which represent most of the producers supplying the Chicago Regional market, and two proprietary handlers state that the supply plant shipping percentage should be decreased for October 1976 to prevent uneconomic shipments of milk. These cooperatives and plant operators urge that the amount of such decrease should be 5 percentage points from the present 35 percent shipping requirement to 30 percent.

In support of this temporary change, these cooperatives state that producer milk receipts are up and Class I sales are down, so that a smaller than normal percentage of the market's milk supply is needed at distributing plants to fulfill fluid milk requirements.

One proprietary handler filed a view in opposition to the proposed reduction

in shipping percentages. This handler states that a reduction in shipping percentages would increase receipts from producers for use in Class III and thus decrease the market blend price to producers.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. For the months of May-August, sales were down more than 32 million pounds compared to the same period a year ago. Moreover, receipts of producer milk on the market increased by 325 million pounds for the months of May-August compared to the same months of 1975. This development of lower Class I sales and higher receipts of producer milk indicates that a significantly lower proportion of supply plant milk will need to be shipped to distributing plants this October compared to October 1975.

A reduction in the required shipments of supply plant milk during the month of October will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentage as specified above for the month of October 1976 to prevent uneconomic shipments.

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

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during October 1976 it will prevent uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of October 1976.

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

(Secs. 1-9, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Effective date: October 1, 1976.

Signed at Washington, D.C., on September 28, 1976.

H. L. FOREST,  
Director, Dairy Division.

[FR Doc.76-28946 Filed 9-30-76;8:45 am]

## CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-E]

## PART 1980—GUARANTEED LOAN PROGRAMS

### Subpart E—Business and Industrial Loan Program

#### MISCELLANEOUS AMENDMENTS

On August 10, 1976, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 33561) proposing to amend §§ 1980.419; 1980.451; 1980.471; 1980.476 and Appendix C of Subpart E of Part 1980, Title 7, Code of Federal Regulations (40 FR 57643; 41 FR 11807; 41 FR 20886 and 41 FR 39005) as follows:

1. Section 1980.419 is amended to allow certain foreign owned lenders with 10 years' experience in the community to be considered for eligibility.

2. Section 1980.451 and the Administrative provisions at the end of this section are amended to provide notices to applicants in compliance with the Privacy Act of 1974.

3. Section 1980.471 is amended to allow lenders the option to liquidate a prior loan made under provisions of this subpart, or under previous regulations.

4. Section 1980.476 and the Administrative provisions at the end of this section are amended to allow cash downpayments to be made to transferors in the event of a Transfer and Assumption.

5. Appendix C, Lender's Agreement, is amended in paragraph XI G and in the first sentences of the third and fourth paragraphs of paragraph XII to eliminate automatic repurchase of the guaranteed portion of the loan since the regulation was amended earlier to allow the Lender the option to repurchase in event of default.

Interested persons were given the opportunity to submit, not later than September 9, 1976, comments, suggestions or objections regarding the proposed regulations. Several comments submitted with respect to the proposed amendments were given due consideration. However, only editorial changes have been made to the amendments as originally proposed.

Accordingly, amendments are adopted as set forth below.

Effective date. This regulation shall become effective October 1, 1976.

Date: September 27, 1976.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.

1. In § 1980.419, paragraph (g) is revised to read as follows:

#### § 1980.419 Eligible lenders.

(g) All lenders will be owned and controlled as provided in paragraph V of



Form FmHA 449-35, "Lender's Agreement." However, when a lender has had foreign ownership for at least ten years and has been in operation in the community where the project is or will be located for a similar period of time, such lender may be considered for eligibility under the provisions of paragraph (b) (2) of this section. If such a lender is determined to be eligible by FmHA, paragraph V of the Lender's Agreement will be deleted and initiated by both the lender and FmHA.

2. Section 1980.451(i) is amended by adding subparagraph (19) as follows:

**§ 1980.451 Filing and processing applications.**

(19) Notices of compliance with the Privacy Act of 1974:

(i) If the applicant is acting in a personal capacity and not as an entrepreneur for such entities as proprietorships, partnerships, or corporations, and FmHA solicits personal information from him, the individual will be provided Form FmHA 410-9, "Statement Required by the Privacy Act."

(ii) If FmHA desires to obtain information concerning an individual from any source, FmHA will provide such source with Form FmHA 410-10, "Privacy Act Statement to References."

3. The Administrative text following § 1980.451 is revised by adding paragraphs A, 3, and 4, as follows:

**ADMINISTRATIVE**

A. The County Supervisor and District Director.

3. The County Supervisor will furnish all individuals acting in a personal capacity at the time of filing a preapplication or application, two copies of Form FmHA 410-9. The individual will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file.

4. The County Supervisor will provide any source from whom FmHA obtains information concerning an individual with two copies of Form FmHA 410-10. The source will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file.

Section 1980.471 is revised to add paragraphs (a) and (b). The Administrative portion following this section remains unchanged. Accordingly, § 1980.471 as revised, reads as follows:

**§ 1980.471 Liquidation.**

(a) For liquidation provisions under this subpart, refer to paragraphs XII, of Form FmHA 449-35.

(b) If a lender has made a B&I loan guaranteed by FmHA under previous regulations, and the lender concludes that liquidation of the guaranteed loan is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure, the lender has the option to liquidate the

loan under the provisions of this subpart, or under the provisions of previous regulations. The lender will notify the State Director in writing within 10 days after its decision to liquidate if it desires to proceed under this subpart.

4. In § 1980.476 paragraphs (f), (g), (h), and (i) are revised; paragraphs (j) through (o) are added, and read as follows:

**§ 1980.476 Transfer and assumptions.**

(f) Any proceeds received from the sale of secured property before a transfer and assumption will be credited on the transferor's guaranteed loan debt in inverse order of maturity before the transfer and assumption transaction is closed.

(g) When the transferee makes any cash downpayment in connection with the transfer and assumption:

(1) The lender will employ an independent appraiser, subject to concurrence of both the transferor and transferee, to make an appraisal to determine the fair market value of all the collateral securing the loan. Such appraisal report fee and any other costs related thereto will be paid by the transferor and the transferee as they mutually agree.

(2) The market value of the secured property being acquired by the transferee, plus any additional security the transferee proposes to give to secure the debt must be adequate to secure the balance of the total guaranteed loan owed, plus any prior liens. If any cash downpayment is made it may be paid directly to the transferor as payment for his equity in the project, provided:

(i) The lender recommends and FmHA approves the cash downpayment be released to the transferor. The lender and FmHA may require that an amount be retained for an established period of time in escrow as a reserve account as security for use against any future default on the loan. Any interest accruing on such an escrow account may be paid periodically to the transferor.

(ii) Any payments that are to be made by the transferee to the transferor in respect to the downpayment do not suspend the transferee's obligation to continue to meet the guaranteed loan payments as they come due under the terms of the assumption.

(iii) The transferor must agree not to take any actions against the transferee in connection with such transfer in the future without first obtaining the approval of FmHA and the lender.

(iv) The lender determines that there is repayment ability for the guaranteed debt assumed and any other indebtedness of the transferee.

(h) The lender will make, in all cases, a complete credit analysis to determine viability of the project, subject to FmHA review and approval, including any requirements for deposits in an escrow account as security to meet its determined equity requirements for the project.

(i) The lender will issue a statement to FmHA that the transaction can be properly transferred and the conveyance instruments will be filed, registered or recorded, as appropriate, and legally permissible.

(j) FmHA will not guarantee any additional loans to provide equity funds for a transfer and assumption.

(k) The assumption will be made on the lender's form of assumption agreement.

(l) The assumption agreement must contain the FmHA case number of the transferor and transferee.

(m) Loan terms cannot be changed by the Assumption Agreement unless previously approved in writing by FmHA, with the concurrence of any holder(s) and concurrence of the transferor (including guarantors) if they have not been released from personal liability. Any new loan terms cannot exceed those authorized in this subpart. The lender's request will be supported by:

(1) An explanation of the reasons for the proposed change in the loan terms.

(2) Certification that the lien position securing the guaranteed loan be maintained or improved, proper hazard insurance will be continued in effect, and all applicable Truth in Lending requirements will be met.

(n) In the case of a transfer and assumption, it is the lender's responsibility to see that all such transfer and assumptions will be noted on all originals of the Loan Note Guarantee(s). The lender will provide FmHA a copy of the transfer and assumption agreement. Notice must be given by the lender to FmHA before any borrower or guarantor is released from liability.

(o) The holder(s), if any, need not be consulted on a transfer and assumption case unless there is a change in loan terms.

4a. In the Administrative text following § 1980.476 paragraphs A, A.1, and 2, are revised; paragraphs C, and D, are added and read as follows:

**ADMINISTRATIVE**

A. The State Director may approve all transfer and assumption provisions if the guaranteed loan debt balance is within his individual loan approval authority including:

1. Concurrence in writing with the decision concerning release of the transferor and guarantors from liability.

2. Any changes in loan terms.

C. The District Director and County Supervisor will submit recommendations to the State Director.

D. If the guaranteed loan debt balance is in excess of the State Director's loan approval authority, the State Director will forward the file, together with his recommendations and those of the District Director and County Supervisor, to the National Office for approval.

5. In Appendix C, paragraph XI.G, and the first sentences of the third and fourth paragraphs of paragraph XII, are amended as follows:



## APPENDIX C—FORM FMHA 449-35

## UNITED STATES DEPARTMENT OF AGRICULTURE

## FARMERS HOME ADMINISTRATION

## LENDER'S AGREEMENT

## XI. Defaults by borrower. . . .

G. Lender will also repurchase the guaranteed portion of the loan consistent with paragraph 10 of the Loan Note Guarantee.

## XII. Liquidation. . . .

When the decision to liquidate is made, the lender may proceed to purchase from Holder(s) the guaranteed portion of the loan.

If the lender does not purchase the guaranteed portion of the loan, FmHA will be notified immediately in writing.

(7 U.S.C. 1989 delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

[FR Doc.76-28724 Filed 9-30-76; 8:45 am]

## CHAPTER XXV—OFFICE OF THE GENERAL SALES MANAGER, DEPARTMENT OF AGRICULTURE

## PART 2507—AVAILABILITY OF INFORMATION TO THE PUBLIC

## Freedom of Information

Chapter XXV of Title 7, which now covers the Export Marketing Service (35 FR 10496, June 27, 1970), is revised to cover the newly created Office of the General Sales Manager (41 FR 14170, April 2, 1976) of the Department of Agriculture. The Export Marketing Service was abolished in 1974 and its functions transferred to the Foreign Agricultural Service (39 FR 12981, April 10, 1974). In 1975, part of such functions were transferred from the Foreign Agricultural Service to the Sales Manager Office (40 FR 12798, March 21, 1975). On April 2, 1976, the portion of such functions in the Foreign Agricultural Service and the Sales Manager Office were transferred to the Office of the General Sales Manager. Accordingly, Part 2507 of Chapter XXV is revised to provide for the procedures for obtaining records of the Office of the General Sales Manager under the Freedom of Information Act (5 U.S.C. 552). These regulations are promulgated in accordance with the Department's Regulations, 7 CFR Subpart A, Part 1, Subtitle A (40 FR 7341), issued pursuant to the Freedom of Information Act. The regulations delineate the procedures to be followed by members of the public in requesting documents under the Freedom of Information Act and by the Office of the General Sales Manager in searching for and providing documents and for other purposes.

Since a delay in implementing these regulations would be contrary to the public interest, notice, public rulemaking procedures and effective date requirements of 5 U.S.C. 553 are omitted as unnecessary.

The heading of 7 CFR Chapter XXV is revised to read as set forth above and Part 2507 is revised to read as follows:

## Subpart A—General

## Sec.

2507.1 General statement.

2507.2 Organizational description.

Subpart B—Availability of Program Information, Staff Manuals, and Related Material

2507.3 Public inspection and copying.

2507.4 Indexes.

Subpart C—Availability of Identifiable Records

2507.5 Request for records.

2507.6 Appeals.

AUTHORITY: 5 U.S.C. 301, 552; 7 CFR 1.1-1.16.

## Subpart A—General

§ 2507.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture, Subpart A, Part 1, Subtitle A, of this title (7 CFR 1.1-1.16 and Appendix A thereto), implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Office of the General Sales Manager (OGSM) to the public.

§ 2507.2 Organizational description.

The description of the organization of OGSM will be published as a notice in the FEDERAL REGISTER and may be revised from time to time in like manner. Such description will contain a listing of OGSM organizational units and their functions.

Subpart B—Availability of Program Information, Staff Manuals, and Related Material

§ 2507.3 Public inspection and copying.

5 U.S.C. 552(a) (2) requires that certain materials be made available for public inspection and copying. Members of the public may request access to such materials maintained by the Director of Information, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250. The office will be open from 8:15 a.m. to 4:45 p.m. Monday through Friday, except legal holidays.

§ 2507.4 Indexes.

5 U.S.C. 552(a) (2) requires that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. Copies of the Office of the General Sales Manager Index may be obtained free of charge by telephoning (202) 447-2612, or by writing to the Director of Information, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Subpart C—Availability of Identifiable Records

§ 2507.5 Request for records.

(a) Requests for records under 5 U.S.C. 552(a) (3) shall be made in accordance

with 7 CFR 1.3 (a) and addressed to the appropriate program area official. They are:

Assistant Sales Manager, Commercial Export Programs  
Assistant Sales Manager, PL-480 Programs  
Assistant to the General Sales Manager,  
Leader, Operational and Technical Support Staff  
Administrative Officer

The mailing address for all the above persons is:

Office of the General Sales Manager, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

(b) Under Secretary's Memorandum No. 1893, Supplement 1 which established the Office of the General Sales Manager, management support activities are furnished by the Agricultural Stabilization and Conservation Service (ASCS). These activities include fiscal, accounting, budget, personnel, travel, transportation, storage, correspondence files, procurement and property management. On these activities the determination of availability of records and information will be coordinated with ASCS.

(c) The officials listed in paragraph (a) of this section are delegated authority to make determinations regarding such requests in accordance with 7 CFR 1.4(c). It will facilitate processing of a request for information if "FOIA REQUEST" is placed in capital letters on the front of the envelope and on the top of the letter.

(d) In the event a requester does not know the appropriate program area official to whom he should address his request, he may telephone the Director of Information, (202) 447-2612, to obtain this information or write to the Director of Information, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

§ 2507.6 Appeals.

(a) Any person whose request under § 2507.5 is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 1.3(e) and addressed to the General Sales Manager, Office of the General Sales Manager, Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

(b) In the event the request is denied and the requester wishes to appeal such decision, it will facilitate processing such appeal by placing the words "FOIA APPEAL" in capital letters on the front of the envelope and at the top of the appeal letter.

Effective date: October 1, 1976.

Signed at Washington, D.C., on September 22, 1976.

JAMES L. HUTCHINSON,  
General Sales Manager.

[FR Doc.76-28751 Filed 9-30-76; 8:45 am]



**Title 8—Aliens and Nationality**  
**CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE**

**PART 341—CERTIFICATES OF CITIZENSHIP**

**Suspension for an Additional Period of Special Procedure Authorizing Certain Naturalization Applicants To File, Prior to Naturalization, Application for Certificate of Citizenship for Derivative Child**

Reference is made to the notices published in the FEDERAL REGISTER of October 21, 1974 (39 FR 37355), September 15, 1975 (40 FR 42532) and March 17, 1976 (41 FR 11172) temporarily suspending until October 1, 1975, April 1, 1976 and October 1, 1976, respectively, the provisions of 8 CFR 341.1(b).

Due to the continuing manpower considerations which resulted in the temporary suspension of the special procedures provided by 8 CFR 341.1(b), the provisions of § 341.1(b) are being suspended for an additional period, until April 1, 1977, unless manpower considerations render feasible or practicable their reinstitution at an earlier date.

In the light of the foregoing, the provisions of 8 CFR 341.1(b) are hereby suspended until April 1, 1977, unless the suspension is revoked prior thereto by notice published in the FEDERAL REGISTER.

Dated: September 28, 1976.

L. F. CHAPMAN, JR.,  
Commissioner of  
Immigration and Naturalization.

[FR Doc. 76-28757 Filed 9-30-76; 8:45 am]

**Title 10—Energy**

**CHAPTER II—FEDERAL ENERGY ADMINISTRATION**

**PART 212—MANDATORY PETROLEUM PRICE REGULATIONS**

**Technical Amendments to the Crude Oil Producer Certification Requirements**

**I. INTRODUCTION**

On August 20, 1976, the Federal Energy Administration ("FEA") amended the certification requirements of 10 CFR 212.131 applicable to sales of domestic crude oil (41 FR 36172, August 26, 1976). Further amendments to § 212.131 were issued on an emergency basis on August 31, 1976, principally to insure that stripper well crude oil would be separately certified by crude oil resellers beginning September 1, 1976, so that the exemption of first sales of such crude oil pursuant to the Energy Conservation and Production Act could be adequately accounted for under the domestic crude oil allocation program (41 FR 37309, September 3, 1976).

Since issuance of the amended certification provisions, the need has become apparent for certain technical corrections to those provisions, including a revision in the October 1, 1976 date set forth in § 212.131(a) for certain "one-time" certifications by crude oil producers.

Accordingly, the certification requirements of § 212.131(a) are being revised to make the technical changes set forth below.

**II. REVISED DATES**

The August 20, 1976 amendments to § 212.131(a) were intended

to resolve any confusion with respect to (the former certification requirements) and to eliminate any unnecessary certification burden on producers by requiring (wherever possible) only a one-time certification, containing the minimum amount of information needed to ensure the efficient monitoring of crude oil prices and to maintain the necessary lower and upper tier distinction with respect to a fungible commodity (41 FR at 36183).

The dates specified in the amended § 212.131(a) with respect to compliance with the new one-time certification requirements provided generally that such certifications be made on or before October 1, 1976. However, specification of this date was inadvertently inconsistent with the generally applicable time limitations on producer certifications of Subpart D (e.g., the § 212.72 requirement that new crude oil be certified as such "within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold \* \* \*").

Particularly in light of the fact that the amendments to the definition of the term "property," effective September 1, 1976, permit certain changes (which require extensive recomputations) to be implemented, it does not appear that the one-time producer certifications provided for by § 212.131(a) can be made by October 1, 1976. Moreover, there is no apparent basis for any departure to have been made from the formerly applicable two-month time limitation on producer certifications.

Accordingly, § 212.131(a) is hereby amended to incorporate the general two-month time limitation of Subpart D with respect to producer certifications. Since the certification requirements adopted on August 20, 1976, became effective September 1, 1976, certifications for crude oil produced and sold in September must, under the technical amendment adopted today, be made "within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold" (i.e., by November 30, 1976).

Crude oil produced and sold on or before August 31, 1976 is subject to the producer certification requirements in effect to that date, which included the same two-month limitation. Thus, for example, crude oil produced and sold during August, 1975, must be certified, pursuant to the former § 212.131(a), on or before October 31, 1976.

It should be noted that neither the August 20 amendment to the producer certification requirements nor the technical revisions to that amendment being made today relieve any producer of the general obligation of § 212.131(a) to provide an appropriate certification with respect to each sale of domestic crude oil. To facilitate the transition from the cer-

tification requirements as in effect on August 31, 1976 to the certification requirements specified herein, and consistent with the general two-month limitation on certifications, sales of crude oil by producers in September and October, 1976, may continue to be made pursuant to certifications made pursuant to § 212.131 as it existed prior to the amendments effective September 1, 1976. Such sales, however, are subject to the further requirement that any additional information required by the amended certification requirements of § 212.131 be certified to within the consecutive two-month period immediately succeeding the month in which the crude oil is sold.

Also in this regard, it should be noted that, as was stated in the August 20 Notice, the September 1, 1976 amendment to the definition of the term property permits, but does not require, each reservoir underlying a tract to be treated as a separate property, to the extent that the reservoir is recognized by the appropriate state regulatory body, and production has been consistently and historically reported as such. Implicit in the permissive nature of this amendment is that producers may elect to convert to this method of accounting for production in any month beginning with September 1976 and need not do so beginning in September 1976. Of course, once an election has been made to account for production on a reservoir-by-reservoir basis pursuant to the September 1, 1976 amendment to the definition of property a producer may not subsequently revert to a method of accounting for production which aggregates production from several reservoirs.

**III. OTHER CHANGES**

Two other technical amendments to correct inadvertent omissions in § 212.131(a) are also being made.

First, § 212.131(a) is amended with respect to stripper well properties to change in § 212.131(a)(1)(ii) an erroneous reference to "average daily production for the 12 month period during which the property qualified \* \* \*" to the correct reference to "the average daily production per well for the 12 month period during which the property qualified \* \* \*". The "per well" daily production figure is, of course, the relevant number for purposes of determining whether a property qualifies as a stripper well property.

Second, § 212.131(a) is also amended with respect to non-stripper well properties, to make clear that where a property's base production control level ("BPCL") is adjusted pursuant to § 212.76, the one-time certification permitted by § 212.131(a)(2) shall include either the adjusted BPCL or the information necessary to compute the adjusted BPCL pursuant to § 212.76.

All of the technical amendments to § 212.131 adopted today are effective as of September 1, 1976.

This amendment is to correct inadvertent omissions or technical errors in the regulations. The Federal Energy Administration finds that good cause ex-



ists to issue this amendment, effective as of September 1, 1976 without notice, opportunity for comment, or delay in the effective date of the amendment. This amendment is a mere extension and refinement of the amendment issued August 20, 1976, and it is consistent with and does not change the substance of the original amendment. Before the August 20, 1976 amendment was promulgated, public hearings were held and written comments were received. The many oral and written comments which were received have been taken into account in the promulgation of this amendment. The notice and hearing requirements of subsections 7(i)(1)(B) and (C) of the Federal Energy Administration Act of 1974 (Pub. L. 93-295 as amended by Pub. L. 94-385) have therefore been satisfied, and a further opportunity for the presentation of oral and written views is unnecessary.

This amendment has no impact on the quality of the environment and is therefore not required by section 7(c)(2) of the Federal Energy Administration Act of 1974 to be submitted to the Administrator of the Environmental Protection Agency for his comments.

The inflationary impact of the proposal pursuant to which the August 20, 1976 amendments to the crude oil price regulations were adopted was considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974, and the technical amendments to the certification procedures adopted today do not alter in any respect such previous consideration as they do not change the substantive regulations governing the first sale prices of domestic crude oil.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 28185.)

In consideration of the foregoing, Part 212 of Chapter II Title 10 of the Code of Federal Regulations is amended as set forth below, effective September 1, 1976.

Issued in Washington, D.C., September 28, 1976.

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

1. Section 212.131 is amended in paragraph (a) to read as follows:

**§ 212.131 Certification of domestic crude oil sales.**

(a)(1) *Stripper well properties.* With respect to each stripper well property, the producer shall certify in writing to each purchaser of crude oil produced from that property:

- (i) That the property concerned has qualified as a stripper well property; and
- (ii) The average daily production per well for the 12 month period during which the property qualified as a stripper well property.

The certification required under this paragraph (a)(1) of this section shall be made (i) within the consecutive two-month period immediately succeeding the month of September 1976, with respect to any property which qualified as a stripper well property during or before the month of September 1976; and (ii) with respect to any property which qualifies as a stripper well property during or after the month of October 1976, within the two month period immediately succeeding the first month that such property qualifies as a stripper well property.

(2) *Non-stripper well properties.* (i) With respect to each sale of crude oil from a property which has not qualified as a stripper well property, the producer shall certify in writing to the purchaser the number of barrels of new crude oil and the number of barrels of old crude oil. With respect to any property which has not qualified as a stripper well property, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(2)(i) of this section may be complied with by a one-time certification to the purchaser of the property's monthly base production control level determined pursuant to 10 CFR 212.72, whether based upon production and sale of crude oil in 1972 or upon production and sale of old crude oil in 1975, and, if applicable, either the property's adjusted base production control level determined pursuant to 10 CFR 212.76 or the information necessary to compute such adjusted base production control level pursuant to 10 CFR 212.76.

(ii) With respect to each property which has not qualified as a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property:

(A) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) The highest posted price on September 30, 1975, for transactions in the particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The certification required under this paragraph (a)(2) of this section shall be made within the consecutive two-month period immediately following the month of September 1976 or, with respect to any property from which crude oil has not been produced and sold prior to September 30, 1976, the certification required under this paragraph (a)(2) of this section shall be made within the two-month period immediately following the first month in which crude oil is produced and sold.

(3) *Unitized properties.* (i) With respect to each sale of crude oil from a unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing to the purchaser the number of barrels of new crude oil (if any, and whether "actual new crude oil" or "imputed new crude oil" determined pursuant to 10 CFR 212.75(b)), the number of barrels of old crude oil, and the number of barrels of imputed stripper well crude oil (if any) determined pursuant to 10 CFR 212.75(b). With respect to any unitized property for which the producer has determined a unit base production control level, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(3)(i) of this section may be complied with by a one-time written certification to the purchaser of (A) the monthly unit base production control level determined pursuant to 10 CFR 212.75(b); (B) the amount of imputed new crude oil (if any, determined pursuant to 10 CFR 212.75(b)); and (C) the amount of imputed stripper well crude oil (if any, determined pursuant to 10 CFR 212.75(b)).

(ii) With respect to each unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing once to each purchaser of crude oil produced from the property:

(A) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; and

(B) The highest posted price on September 30, 1975, for transactions in that particular grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted.

(iii) The certification required under this paragraph (a)(3) of this section shall be made within the consecutive two-month period immediately following the month of September 1976, or, with respect to any unitized property for which a unit base production control level has not been established prior to September 30, 1976, the certification required under this paragraph (a)(3) of this section shall be made within the consecutive two-month period immediately following the first month in which such unit base production control level is established.

(4) *Other domestic crude oils the first sale of which is exempt from this part.* (i) With respect to each sale of crude oil exempt from the provisions of this part, other than crude oil produced from a stripper well property, the producer shall certify in writing once to each purchaser of crude oil produced and sold from that property that the first sale of crude oil



produced and sold from that property is exempt from the provisions of this part.

(ii) For purposes of this paragraph (a) (4), domestic crude oil the first sale of which is exempt from the provisions of this part includes U.S.-owned petroleum sold by the Secretary of the Navy under the Naval Petroleum Reserves Production Act of 1976 (Pub. L. 94-258).

(5) *New purchasers.* With respect to any purchaser which has not purchased crude oil from the property (or the unitized property) concerned prior to September 30, 1976, the certifications required under paragraphs (a) (1), (a) (2), and (a) (3) of this section shall be made within the consecutive two-month period immediately following the first month in which such purchaser purchases crude oil from that property or unitized property.

[FR Doc.76-28960 Filed 9-29-76; 12:57 pm]

# Title 12—Banks and Banking

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 76-731]

### MEMBERS OF BANKS; SAVINGS AND LOAN OPERATIONS; INSURANCE OF ACCOUNTS

#### Flood Disaster Protection Amendments

SEPTEMBER 23, 1976.

*Summary.* Conforms flood disaster protection regulations to recent statutory amendments by allowing loans to be made on certain previously-occupied structures and farm properties in flood-hazard areas.

On August 3, 1976, the Housing Authorization Act of 1976 (P.L. 94-375) became effective. This Act in part amends section 202(b) of the Flood Disaster Protection Act of 1973 by exempting certain loans from the 1973 Act's lending prohibitions. The Federal Home Loan Bank Board deems it desirable to revise its flood disaster protection regulations at § 523.29 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.29) to conform with said amendments. The Board also takes this opportunity to rescind as redundant its flood disaster protection regulations at § 545.8-4 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.8-4) and § 563.9-6 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9-6).

Section 202(b) of the 1973 Act requires Federal instrumentalities which regulate banks, savings and loan associations, or similar institutions to prohibit such institutions from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified as having special flood hazards, if the community within which such area is located is not participating in the National Flood Insurance Program and has passed its statutory deadline for participation (the later of July 1, 1975 or one year following notification of formal identification of the area as having special flood hazards).

The 1976 Act amends section 202(b) to exempt from the above prohibition

(1) any loan made to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as a special flood hazard area; (2) any loan, which does not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance the acquisition of a building or structure completed and occupied by a small business concern (as defined by the Secretary) prior to January 1, 1976; (3) any loan or loans, which in the aggregate do not exceed \$5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976; or (4) any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary, to finance non-residential additions or improvements to be used solely for agricultural purposes on a farm.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11, since the amendments relieve restriction and conform the regulations to present statutory provisions, and (2) publication of said amendments for the 30-day period specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to effective date is unnecessary for the same reasons.

Accordingly, the Board hereby revises paragraphs (a), (c), and (e) of § 523.29, to read as set forth below, and rescinds §§ 545.8-4 and 563.9-6, effective October 4, 1976.

#### PART 523—MEMBERS OF BANK

##### § 523.29 Flood disaster production.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102, subsection (d) of section 201 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), subsection (a) of section 816 of the Housing and Community Development Act of 1974 (P.L. 93-383), section 303 of the Emergency Housing Act of 1975 (P.L. 94-50) and section 14(a) of the Housing Authorization Act of 1976 (P.L. 94-375). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

(c) *Community participation in insurance program.* (1) Except as provided in subparagraph (2) of this paragraph (c), on and after the end of one year from the time that a community is notified pursuant to the provisions of section 201 of the Flood Disaster Protection Act of 1973 that it is formally identified as a flood-prone community, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall not make (including purchase, except as provided in paragraph (e) of this section), increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless

the community in which such area is situated is then participating in the national flood insurance program.

(2) The prohibition contained in subparagraph (1) of this paragraph (c) shall not apply to (i) any loan made to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (ii) any loan, which does not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance the acquisition of a building or structure completed and occupied by a small business concern (defined by the Secretary) prior to January 1, 1976, (iii) any loan or loans, which in the aggregate do not exceed \$5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (iv) any loan or loans, which in the aggregate do not exceed an amount to be prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

(e) *Purchase of loans.* The provisions of this section do not prohibit the purchase after the applicable date in paragraphs (b) and (c) of this section of a loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, without compliance with the flood insurance requirements in said paragraphs (b) and (c), if:

(1) As to a loan closed before such date, such loan has not been increased, extended, or renewed after such date;

(2) As to a loan closed on or after such date, such loan was closed pursuant to a loan commitment outstanding at the close of such date and such loan has not thereafter been increased, extended, or renewed; or

(3) Such loan qualifies for exemption pursuant to paragraph (c) (2) of this section.

#### PART 545—OPERATIONS

§ 545.8-4 [Deleted eff. 10-4-76]

#### PART 563—OPERATIONS

§ 563.9-6 [Deleted eff. 10-4-76]

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. § 1437); sec. 5, 48 Stat. 132, as amended (12 U.S.C. § 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. §§ 1725, 1726, 1730); Sec. 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 982, as amended (42 U.S.C. 4105); Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,  
Assistant Secretary.

[FR Doc.76-28820 Filed 9-30-76; 8:45 am]



**Title 14—Aeronautics and Space**  
**CHAPTER II—CIVIL AERONAUTICS**  
**BOARD**

**SUBCHAPTER D—SPECIAL REGULATIONS**

[Reg. SPR-110, Enactment of Part]

**PART 371—ADVANCE BOOKING**  
**CHARTERS**

**Correction**

In FR Doc. 76-26245, appearing at page 37763, in the issue for Wednesday, September 8, 1976, the following change should be made:

On page 37770, in the first column, the seventeenth line of the second paragraph, now reading "(e) (1) and (2), 371.26-33, and 371.50," should read "(a) (1) and (2), 371.26-33, and 371.50,".

**Title 15—Commerce and Foreign Trade**

**CHAPTER II—NATIONAL BUREAU OF**  
**STANDARDS, DEPARTMENT OF COM-**  
**MERCE**

**SUBCHAPTER G—INVENTION EVALUATION**  
**PROCEDURES**

**PART 270—PROCEDURES FOR THE EVAL-**  
**UATION OF ENERGY-RELATED INVEN-**  
**TIONS**

By publication of this notice, the National Bureau of Standards (NBS) promulgates procedures for the evaluation of energy-related inventions. The procedures are set out in their entirety below and are issued pursuant to section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, dated December 31, 1974 (42 U.S.C. 5901, et seq.)), hereinafter referred to as the Act.

On June 16, 1976, NBS published in the FEDERAL REGISTER (41 FR 24391) proposed procedures under which energy-related inventions would be evaluated under section 14 of the Act. The notice invited interested persons to submit to the Director of NBS written comments or suggestions for consideration in connection with the proposed procedures.

Following publication of the June 16 notice, two letters were received one from an individual and the other from a professional association. The revisions to the procedures suggested in the letters have been carefully evaluated and a document has been prepared which sets forth their disposition. This document and the letters are part of the public record and are available for inspection and copying at the Department's Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

A number of substantive changes in the proposed procedures have been made as a result of the revisions suggested in the letters and the experience gained by NBS since the June 16 notice in the evaluation of energy-related inventions. These changes will be discussed in turn below.

In the definition of the term "invention" set out in § 270.1(b), the phrase

"or improve or protect the environment in the process of the foregoing" has been deleted because it describes a category of inventions which is included in the broad terminology of the definition and it is unnecessary to specify any category in the definition.

A new subparagraph (a) (5) has been added to § 270.3 which would require the person who submits an invention disclosure for evaluation to state on the Energy-Related Invention Evaluation Request form described in § 270.3 whether the legend specified in paragraph (a) (5) or one similar to it, is appropriate for the invention disclosure or that no legend is required. This statement will assist the Government in determining whether any proprietary rights exist in the invention disclosure.

Paragraph (a) (6) (formerly paragraph (a) (v)) of § 270.3 has been revised to provide that the provisions of § 270.5 shall be included, directly or by reference, in the Memorandum of Understanding which is signed by the person who submits an invention disclosure for evaluation. This revision will assure that the submitter understands and agrees to the safeguards that will be used to protect proprietary rights in the submitted invention disclosure if a contract is awarded by the Department of Commerce or by NBS for evaluation of the invention described in the disclosure.

Paragraph (a) (2) of § 270.5 in the proposed procedures required a contractor, who is to evaluate invention disclosures, to obtain from each person to whom an invention disclosure will be shown in the evaluation process a signed statement that such disclosure was received in confidence and shall be kept in confidence by such person. In certain cases, this requirement would have imposed on the person a higher standard of nondisclosure than required by the contract. Therefore, this paragraph (a) (2) has been revised to require that such person shall sign a statement that any information received in confidence shall be kept in confidence by the person only "to the extent of the nondisclosure provisions contained in such contract." The signed statement shall be subject to the approval of the contracting officer.

Paragraph (a) in § 270.7 has been revised to provide that when an invention disclosure is not accompanied by a Memorandum of Understanding the disclosure shall be handled for processing only, such as recording, classifying, and safekeeping. In accordance with this revision, the disclosure will not be examined to determine whether it is complete and complies with other NBS requirements concerning the preparation of invention disclosures, as previously provided in this paragraph (a). This revision will assure that technical aspects of the invention disclosure will not be reviewed prior to the time a signed Memorandum of Understanding is received. Further, this paragraph (a) has been revised to provide that when a signed Memorandum is not received with the invention disclosure, the disclosure may be returned

to the submitter when it does not describe an invention as defined in § 270.1 (b). This revision will enable NBS to return to the submitter an invention disclosure when it obviously does not describe an invention covered by section 14 of the Act.

Paragraph (c) of § 270.7 has been revised to provide that the Chief of the Office of Energy-Related Inventions may authorize the release of an invention disclosure to any person when "(1) the invention described in such disclosure has been set forth in a written publication available to the public, or (2) the submitter has stated in writing that a proprietary legend on the invention disclosure is not required." This revision will enable the Chief of that Office to release an invention disclosure to third parties when it is obvious that the disclosure does not contain proprietary information or when the submitter has stated in writing that it does not contain such information.

Effective date: The procedures set out below shall become effective on November 1, 1976.

Dated: September 24, 1976.

ERNEST AMBLER,  
*Acting Director.*

Part 270 is added to Title 15 CFR to read as follows:

Sec.	Purpose.
270.0	Definitions.
270.1	Submission of invention disclosures.
270.2	Energy-related invention evaluation request form.
270.3	Statement of nondisclosure forms.
270.4	Nondisclosure provisions for evaluation contracts.
270.5	Conflict of interest.
270.6	Restricted access to invention disclosures.
270.7	Review and evaluation.
270.8	Recommendations on invention disclosures.
270.9	

AUTHORITY: Sec. 14, Pub. L. 93-577, dated December 31, 1974, 88 Stat. 1894 (42 U.S.C. 5913).

**§ 270.0 Purpose.**

(a) The Federal Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577, dated December 31, 1974 (42 U.S.C. 5901, et seq.)), hereinafter referred to as the Act, establishes a comprehensive, national program for research and development of all potentially beneficial energy sources and utilization technologies. This program is to be carried out by the Administrator of the Energy Research and Development Administration (ERDA).

(b) Section 14 of the Act directs the National Bureau of Standards (NBS) to "give particular attention to the evaluation of all promising energy-related inventions, particularly those submitted by individual inventors and small companies for the purpose of obtaining direct grants from the Administrator" of ERDA. The purpose of this part is to promulgate regulations in the implementation of section 14 of the Act.



**§ 270.1 Definitions.**

As used in this part:

(a) "Office" means the Office of Energy-Related Inventions.

(b) "Invention" means any invention which may be used to conserve energy, provide a new source of energy or improve a method of harnessing known or discovered energy supplies, except nuclear energy.

(c) "Invention disclosure" means a written description of an invention.

(d) "Department" means the United States Department of Commerce.

**§ 270.2 Submission of invention disclosures.**

(a) Any person may submit an invention disclosure to the Office for evaluation of the invention described therein for the ultimate purpose of obtaining support from ERDA. The invention disclosure shall be accompanied by a completed Energy-Related Invention Evaluation Request form, which is specified in § 270.3.

(b) All correspondence related to an invention disclosure or inquiries related to section 14 of the Act should be addressed to:

Office of Energy-Related Inventions, National Bureau of Standards, Washington, D.C. 20234

**§ 270.3 Energy-related invention evaluation request form.**

(a) The Office shall furnish an Energy-Related Invention Evaluation Request form to any person who desires to submit an invention disclosure for the purpose set out in § 270.2. The form shall include, either directly or by reference:

(1) A statement of policy;

(2) A description of the invention evaluation program of the Office;

(3) An outline of the information required of the submitter, which shall include an invention disclosure in the English language, with drawings where appropriate, sufficiently complete in technical detail to convey a clear understanding of the purpose, construction, and operation of the invention described in such disclosure;

(4) A brief description of the safeguards to be taken in handling invention disclosures to protect the proprietary rights of persons submitting such disclosures;

(5) A requirement that the submitter indicate either that the following or similar legend has been applied to the invention disclosure, or that the following legend should be applied to the invention disclosure by the Office, or that such legend in the judgment of the submitter is not required: "This invention disclosure contains information which is (i) a trade secret or (ii) commercial or financial information that is privileged or confidential.";

(6) A Memorandum of Understanding setting forth the conditions under which NBS shall accept an invention disclosure for evaluation of the invention described therein, and including, di-

rectly or by reference, the provisions of § 270.5; such Memorandum shall be signed by the person who submits the invention disclosure as a prerequisite to the evaluation of the invention described in such disclosure; and

(7) Other information deemed relevant.

(b) Where the Government is entitled to the entire right, title, and interest in an invention and such invention is described in an invention disclosure to be submitted for the purpose set out in § 270.2 of this part, the Office shall furnish to the submitter an Energy-Related Invention Evaluation Request form which shall include subparagraphs (a) (1), (2), and (3) of this section and which may omit subparagraphs (a) (4), (5), and (6) thereof.

**§ 270.4 Statement of nondisclosure forms.**

The Office shall require that those Government employees, who administer or perform the evaluations of inventions described in invention disclosures, sign Statement of Nondisclosure forms. The form shall include, either directly or by reference:

(a) A brief description of the safeguards to be taken in handling the invention disclosures to protect the proprietary rights of persons submitting such disclosures;

(b) When the person, who is to sign the Statement of Nondisclosure form, is a Department employee, a statement indicating that such person has read and understood 15 CFR 0.735-15(b), which prohibits the use of inside information by a Department employee, and 15 CFR 0.735-15(d), which prohibits the disclosure of restricted information; and

(c) When the person, who is to sign the Statement of Nondisclosure form, is a Government officer or employee, a statement indicating that such person has read and understood 18 U.S.C. 1905, which provides for criminal penalties which may be imposed on a Government officer or employee for the unauthorized disclosure of confidential information, including trade secrets, which comes to such person in the course of his employment or official duties.

**§ 270.5 Nondisclosure provisions for evaluation contracts.**

(a) In any contract awarded by the Department or NBS for the evaluation of an invention described in an invention disclosure or for any other task for which a contractor receives an invention disclosure in confidence, the contractor shall agree in writing to comply with the following safeguards:

(1) To establish and maintain procedures for holding such invention disclosure in confidence;

(2) To provide the contracting officer with a signed statement from each person to whom an invention disclosure will be shown that any information which is received in confidence shall be kept in confidence by such person to the extent of the nondisclosure provisions contained in such contract; such statement shall be

subject to the approval of the contracting officer.

(3) To furnish the contracting officer a description of the procedures specified in subparagraph (a) (1) of this section so that their effectiveness may be determined and evaluated, and to make any reasonable changes in such procedures as may be requested by the contracting officer to increase their effectiveness;

(4) To use the information in the invention disclosure only in the performance of the work called for in the contract;

(5) Not to disclose information in the invention disclosure to anyone except as provided in the contract, without the prior written authorization of the contracting officer;

(6) Not to make, have made, or permit to be made any copies of the invention disclosure, or any portion thereof, except those copies necessary for the performance of the work called for in the contract; any proprietary legend appearing on the invention disclosure shall be reproduced on each such copy or portion thereof; and

(7) To mark each report called for in the contract with a legend, provided by the Office, which shall specify the restrictions on distribution of the report and, when appropriate, the property rights in the information in the report.

(b) In the event the contract contemplates engaging the services of an outside consultant to perform the work called for in the contract, the contractor shall prior to disclosing the invention disclosure to the consultant, bind the consultant to a written agreement which shall contain all the nondisclosure provisions in the contract. The contractor shall provide the contracting officer, or a person designated in the contract, with a copy of such agreement.

(c) When a contract for the evaluation of an invention described in an invention disclosure requires the performance of commercial feasibility studies, the contractor shall provide that the contractor, notwithstanding the provisions of paragraph (a) of this section, may, in performing an analysis of the market potential of the invention, disclose to a third party the class of systems, devices or methods to which the invention belongs, and may disclose to such party in general terms the results achieved by, and the characteristics of, the system, device or method comprising the invention.

**§ 270.6 Conflict of interest.**

Each contract, requiring access to invention disclosures, shall provide that if, upon examination of an invention disclosure, the contractor is aware that it has any financial interest in or any relation with a third party which might affect the integrity and impartiality of its performance of the work specified in the contract, the contractor shall provide the contracting officer with a complete written report of such interest or relation prior to undertaking the work and shall not proceed with the work without the prior written authorization of the contracting officer. The authorization of the



contracting officer is required to assure that the integrity and impartiality of the contractor's performance of the work specified in the contract shall not be affected by such financial interest or relation.

#### § 270.7 Restricted access to invention disclosures.

(a) When an invention disclosure is not accompanied by a signed Memorandum of Understanding, specified in § 270.3(a) (6) of this part, such disclosure (1) shall be handled for processing only, such as recording, classifying, and safekeeping, or (2) may be returned to the submitter without evaluation when the disclosure does not describe an invention as defined in § 270.1(b). During the processing, the distribution of the invention disclosure shall be restricted to the personnel in the Office who have been designated by the Chief of the Office to carry out the processing functions called for in this paragraph. Moreover, the invention disclosure shall not be processed beyond the Office for any purpose prior to receipt of a signed Memorandum of Understanding.

(b) When an invention disclosure is accompanied by a signed Memorandum of Understanding, such disclosure may be released to any person, who needs the information in the disclosure for administrative purposes or for evaluation of the invention described in such disclosure, and who has signed a Statement of Nondisclosure form specified in § 270.4, or who is authorized to receive the invention disclosure pursuant to a contract with the Department or NBS.

(c) In no event shall an invention disclosure be released to any person not specified in paragraph (a) or (b) of this section without the prior written authorization of the NBS Legal Advisor, provided, however, that the Chief of the Office may authorize the release of an invention disclosure to any person when (1) the invention described in such disclosure has been set forth in a written publication available to the public, or (2) the submitter has stated in writing that a proprietary legend on the invention disclosure is not required.

(d) Notwithstanding the provisions of paragraphs (b) and (c) of this section and § 270.8, an invention described in an invention disclosure, in which the Government is entitled to the entire right, title, and interest, may be reviewed and evaluated without receiving a signed Memorandum of Understanding specified in § 270.3(a) (6) or the signed statement specified in § 270.5(a) (2).

(e) After the Office has completed its review and evaluation of an invention disclosure pursuant to § 270.8, the Office, with the prior written permission of the person who submitted such disclosure, may forward the disclosure to ERDA:

(1) Without regard to the provisions of paragraphs (b) and (c) of this section; and

(2) With the understanding between the Office and ERDA that such disclosure shall be handled in accordance with the procedures established by ERDA for the

protection of proprietary information. When such permission is not obtained by the Office, the Office may nevertheless forward such invention disclosure to ERDA subject to the provisions of paragraphs (b) and (c) of this section.

(f) Notwithstanding the provisions of any section of this part, the disclosure of any information in or related to an invention disclosure shall be subject to:

(1) The provisions of the Freedom of Information Act 5 U.S.C. 552, and the Department's regulations published in the implementation thereof;

(2) The provisions of any statute which requires the submission of information to a standing committee of the Congress, including each subcommittee thereof; and

(3) Release to a third party pursuant to an order of a court of competent jurisdiction.

#### § 270.8 Review and evaluation.

(a) When an invention disclosure is accompanied by the signed Memorandum of Understanding specified in § 270.3(a) (6), such disclosure shall receive a preliminary review to determine whether it is complete and sufficient and describes an invention which may be a potentially beneficial source of energy subject to utilization technologies.

(b) After completion of a preliminary review, the Office may undertake or have undertaken an evaluation of the invention in an invention disclosure which shall include:

(1) An assessment of the validity of the technical assumptions and statements which are made in the invention disclosure concerning the invention;

(2) An assessment of the potential of the invention for energy conservation, utilization, and production;

(3) An assessment of the potential of the commercial utilization of the invention; and

(4) A recommendation on whether ERDA should support the invention.

(c) Invention disclosures submitted to the Office normally shall be evaluated in the order in which they are received except in those cases where the Chief of the Office determines that the advancement of an invention disclosure would improve the effectiveness of the program established by section 14 of the Act.

(d) When a preliminary review and/or evaluation of an invention requires a capability which is not available at NBS, the Office may enter into a contract for the performance of such review and/or evaluation with a qualified individual or firm in the private sector or into an agreement with another Federal Government department or agency for the same purpose.

#### § 270.9 Recommendations on invention disclosures.

(a) Based on the review or evaluation of an invention pursuant to § 270.8, the Office shall decide whether or not to recommend the invention to ERDA for support and shall inform ERDA and the person who submitted the invention disclosure of such decision.

(b) Subject to the provisions of § 270.7 (e):

(1) Where the Office recommends an invention to ERDA for support, the Office shall furnish a report to ERDA which documents the basis for the recommendation; and

(2) Where the Office decides not to recommend an invention to ERDA, a report which documents the basis of its decision shall be forwarded to ERDA upon its request.

[FR Doc.76-28726 Filed 9-30-76; 8:45 am]

### Title 17—Commodity and Securities Exchanges

[Release Nos. 33-5745, 34-12832]

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

#### PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

##### Guide for Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships

The Commission today approved the addition of Section 21(C), "Undertaking to Provide Financial Information" to Guide 60, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Section 21(C) was published for comment in identical form on March 17, 1976 (Securities Act Release No. 5692 and Securities Exchange Act Release No. 12224) (41 FR 17403, 4-26-76). During the comment period, which expired on May 14, 1976, no adverse comments were received.

Guide 60 contains comments and suggestions by the Division of Corporation Finance in its processing of registration statements relating to real estate limited partnerships. It is not a Commission rule, nor was it published as bearing the Commission's official approval. As indicated in Securities Act Release No. 5692 (March 17, 1976) announcing the publication of the Guide, its purpose is to minimize delays in the review of registration statements relating to real estate limited partnerships and to assist issuers, accountants, attorneys, and others in the preparation of such filings.

Section 21(C) requests that registrants undertake to furnish to investors the financial statements required by Form 10-K (17 CFR 249.310) for one full year of operations after the effective date of a registration statement relating to a real estate limited partnership. The purpose of this undertaking is to try to assure that investors receive financial information for at least the first year of actual operations. In many instances, the issuer's obligation to file reports under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) terminates before the proceeds of the offering are fully invested so that the investor never



receives financial information of the type required by Form 10-K relating to partnership operations.

The text of Section 21(C) reads as follows:

**21. UNDERTAKINGS**

(C) The following undertaking should be included in every registration statement:

The registrant undertakes to provide to the limited partners the financial statements required by Form 10-K for the first full fiscal year of operations of the partnership.

(Secs. 7, 10, 48 Stat. 78, 81, Sec. 205, 48 Stat. 906; Sec. 8, 68 Stat. 685; (15 U.S.C. 77g, 77j).)

The Commission hereby authorizes the publication of section 21(C) pursuant to sections 7 and 10 of the Securities Act of 1933.

By the Commission.

Dated: September 27, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-28891 Filed 9-30-76; 8:45 am]

**Title 20—Employees' Benefits**

**CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

**Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review**

**GOOD CAUSE FOR EXTENSION OF TIME TO REQUEST AN APPEAL**

Pursuant to the Administrative Procedure Act (5 U.S.C. 553), the amendments to the regulations set forth below by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare are being promulgated without notice of proposed rulemaking. These amendments expand Regulations No. 16 by specifically delineating the procedure for requesting an extension of the time period for requesting reconsideration, by making the "good cause" provisions applicable to untimely filed requests for reconsideration, and by increasing from five to nine the sets of circumstances which could justify a finding of "good cause" for failing to timely appeal a supplemental security income initial determination. These amendments conform the title XVI regulations to those issued under title II. These amendments will place no additional burden upon claimants for or recipients of supplemental security income benefits since, under these rules, they will have a significantly greater opportunity to demonstrate that they had "good cause" for not appealing a title XVI initial determination within the prescribed time period.

The Social Security Administration requires, by regulation (see § 416.1410), that an appeal of any initial determina-

tion be filed within a certain prescribed time limit. Recognizing that individuals will occasionally fail to appeal within the time limitation, the Social Security Administration has provided, also by regulation (see § 416.1474), certain sets of circumstances in which "good cause" could be found for failure to timely appeal an initial determination. If "good cause" for late filing of an appeal is found, the time limit for filing such an appeal would be extended so that the request is accepted.

These amendments set out in § 416.1410 the specific procedure for requesting an extension of the time for requesting reconsideration of an initial determination. This procedure was previously furnished by referring the reader to § 404.954a, a regulation covering title II matters. This change will make it easier for an individual to determine what his rights and responsibilities are with respect to filing a reconsideration request.

The regulations now in effect for the title XVI program describe five sets of circumstances which would permit a finding of "good cause" to be made, and directly apply these circumstances to requests for hearings, review of a hearing decision or for commencing a civil action but do not apply them to requests for reconsideration. The "good cause" provisions covering late filing of a reconsideration request in title XVI were made applicable by cross-reference through the above mentioned § 416.1410 to a title II regulation. So as not to disadvantage those persons who requested an extension of the time period within which to request an appeal of a title XVI initial determination, and to conform the title XVI regulations regarding "good cause" to those under title II, these amendments also expand to nine the sets of circumstances permitting a finding of "good cause" by conforming the provisions of § 416.1474 to those in § 404.954a which relates to title II. This action would increase the protection afforded all claimants for or recipients of supplemental security income, and provide uniformity in the Social Security Administration's "good cause" provisions. Since the proposed amendments would (1) set out the actual procedure a claimant for or recipient of supplemental security income benefits must follow to request an extension of the time period for requesting reconsideration, (2) increase from five to nine the sets of circumstances which could justify a finding of "good cause" for failing to timely appeal a supplemental security income initial determination, and (3) would have no adverse effect on any individual's rights or responsibilities but would further relieve the restriction on extending the time limit for requesting an appeal, the Secretary finds that publication with notice of proposed rulemaking, as well as publication at least 45 days prior to the effective date, are unnecessary. However, consideration will be given in any future revisions of these regulations to any comments, pertaining to these amendments, which are submitted in

writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, PO Box 1585, Baltimore, Maryland 21203, on or before November 15, 1976.

Comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Secs. 1102, 1631(c) (1) of the Social Security Act; 49 Stat. 647, 86 Stat. 1475; (42 U.S.C. 1302, 1383(c) (1)).)

Effective date. These regulations shall be effective on October 1, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: July 19, 1976.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: September 22, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1410 is revised to read as follows:

**§ 416.1410 Time and place of filing request.**

(a) *Time and place of filing.* The request for reconsideration shall be made in writing and filed at an office of the Social Security Administration within 60 days from the date of receipt of notice of the initial determination, unless such time is extended as specified in paragraph (b) of this section. (See § 416.1336(c) for the time period within which the request must be made for a right to continuation or reinstatement of payment pending the reconsidered decision.) For purposes of this section, the date of receipt of notice of the initial determination shall be presumed to be 5 days after the date of such notice, unless there is a reasonable showing to the contrary.

(b) *Extension of time for filing.* If a party to an initial determination desires to file a request for reconsideration after the time for filing such request has passed (see paragraph (a) of this section), such party may file a petition with the Social Security Administration for an extension of time for the filing of such a request. Such petition shall be in writing and shall state the reason why the request for reconsideration was not filed within the required time. For good cause shown (see § 416.1474) the Social Security Administration may extend the time for filing the request for reconsideration.

**§ 416.1411 [Amended]**

2. Section 416.1411 is amended by changing the cross-reference in line 6 from "§ 404.953 of this chapter" to "§ 416.1410(b)".



## § 416.1462 [Amended]

3. Section 416.1462(b) is amended by changing the cross-reference in lines 8 and 9 from "§ 404.954 and § 416.1473 of this chapter" to "§§ 416.1473 and 416.1474".

4. Section 416.1474 is revised to read as follows:

## § 416.1474 Good cause for extension of time.

"Good cause" for failure to file a timely request for reconsideration, hearing, or review, or to begin civil action may be granted if the individual establishes to the satisfaction of the presiding officer, the Appeals Council, or other component of the Social Security Administration, that his failure to file a timely request was due to good cause. In determining whether "good cause" for failure to file a timely request has been established by the individual, consideration is given to whether the failure to file the request within the proper time limit was the result of circumstances which impeded the individual's efforts to pursue his claim, misleading action of the Social Security Administration, or misunderstanding as to the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions. Good cause for failure to file a timely request may be found where such failure resulted from the following circumstances:

(a) The individual was seriously ill or had a physical or mental impairment and such illness or impairment prevented him from contacting the Social Security Administration in person, or in writing, or through a friend, relative, or other person;

(b) There was a death or serious illness in the individual's immediate family;

(c) Pertinent records were destroyed or damaged by fire or other accidental cause;

(d) The individual was actively seeking evidence to perfect his claim and his search, though diligent, was not completed before the time period expired;

(e) The individual requested additional explanation concerning the Social Security Administration's decision within the time limit, provided that, within 60 days after receipt of such explanation, he requested reconsideration or hearing, or within 30 days after receipt of such explanation, he requested review or began a civil action;

(f) The individual was furnished incorrect or incomplete information by the Social Security Administration or was otherwise misled by a representative of the Social Security Administration about his right to request reconsideration, hearing, or review, or to begin a civil action;

(g) The individual failed to receive the notice of initial determination, reconsideration, decision of a presiding officer or a decision of the Appeals Council;

(h) The individual transmitted the request to another Government agency

in good faith within the time limit and the request did not reach the Social Security Administration until after the time period had expired; or

(i) Unusual or unavoidable circumstances exist, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

[FR Doc.76-28742 Filed 9-30-76;8:45 am]

## Title 21—Food and Drugs

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

## SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

## PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

## Disophenol Sodium Injection

The Food and Drug Administration approves a supplemental new animal drug application (12-598V) filed by the American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, providing for safe and effective use of disophenol sodium injection for treating hookworm infections in dogs and cats. The supplement proposes to revise the chemical name of the drug to the preferred form reflecting its structure and to revise the treatment regimen so that in lieu of a second treatment at from 14 to 21 days, the re-treatment interval is restricted to 21 days to decrease the potential for adverse reaction. The approval is effective October 1, 1976.

The Commissioner of Food and Drugs is amending § 522.740 (21 CFR 522.740) to reflect this approval.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended in § 522.740 by revising the section heading and paragraphs (a), (b), and (d) (2) and (3) to read as follows:

## § 522.740 Disophenol sodium injection.

(a) *Chemical name.* Sodium 2,6-diiodo-4-nitrophenoxide.

(b) *Specifications.* The drug is sterile and contains the equivalent of 4.5 percent disophenol in polyethylene glycol 400 and distilled water.

(d) \* \* \*

(2) It is administered subcutaneously at a dosage level equivalent to 4.5 milligrams of disophenol per pound of body weight. A second treatment may be indicated 21 days after the initial treatment.

(3) Do not repeat treatment in less than 21 days.

Effective date. This amendment shall be effective October 1, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 24, 1976.

C. D. VAN HOUWELING,  
Director,

Bureau of Veterinary Medicine.

[FR Doc.76-28735 Filed 9-30-76;8:45 am]

## SUBCHAPTER F—BIOLOGICS

[Docket No. 76N-0089]

## PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

## Erythrocebus Patas Monkey Kidney Tissue Culture Preparations; Safety Testing of Certain Virus Vaccines

The Commissioner of Food and Drugs is amending the biologics regulations to permit the use of kidney tissues from *Erythrocebus patas* monkeys as an alternative to kidney tissues from *Cercopithecus* monkeys in the safety testing of Measles Virus Vaccine, Live, Attenuated; Mumps Virus Vaccine, Live; and Rubella Virus Vaccine, Live; effective October 1, 1976.

In the notice of proposed rule making published in the FEDERAL REGISTER of April 29, 1976 (41 FR 17930), interested persons were given until June 28, 1976 to submit written comments regarding the proposal. No written comments were received. Accordingly, the Commissioner concludes that the proposal should be adopted as published.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 630 is amended in § 630.35 by revising paragraph (a) (3) to read as follows:

## § 630.35 Test for safety.

(a) \* \* \*

(3) *Inoculation of monkey tissue cell cultures.* A volume of virus suspension of each undiluted virus pool, equivalent to at least 500 human doses or 50 milliliters, whichever represents a greater volume, shall be tested for adventitious agents in *Cercopithecus* monkey kidney tissue culture preparations or *Erythrocebus patas* monkey kidney tissue culture preparations, after neutralization of the measles virus by a high titer antiserum of nonhuman, nonsimian and nonchicken origin. The immunizing antigen used for the preparation of the measles antiserum shall be grown in tissue culture cells that shall be free of extraneous viruses which might elicit antibodies that could inhibit growth of extraneous viruses present in the measles virus pool. The tissue culture of the virus pool shall be observed for no less than 14 days. The virus pool is satisfactory for measles virus vaccine only if all the tissue culture tests fail to show evidence of any extraneous transmissible agent other than measles virus attributable to the vaccine.



Effective date. This regulation shall be effective October 1, 1976.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262).)

Dated: September 23, 1976.

JOSEPH P. HILE,  
Acting Associate Commissioner  
for Compliance.

[FR Doc. 76-28736 Filed 9-30-76; 8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Dextrophan and Nalbuphine; Removal From Schedules

On April 19, 1976, a notice was published in the FEDERAL REGISTER (41 FR 16487) proposing to remove dextrophan from Schedule I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(c) Schedule I (a) (13); § 1308.11(b) (13), Title 21 of the Code of Federal Regulations (CFR)).

On May 11, 1976, a notice was published in the FEDERAL REGISTER (41 FR 19227) proposing to remove nalbuphine from Schedule II of the Act (21 U.S.C. 812(c) Schedule II (a) (1); 21 CFR 1308.12(b) (1)).

Each notice give all interested persons an opportunity to submit comments, objections, or requests for a hearing on the respective matters proposed therein. All such submissions were to be received by the Drug Enforcement Administration on or before May 25, 1976 regarding dextrophan, and on or before June 14, 1976 regarding nalbuphine.

No comments were received in response to either proposal.

In view thereof, and based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluations and recommendations of the Secretary of Health, Education, and Welfare, received pursuant to Section 201(b) of the Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that neither dextrophan nor nalbuphine have sufficient potential for abuse or abuse liability to justify the continued control of either substance in any schedule under the Act.

Therefore, under the authority vested in the Attorney General by Section 201 (a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby orders that dextrophan and its salts be removed from Schedule I, that nalbuphine and its salts be removed from Schedule II, and that 21 CFR 1308.11(b) and 1308.12(b) (1) be amended consistent therewith as hereinafter appears.

Schedules I through V are contained in Title 21, Code of Federal Regulations, Part 1308 (21 CFR 1308.11-1308.15). Section 202(a) of the Act (21 U.S.C. § 812

(a)) states that the Schedules shall be updated and republished on an annual basis. This mandate is carried out when the Office of the Federal Register, National Archives and Records Service, General Services Administration, annually publishes Title 21, Code of Federal Regulations, Part 1300 To End, revised as of April 1 of the year of publication and includes in that volume Schedules I through V as amended during the twelve months preceding the annual date of revision.

The Drug Enforcement Administration has reviewed the most recent annual update and republication of Schedules I through V in Title 21, Code of Federal Regulations, Part 1300 To End (Revised as of April 1, 1976), and has recognized several instances where there is a need to make certain non-substantive changes in several Schedules in order to clarify or correct controlled substances nomenclature, spelling, and numerical sequence, and to assign drug control numbers.

In view of this, the Administrator has determined the need to amend Schedules I through V so as to reflect the removal of dextrophan and nalbuphine therefrom and to include therein the above-referred non-substantive clarifying and corrective changes.

Therefore, under the authority vested in the Attorney General by Section 501 (b) of the Act (21 U.S.C. 8871(b)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part O), the Administrator hereby orders that §§ 1308.11-1308.15, Title 21 of the Code of Federal Regulations (Revised as of April 1, 1976), and the updated and republished list of Schedules I through V set out therein, be amended to conform to the following:

SCHEDULES

§ 1308.11 Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, salts is possible within the specific chemical designation:

1. Acetylmethadol	9601
15. Difenoixin	9618
16. Dimenoxadol	9617
17. Dimethetanol	9618
18. Dimethylthiambutene	9619
19. Dioxaphetyl butyrate	9621
20. Dipipanone	9622
21. Ethylmethylthiambutene	9623
22. Etonitazene	9624
23. Etorphidine	9625
24. Furethidine	9626
25. Hydroxypethidine	9627
26. Ketobemidone	9628
27. Levomoramide	9629
28. Levophenacetylmorphan	9631
29. Morpheridine	9632
30. Noracetylmethadol	9633
31. Norleyorphanol	9634
32. Normethadone	9635
33. Norpipanone	9636

34. Phenadoxone	9637
35. Phenampromide	9638
36. Phenomorphan	9647
37. Phenoperidine	9641
38. Piritramide	9642
39. Proheptazine	9643
40. Properidine	9644
41. Propiram	9649
42. Racemoramide	9645
43. Trimeperidine	9646

(d) Hallucinogenic substances. \* \* \*

(3) 4-methoxyamphetamine. \* \* \*  
Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA.

(11) Ibogaine. \* \* \* 7260

Some trade and other names: 7-Ethyl-6,6,7,8,9,10,12,13 - octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; tabernanthe iboga.

(15) Peyote. \* \* \* 7415

Meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lematre, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts.

(21) Thiophene Analog of Phencyclidine. \* \* \* 7470

Some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.

§ 1308.12 Schedule II.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium and opiate, excluding apomorphine, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

(7) Codeine	9050
(8) Ethylmorphine	9190
(9) Etorphine hydrochloride	9059
(10) Hydrocodone	9193
(11) Hydromorphone	9150
(12) Metopon	9260
(13) Morphone	9300
(14) Oxycodone	9143
(15) Oxmorphone	9652
(16) Thebaine	9333

(c) Opiates. \* \* \*

(14) Pethidine (meperidine). \* \* \* 9230

§ 1308.13 Schedule III.

(c) Depressants. \* \* \*



(4) Chlorhexadol 2510

## § 1308.14 Schedule IV.

(b) Depressants. . . .

(14) Methyphenobarbital (mephobarbital) 2250

This order is effective on October 1, 1976.

PETER B. BENSINGER,  
Administrator,  
Drug Enforcement Administration.

SEPTEMBER 24, 1976.

[FR Doc. 76-28756 Filed 9-30-76; 8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2325]

## PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of

flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (P.L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed un-

der this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

## § 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Idaho	Bonneville	Irwin, city of	Sept. 20, 1976, emergency	Aug. 29, 1975	160143
Illinois	Bureau	Cherry, village of	do	July 11, 1975	170011
Michigan	Lenawee	Deerfield, village of	do	Sept. 12, 1975	260438
Do	Oceana	Newfield, township of	do	do	260697
Missouri	Jefferson	Pevly, city of	do	do	290677
New Mexico	Lea	Hobbs, city of	do	Apr. 2, 1976	350029
New York	Chenango	Coventry, town of	do	Jan. 17, 1975	361375
Colorado	Arapahoe	Sheridan, city of	Sept. 8, 1976, suspension withdrawn	May 3, 1974	080018A
Oklahoma	Kingfisher	Kingfisher, city of	do	Jan. 23, 1976	400082
Texas	Galveston	Crystal Beach, town of	do	Apr. 12, 1974	480243
Colorado	Weld	Gilcrest, city of	Sept. 21, 1976, emergency	Aug. 23, 1975	080213
Do	do	Keenesburg, town of	do	Sept. 19, 1975	080251
Iowa	Buchanan, and Fayette	Fairbank, city of	do	July 25, 1975	190329
Do	Calhoun	Klerim, city of	do	do	190339
Kansas	Osage	Scranton, city of	do	Sept. 19, 1975	200527
Michigan	Eaton	Dimondale, village of	do	Oct. 17, 1975	260333
Minnesota	Blue Earth	Lake Crystal, city of	do	July 30, 1976	270030
Missouri	Scott	Blodgett, village of	do	Apr. 25, 1975	290771
Nebraska	Gage	Barneston, village of	do	Sept. 6, 1974	310090A
New York	Seneca	Lodi, town of	do	Nov. 21, 1975	360753A
Pennsylvania	Clearfield	Brisbin, borough of	do	July 26, 1974	420297A
Do	Fayette	Henry Clay, township of	do	May 28, 1976	421628
Do	Cumberland	Newville, borough of	do	Sept. 20, 1974	421679
Indiana	Fulton	Unincorporated areas	Sept. 22, 1976, emergency	Dec. 20, 1974	180076
Iowa	Sac	Odebolt, city of	do	Aug. 29, 1975	190533
New York	Chautauqua	Villanova, town of	do	Oct. 18, 1974	361103
Oklahoma	Sequoyah	Marble City, town of	do	Sept. 26, 1975	400304
Texas	Burnet	Granite Shoals, city of	do	July 18, 1975	481149
Vermont	Franklin	Richford, town of	do	Aug. 2, 1974	500218
Georgia	Habersham	Unincorporated areas	Sept. 23, 1976, emergency	do	180378
Indiana	Jackson	Crothersville, town of	do	Aug. 1, 1975	190712
Iowa	O'Brien	Calumet, city of	do	Sept. 19, 1975	190510
Do	Sioux	Hospers, city of	do	Sept. 26, 1975	190448
Do	Lyon	Little Rock, city of	do	Sept. 19, 1975	260467
Michigan	Newaygo	Brooks, township of	do	July 18, 1975	260512
Do	St. Joseph	Constantine, village of	do	July 25, 1975	290701
Missouri	Pettis	La Monte, city of	do	May 2, 1975	310264
Nebraska	Gage	Cortland, village of	do	July 11, 1975	340559
New Jersey	Sussex	Montague, township of	do	Mar. 28, 1975	080173
Colorado	Teller	Unincorporated areas	Sept. 24, 1976, emergency	do	130355
Georgia	Madison	Colbert, city of	do	Apr. 18, 1975	190541
Iowa	Monroe	Albia, city of	do	Sept. 19, 1975	190253
Do	Sioux	Rock Valley, city of	do	do	190688
Do	Henry	Winfield, city of	do	Sept. 19, 1975	380241
North Dakota	Renville	Mohall, city of	do	do	380088B
Do	Pierce	Rugby, city of	do	Mar. 22, 1974	Oct. 8, 1975
				May 21, 1976	



(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (84 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 16, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-28683 Filed 9-30-76; 8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION,  
DEPARTMENT OF LABOR

PART 701—NEWLY COVERED EMPLOY-  
MENT IN PUERTO RICO OTHER THAN  
GOVERNMENT SERVICE

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 644 (41 FR 15085), amended by Administrative Order No. 645 (41 FR 21381), the Secretary of Labor appointed and convened Industry Committee No. 134-B for Domestic Service and Motion Picture Theaters, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 134-B are hereby published, revising §§ 701.2, 701.2(a), 701.2(d), and 701.2(d)(3) of Part 701, Title 29, Code of Federal Regulations. The other wage rates have heretofore reached the mainland rates and are continued. To simplify and to update the rates, § 701.2 is accordingly amended. As revised, § 701.2 (a) (1), (c) (1), (d), (e), (f) (1), and (g) (1) reads as follows:

§ 701.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each employee who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1974. Future rates shown herein include increases of \$.15 an hour on the 1st day of May, of each year until the mainland rate is reached (as required by section 6(c) (2) of the Act) and the increases for January 1, 1977 and January 1, 1978 (as required by sections 6(a) (5) and 6(b)).

(a) *Domestic service workers.* (1) The minimum wage for this classification is

\$2.20 an hour through December 31, 1976 and \$2.30 an hour thereafter.

(b) *Small retail and service establishments.* (1) The minimum wage for this classification is \$2.20 an hour through December 31, 1976 and \$2.30 an hour thereafter.

(c) *Small telegraph agencies.* (1) The minimum wage for this classification is \$2.20 an hour through December 31, 1976 and \$2.30 an hour thereafter.

(d) *Motion picture theaters.* This activity comprises every theater where motion pictures are exhibited (Drive-in-theaters are included in this class).

(1) *Motion picture projectionists and managers.* (1) The minimum wage for this classification is \$2.20 an hour through December 31, 1976 and \$2.30 an hour thereafter.

(2) *Electricians, plumbers, drivers, painters, and other arts and crafts employees.* (1) The minimum wage for this classification is \$2.20 an hour through December 31, 1976 and \$2.30 an hour thereafter.

(3) *All other employees.* (1) The minimum wage for this classification is \$2.20 an hour through December 31, 1976 and \$2.30 an hour thereafter.

(e) *Processing of shade-grown tobacco.* (1) The minimum wage for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour effective January 1, 1977; through December 31, 1977; and \$2.30 an hour thereafter.

(f) *Small logging operations.* (1) The minimum wage for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour January 1, 1977 through December 31, 1977; and \$2.30 an hour thereafter.

(g) *Agricultural employees of large conglomerates.* (1) The minimum wage for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour January 1, 1977 through December 31, 1977 and \$2.30 an hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064 as amended; (29 U.S.C. 205, 206, 208).

Effective date. The effective date for the revisions of paragraphs (a) and (d) of § 701.2 is October 17, 1976.

Signed at Washington, D.C., 27th day of September 1976.

RONALD J. JAMES,  
Administrator, Wage and Hour  
Division, U.S. Department of  
Labor.

[FR Doc. 76-28870 Filed 9-30-76; 8:45 am]

PART 727—THE AGRICULTURE  
INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and by means of Administrative Order No. 644 (41 FR 15085), the Secretary of Labor appointed and convened Industry Committee No. 133 for the Agriculture Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee 133 are hereby published, revising § 727.2, Part 727, Title 29, Code of Federal Regulations.

As revised, § 727.2 reads as follows:

§ 727.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in any of the following classifications of the agriculture industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Drivers, tractor operators and machinery operators on farms other than sugarcane farms classification.* (1) The minimum rate for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour, effective January 1, 1977; and \$2.30 an hour, effective January 1, 1978; by reason of section 6(a) (5).

(2) This classification is defined as all activities on farms, other than sugarcane farms, performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in



Puerto Rico as MOSQUITO to haul light agricultural machinery used on farms or to pull dump wagons, mow grass, sink poles, etc.

(b) *Milkers classification.* (1) The minimum rate for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour effective January 1, 1977; and \$2.30 an hour effective January 1, 1978; by reason of section 6(a) (5).

(2) This classification is defined as the activities of milkers in dairy farms who milk cows by machine or by hand, and tend machines which separate milk from cream.

(c) *Craftsmen on farms other than sugarcane farms classification.* (1) The minimum rate for this classification is \$2.00 an hour, through December 31, 1976; \$2.20 an hour, effective January 1, 1977; and \$2.30 an hour effective January 1, 1978; by reason of section 6(a) (5).

(2) This classification is defined as all activities on farms, other than sugarcane farms, performed by craftsmen who practice, carry out or accomplish any work which requires mechanical or manual skill, including but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(d) *Other workers on livestock and dairy farms classification.* (1) The minimum rate for this classification is \$1.70 an hour through October 31, 1976, and \$1.75 an hour, effective November 1, 1976. Unless otherwise provided, this wage rate is increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(2) This classification is defined as all activities on livestock and dairy farms, except those included in the drivers, etc. classification, or the milkers classification, or the craftsmen classification.

(e) *Other workers on tobacco and coffee farms classification.* (1) The minimum rate for this classification is \$1.55 an hour through April 30, 1977. Unless otherwise provided, this wage rate is increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(2) This classification is defined as all activities on tobacco and coffee farms, except those included in the drivers etc. classification or the craftsmen classification.

(f) *Other workers on ornamental plant farms classification.* (1) The minimum rate for this classification is \$1.80 an hour through April 30, 1977; \$1.95 effective May 1, 1977, pursuant to section 6(c) (2) of the Act; and \$2.10 effective January 1, 1978. Unless otherwise provided, this wage rate is increased by \$.15 an hour on May 1, 1978 and by \$.15 an hour on May 1, 1979 pursuant to section 6(c) (2) of the Act.

(2) This classification is defined as all activities on ornamental plant farms; including the sowing, cultivation and production of flowers and plants, trees,

and grass used for ornamental purposes; except those activities included in the drivers, etc. classification or the craftsmen classification.

(g) *Other workers on pineapple farms classification.* (1) The minimum rate for this classification is \$1.80 an hour through April 30, 1977. Unless otherwise provided, this wage rate is increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(2) This classification is defined as all activities on pineapple farms, except those included in the drivers, etc., classification or the craftsmen classification.

(h) *Other workers on other farms (except sugarcane farms) classification.* (1) The minimum rate for this classification is \$1.55 an hour through October 31, 1976 and \$1.60 an hour effective November 1, 1976. Unless otherwise provided, this wage rate is increased by \$.15 an hour on May 1, 1977, and on May 1 of each subsequent year until the mainland rate is reached pursuant to section 6(c) (2) of the Act.

(2) This classification is defined as all activities on other farms (except sugarcane farms) except those included in the drivers, etc., classification or the craftsmen classification.

(i) *Principal operators of mechanical loaders, harvesters, and sowers on sugarcane farms classification.* (1) The minimum rate for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour, effective January 1, 1977; and \$2.30 an hour, effective January 1, 1978; by reason of section 6(a) (5).

(2) This classification is defined as all activities on sugarcane farms performed by principal operators of mechanical loaders, harvesters, and sowers.

(j) *Operators of mechanical equipment and craftsmen (except operators of mechanical loaders, harvesters, and sowers) on sugarcane farms classification.*

(1) The minimum rate for this classification is \$2.00 an hour through December 31, 1976; \$2.20 an hour, effective January 1, 1977; and \$2.30 an hour, effective January 1, 1978; by reason of section 6(a) (5).

(2) This classification is defined as all activities on sugarcane farms performed by all operators of mechanical equipment such as tractors, tractor plows, fertilizing machines, herbicide spraying machines, and trucks including also heavy mechanical equipment; and the activities performed by craftsmen.

(k) *Other workers on sugarcane farms classification.* (1) The minimum rate for this classification is \$1.83 an hour through April 30, 1977. Unless otherwise provided, this wage rate is increased by \$.15 an hour on May 1, 1977; and on May 1 of each subsequent year until the mainland rate is reached.

(2) This classification is defined as all activities on sugarcane farms except those included in the two other sugarcane classifications.

(Secs. 5, 6, 8, 52 Stat. 1062 and 1064 as amended; (29 U.S.C. 205, 206, 208).)

Effective date: The effective date of these revisions of paragraphs (f), (g) and (k) of § 702.2 is October 17, 1976.

Signed at Washington, D.C., this 27th day of September 1976.

RONALD J. JAMES,  
Administrator, Wage and Hour  
Division, United States De-  
partment of Labor.

[FR Doc.76-28869 Filed 9-30-76;8:45 am]

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

### PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

#### California Plan; Approval of Plan Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 containing the decision of approval. On June 17, 1975, September 5, 1975, October 1, 1975, October 9, 1975, and November 3, 1975, the State of California submitted supplements to its plan involving developmental and State-initiated changes (see Subparts B and E of 29 CFR Part 1953 respectively). Notices of the receipt of these supplements were published in the FEDERAL REGISTER on August 13, 1975 (40 FR 33995) for the June 17, 1975 supplement, and on April 27, 1976 (41 FR 17579) for all the other supplements.

2. *Description of the supplements.*—(a) *Enforcement regulations.* On June 17, 1975, the State submitted supplements concerning the promulgation of regulations related to enforcement activities under the California plan. These regulations concern advance notice of inspections, citation procedures, proposed penalty procedures and employee rights regarding monitoring and measuring of their exposure to hazards. In addition, the regulations concern the procedures and requirements for the issuance of permits for excavations, trenches, construction and demolition activities and requirements for reporting work-connected injuries.

(b) *Recordkeeping and reporting requirements.* On September 5, 1975, the State submitted supplements concerning the recordkeeping and reporting requirements for private employers. An amendment to section 6410 of the California Labor Code authorizes the Division of Labor Statistics and Research, within the Department of Industrial Relations, to prescribe and provide the necessary forms for the maintenance of required



records in the same manner and to the same extent that would be required if no State plan were in effect.

(c) *Inspections Scheduling System.* On October 1, 1975, the State submitted a supplement concerning the Inspection Scheduling System (ISS), one of the developmental goals in the State plan. The purpose of the System is to generate and distribute computer-generated employer lists to Regional Offices of the Division of Industrial Safety as part of a system for scheduling routine inspections. Size of firm and lost-workday incidence rate of the industry in which the firm is classified are the basis for selection from the data base. Firms have been included on the listing if they employ 20 or more persons and if the 3- or 4-digit SIC subgroup in which they are classified has a lost-workday incidence rate in excess of 4.0, the average for California's private nonfarm section of the economy in 1972.

(d) *Operations Manual.* On October 9, 1975, the State submitted a supplement concerning the Operations Manual for use by California compliance safety engineers. New procedures for such topics as the handling of discrimination complaints, field training, security and advance notice remain to be written for subsequent incorporation.

(e) *Deletion of State Fire Marshal's Participation.* On November 3, 1975, the State submitted a supplement concerning the termination of the Office of State Fire Marshal's participation in the State plan as a State-initiated change. In the original California plan, it was envisioned that the Office of the State Fire Marshal would provide technical assistance and support to the Division of Industrial Safety in fire safety problems of an unusual or complex nature. Program experience has shown that the Division has had little need for the kind of technical assistance originally envisioned, and that the fire safety standards pertaining to occupational safety and health can and are being enforced by the compliance safety engineers of the Division of Industrial Safety with appropriate training. By terminating the Fire Marshal program, funds can be redirected to the Division for fire safety enforcement and for other areas of the overall program in need of additional funding.

3. *Location of the plan supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; California Occupational Safety and Health Administration, 1006 4th Street, Third Floor, Sacramento, California 95814; California Occupational Safety and Health Administration, 455 Golden Gate Avenue, Room 2152, San Francisco, California 94102; and, Division of In-

dustrial Safety, 3460 Wilshire Boulevard, Los Angeles, California 90010.

4. *Public participation.* Interested persons were given 30 days to submit written data, views and arguments concerning all of the above supplements. No written comments were submitted.

5. *Decision.* After careful consideration of the California plan supplements in relation to the requirements of the Act and 29 CFR Part 1902, they are hereby approved. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart K of 29 CFR Part 1952 is amended as set forth below, effective October 1, 1976.

Section 1952.174 is amended by adding paragraphs (j) through (m) as follows:

§ 1952.174 Completed developmental steps.

(j) In accordance with § 1952.173(a), enforcement rules and regulations were promulgated by January 1974, and were approved by the Assistant Secretary on September 28, 1976.

(k) Recordkeeping and reporting requirements for private employers were promulgated by November 1974, and were approved by the Assistant Secretary on September 28, 1976.

(l) In accordance with § 1952.173(h), the Inspection Scheduling System was fully implemented and in operation by June 1975.

(m) In accordance with § 1952.173(a), an operations manual was published, and was approved by the Assistant Secretary on September 28, 1976.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g) (2), 667).)

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc. 76-28848 Filed 9-30-76; 8:45 am]

# PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

## Approval of Alaska 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) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 8-76, 41 FR 24059, June 22, 1976) will review changes in a State plan which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On August 10, 1973, a notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952

containing the decision. On March 16, 1976, Alaska submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the Alaska 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 Alaska Safety and Health Poster for private and public (State and local government) employees contains, among other things, provisions notifying employees of their obligations and protections under the Alaska law (No. AS18.60.010 to 105); 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 Alaska poster meets all the requirements of 29 CFR 1952.10. However, the State poster does not distinguish between the rights of private and public employees in making discrimination complaints (private employees may appeal to both Federal and State agencies, while public employees may appeal only to the State). Although inclusion of this distinction was not required under 29 CFR 1952.10, it has been determined to be necessary. The State has given assurances that it will make such a distinction upon subsequent revision of its poster. To assure proper handling of public employee complaints, provisions have been made for the Federal government to refer any complaints received from public employees to the Alaska Department of Labor.

Further, the caption size of the print is not in conformity with the requirements of 29 CFR 1903.2(a) (3) regarding the minimum size of prints on State posters. The State has provided assurances that the caption size will be increased upon reprinting of the poster.

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, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801.

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 Alaska Safety and Health Poster incorporates



all of the provisions required under 29 CFR 1952.10. Accordingly, it is felt that further opportunity for public comment is unnecessary.

5. *Decision.* After consideration, the Alaska 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 Alaska poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition, § 1952.244 of 29 CFR Part 1952 is hereby amended to reflect completion of a developmental step by adding a new paragraph to § 1952.244, as follows:

**§ 1952.244 Completed developmental steps.**

(c) In accordance with the requirements of § 1952.10 the Alaska Safety and Health Poster for private and public employees was approved by the Assistant Secretary of Labor on September 28, 1976.

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

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc.76-28850 Filed 9-30-76; 8:45 am]

**PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS**

**Approval of Supplements to Virgin Islands State Plan**

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 September 11, 1973, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands Plan and adoption of Subpart S of Part 1952 containing the decision and describing the plan. On March 8, 1976, the Virgin Islands submitted supplements to the plan involving developmental changes. (See Subpart B, 29 CFR Part 1953).

The supplements contain a description of the Virgin Islands Management Information System (MIS); a program of basic and continuing training for compliance and consultant personnel; and the Virgin Islands safety and health posters for both public and private sectors which are to be posted at all covered workplaces in the State.

2. *Description of supplements—(a) Management Information System.* The Virgin Islands Management Information

System is a manual system. The system provides, among other things, data on inspection type, employee participation, employee discrimination complaints, number and type of violations, proposed penalties and collection of penalties, employee complaints, safety and health complaints, serious and nonserious violations and violations, training time utilization, and contested cases.

(b) *Staff training.* The State has submitted a statement certifying the completion of the training objectives as set forth in the State Plan. The training included all compliance and consultant personnel completing basic training courses at the OSHA Institute in Chicago and subsequent in-house and on-the-job training conducted by the State, the Area Office in San Juan, and the Region.

(c) *Posters.* The Virgin Islands safety and health poster for private employees contains, among other things, provisions notifying employees of their obligations and protections under the Virgin Islands occupational safety and health legislation; 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 laws; 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.

The poster for the public sector does not contain provisions for monetary sanctions or for submission of discharge or discrimination complaints to the Occupational Safety and Health Administration. Since the definition of "employer" under the Federal Act excludes public employers, section 11(c) rights are not available to public employees.

3. *Location of the plan and its supplements 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: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Occupational Safety and Health Division, Building No. 1, Second floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virgin Islands 00840.

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 Virgin Islands plan supplements described above are consistent with commitments contained in the approved plan, which were previously made avail-

able for public comment. Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Virgin Islands plan supplements described in 2 (a), (b) and (c) above are hereby approved under Subpart B of Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart S of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly, § 1952.254 of Subpart S is hereby amended as follows:

**§ 1952.254 Completed developmental steps.**

(c) In accordance with § 1952.253(a) the Virgin Islands has completed the training as described therein.

(d) The Virgin Islands has developed and implemented a manual Management Information System.

(e) In accordance with the requirements of § 1952.10 the Virgin Islands safety and health posters for private and public employees were approved by the Assistant Secretary on September 28, 1976.

This decision is effective October 1, 1976.

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

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc.76-28849 Filed 9-30-76; 8:45 am]

**Title 40—Protection of Environment**  
[FRL 616-1]

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**  
**SUBCHAPTER C—AIR PROGRAMS**

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Approval of Iowa Plan Revisions and Clarifying Amendments**

On May 31, 1972 (37 FR 10865), pursuant to section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator approved, with specific exceptions, the State of Iowa plan for the implementation of the National Ambient Air Quality Standards. On February 24, 1976 (41 FR 8071), the Agency announced that the State proposed to revise its implementation plan by making a number of amendments to the Iowa Rules and Regulations Relating to Air Pollution Control.

The proposed amendments were publicly advertised, and hearings were held on September 11, 1974, and October 9, 1974, in accordance with 40 CFR 51.4. The Iowa Air Quality Commission (IAQC) adopted these amendments on November 14, 1974.

The State proposal contains several amendments to the Iowa regulation, some of which are minor (clarifications, deletions of delayed effective dates, etc.), and some of which constitute significant



changes to the control strategy which is presently in the approved Iowa plan. The significant changes are discussed in detail below.

The State has amended Regulation 4.1 to adopt, by reference, the Environmental Protection Agency (EPA) regulations for the following categories of new sources which are specified in 40 CFR Part 60: asphalt concrete plants, petroleum refineries, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. These standards are adopted in addition to those previously adopted by the State which were approved by EPA on April 8, 1975 (40 FR 15879).

The State has adopted these standards for the categories of new sources specified to enable it to assume enforcement and implementation activities that are conducted by the EPA. The State requested the delegation of EPA authority to implement and enforce the standards of performance for new sources for the source categories listed above on February 27, 1975, and EPA granted the requested delegation on June 6, 1975, subject to certain conditions. One of the conditions is that EPA retains concurrent authority to implement and enforce these standards. In addition, EPA will continue to be the agency solely responsible for the implementation of New Source Performance Standards (NSPS) for categories which the State has not adopted.

The IAQC has adopted Regulation 3.1 (3) e., which exempts incinerators with a rated refuse-burning capacity of less than 25-pounds per hour from the new source permit requirements (Regulation 3.1(1)). This means that such proposed incinerators would no longer be reviewed prior to construction to determine whether their emissions would interfere with the attainment or maintenance of a National Ambient Air Quality Standard. However, these incinerators must still comply with the applicable emissions standards as defined in Regulation 4.4. The Iowa Department of Environmental Quality (IDEQ) has submitted an analysis of this exemption which indicates that small incinerators operating in compliance with applicable emission standards have an insignificant impact on air quality.

The State had also amended Regulations 4.3(3) a. and 4.3(3) b., which set sulfur dioxide emission standards for fuel-burning sources. However, on June 9, 1976, EPA was advised that the State had again revised these regulations. Therefore, Regulations 4.3(3) a. and 4.3(3) b., as adopted by the IAQC on November 14, 1975, are not approved as parts of the Iowa State Implementation Plan (SIP).

The amended fugitive dust regulation 4.3(2) c., was withdrawn from consideration as a revision to the SIP by the State. Therefore, Regulation 4.3(2) c., as adopted by the IAQC on November 14, 1975, is not approved as a part of the Iowa SIP.

In the notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1976 (41 FR 8071), public comment was solicited with regard to Iowa's amended regulations which were adopted on November 14, 1974. Copies of the materials submitted by the State were made available for public inspection at the Agency's Region VII office in Kansas City, Missouri; at EPA headquarters in Washington, D.C.; and at the office of the IDEQ. No comments were received in response to the Agency's notice of proposed rulemaking.

The amendments to the Iowa Rules and Regulations Relating to Air Pollution Control which were adopted on November 14, 1974, by the IAQC, with the exception of Regulation 4.3(2) c., which was withdrawn and Regulations 4.3(3) a. and 4.3(3) b., on which we take no action, constitute a proposed revision to the State of Iowa implementation plan pursuant to § 51.6 of this chapter. The Administrator's decision to approve or disapprove revisions to a plan is based on whether they meet the requirements of Section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR Part 51, "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After careful review of all the changes contained in the proposed revision, the Administrator has determined that this revision meets the requirements mentioned above. Accordingly, this plan revision is hereby approved and made a part of the State of Iowa implementation plan.

The amendments to Part 52.820c., which are being published today, also reflect additions to the amendments which were published on March 2, 1976 (41 FR 8956). These additions are merely clarifying the existing list and impose no additional requirements. Therefore, the Administrator finds for good cause that it is unnecessary and impractical to subject these clarifications to notice and public comment procedures.

The Agency finds that good cause exists for making these amendments effective immediately on (date of publication) for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of state and federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable;

2. Immediate effectiveness of the amendments enables the sources involved to proceed with certainty in conducting their affairs and persons wishing to seek judicial review of the amendments may do so without delay;

3. The new source standards adopted by the State consist of previously existing EPA regulations and, therefore, impose no new requirements on affected facilities; and

4. The clarifying amendments are merely for record keeping concerning

existing lists and impose no requirements.

(Secs. 110 and 301, Clean Air Act as amended (42 U.S.C. 1857c-5, 1857g))

Dated: September 16, 1976.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### Subpart Q—Iowa

1. In 52.820, paragraph (c) is revised to read as follows:

#### § 52.820 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified:

- (1) Request for a two-year extension to meet the National Primary and Secondary Ambient Air Quality Standards for nitrogen dioxide in the Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region was submitted by the Governor on January 27, 1972. (Non-regulatory)

- (2) Revisions of Appendices D and G of the plan were submitted on February 2, 1972, by the State Department of Health. (Non-regulatory)

- (3) Source surveillance and record maintenance statements were submitted on April 14, 1972, by the State Department of Health. (Non-regulatory)

- (4) Revised statement regarding public availability of emission data was submitted on May 2, 1972, by the State Department of Health. (Non-regulatory)

- (5) State submitted Senate File 85 which created the Department of Environmental Quality and replaced the Iowa air pollution control statute which appeared as Chapter 136B of the Code of Iowa, on May 4, 1972. (Regulatory)

- (6) A letter describing the issuance of a Certificate of Acceptance for the local air pollution control programs conducted by the Linn County Board of Health for the jurisdictions of the City of Cedar Rapids and Linn County, and the Des Moines-Polk County Health Department for the jurisdictions of the City of Des Moines and Polk County was submitted by the State Department of Health on December 14, 1972. (Non-regulatory)

- (7) Compliance schedules were submitted by the State in February 1973. (Regulatory)

- (8) Compliance schedules were submitted by the State in May 1973. (Regulatory)

- (9) The State of Iowa High Air Pollution Episode Contingency Plan was submitted on June 20, 1973, by the Governor.

- (10) The letter which requested the inclusion of the Linn County Health Department Rules and Regulations, the City of Cedar Rapids Air Pollution Control Ordinance, the Polk County Rules and Regulations—Air Pollution Control, and the City of Des Moines Air Pollution Control Regulations in the State of Iowa implementation plan was submitted by



the State Department of Environmental Quality on June 25, 1974. (No approval action was taken on the request because it did not meet the procedural requirements specified in 40 CFR Part 51.)

(11) Revisions of Rules 2.1, 3.1, 3.4, 4.1, 4.3(3) and 4.3(4) of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on April 24, 1974 (by the Governor's office). (No approval or disapproval action was taken on amended Subrule 4.3(3) a., which restricts emissions of sulfur oxides from fuel-burning sources.) (Regulatory)

(12) Compliance schedules were submitted by the State in May 1974.

(13) Compliance schedules were submitted by the State in May 1974.

(14) Compliance schedules were submitted by the State in July 1974.

(15) Compliance schedules were submitted by the State in August 1974.

(16) A letter from the Director of the Department of Environmental Quality, dated August 29, 1974, which requested that no further action be taken on Subrule 4.3(3) a. as submitted on April 24, 1974. (Regulatory)

(17) Compliance schedules were submitted by the State in September 1974.

(18) Compliance schedules were submitted by the State in November 1974.

(19) Compliance schedules were submitted by the State in February 1975.

(20) Compliance schedules were submitted by the State in April 1975.

(21) Compliance schedules were submitted by the State in June 1975.

(22) Revisions of Rules 1.2, 2.1, 3.1, 3.4, 4.1, 4.2, 4.3, 5.1, 7.1, 8.3 and 8.4 of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on July 17, 1975, by the Governor's office. (Regulatory) (No approval or disapproval action was taken on Subrules 4.3 (2)c. or 4.3(3)b.)

(23) Summary of the public hearing which was held on the revised rules which were submitted on July 17, 1975, by the Governor's office was submitted by the Iowa Department of Environmental Quality on September 3, 1975. (non-regulatory)

(24) Letter which withdrew amended Subrule 4.3(2)c. from the proposed Iowa plan revision submitted on July 17, 1975, was submitted by the Governor's office on January 20, 1976.

[FR Doc.76-28712 Filed 9-30-76; 8:45 am]

[FRL 622-1]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Revision to New Jersey State Implementation Plan

This notice announces approval by the Environmental Protection Agency (EPA) of a revision to the New Jersey State Implementation Plan.

As proposed by the State to EPA on June 15, 1976, this revision permits the temporary use of fuel oil with a sulfur content of 2.5% by weight in boilers number 1, 2, 3 and 4 at the Hunt-Wesson Foods, Inc. facility located in Bridgeton, Cumberland County, New Jersey. A full

description of this revision was published by EPA in the July 29, 1976, FEDERAL REGISTER at 41 FR 31574.

In its July 29 notice EPA also established a 30-day period for receipt of comments from the public on whether or not this revision to the New Jersey Implementation Plan should be approved. No comments were received.

EPA has found no reason to change its preliminary determination that this revision affecting the Hunt-Wesson Foods facility will not cause contravention of national ambient air quality standards in its area of impact. The proposed revision has been found to be consistent with current EPA policies and goals set forth in the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51 and, therefore, is hereby approved.

EPA approval is granted for a period of six months from the effective date of this action. This is consistent with the New Jersey administrative order initiating this revision request, which also only is effective for six months from the date of EPA approval.

Effective date: This revision will become effective October 1, 1976 since it does not result in the imposition of additional substantive burdens on the affected source and can be implemented without delay if the source desires.

(42 U.S.C. 1857c-5 and 1857g)

Dated: September 24, 1976.

RUSSELL E. TRAIN,  
Administrator,  
Environmental Protection Agency.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

### Subpart FF—New Jersey

1. In § 52.1570, paragraph (c) is amended by adding a new subparagraph (13) as follows:

§ 52.1570 Identification of plan.

(c) Supplemental information was submitted on:

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridgeton, Cumberland County and issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27-9.5(a), dated June 15, 1976, and technical support for this order received by EPA on April 27, 1976, both from the New Jersey Department of Environmental Protection.

[FR Doc.76-28713 Filed 9-30-76; 8:45 am]

### SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 625-8; PP6F1703/R114]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Difenzquat

On February 9, 1976, the Environmental Protection Agency (EPA) gave notice

(41 FR 5655) that American Cyanamid Co., PO Box 400, Princeton, NJ 08540, had filed a pesticide petition (PP6F1703). This petition proposed that 40 CFR 180 be amended by the establishment of tolerances for residues of the herbicide difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium methyl sulfate) in or on the raw agricultural commodities barley straw and wheat straw at 20 parts per million (ppm), barley grain at 0.2 ppm, wheat grain at 0.05 ppm, and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

American Cyanamid has subsequently amended the petition to express the proposed tolerances in terms of residues of difenzoquat (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium) derived from application of the methyl sulfate salt and calculated as the cation. It has been determined administratively that the tolerances should be expressed in terms of difenzoquat (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium ion).

The data submitted in the petition and all other relevant material have been evaluated, and the herbicide is considered to be useful for the purposes for which the tolerances are sought. The tolerances established by amending 40 CFR 180 will be adequate to cover residues that would result in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and there is no reasonable expectation of residues in eggs and milk as delineated in 40 CFR 180.6(a)(3). It has been determined that these tolerances will protect the public health, and it is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before November 1, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Rm. 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 1, 1976, 40 CFR 180 is amended by adding the new § 180.369 as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)

Dated: September 27, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Title 40, Part 180, Subpart C, is amended by adding the new § 180.369 containing tolerances for residues of the herbicide difenzoquat in or on raw agricultural commodities to read as follows:



**§ 180.369 Difenzoquat; tolerances for residues.**

Tolerances are established for residues of difenzoquat (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium ion), derived from application of the methyl sulfate salt and calculated as the cation, in or on the following raw agricultural commodities:

Commodity:	p/m
Barley, grain	0.2
Barley, straw	20
Cattle, fat	0.05
Cattle, mby	0.05
Cattle, meat	0.05
Goats, fat	0.05
Goats, mby	0.05
Goats, meat	0.05
Hogs, fat	0.05
Hogs, mby	0.05
Hogs, meat	0.05
Horses, fat	0.05
Horses, mby	0.05
Horses, meat	0.05
Poultry, fat	0.05
Poultry, mby	0.05
Poultry, meat	0.05
Sheep, fat	0.05
Sheep, mby	0.05
Sheep, meat	0.05
Wheat, grain	20
Wheat, straw	20

[FR Doc.76-28876 Filed 9-30-76;8:45 am]

**SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS**

[FRL 625-4]

**PART 459—PHOTOGRAPHIC POINT SOURCE CATEGORY**

**Extension of Comment Period and Notice of Availability**

On July 14, 1976 the Agency published a notice of interim final rulemaking (41 FR 29078) establishing effluent limitations and guidelines for the photographic point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was September 13, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New, Source Performance Standards for the Photographic Processing Subcategory of the Photographic Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to October 31, 1976.

Dated: September 20, 1976.

ECKARDT C. BECK,  
Acting Assistant Administrator  
for Water and Hazardous Materials.  
[FR Doc.76-28877 Filed 9-30-76;8:45 am]

**Title 13—Business Credit and Assistance**

**CHAPTER I—SMALL BUSINESS ADMINISTRATION**

[Amdt. 4]

**PART 115—SURETY BOND GUARANTEE**

**Policy and Application Procedures**

On September 8, 1976, there was published in the FEDERAL REGISTER (41 FR 37817 and 37818) a notice of a proposal to amend the Small Business Administration's Surety Bond Guarantee Regulations, to achieve a more equitable sharing of losses on those contracts whose values are in the \$250,000-\$1,000,000 range, to reflect a correction in a regulatory reference published in the FEDERAL REGISTER on April 20, 1976, and to permit appropriate SBA field office authorities to have declination authority concerning bond guarantee submissions involving contracts and/or projects whose face values exceed \$500,000 (up to \$1,000,000).

Interested parties were given until September 22, 1976, to either submit written arguments, opinions, comments, etc., on said proposals and/or appear in person at a Public Hearing to be conducted on September 22, 1976, starting at 9:00 a.m., at the Small Business Administration's Central Office (1441 L St., NW., Washington, D.C.) The Public Hearing was held as scheduled, with witnesses either submitting written statements or offering oral testimony. All witnesses recognized the need for the Surety Bond Guarantee Program to operate within a limited and strict budget, as to contract values. Furthermore, all witnesses recognized the need for the Surety Bond Guarantee Program to achieve a more equitable sharing of losses on larger contracts with the participating sureties, though not all agreed upon the mechanism(s) by which this end could be achieved. There were some expressions of apprehension as to what the effect of these proposed regulatory changes might be upon future surety participation in the Surety Bond Guarantee Program and upon the minority contractors of America. There also was an expression of full support for the proposed regulatory changes; in fact, there was a request that SBA consider reducing our guarantee for contracts of \$500,000 or more (up to \$1,000,000) to 70 percent. There was a unanimous expression by the witnesses that whatever regulatory actions are taken by the SBA should be monitored very closely to make certain that the overall effectiveness of

the Surety Bond Guarantee Program is not compromised.

SBA has carefully considered all comments submitted on the aforementioned proposals. The Agency recognizes the concerns expressed by the witnesses and will continue to monitor the Surety Bond Guarantee Program's effectiveness quite closely. Thus, SBA has decided to amend § 115.2 Policy, to reduce the SBA's guarantee to sureties from up to 90 percent of loss to up to 80 percent of loss on those contracts whose face value is \$250,000 or greater (up to \$1,000,000). Section 115.3 (d) Definitions, is amended to reflect the correct regulatory citation for what constitutes a "small business concern" for Surety Bond Guarantee purposes. Section 115.8(b) (4) and § 115.8 (c) and (c) (2) Approval or decline of applications, is amended to permit appropriate SBA field office authorities to take decline actions on bond guarantee submissions involving either contracts whose face values exceed \$500,000 (up to \$1,000,000) or multiple requests for one small business concern, involving one project, when the face value of these multiple requests exceeds \$500,000 (up to \$1,000,000).

The primary purposes of the amendments are to reduce SBA's loss exposure on larger contracts (\$250,000 and greater), encourage "graduation" from the Surety Bond Guarantee Program by larger contractors, provide assurance to participating sureties as to what their SBA guarantee percentage shall be on any particular case, to discourage excessive funneling of previously bondable (by the standard surety market) contractor accounts into the Surety Bond Guarantee Program, and, to provide greater assurance that the Surety Bond Guarantee Program will be administered effectively and prudently within its budgetary authority, thereby assuring its continued availability to small business concerns, without interruption due to budgetary limitations.

Accordingly, Part 115, Chapter I, Title 13 of the Code of Federal Regulations is amended to read as follows:

1. Section 115.2 is revised to read:

**§ 115.2 Policy.**

It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain certain bid, payment or performance bonds that are otherwise not obtainable, by authorizing SBA to guarantee surety companies up to 90 percent of their losses incurred by reasons of the breach of the terms of such bonds executed on behalf of such concerns, on contracts not exceeding a contract amount of \$1,000,000. The SBA guarantee shall be up to 90 percent of those contracts of less than \$250,000 in face value, and the guarantee shall be up to 80 percent for those contracts between \$250,000 and \$1,000,000 in amount. Payments to the surety by SBA of such losses shall be subject to a deductible amount of \$500, or the amount of the gross bond premium (less SBA's guarantee fee from



the surety) charged such small concern by the surety, whichever is less. Surety may credit itself with the deductible amount from salvage proceeds before having to start sharing their salvage proceeds on a pro rata basis with SBA, in the same percentage as SBA shares the loss with the surety.

2. Section 115.3(d) is revised to read:

§ 115.3 Definitions.

(d) "Small business concern" means a concern which would qualify as a small business under § 121.3-15 of this Chapter.

3. Sections 115.8(b)(4), (c) and (c)(2) are revised to read:

§ 115.8 Approval or decline of applications.

(b) \* \* \*

(4) The application pertains to a publicly-financed project, e.g., Federal, State, local or special district public bodies, which shall provide the financing for the project and which shall be the owner of the finished project, such as a Federal building, State highway, City hall, public library, school, sewage treatment plant, water lines, etc. The guarantee of the interim or permanent financing for a project by a public sector

body does not fall within the terms and conditions of this section.

(c) *General.* Except as stated below in Paragraph (1) of this subsection, Regional Directors, Assistant Regional Directors for Finance and Investment, or District Directors and/or Assistant District Directors for Finance and Investment, as appropriate, according to their delegated authority as published from time to time in the FEDERAL REGISTER, will take final action on all applications under subsection (b) of this section on contracts not exceeding \$500,000 in face value. Applications for contracts exceeding \$500,000 but not \$1,000,000 in face value must be forwarded to the SBA Central Office, with the recommendation of approval by the Regional and/or District Director, as appropriate, for final action. The Regional and/or District Director, as appropriate, need not refer applications exceeding \$500,000 but not \$1,000,000 in face value to the SBA Central Office if the Regional and/or District Director's decision is to decline such application. An appeal by a small business concern for reconsideration of such decline shall be directed to the Regional and/or District Director who made the decision. If the appeal should not be acted upon in the small business concern's favor, and the small business

concern wishes to pursue its appeal, this action will be referred to the SBA Central Office for final decision.

(1) \* \* \*

(2) Multiple requests for the guarantee of contract bonds involving one small business concern on one project require the approval of the SBA Central Office, when the aggregate amount of these contracts exceeds \$500,000 up to \$1,000,000 in face value. Central Office can take final action only upon receipt of the recommendation of approval from the Regional or District Director, as appropriate. However, as explained above, the Regional or District Director, as appropriate, may take final action in such situations if their decision is to decline the application(s). The appellate policies and procedures remain the same as explained above.

(Catalog of Federal Domestic Assistance Programs No. 59.016 Surety Bond Guarantee.)

Dated: September 30, 1976.

Effective date: October 1, 1976.

MITCHELL P. KOBELINSKI,  
Administrator.

[FR Doc.76-29113 Filed 9-30-76; 10:14 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 INTERIOR

Bureau of Land Management

[ 43 CFR Part 2370 ]

### PUBLIC DOMAIN

#### Conditions for Returning Lands

This proposed rulemaking amends and revises Part 2370 of 43 CFR which deals with restorations and revocations of lands. It adds as an authority, E.O. 10355, which provides for the revocation of withdrawals. It adds a provision specifying who must sign the "Notice of Intention to Relinquish." The proposed amendment establishes that upon promulgation of the public land order revoking the withdrawal of the lands the Department will assume accountability for the formerly withdrawn lands.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with Department's policy of public participation in rulemaking, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Department of the Interior, Washington, D.C. on or before October 28, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection at the foregoing address during regular working hours (7:45 a.m. to 4:15 p.m.).

It is, therefore, proposed to revise 43 CFR Part 2370 in the manner set forth below:

1. Section 2370.0-3 is revised as follows:

#### § 2370.0-3 Authority.

(a) Executive Order 10355 provides the authority for the Secretary of the Interior to modify or revoke withdrawals and reservations of lands.

(b) The Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 472) generally governs the disposal of surplus Federal lands or interest in lands. However it does not apply to lands or interests in lands withdrawn or reserved from the public domain unless the Secretary of the Interior with the concurrence of the Administrator of the General Services Administration determines that the lands or portions of lands so withdrawn or reserved are not suitable for return to the public domain

because such lands are substantially changed in character by improvement or otherwise.

2. Section 2372.1(b) is amended by adding a new subparagraph (14) as follows:

§ 2372.1 Notice of intention to relinquish action by holding agency.

(b) \* \* \*

(14) The signature of the proper agency official as prescribed by E. O. 10355, i.e., the head of a department or agency, or his designee, provided that such officer is required to be appointed by the President with advice and consent of the Senate.

3. Section 2372.3 is revised as follows:

§ 2372.3 Return of lands to the public domain; conditions.

When the authorized officer of the Bureau of Land Management determines the holding agency has complied with the regulations of this part, including the conditions specified in § 2374.2, and that the lands or interests in lands are suitable for return to the public domain, he will notify the holding agency that the Department of the Interior will accept accountability and responsibility for the property upon promulgation by the Secretary of the Interior of the public land order revoking the withdrawal of the lands.

CHRIS FARRAND,  
Deputy Assistant Secretary  
of the Interior.

SEPTEMBER 22, 1976.

[FR Doc. 76-28829 Filed 9-30-76; 8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

[ 29 CFR Part 1952 ]

### VIRGIN ISLANDS

#### Proposed Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) will review changes and progress in 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 September 11, 1973, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the

Virgin Islands plan and the adoption of Subpart S of Part 1952 containing the decision. On March 8, 1976, the Virgin Islands submitted a supplement containing the Occupational Safety and Health Division Administrative Rules and Regulations.

2. *Description of the supplement.* The Occupational Safety and Health Division Rules and Regulations contain the Virgin Islands rules that will be used to implement the basic provision of the Virgin Islands Occupational Safety and Health Act. The Virgin Islands rules and regulations include the following subject areas: Promulgation, Modifying or Revoking OSHA Standards, Advisory Committees; Variances; Inspections, Citations, Proposed Penalties; Record-keeping; and Reporting Discrimination; and Proceedings for Hearing Examiner.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Occupational Safety and Health Division, Building No. 2, Second floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virgin Islands 00840.

4. *Public participation.* Interested persons are given until November 1, 1976 to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allotted for comments specified above. If in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate



amendments to Subpart S of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc. 76-28851 Filed 9-30-76; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Part 1010]

[Docket No. 75N-0259]

### PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS

#### Exemptions From Performance Standards for Products Intended for United States Government Use

The Food and Drug Administration (FDA) is withdrawing an earlier proposal and is reproposing regulations to provide for exemptions from standards for electronic products intended for use by departments or agencies of the United States. Interested persons have until November 30, 1976 to comment.

In the FEDERAL REGISTER of September 30, 1975 (40 FR 44846), the Commissioner of Food and Drugs proposed to amend Part 1010 of the Code of Federal Regulations (21 CFR Part 1010) by adding new § 1010.5 to provide for exemptions from radiation safety performance standards for electronic products if the products are intended for use by departments or agencies of the United States. (In the September 30, 1975 proposal, the docket number was incorrectly listed as "Docket No. 70N-0259." The number should have read "Docket No. 75N-0259." The corrected docket number is carried on this document.) Sixty days were provided for public comment. Comments were received from two industrial associations, one professional association, one manufacturer of electronic products, the Department of the Army, and the Environmental Protection Agency.

On January 29, 1976, a meeting was held at the Bureau of Radiological Health with representatives of U.S. Government departments and agencies to discuss the question of exemptions, especially with regard to means of facilitating the evaluation and processing of necessary exemptions to avoid unnecessary delay in the procurement process. Notice of the meeting was published in the FEDERAL REGISTER of December 19, 1975 (40 FR 58883). A transcript of the meeting is available for public review in the office of the Hearing Clerk, Food and Drug Administration.

In response to comments received concerning the proposal and those provided at the meeting with Federal agencies, and to provide further clarification, the Commissioner has determined that the necessary changes are sufficiently substantive to warrant republication as a proposed rule to provide an opportunity for public comment on these changes.

Comments on this proposal must be submitted on or before November 30, 1976.

The comments received regarding the September 30, 1975 proposal and the Commissioner's analyses and proposed actions are summarized as follows:

1. In reference to proposed § 1010.5(a), several comments stated that the procuring U.S. Government agency should either be allowed or required to obtain the exemptions necessary for products that it intends to purchase and that could not be manufactured to comply with an applicable standard. In the previous proposal, the manufacturer would have been responsible for applying for a needed exemption after the procurement specifications had been finalized by the Federal agency.

The Commissioner agrees that the proposed rule should allow for the product itself to be exempted, regardless of who applies for the exemption. If only the manufacturer could apply for exemptions, delays in the procurement process could result after a contract had been awarded because manufacture could not commence until the exemption was approved. Accordingly, the new proposal provides for either the procuring agency or the manufacturer to apply for the exemption. The decision as to who would apply normally would be made by the procuring agency. In addition, the proposal has been revised to provide guidance to those Federal agencies planning to procure electronic products subject to the standards under the Radiation Control for Health and Safety Act of 1968 to encourage their early consultation with FDA when it is expected that an exemption will be needed, even if it is the manufacturer who will ultimately apply for the exemption. This will allow FDA a chance to review information on the product at an early stage in the procurement process so that the application will contain sufficient information for subsequent processing of a needed exemption.

If the manufacturer is the U.S. Government agency itself, then it would be that agency that applies for any needed exemptions. Federal agencies that manufacture radiation emitting electronic products are subject to the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602) and regulations issued under that act, unless specifically exempted pursuant to sections 358(a)(5) or 360B(b) (42 U.S.C. 263f(a)(5), 263j(b)).

2. Several comments stated that proposed § 1010.5(c)(2) (reproposed as § 1010.5(e)(2)), which would authorize the Director, Bureau of Radiological Health, to amend or withdraw an exemption under certain circumstances, could leave the manufacturer in the untenable position of not being able to manufacture the product because of FDA action while still having a commitment to fulfill a contract with another Federal agency. Problems could also arise from increased costs incurred by manufacturers because of provisions in an approved exemption that were not considered in the original purchase contract.

The Commissioner agrees that withdrawal or significant amendment of a needed exemption may result in the need for modification of the terms of the purchase contract. This potential problem could be dealt with by appropriate contingency clauses written into the contract or by mutual agreement between the procuring agency and the manufacturer on an amended contract. The Food and Drug Administration must retain the right to amend or withdraw an exemption when necessary to protect the public health or when otherwise justified under the provisions of the act.

An exemption granted to a U.S. Government agency (for a product to be manufactured by a private manufacturer) would normally be withdrawn only if the provisions of the exemption are found not to protect adequately the public health, i.e., where it is found that the exemption is deficient regarding radiation safety. If it is found that the provisions of the exemption are adequate to protect the public health but the manufacturer is not meeting the terms of the exemption or the radiation safety aspects of the procurement specifications, the agency granted the exemption must take corrective action against the manufacturer and, if necessary, terminate the contract. The agency could continue to use the exemption to procure the remaining products from a different manufacturer. If the procuring agency fails to take appropriate corrective action, the exemption could be withdrawn by FDA.

An exemption granted to a manufacturer may be amended or withdrawn by FDA if the exemption does not adequately assure radiation protection, and may be withdrawn if the terms of the exemption, including the procurement specifications related to radiation safety, have not been met. Furthermore, the manufacturer at all times would be subject to the defect provisions of the regulations in 21 CFR Parts 1003 and 1004.

3. One comment objected in general to the granting of exemptions for products acquired by U.S. Government departments or agencies. The comment urged that FDA treat such products in the same manner as products manufactured for sale to the general public.

The act (section 358(a)(5)) specifically authorizes the granting of exemptions for products intended for use by departments or agencies of the United States. The Commissioner recognizes that there are circumstances when products needed by U.S. departments or agencies cannot meet provisions of applicable performance standards. The proposed application procedures will allow the Bureau of Radiological Health to adequately determine the need for an exemption and the appropriate means of radiation protection that are to be provided. Because the act provides for the granting of such exemptions, the Commissioner concludes that regulations should be promulgated to allow for the orderly processing of exemption requests.

4. Several suggestions were made for special labeling on exempted products to distinguish them from electronic prod-



ucts that meet applicable performance standards.

The Commissioner agrees that such labeling would be appropriate for all products exempted under authority of section 358(a)(5) or section 360B(b). Because these products may eventually be released as surplus property, such labels are necessary to protect the public health. This requirement is included in the new proposal as § 1010.5(f).

5. One comment suggested that the procuring agency and the manufacturer should be required to issue a statement of assumption of liability for exempted products.

The Commissioner disagrees that such a statement is necessary. The procuring agency, as a matter of course, would be responsible for assuring that acquired products are used pursuant to appropriate radiation safety procedures and that the products meet the contract procurement specifications. If the procuring agency did not take corrective action against the manufacturer in cases of nonadherence to radiation safety procurement specifications, FDA could withdraw the exemption from the agency. Similarly if the manufacturer has obtained the exemption and does not adhere to its provisions, FDA could withdraw the exemption.

6. One comment urged that FDA take no further action to implement the proposed regulation but instead enter into inter-agency agreements, coordinated by the Office of Federal Procurement Policy, whereby procuring agencies would assume the responsibility for obtaining a needed exemption. This comment also suggested that Federal agencies be encouraged to state in any contract for electronic products that an exemption from FDA may or will be needed and that the procuring agency will be responsible for obtaining such exemption.

The Commissioner concludes that it is necessary to promulgate a regulation for the orderly processing of exemption requests pursuant to provisions of the act. However, this notice, in repropose § 1010.5(b), includes guidance to procuring agencies to consult with FDA at an early stage of procurement specification development when it is anticipated that an exemption will be required. Further, the reproposal in new § 1010.5(a) would allow the procuring agency as well as the manufacturer to apply for an exemption. Any appropriate wording in contracts regarding the possible need for an exemption, amendment, or withdrawal thereof should be arranged between the procuring agency and the manufacturer during proposal or contract negotiations.

7. Two comments noted that proposed §§ 1010.5(b)(1)(vii) and (2)(iv) (§§ 1010.5(c)(8) and (d)(3) in this notice) refer to the provision of "alternate means of radiation protection," while the similar sections in the regulation regarding variances, i.e., §§ 1010.4(b)(1)(v) and (2)(iv) (21 CFR 1010.4(b)(1)(v) and (2)(iv)), refer to "alternate or suitable means of radiation protection." One comment concluded that failure to use the phrase "or suitable"

implies that equivalent radiation protection features on exempted products would not be necessary while the other comment interpreted the deletion to imply that exempted products must provide radiation safety equivalent to that provided by products meeting the applicable standard.

The Commissioner did not intend the phrase "alternate means of radiation protection" to imply that exempted products must have radiation protection equal to products that meet the standard. The Commissioner recognizes that it might be impossible for some exempted products to have radiation protection features equivalent to products that meet the standard and still accomplish their intended function, and that the procuring agency may often impose appropriate user controls to assure equivalent radiation safety. To avoid confusion by use of the words "alternate" and "suitable," proposed §§ 1010.5(b)(1)(vii) and (2)(iv) have been suitably revised and redesignated as §§ 1010.5(c)(8) and (d)(3).

8. One comment suggested that the regulation provide for public notification and a comment period for approval exemptions similar to those features of the variance regulation in §§ 1010.4(c)(2) and (c)(3) (21 CFR 1010.4(c)(2) and (c)(3)).

The Commissioner concludes that because exemptions granted under the proposed regulations would be limited to products used by the U.S. Government, there is no need for public notification of approval of individual exemptions. Such a procedure would unnecessarily delay the issuance of exemptions. On the other hand, variances may be granted pursuant to § 1010.4 for products that are more likely to be subsequently introduced into commerce, that may affect the general public, and that may not be under the user controls of a Federal agency.

9. Two comments requested that a blanket exemption be issued for all or some of the product types manufactured by the National Aeronautics and Space Administration (NASA) and/or the Department of Defense (DOD). One comment argued that increased burdens and expense could arise because of conditions imposed by FDA in granting an exemption and that some Federal agencies, such as DOD, have expertise in radiation safety and routinely adopt appropriate controls.

The Commissioner believes that the intent of sections 358(a)(5) and 360B(b) of the act is that determinations of the need for and conditions of exemptions for applicable products intended for use by Federal agencies should be made by the Food and Drug Administration to assure protection of the public health and safety. There may be limited circumstances under which an exemption might be given to a class of electronic products, provided the procuring agency assures FDA that adequate safety will be achieved and that such a class exemption is necessary. Such circumstances could include an alternative radiation safety

control program for the use of the class of products within a Federal agency. The Food and Drug Administration therefore will consider applications from Federal agencies for class exemptions and provision for such exemptions has been included in this proposal.

This second proposal has been expanded to include administrative procedures for exemptions authorized under section 360B(b) of the act for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security. While section 360B(b) authorizes exemptions for products intended for any purchaser, including Federal agencies, the present proposed regulation is limited to procedures for processing exemptions for products or classes of products intended for use by U.S. Government departments and agencies. The procedures for applying for exemptions under section 360B(b) are essentially the same as for those under section 358(a)(5) except that procurement specifications in newly proposed § 1010.5(c)(1) and the evidence in newly proposed § 1010.5(c)(2) are not required for exemptions granted under section 360B(b). Instead, procurement of the product must be for the purpose of research, investigation, or training, or for reasons of national security.

This proposal is also revised, in newly proposed § 1010.5(d), to explicitly indicate the circumstances under which an amendment or extension to an exemption must be sought. Also, the regulation on rulings on applications, in newly proposed § 1010.5(e)(1), has been changed to indicate that the Director, Bureau of Radiological Health, may impose conditions or terms on an exemption that may include specifications related to the manufacture, use, control, or disposition of exempted products. This may include restrictions or controls on the transfer, sale, or donation of the exempted property when such products are declared to be excess or surplus property.

No environmental impact statement or environmental impact analysis report is required pursuant to 21 CFR 6.1(b) because this proposed amendment will not significantly affect the quality of the environment.

Pertinent information supporting the Commissioner's conclusions with respect to this proposal is available for public review in the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. The Commissioner proposed to make this amendment effective 30 days after publication of the final order.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 360B, 82 Stat. 1177-1179 (42 U.S.C. 263f, 263j)) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner withdraws the proposed amendment of Part 1010 published in the FEDERAL REGISTER of September 30, 1975 and proposes to amend Part 1010 by adding a new § 1010.5 to read as follows:



# § 1010.5 Exemptions for products intended for United States Government use.

(a) *Criteria for exemptions.* Upon application by a manufacturer (including assembler) or by a United States department or agency, the Director, Bureau of Radiological Health, Food and Drug Administration, may grant an exemption from any performance standard under Subchapter J of this chapter for an electronic product, or class of products, otherwise subject to such standard when he determines that such electronic product or class is intended for use by departments or agencies of the United States and meets the criteria set forth in paragraphs (a) (1) or (2) of this section.

(1) The procuring agency shall prescribe procurement specifications for the product or class of products governing emissions of electronic product radiation, and the product or class shall be of a type used solely or predominantly by a department or agency of the United States.

(2) The product or class of products is intended for research, investigations, studies, demonstration, or training, or for reasons of national security.

(b) *Consultation between the procuring agency and the Food and Drug Administration.* The United States department or agency that intends to procure or manufacture a product or class of products subject to electronic product radiation safety standards contained in this part should consult with the Bureau of Radiological Health, Food and Drug Administration, whenever it is anticipated that the specifications for the product or class must deviate from, or be in conflict with, such applicable standards. Such consultation should occur as early as possible during development of such specifications. The department or agency should include in the specifications all requirements of such standards that are not in conflict with, or are not inappropriate for, the special or unique uses for which the products are intended.

(c) *Applications for exemptions.* An application for exemption, or for amendment or extension thereof, shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. For exemptions pursuant to the criteria prescribed in paragraph (a) (1) of this section, the application shall include the information prescribed in paragraph (c) (1) through (12) of this section. For exemptions pursuant to the criteria prescribed in paragraph (a) (2) of this section, the application shall include the information prescribed in paragraph (c) (3) through (12) of this section. An application for exemption, or for amendment or extension thereof, and correspondence relating to such application shall be made available for public disclosure in the office of the Hearing Clerk, except for confidential or proprietary information submitted in accordance with Part 4 of this chapter. Information classified for rea-

sons of national security shall not be included in the application. Except as indicated above, the application for exemption shall include the following:

(1) The procurement specifications for the product or class of products that govern emissions of electronic product radiation.

(2) Evidence that the product or class of products is of a type used solely or predominantly by departments or agencies of the United States.

(3) Evidence that such product or class of products is intended for use by a department or agency of the United States.

(4) A description of the product or class of products and its intended use.

(5) An explanation of how compliance with the applicable standard would restrict or be inappropriate for this intended use.

(6) A description of the manner in which it is proposed that the product or class of products shall deviate from the requirements of the applicable standard.

(7) An explanation of the advantages to be derived from such deviation.

(8) An explanation of how means of radiation protection will be provided where the product or class of products deviates from the requirements of the applicable standard.

(9) The period of time it is desired that the exemption be in effect, and, if appropriate, the number of units to be manufactured under the exemption.

(10) The name, address, and telephone number of the manufacturer or his agent.

(11) The name, address, and telephone number of the appropriate office of the United States department or agency purchasing the product or class of products.

(12) Such other information required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

(d) *Amendment or extension of exemptions.* An exemption is issued on the basis of the information contained in the original application. Therefore, if changes are needed in the radiation safety specifications for the product, or its use, or related radiation control procedures such that the information in the original application would no longer be correct with respect to radiation safety, the applicant shall submit in advance of such changes a request for an amendment to the exemption. He also shall submit a request for extension of the exemption, if needed, at least 60 days before the expiration date. The application for amendment or extension of an exemption shall include the following information:

(1) The exemption number and expiration date.

(2) The amendment or extension requested and basis for the amendment or extension.

(3) If the radiation safety specifications for the product or class of products or the product's or class of products' use or related radiation control procedures differ from the description provided in

the original application, a description of such changes.

(e) *Ruling on applications.* (1) The Director, Bureau of Radiological Health, may approve an exemption containing such conditions or terms as may be necessary to protect the public health and safety and shall inform the applicant in writing of his action. The conditions or terms of the exemption may include specifications concerning the manufacture, use, control, and disposal of the excess or surplus exempted product or class of products as provided in the Code of Federal Regulations, Title 41, Subtitle C. Each exemption will be assigned an identifying number.

(2) The Director, Bureau of Radiological Health, shall amend or withdraw an exemption whenever he determines that such action is necessary to protect the public health or otherwise is justified by provisions of the act or this subchapter. Such action shall become effective on the date specified in the written notice of the action sent to the applicant, except that it shall become effective immediately when the Director determines that it is necessary to prevent an imminent health hazard.

(f) *Identification of equipment covered by exemption.* The manufacturer of any product for which an exemption is granted shall provide the following identification in the form of a tag or label permanently affixed or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use or in such other manner as may be prescribed in the exemption:

## CAUTION

This electronic product has been exempted from Food and Drug Administration radiation safety performance standards prescribed in the Code of Federal Regulations, Title 21, Chapter I, Subchapter J, pursuant to Exemption No. \_\_\_\_\_, issued on \_\_\_\_\_.

Interested persons may, on or before November 30, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 23, 1976.

JOSEPH P. HILE,  
Acting Associate Commissioner  
for Compliance.

[FR Doc.76-28737 Filed 9-30-76;8:45 am]

Office of Child Support Enforcement

[ 45 CFR Parts 302, 303, 305 ]

STATE CHILD SUPPORT PROGRAMS

Proposed Annual Audit Requirement

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Director, Office of



Child Support Enforcement (OCSE), with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement several sections of the Social Security Act added by Pub. L. 93-647 relating to the requirement for an annual audit of each State's child support program and a possible penalty of 5 percent of a State's title IV-A reimbursement. The Child Support Enforcement program under Title IV-D of the Social Security Act, and the State agency administering the program, will be referred to in this preamble as "IV-D."

#### SUMMARY

Under the proposal, OCSE would audit each State's child support program annually to determine its effectiveness. If a State's program is found to be ineffective, the State's title IV-A reimbursement would be reduced by 5 percent for the period audited. The initial audits would examine the procedures which the State has developed to meet the various requirements of the Child Support Enforcement program and determine if the State is utilizing those procedures. Future audits would be based on more stringent standards of program effectiveness based upon empirical data gathered through audit experiences.

#### STATUTORY BASIS

Section 452(a)(4) of the Act requires that, not less often than annually, the Office of Child Support Enforcement must "conduct a complete audit of the program established under such plan in each State and determine for the purposes of the penalty provision of Section 403(h) whether the actual operation of such programs in each State conforms to the requirements of this part."

Section 403(h) of the Act provides as follows:

(h) Notwithstanding any other provision of this Act, the amount payable to any State under this part for quarters in a fiscal year shall with respect to quarters beginning after December 31, 1976, be reduced by 5 per centum of such amount if such State is found by the Secretary as the result of the annual audit to have failed to have an effective program meeting the requirements of Section 402(a)(27) in any fiscal year beginning after September 30, 1976 (but, in the case of the fiscal year beginning October 1, 1976, only considering the second, third, and fourth quarters thereof).

Finally, Section 404(d) of the Act provides as follows:

(d) After December 31, 1976, in the case of any State which is found to have failed substantially to comply with the requirements of Section 402(a)(27), the reduction in any amount payable to such State required to be imposed under Section 403(h) shall be imposed in lieu of any reduction, with respect to such failure, which would otherwise be required to be imposed under this section.

The proposed regulations would provide a legal basis for carrying out these statutory provisions and would provide notice to the States, prior to the audit, of the standards and criteria to be used in auditing the State programs and if necessary, imposing the mandated penalty.

#### PUBLIC PARTICIPATION

On July 9, 1976, a Notice of Intent to Propose Regulations (NOI) was published in the FEDERAL REGISTER (41 FR 28344) presenting the statutory requirements, discussing possible approaches to implementing the provisions and inviting comments and suggestions from interested States, organizations, and individuals. OCSE received 23 comments; 20 from State and county IV-D agencies, one from the Family Law Section of the American Bar Association, one from a private organization advocating equal rights for fathers, and one from a private citizen who is in the process of attempting to obtain enforcement of a support obligation using a IV-D agency.

On August 13, 1976, OCSE published a Notice in the FEDERAL REGISTER (41 FR 34346) announcing the availability to the public of a preliminary draft proposed regulations.

On August 16, 1976, the Office met with the Work Group on Child Support Enforcement of the National Council of State Public Welfare Administrators, American Public Welfare Association, at their request, to discuss the audit and penalty requirements and the draft proposed regulations.

The comments received as a result of the NOI assisted the Department in the development of the proposed regulation and will be referred to as appropriate below.

#### AUDIT

OCSE proposes to conduct a thorough review of each State's IV-D program and make a determination as to the effectiveness of the program. The audit would be conducted by OCSE staff, using a standardized audit program to insure uniformity in all regions. The audit will generally adhere to the appropriate General Standards and Standards of Fieldwork promulgated by the American Institute of Certified Public Accountants in "Statement on Auditing Procedure No. 33." These standards include:

##### GENERAL STANDARDS

1. The examination is to be performed by a person or persons having adequate technical training and proficiency as an auditor.
2. In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.
3. Due professional care is to be exercised in the performance of the examination and the preparation of the report.

##### STANDARDS OF FIELDWORK

1. The work is to be adequately planned and assistants, if any, are to be properly supervised.
2. Sufficient competent evidential matter is to be obtained through inspection, observation, inquiries, and confirmations to afford a reasonable basis for an opinion regarding effectiveness of the IV-D program.

The proposal requires the States to cooperate in the audit by making available all records and documentation necessary, as well as by providing answers to questions which arise during the course of the audit. At the conclusion of the audit fieldwork, an interim report will be submitted to the State and the State will

be afforded an opportunity to respond. The State's response will be incorporated into the final report and OCSE will take the response into consideration in deciding whether to recommend to the Secretary that a penalty be taken. The first annual audit will be an examination of the operation of each State's IV-D program for the period January 1, 1977 through September 30, 1977. Subsequent audits will review program operation for the entire fiscal year.

#### EFFECTIVE PROGRAM

One of the major issues raised by the NOI, and one that generated much comment, was the definition of "effective program" for the purposes of the penalty. The definition must balance several interests. Title IV-D has been in effect for slightly over one year and in a number of States is still in the initiation phase. A very stringent definition of "effective program" could result in the majority of States being penalized, particularly those that did not have child support enforcement programs in operation prior to the enactment of title IV-D. This result would be counterproductive. On the other hand, Congress's intent is clearly that the States be held accountable for any failure to implement and conduct effective child support programs. The NOI proposed that a definition of "effective program" could change with time, being less demanding at the beginning of the program and becoming more stringent as the program progresses. This approach was recommended by the majority of the NOI responses and concurred in by the APWA Work Group. No comments objected to this approach, and it has been adopted in the proposal.

In § 305.20 of the proposal, "effective program" is defined as a program that is in compliance with the various statutory State plan requirements of title IV-D and two of title IV-A. The audit will test whether the State has established the necessary systems and procedures to conduct a child support enforcement program that meets the statutory requirements and whether the State is actually carrying out the required child support activities using the procedures and systems it has established. No test of the State's success in carrying out child support functions, cost effectiveness, or number of people provided service is to be imposed for the first audit.

For subsequent audit periods the Department intends to impose increasingly stringent standards for an effective program. Later standards may measure program effectiveness in terms of the State's success in obtaining child support, cost effectiveness, and the ability of a State to meet the child support enforcement needs of its population. Data and experience gained by the Department in conducting early audits will provide a sound empirical basis for establishing more demanding criteria for an effective program at a later date.

#### AUDIT SCOPE

The NOI raised the issue of which IV-D statutory provisions should be reviewed by the audit. We believe the law



requires that the State plan requirements of Section 454 of the Act be included. The requirements of Section 456 (Support Obligations) and Section 457 (Distribution of Proceeds) are incorporated by reference into Section 454 and would therefore also be audited. Provisions in section 458 regarding the payment of incentives to States and political subdivisions are also included within the proposed audit criteria. Including this requirement in the audit is necessary because it involves the transfer from one jurisdiction to another of payments which are financed entirely from Federal funds. Sections 305.21 through 305.35 of the proposal establish specific audit criteria for determining whether a State is complying with the statutory requirements of Sections 454, 456, 457, and 458 of the Act.

The proposal also establishes criteria to audit two IV-D State plan requirements that are not based on specific statutory requirements: Safeguarding of information (§ 305.37) and Fiscal policies and Accountability (§ 305.36). The Department believes that the importance of protecting the confidentiality of title IV-D case records from unauthorized disclosure justifies inclusion of the safeguarding requirement in the audit. A review of compliance with the fiscal policies and accountability requirement is justified by the necessity of insuring that adequate records will be available if needed at some later date to substantiate a State's claims for Federal financial participation.

The proposal also includes criteria for auditing whether the IV-D agency receives notice from the IV-A agency as required by 45 CFR 235.70 and whether the State obtains assignments of rights to support as required by 45 CFR 232.11. These two IV-A plan requirements were added by P.L. 93-647 and are essential to the Child Support Enforcement program. If the IV-D agency does not receive notice from the IV-A agency whenever AFDC is furnished with respect to a child who has been abandoned or deserted by a parent (45 CFR 235.70) it would have no AFDC cases upon which to act. All IV-D services for AFDC recipients are based on the existence of an assignment of child support rights to the State. If the IV-A agency fails to obtain assignments as required by the IV-A State plan, (45 CFR 232.11) the IV-D agency would have no support rights to enforce in AFDC cases. While three NOI comments requested that the audit not include requirements that are outside the direct control of the State's IV-D agency, the importance of these two requirements to the effectiveness of the Child Support Enforcement program and the statutory mandate to audit State program effectiveness dictate that the audit determine whether the IV-D agency is receiving notice from the IV-A agency and whether assignments are being taken.

#### AUDIT CRITERIA

For each State plan requirement to be audited, the regulation contains a sec-

tion that prescribes the criteria which a State must meet to be found in compliance with that particular requirement. In summary, they require that the State have established the procedures or systems necessary to perform the particular child support enforcement function; that the State be using the system or procedures it has established; and, for many of the requirements, that personnel, or attorneys or prosecutors, are assigned or are available to perform the function. "Personnel" and "Attorney or Prosecutor" are defined to include those who are performing IV-D functions under a cooperative agreement with IV-D agency or under a purchase of service agreement as well as actual IV-D agency employees.

Using accepted audit principles, the Department, when determining if a State's program meets the requirements of a particular criteria, will weight its decision on the most recent period. Thus, a State will be found to be in compliance with a particular State plan requirement if the audit discovered the State was in compliance with that requirement in the latter portion of FY 1977 even if on the basis of the audit the State was not in full compliance with that requirement for the earlier part of the fiscal year. This approach will give the States as much time as possible to bring these programs into compliance with the audit requirements and thus avoid the penalty. The Department believes that emphasizing State performance at the end of the year is entirely appropriate for the first audit, due to the relatively short time the States have had to carry out the program, the delay in Federal activity as a result of the lack of an appropriation from the Congress, and the fact that the final audit and penalty regulations will not be published until shortly before the beginning of the first audit period.

A NOI comment from a private group suggested that the Department should define an effective program to require the enforcement of visitation rights as well as support rights. The Act neither provides nor authorizes Federal involvement in the reconciliation of disputes over visitation rights, and therefore the proposal does not respond to this comment. The Family Law Section of the American Bar Association suggested that the Department not propose regulations for the imposition of penalties for failure to have effective child support programs until Federal financial participation (FFP) is made available for the salaries of judges and other court personnel. The fact the FFP is not provided for the salaries of judges does not remove the statutory requirement that an audit be conducted. Even if it could be demonstrated that the absence of FFP for judges' salaries resulted in lower child support collections, the level of collections will not be considered by the first audit. Further, the statutory mandates contained in sections 452(a)(4) and 403(h) are not discretionary, and HEW is required to comply with them.

#### CORRECTIVE ACTION

Four NOI responses suggested that a State that had been determined not to

have an effective program should not be penalized if it adopted and carried out a corrective action plan. The Department believes this approach is not permitted by the statutory language. The audit is a retrospective examination of a State's operation of the IV-D program for an entire year. The fiscal year for which an audit is conducted and the penalty applied is already over and for that period the State either was or was not operating an effective program. If not, the penalty must apply for that entire fiscal year. This regulation will provide notice to the States of the requirements to be audited and the criteria to be used to test compliance. Any corrective action that is necessary to ensure that a State's program will meet the minimum requirements of an effective program and thus avoid any penalty can be undertaken prior to the actual audit. With the Department placing compliance emphasis on the last quarter of the audit year, the States should have adequate time to take any corrective action necessary. Further, OCSE, through its regional offices, intends to conduct program reviews of each State's IV-D program as early as possible. These reviews should point up any deficiencies that could lead to the State's failing the audit. As many of these reviews as possible will be completed prior to January 1, 1977, the beginning of the first audit period. The results of these reviews will be used by OCSE to focus its technical assistance effort on those States and those aspects of State programs which are most in need of assistance.

#### PENALTY

Should a State be found, as a result of the audit, not to have an effective program, § 305.50 of the proposal provides that the State's reimbursement under Title IV-A will be reduced by 5 percent. An amendment to § 205.146 of Chapter II, Title 45 of the Code of Federal Regulations (NPRM published as FR Doc. 76-28744 in the Rules section of this issue) provides the mechanism for this reduction. Administrative reconsideration of the decision to impose any reduction required by this proposal would be allowed in the same manner as for other penalty reductions of title IV-A reimbursement. (See 45 CFR 205.146.)

Several comments in response to the NOI made recommendations that were not compatible with the statutory provisions. For example, three comments suggested that the five percent penalty was too high and recommended lower figures. One comment suggested that the Department should impose no penalty. Another suggested that the penalty should be applied against IV-D and not IV-A reimbursement. Section 403(h) of the Act requires that the penalty be imposed on states that fail to have an effective program, and that it be 5 percent of the reimbursement under title IV-A.

#### STANDARDS FOR PROGRAM OPERATION

Part 303, formerly entitled "Standards for an Effective Program," is being renamed "Standards for Program Operation." This is being done to more clearly



reflect the Part's content and to avoid possible confusion between the standards contained in Part 303 and the standard for determining whether the State has an effective program contained in the new Part 305. Further, the schedule for compliance with the Part 303 standards contained in § 303.0(b)(1) through (7) is being eliminated. The phase-in periods allowed by that section have now passed.

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before November 1, 1976.

Although the Department's policy is to allow at least a 45 day comment period, because of the prior extensive public participation discussed above under the heading Public Participation and the workshops to be held on this NPRM as discussed below, the Department has determined that 30 days will provide an adequate period for public comment on this NPRM.

Such comments will be available for public inspection in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of the notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

The Office of Child Support intends to hold at least 3 regional workshops to explain and discuss the proposed regulation and obtain recommendations from representatives of States, countries, interested groups and the general public. A notice will be published in the FEDERAL REGISTER detailing dates and locations.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Answers to specific questions may be obtained by calling Steve Henigson at (202) 472-4510.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated: August 25, 1976.

ROBERT FULTON,  
Director, Office of  
Child Support Enforcement.

Approved: September 24, 1976.

MARJORIE LYNCH,  
Acting Secretary.

1. Part 302, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 302.39 to read as follows:

#### PART 302—STATE PLAN REQUIREMENTS

§ 302.39 Standards for program operation.

The State plan shall provide that the IV-D agency will comply with the standards for program operation and the or-

ganizational and staffing requirements prescribed by Part 303 of this Chapter.

#### PART 303—STANDARDS FOR PROGRAM OPERATION

2. Part 303, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising the heading to read as set forth above and § 303.0 to read as follows:

§ 303.0 Scope and applicability of this part.

This part prescribes:

- (a) The minimum organizational and staffing requirements the State IV-D agency must meet in carrying out the IV-D program effective July 1, 1975; and
- (b) The standards for program operation which the IV-D agency must meet.

#### PART 305—AUDIT AND PENALTY

3. Chapter III, Title 45 of Code of Federal Regulations is amended by adding a new Part 305, reading as follows:

- Sec.
- 305.0 Scope.
- 305.1 Definitions.
- 305.10 Audit.
- 305.11 Audit period.
- 305.12 State comments.
- 305.13 State cooperation in annual audit.
- 305.20 Audit criteria.
- 305.21 Statewide operation.
- 305.22 State financial participation.
- 305.23 Single and separate organizational unit.
- 305.24 Establishing paternity.
- 305.25 Support obligations.
- 305.26 Enforcement of support obligation.
- 305.27 Child support payments to the IV-D agency.
- 305.28 Distribution of child support payment.
- 305.29 Payments to the family.
- 305.30 Incentive payments.
- 305.31 Individuals not otherwise eligible.
- 305.32 Cooperation with other States.
- 305.33 State parent locator service.
- 305.34 Cooperative agreements.
- 305.35 Reports and maintenance of records.
- 305.36 Fiscal policies and accountability.
- 305.37 Safeguarding information.
- 305.38 Prompt notice to child support agency.
- 305.39 Assignment of rights to support.
- 305.50 Penalty for failure to have an effective child support enforcement program.

AUTHORITY: Section 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 305.0 Scope.

This part implements the requirements in sections 452(a)(4) and 403(h) of the Social Security Act for an annual audit of the effectiveness of the State Child Support Enforcement Programs under title IV-D and for a possible reduction in Federal reimbursement for the States' title IV-A program pursuant to sections 403(h) and 404(d) of the Act. Sections 305.10 through 305.13 describe the annual audit. Sections 305.20 through 305.39 define an effective program for the purposes of this part, and establish audit criteria for determining program effectiveness. Section 305.50 provides for imposition of the penalty if a State is found by the Sec-

retary not to have had an effective program.

§ 305.1 Definitions.

(a) The definitions found in § 301.1 of this chapter also are applicable to this part.

(b) As used in this part:

(1) "Personnel" means, unless otherwise indicated, employees of the IV-D agency; court employees or law enforcement officials performing IV-D functions under a cooperative agreement with the IV-D agency, or persons performing IV-D functions under a purchase of service agreement.

(2) "Attorney or Prosecutor" includes those employed by the IV-D agency, employed by a court or law enforcement official under cooperative agreement with the IV-D agency, or those performing IV-D functions under a purchase of service agreement.

§ 305.10 Audit.

The Office of Child Support Enforcement will conduct an annual audit of each State as required by Sections 452 (a)(4) and 403(h) of the Act for the purpose of determining whether the State has an effective IV-D program meeting the requirements of Section 402(a)(27) of the Act. The audit of each State's program will be a comprehensive review to determine that the State's program meets the criteria specified in §§ 305.20 through 305.39 of this part. During the course of the audit, the Office will:

(a) Make a critical investigation of the State's IV-D program through inspection, inquiries, observation, and confirmation; and

(b) Use the appropriate General Standards and Standards of Field Work promulgated by the American Institute of Certified Public Accountants in the "Statement of Auditing Procedures No. 33."

§ 305.11 Audit period.

The first period to be audited will be from January 1, 1977, through September 30, 1977. The second and following audits will be for the period October 1 through September 30 of each fiscal year.

§ 305.12 State comments.

(a) Prior to concluding the audit fieldwork, the Office will afford the State IV-D agency an opportunity for an audit exit conference at which time preliminary audit findings will be discussed and the State may present any additional competent evidential matter it believes should be considered in the audit findings.

(b) At the conclusion of the audit fieldwork, the Office will prepare and send to the State a copy of its interim report on the results of the audit. Within 45 days from the date the report was sent by certified mail, the State may submit written comments on any part of the report which the State believes to be in error. The Office will incorporate such comments, if any, into the final audit report.



**§ 305.13 State cooperation in annual audit.**

(a) Each State shall make available to the Office such records or other supporting documentation as the Office's audit staff may request. The State shall also make available personnel associated with the State's IV-D program to answer such questions as the audit staff may find necessary in order to conduct or complete the audit.

(b) Failure to comply with the requirements of this section may necessitate a finding that the State has failed to comply with the particular criteria being audited.

**§ 305.20 Audit criteria.**

For the purposes of this part and Section 403(h) of the Act, in order to be found to have an effective program meeting the requirements of section 402 (a) (27) of the Act;

(a) A State must be in compliance with each of the following title IV-D State plan requirements:

- Statewide operation. (45 CFR 302.10)
- State financial participation. (45 CFR 302.11)
- Single and separate organizational unit. (45 CFR 302.12)
- Establishing paternity. (45 CFR 302.31(a))
- Support obligations. (45 CFR 302.50)
- Enforcement of support obligation. (45 CFR 302.31(b))
- Child support payments to the IV-D agency. (45 CFR 302.32)
- Distribution of child support payments. (45 CFR 302.51)
- Payments to the family. (45 CFR 302.38)
- Incentive payments. (45 CFR 302.52)
- Individuals not otherwise eligible. (45 CFR 302.33)
- Cooperation with other States. (45 CFR 302.36)
- State parent locator service. (45 CFR 302.35)
- Cooperative arrangements. (45 CFR 302.34)
- Reports and maintenance of records. (45 CFR 302.15)
- Fiscal policies and accountability. (45 CFR 302.14)
- Safeguarding information (45 CFR 302.18); and

(b) The IV-D agency must be receiving notice from the IV-A agency whenever AFDC is furnished with respect to a child who has been abandoned or deserted by a parent (45 CFR 235.70), and the State must be obtaining assignments of rights to support (45 CFR 232.11).

**§ 305.21 Statewide operation.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement of Statewide operation (45 CFR 302.10), a State must:

(a) Administer the plan uniformly throughout the State, or supervise the administration of the plan by its political subdivisions;

(b) Have established and be utilizing methods of informing staff of State policies, standards, procedures, and instructions;

(c) Have assigned State staff to conduct regular, planned examination and evaluation of operations in local offices; and

(d) Make available the services and functions as required by the approved State plan throughout the State.

**§ 305.22 State financial participation.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for State financial participation (45 CFR 302.11), a State must:

(a) Participate financially by incurring 25 percent of the cost of the program; and

(b) Make actual payments from funds appropriated to the IV-D Agency or transferred to the IV-D Agency, or have certified expenditure statements from the contributing public agency representing expenditures under the State's IV-D plan.

**§ 305.23 Single and separate organizational unit.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for a single and separate organizational unit to administer the IV-D plan (45 CFR 302.12), a State must have such a unit which:

(a) Is responsible and accountable for the operation of the IV-D plan and for no other program or activity;

(b) Is responsible for securing compliance with requirements of the IV-D plan delegated to any other State or local agency or official, performed under cooperative agreement or purchase of service agreement; and

(c) Has staff assigned to perform all of the required State level functions listed in § 303.20(b) of this chapter.

**§ 305.24 Establishing paternity.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement that the State undertake the establishment of paternity (45 CFR 302.31(a) and 302.33), a State must:

(a) Have established and be utilizing procedures for obtaining the identity of the putative father from the applicant or recipient;

(b) Have written procedures for establishing paternity:

(1) By court order or other legal process established by State law; or

(2) By acknowledgment, if under State law such acknowledgment has the same legal effect as court ordered paternity, including the rights to benefits other than child support;

(c) Be utilizing such procedures to establish the paternity of any child born out of wedlock whose paternity has not previously been established and with respect to whom there is an assignment in effect pursuant to Section 232.11 of this title or with respect to whom there is an application for child support services pursuant to Section 302.33 of this chapter;

(d) Have identified and made a list of all laboratories within the State which, in the opinion of the IV-D agency, perform legally and medically acceptable tests, including blood tests, which tend to confirm or refute the alleged paternity, and have made such list available to appropriate court and law enforcement officials, and to the public upon request;

(e) Have identified all State statutes and regulations that provide procedures to be used in determining the paternity of a child born out of wedlock as required by § 302.17 of this chapter;

(f) Have available attorneys or prosecutors to represent the agency in court or administrative proceedings when necessary with respect to the establishment of paternity; and

(g) Provide personnel, such as interviewers, investigators, clerical and other support staff to perform paternity establishment functions.

**§ 305.25 Support obligations.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement to establish support obligations (45 CFR 302.50 and 302.53), a State must:

(a) Have established and be utilizing procedures for the establishment of a child support obligation for any child;

(1) With respect to whom there is an assignment in effect pursuant to § 232.11 of this title or with respect to whom there is an application for child support services pursuant to § 302.33 of this chapter; and

(2) Who has not previously had a child support obligation established by court order or by other legal process established under State law;

(b) If the support obligation is established by means other than a court order, utilize the State's formula, pursuant to Section 302.53 of this chapter, for determining the amount of the support obligation;

(c) Provide personnel to perform the establishment of support obligation function; and

(d) Have available attorneys or prosecutors to represent the State in court or administrative proceedings when necessary to establish the support obligation.

**§ 305.26 Enforcement of support obligation.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement to enforce support obligations (45 CFR 302.31(b)), a State must:

(a) Have established and be utilizing a procedure for identifying as delinquent those cases in which there is a failure to comply with the support obligation;

(b) Have established and be utilizing procedures for contacting delinquent obligors for the purpose of collecting the support obligation;

(c) Have identified and established the appropriate procedures, including but not limited to those specified in Section 303.6 of this chapter, to enforce child support obligations under the State's statutes or regulations;

(d) Have established procedures for using reciprocal support enforcement arrangements that have been adopted with other States;

(e) Take appropriate action, using the procedures the State has established, to enforce support obligations;

(f) Have available attorneys or prosecutors to represent the agency in court



or administrative proceedings when necessary to enforce delinquent support obligations; and

(g) Provide personnel, such as interviewers, investigators, clerks and other support staff to perform support obligation enforcement functions.

#### § 305.27 Child support payments to the IV-D agency.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement of child support payments to the IV-D Agency (45 CFR 302.32) a State must:

(a) Have established and be utilizing procedures for the receipt of child support payments by the IV-D agency with respect to cases in which there is an assignment of support rights pursuant to § 232.11 of this title and cases in which there is an application for child support services pursuant to § 302.33 of this chapter.

(b) Have established and be utilizing procedures to identify child support payments that are not being received by the IV-D agency and to take corrective action;

(c) Have established and be utilizing procedures that meet the requirements of § 302.32(b) of this chapter for informing the State's IV-A agency of the amount of collection so that the family's continued eligibility for assistance payments can be determined;

(d) Have staff performing the activities described in this section.

#### § 305.28 Distribution of child support payment.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for distribution of child support collections (45 CFR 302.51 and 302.32), a State must:

(a) Have written procedures which, if properly applied, would result in a distribution of child support collections which is in accordance with §§ 302.51 and 302.32 of this chapter;

(b) Be making the distribution of child support collections pursuant to the procedures it has established; and

(c) Have personnel distributing child support collections.

#### § 305.29 Payments to the family.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for payment to the family (45 CFR 302.38), a State must distribute any payments required to be made to the family under §§ 302.32 and 302.51 of this chapter to the resident parent, legal guardian, or caretaker relative having custody of, or responsibility for, the child or children.

#### § 305.30 Incentive payments.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement to make incentive payments (45 CFR 302.52), a State must:

(a) Have established and be utilizing written procedures for making incentive payments in the proper amounts

to other States and, if appropriate, to political subdivisions within the State;

(b) Have established and be utilizing methods to account for monies received so the "amount retained by the State to reduce or repay assistance payments" can be properly determined;

(c) Have established and be utilizing methods for determining that the collection was made by a State or political subdivision operating pursuant to an approved IV-D plan and was made on behalf of an individual with respect to whom there is an assignment in effect pursuant to § 232.11 of this title;

(d) Have established and be utilizing methods for determining which collections represent payments on the first 12 months of support obligations;

(e) Have established and be utilizing methods for ensuring that the incentive payments are made as soon as administratively feasible;

(f) Have established and be utilizing procedures (in accordance with instruction issued by the Office) for allocating the incentive payment among jurisdictions when more than one jurisdiction is involved in the enforcement or collection; and

(g) Have personnel performing the functions specified in this section.

#### § 305.31 Individuals not otherwise eligible.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for providing child support enforcement services to individuals not otherwise eligible (45 CFR 302.33), a State must:

(a) Have established and be utilizing a procedure for accepting signed, written applications on a Statewide basis for child support services from individuals not otherwise eligible under § 302.31 of this chapter.

(b) Have established and be utilizing procedures for providing to applicants on a Statewide basis, all appropriate child support services available under the State's plan, including locating absent parents, establishing paternity and securing child support;

(c) Have established and be utilizing a procedure for collection of any fees and recovery of any costs authorized by the State's plan; and

(d) Provide personnel to perform child support enforcement services for applicants.

#### § 305.32 Cooperation with other States.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for interstate cooperation (45 CFR 302.36), a State must:

(a) Have established and be utilizing a method of accepting and processing requests for assistance from other States;

(b) Have established and be utilizing a procedure for using the State's PLS (both State and local locate sources) in an attempt to locate an absent parent upon request of another State;

(c) Have established and be utilizing a procedure for establishing paternity or

assisting in establishing paternity when requested by another State;

(d) Have established and be utilizing a procedure for establishing court orders for support upon request by another State, including procedures for responding to a complaint under the Uniform Reciprocal Enforcement of Support Act;

(e) Have established and be utilizing procedures for collecting support payments from an absent parent and forwarding such payments to the State where the obligation is owed;

(f) Have established and be utilizing procedures for monitoring the status of cases upon which the State is taking action on behalf of another State;

(g) Have established and be utilizing procedures that comply with the requirements for providing sufficient information to other States as specified in § 303.7 of this chapter;

(h) Have personnel at the State level to coordinate activities pursuant to, and to assure compliance with, the requirements of the State's URESA; and

(i) Have personnel to perform the functions specified in this section.

#### § 305.33 State parent locator service.

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for a parent locator service (45 CFR 302.35), a State must:

(a) Have established and be utilizing a central State PLS office as required by § 302.35(h) of this chapter;

(b) Have identified and be utilizing major local locate data sources within the State such as those listed in § 303.3(a) of this chapter;

(c) Have identified and be utilizing major State locate data sources such as those listed in § 303.3(c) of this chapter;

(d) Have developed and be utilizing lines of communications with the locate data sources identified by the State;

(e) Be utilizing the Federal PLS when necessary pursuant to § 302.35(a)(2) and (d) of this chapter;

(f) Have established procedures for accepting from a person authorized under § 302.35(c) of this chapter, an application to use the PLS;

(g) Have established and be utilizing procedures for collecting any fees required by § 302.35(e) of this chapter and the State's plan;

(h) Be using the names and other identifying information of absent parents, the State and local locate data sources and the Federal PLS, in an attempt to determine the actual whereabouts of the absent parent, or determine that the whereabouts of the absent parent cannot be ascertained;

(i) Have developed and be using the protective measures to safeguard information transmitted and received through use of the Federal PLS as required by § 302.70(e)(2) and (3) of this chapter and instructions issued by the Office; and

(j) Provide personnel, such as interviewers, investigators, clerks and other support staff to perform the functions described in this section.



**§ 305.34 Cooperative arrangements.**

(a) For the purposes of this part, in order to be found to be in compliance with the State plan requirement for cooperative arrangements (45 CFR 302.34), a State must utilize written cooperative agreements with appropriate courts and law enforcement officials to the extent necessary to establish paternity, establish and enforce child support obligations, collect child support, and cooperate with other States in these functions.

(b) This requirement will not be audited separately. However, cooperative agreements may be necessary in order for a State to meet the requirements of §§ 305.24, 305.25, 305.27, 305.30 and 305.37 of this part, if the IV-D agency does not have sufficient personnel and administrative procedures to accomplish these functions.

**§ 305.35 Reports and maintenance of records.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for reports and maintenance of records (45 CFR 302.15), a State must:

(a) Have established and be utilizing a method of maintaining the records necessary for proper and efficient operation of the plan including those listed in § 302.15(a)(1) (i) through (vii) of this chapter;

(b) Have established and be utilizing a system for insuring that reports required by the Secretary are provided when due, and are accurate and complete; and

(c) Have personnel performing the functions specified in this section.

**§ 305.36 Fiscal policies and accountability.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for fiscal policies and accountability (45 CFR 302.14), a State must:

(a) have established and be maintaining and utilizing an accounting system and supporting fiscal records that assure that claims for Federal funds are in accord with applicable Federal regulations and instructions issued by the Office; and

(b) have personnel performing the functions specified in this section.

**§ 305.37 Safeguarding information.**

For the purposes of this part, in order to be found to be in compliance with the State plan requirement for safeguarding information (45 CFR 302.18), a State must have established and be utilizing procedures that restrict the use or disclosure of information concerning applicants or recipients of child support enforcement services to purposes listed in § 302.18(a) of this chapter.

**§ 305.38 Notice to child support agency.**

For the purposes of this part, the IV-D agency must be receiving notice from the IV-A agency (45 CFR 235.70) when-

ever AFDC is furnished with respect to a child who has been deserted or abandoned by a parent.

**§ 305.39 Assignment of rights to support.**

For the purposes of this part, a State must obtain assignments of support rights for each AFDC applicant and have an assignment in effect for each AFDC case as required by 45 CFR 232.11, except where there has been a refusal to assign and the appropriate action under § 232.11 of this title was taken.

**§ 305.50 Penalty for failure to have an effective child support enforcement program.**

(a) Pursuant to sections 403(h) and 404(d) of the Act, if a State is found by the Secretary, on the basis of the results of the audit described in this part, to have failed to have an effective child support enforcement program meeting the requirements of Section 402(a)(27) of the Act, as implemented by Part 302 of this chapter and this part, total payment to the State under title IV-A of the Act shall be reduced by 5 percent of such payments.

(b) Any reduction required to be made under this section shall be made pursuant to § 205.146(d) of this title.

(c) The reconsideration of penalty imposition provided for by § 205.146(e) of this title shall be applicable to any reduction made pursuant to this section.

[FR Doc.76-28745 Filed 9-30-76; 8:45 am]

**Social and Rehabilitation Service****[ 45 CFR Part 205 ]****PENALTY FOR FAILURE TO HAVE AN EFFECTIVE CHILD SUPPORT ENFORCEMENT PROGRAM****Proposed Rulemaking**

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The purpose of the proposed regulation is to alert States to the statutorily required penalty imposed, beginning January 1, 1977, pursuant to sections 403(h) and 404(d) of the Social Security Act. The basis for the proposal is the requirement in those sections which require a reduction of 5 percent in the amount payable under the title IV-A to any State found to have failed to have an effective child support enforcement program meeting the requirements of Section 402(a)(27) of the Act.

Part 305, published as NPRM today (41 FR 4317) describes the audit to be conducted to determine program effectiveness, defines an effective program for purposes of this penalty and establishes audit criteria for determining program effectiveness.

Prior to the adoption of the proposed regulations, consideration will be given to written comments, suggestions, or objections thereto, addressed to the Admin-

istrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, and received on or before November 1, 1976.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

NOTE: It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Answers to specific questions may be obtained by calling Steve Henigson at (202) 472-4510.

(Sec. 1102, 46 Stat. 647 (42 U.S.C. 1302))  
(Catalog of Federal Domestic Assistance Program No. 13.761 Public Assistance—Maintenance Assistance (State Aid))

Dated August 25, 1976.

ROBERT FULTON,  
Administrator, Social and  
Rehabilitation Service.

Approved: September 24, 1976.

MARJORIE LYNCH,  
Acting Secretary.

Section 205.146 of Part 205, Chapter II, Title 45 of the Code of Federal Regulations is amended by recodifying paragraph (d) to (e), and adding a new paragraph (d) to read as follows:

**§ 205.146 Specific limitations on Federal financial participation under title IV-A.**

(d) *Penalty for failure to have an effective child support enforcement program.*—(1) *General.* Pursuant to section 403(h) of the Act, notwithstanding any other provision of this chapter, total payments to a State under title IV-A of the Act for any quarter beginning after December 31, 1976, shall be reduced by 5 percent of such payments (calculated without regard to any other reduction under this section), if a State is found by the Secretary to have failed to have an effective child support enforcement program meeting the requirements of section 402(a)(27), as implemented by Parts 302 and 305 of this title.

(2) *Application of penalty.* (i) The penalty will be imposed for each fiscal year, beginning with F.Y. 77 (but in the case of F.Y. 77, only considering the second, third and fourth quarters thereof).

(ii) The penalty will be imposed on the basis of the results of the audit conducted pursuant to Part 305 of this title.

(iii) Any penalty imposed under this paragraph will be imposed for the entire fiscal year for which the State was found not to have an effective child support enforcement program.

[FR Doc.76-28744 Filed 9-30-76; 8:45 am]



ENVIRONMENTAL PROTECTION  
AGENCY

[40 CFR Part 52]

[FRL 625-3]

APPROVAL AND PROMULGATION OF  
IMPLEMENTATION PLANS

## Virgin Islands Implementation Plan

The purpose of this FEDERAL REGISTER notice is to announce receipt of a request from the Virgin Islands that the Environmental Protection Agency (EPA) reconsider in part its recent disapproval of a proposed revision to the Virgin Islands Implementation Plan. This proposed revision, which contained a revised regulation, 12 V.I.R. & R. 9:204-26 entitled, "Sulfur Compounds Emission Control," was approved on July 12, 1976 (41 FR 28492) as it applies to the islands of St. Thomas and St. John, but disapproved as it applies to the island of St. Croix. This disapproval was based specifically on subsection (a)(2) of revised 204-26; the other subsections of the regulation were not considered for separate approval.

On August 16, 1976 the Virgin Islands Department of Conservation and Cultural Affairs requested that EPA's disapproval for St. Croix be limited to subsection (a)(2) of the revised 204-26. As discussed in EPA's July 12 notice, the provision of subsection (a)(2) permitting the use on St. Croix of residual fuel oil with a 1.5% sulfur content would not be consistent with the protection of ambient air quality standards.

Subsections (a)(1), (a)(3), (b), (c) and (d) of revised 204-26 provide for the following:

(1) *Subsection 204-26(a)(1)*—Emission of sulfur oxides which result in any violation of the concentration value associated with the national 3-hour or 24-hour ambient air quality standard are not permitted.

(2) *Subsection 204-26(a)(3)*—Fuel oil cannot be burned which causes a contravention of any national ambient air quality standard for sulfur oxides or which violates a control strategy for sulfur oxides as contained in the Virgin Islands Implementation Plan.

(3) *Subsection 204-26(b)*—The emissions of hydrogen sulfide are limited on the basis of an ambient air quality standard set by the Virgin Islands.

(4) *Subsection 204-26(c)*—The Virgin Islands may require that stack tests be performed or that certain data be maintained by a source of air pollution.

(5) *Subsection 204-26(d)*—If a source of sulfur oxides applies control equipment or uses a process which removes sulfur compounds from its gas stream and if it can be demonstrated that ambient air quality standards will not be contravened, then a fuel sulfur content higher than that required by the applicable limitation may be authorized. Such authorization must be approved by EPA before becoming effective.

EPA's subsequent evaluation of subsections (a)(1), (a)(3), (b), (c) and (d) of revised 204-26 as they apply to the island of St. Croix concludes that the approval of these subsections will not result in the contravention of any applicable ambient air quality standard. This notice is issued, as required by section 110 of the Clean Air Act to advise the public that comments may be submitted for the next 30 days as to whether this proposed revision to the Virgin Islands Implementation Plan, applicable only to the island of St. Croix, should be approved or disapproved. Only comments received during the 30-day public comment period hereby established will be considered. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of section 110 (a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR, Part 51.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the Virgin Islands Department of Conservation and Cultural Affairs, Charlotte Amalie, St. Thomas 00801. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: September 23, 1976.

G. M. HANSLER,  
Regional Administrator,  
Environmental Protection Agency.

[FR Doc.76-28878 Filed 9-30-76; 8:45 am]

## [40 CFR Part 180]

[FRL 625-7; PP0F0997/P35]

TOLERANCES AND EXEMPTIONS FROM  
TOLERANCES FOR PESTICIDE CHEMICALS  
IN OR ON RAW AGRICULTURAL  
COMMODITIES5-Ethoxy-3-Trichloromethyl-1,2,4-  
Thiadiazole

On August 12, 1970, the Food and Drug Administration gave notice (35 FR 12794) that Olin Chemicals, 120 Long Ridge Rd., Stamford CT 06904, had filed a pesticide petition (PP 0F0997). This petition proposed that 21 CFR 120 (since recodified to 40 CFR 180) be amended by the establishment of a tolerance for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole in or on the raw agricultural commodity cottonseed at 0.3 part per million (ppm).

Olin Chemicals subsequently amended the petition by lowering the requested tolerance level from 0.3 ppm to 0.2 ppm and by expressing the tolerance in terms of both the parent compound and its mono-acid metabolite, 3-carboxy-5-ethoxy-1,2,4-thiadiazole.

The data submitted in the petition and all other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, milk, meat, or poultry, as delineated in 40 CFR 180.6(a)(3), and it has been determined that the tolerance established by amending 40 CFR 180 will protect the public health. Because of the length of time that has elapsed since the original filing of the petition for tolerance, the Agency has found it to be in the public interest to propose this tolerance, thereby allowing a period for public comment, rather than to promulgate it at once. It is, therefore, proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before November 1, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 N St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before November 1, 1976 and should bear a notation indicating the subject/document control number "PP0F0997/P35." All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 24, 1976.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

JOHN B. RITCH, JR.,  
Director,  
Registration Division.

It is proposed that Part 180, Subpart C, be amended by adding the new § 180.370 to read as follows:

§ 180.370 5-ethoxy-3-trichloromethyl-  
1,2,4-thiadiazole; tolerances for resi-  
dues.

Tolerances are established for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its mono-acid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the following raw agricultural commodities:

Commodity:	Parts per million
Cottonseed	0.2

[FR Doc.76-28875 Filed 9-30-76; 8:45 am]



# FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20735; RM-1974; 2655]

## NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

### Order Extending Time for Filing Comments and Reply Comments

Adopted: September 23, 1976.

Released: September 27, 1976.

In the matter of changes in the rules relating to Noncommercial Educational FM Broadcast Stations,

1. On March 17, 1976, the Commission issued a notice of proposed rulemaking in this proceeding, 41 FR 16973. The comment and reply dates originally specified, July 1, 1976, and August 16, 1976, were extended to October 1, 1976, and November 16, 1976, respectively, by Order adopted June 22, 1976. See 41 FR 27389, Friday, July 2, 1976. The Commission has before it two requests for further extension filed by the Corporation for Public Broadcasting ("CPB") and the Intercollegiate Broadcasting System, Inc., ("IBS").

2. IBS has requested an extension of the comment and reply dates to November 15 and December 31. We do not need to discuss the merits of this request in light of our decision to grant the extension request of CPB for a greater period of time. CPB asks for an extension until December 31, 1976, for the filing of comments. No suggestion is offered as to a revised date for the filing of reply comments. The CPB extension requested is predicated on the need to offer the Commission the results of engineering studies now being conducted for CPB. According to CPB, it was not until the recent rendering of an interim report by its engineers that it became clear that the studies would be likely to produce important data for consideration in this proceeding. The studies deal with receiver characteristics, Class D station allocations, and a Table of Noncommercial FM assignments.

3. We agree that the issues being considered by CPB are important ones in this proceeding and that a delay of the sort requested by CPB can be justified. In the context of this proceeding the

Commission is examining a wide range of issues basic to educational noncommercial FM allocation and usage. A resolution of the issues raised requires consideration of data from various sources, and it would serve no purpose to rush the proceeding to a conclusion without adequate data. For that reason we believe that an extension of the sort requested can be justified, but we do not contemplate a further extension. At some point the proceeding must be brought to a close.

4. Accordingly, it is ordered, That the time for filing comments is extended through January 3, 1977, and for filing reply comments is extended through February 14, 1977. This action is taken pursuant to sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

FEDERAL COMMUNICATIONS  
COMMISSION,

PAUL WM. PUTNEY,

Acting Chief, Broadcast Bureau.

[FR Doc. 76-28812 Filed 9-30-76; 8:45 am]



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice CM-6/104]

### ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY Meeting

The International Industrial Property Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on November 4, 1976 at the Department of State in Conference Room 1105 from 9:30 a.m. to 1 p.m. Arrangements can be made to continue the meeting after lunch if the Panel so desires.

The purpose of this open meeting will be to discuss the following topics:

1. the proposed revision of the Paris Industrial Property Convention;
2. the triennial administrative meetings of the World Intellectual Property Organization;
3. the Canadian "Working Paper on Patent Law Revision";
4. the proposed UNCTAD Code of Conduct on the Transfer of Technology.

The public attending may, as time permits and subject to the instructions of the Chairman, participate in the discussions or may submit their views in writing to the Chairman prior to or at the meeting for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation and address to Mr. Steven R. Pruett, Office of Business Practices, Department of State; telephone (202) 632-0307 prior to October 28, 1976. All non-government attendees at the meeting should use the C Street Entrance to the building.

Dated: September 23, 1976.

HARVEY J. WINTER,  
Executive Secretary.

[FR Doc.76-28830 Filed 9-30-76; 8:45 am]

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Cir. 570, 1976 Rev. Supp. No. 1]

### SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

#### Compass Insurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds has

been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$378,000 has been established for the company.

Name of Company, Location of Principal  
Executive Office, and State in Which  
Incorporated

COMPASS INSURANCE COMPANY  
MIDDLETOWN, OHIO  
NEW YORK

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 20, 1976.

DAVID MOSSO,  
Fiscal Assistant Secretary.

[FR Doc.76-28803 Filed 9-30-76; 8:45 am]

[Dept. Cir. 570, 1976 Rev. Supp. No. 3]

### SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

#### Munich American Reinsurance Co.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$2,192,000 has been established for the company.

Name of Company, Location of Principal  
Executive Office, and State in Which  
Incorporated

MUNICH AMERICAN REINSURANCE COMPANY  
NEW YORK, NEW YORK  
NEW YORK

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may

be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 20, 1976.

DAVID MOSSO,  
Fiscal Assistant Secretary.

[FR Doc.76-28805 Filed 9-30-76; 8:45 am]

[Dept. Cir. 570, 1976 Rev. Supp. No. 2]

### SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

#### National American Insurance Company of New York; Change of Name

Mohawk Insurance Company, a New York corporation, has formally changed its name to National American Insurance Company of New York, effective July 6, 1976. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated July 6, 1976, has been issued by the Secretary of the Treasury to National American Insurance Company of New York, Allentown, Pennsylvania, under Sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1976 (41 FR 28246, July 8, 1976) to the company under its former name, Mohawk Insurance Company. The underwriting limitation of \$251,000 previously established for the company remains unchanged.

The change in name of Mohawk Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

DAVID MOSSO,  
Fiscal Assistant Secretary.

DATED: September 20, 1976.

[FR Doc.76-28804 Filed 9-30-76; 8:45 am]



## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

[Docket No. 76-6]

## LYNNFIELD DRUG, INC., LYNNFIELD, MASS.

## Hearing

Notice is hereby given that on February 5, 1976, the Drug Enforcement Administration, Department of Justice issued to Mr. Stanley J. Sokolowski, President, Lynnfield Drug, Inc., Lynnfield, Massachusetts, an Order to Show Cause as to why the Drug Enforcement Administration Registration No. AL5912111 issued to the Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, September 28, 1976, in Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: September 24, 1976.

PETER B. BENSINGER,  
Administrator, Drug  
Enforcement Administration.

[FR Doc.76-28755 Filed 9-30-76;8:45 am]

## Parole Commission

## PUBLIC READING ROOM

## Index to Decisions in Public Reading Room

A Public Reading Room is maintained by the United States Parole Commission at its Headquarters at 320 First Street, Northwest, Washington, D.C. 20537, pursuant to 5 U.S.C. 552(a) (2) and 28 CFR 16.2. The Index to the Parole and Revocation decisions posted in the room is published herewith. Printed materials and Labor and Pension Materials are also maintained in the Reading Room and are described in the paragraph entitled "Other Information".

**Explanation of File Layout:** Each type of decision is filed in separate folders or series of folders chronologically. Parole grants in each region in early 1975 are filed separately from parole denials. In later 1975 grants and denials from the same region are in the same series of folders. After April 1, 1976, grants and denials by hearing examiners are filed separately in folders indicating the institution in which the hearing was held. National Appeals Board and National Directors' decisions are not filed regionally since they are made at headquarters.

**Coding of File Folders.** Each folder contains decisional material for the time period indicated on the label coded as to Type and Location.

## TYPES OF DECISIONS:

HE =Hearing Examiners  
A =Regional Commissioners' Appeals  
NAB=National Appeals Board (includes entire Commission "en banc")  
ND =National Directors (References from Regions)  
REO=Decisions to reopen cases

## LOCATION:

P=Philadelphia Region (Northeast)  
A=Atlanta Region (Southeast)  
K=Kansas City Region (North Central)  
D=Dallas Region (South Central)  
S=San Francisco Region (Western)

**Other Information.** For names of institutions in each region and regional boundaries, see map of Federal Correctional System and booklet "Federal Prison System Facilities".

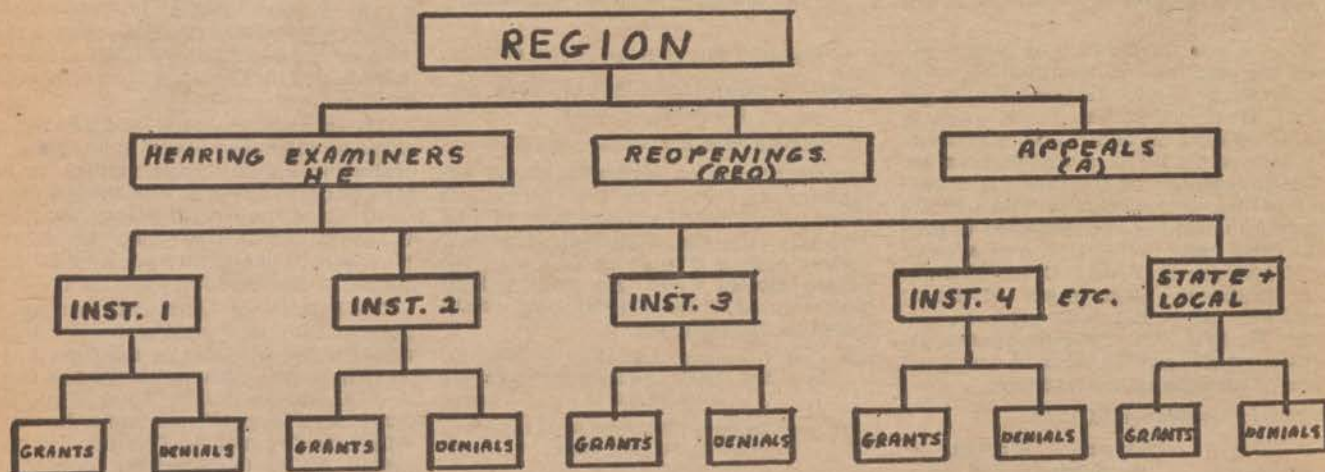
Printed material includes Commission's statute, regulations, research studies, annual reports, information pamphlets, and other items.

Labor and pension material includes all final opinions on applications for exemption from certain provisions of the Labor-Management Reporting and Disclosure Act (29 USC 504) and the Employee Retirement Income Security Act (29 U.S.C. 1111).

Schematic diagram of decisions made in each region is separately attached.

Dated: September 24, 1976.

MAURICE H. SIGLER,  
Chairman, United States  
Parole Commission.

**SCHEMATIC DIAGRAM - DECISIONS MADE IN EACH REGION**

[FR Doc.76-28555 Filed 9-30-76;8:45 am]

## DEPARTMENT OF THE INTERIOR

## Office of the Secretary

[INT-FES-76-50]

## DALLAS CREEK PROJECT, COLORADO

## 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 on a proposed water resource project that would develop water for municipal and industrial uses and irrigation in western Colorado. It would also benefit fisheries, recreation, and flood control.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclama-

tion, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991. Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Bureau of Reclamation, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, Federal Building, 125 South State Street, Salt Lake City, Utah 84147, Telephone (801) 524-5404.



Western Colorado Projects Office, Bureau of Reclamation, Building 8, ERDA Compound, Grand Junction, Colorado 81501, Telephone (303) 242-8621.

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: SEPTEMBER 28, 1976.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.76-28843 Filed 9-30-76;8:45 am]

#### Office of Hearings and Appeals

[Docket No. M 76-258]

#### B AND E COAL 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), B and E Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.\*\*\*

The substance of Petitioner's statement is as follows:

1. Petitioner operates a mine in the No. 2 Elkhorn seam. The seam of coal is 29 to 38 inches in height.

2. The equipment in this mine consists of an S & S scoop, an Acme pin machine and a Paul Elswick pin machine.

3. When the cabs and canopies are installed on the equipment, the operator of the equipment has only 2 to 3 inches of vision. The employees are afraid to operate the machines with this little vision. Canopies also interfere with the roof support and cause hazardous conditions to the employees.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 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.

SEPTEMBER 23, 1976.

[FR Doc.76-28823 Filed 9-30-76;8:45 am]

[Docket No. M 76-235]

#### B. AND Z. COAL 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), B. and Z. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Grethel, 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 § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.\*\*\*

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of one S & S UNA-TRAC 74 scoop. The scoop is 30 inches high.

3. The No. 1 Mine is in the Fireclay seam which ranges from 36 to 38 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of a canopy on the scoop would limit the vision of the operator of the machine, creating a hazard to him as well as to the other employees in the mine.

4. Petitioner feels that since the scoop operator's vision is limited and since his position in the deck is cramped with the canopy installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The employees at the mine have refused to operate equipment with canopies installed.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 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.

SEPTEMBER 23, 1976.

[FR Doc.76-28824 Filed 9-30-76;8:45 am]

[Docket No. M 76-188]

#### KAY BOB COAL 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), Kay Bob Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric



face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \*\*\*

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of three 6 SC shuttle cars, one 14-7 Joy loading machine, one 15 RBU cutting machine, one TDF 24 Mobile Face drilling machine, one Acme pinup machine, and one AR 95 Elkhorn scoop.

3. The No. 2 Mine is in the Thacker seam which ranges from 39 to 42 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the shuttle car operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish

comments on or before November 1, 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.

SEPTEMBER 23, 1976.

[FR Doc.76-28825 Filed 9-30-76;8:45 am]

[Docket No. M 76-223]

#### LITTLE AND MULLINS COAL 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), Little & Mullins Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \*\*\*

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this

mine would create a hazard to the equipment operators.

2. Petitioner's haulage equipment consists of three lizards and one scoop. Unlike equipment made today, this equipment was not designed to have canopies installed. Petitioner also has three roof bolting machines and one Joy loader.

3. The No. 1 Underground Mine is in the No. 1 Elkhorn seam which ranges from 38 to 42 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. Installation of canopies on the tractors limits the visions of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.

4. Petitioner feels that since the operators' vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

5. The employees at the mine have refused to operate equipment with canopies installed.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 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.

SEPTEMBER 23, 1976.

[FR Doc.76-28826 Filed 9-30-76;8:45 am]

[Docket No. M 76-189]

#### PREECE COAL CO., INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Preece Coal Co., Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs



(1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

1. Petitioner feels that installing canopies on the haulage equipment in this mine would create a hazard to the equipment operators.
2. Petitioner's haulage equipment consists of one Jeffrey loading machine, one 1410 loading machine, one 86 S & S scoop, one 16 RB cutting machine, three 6 SC shuttle cars, and one TDF 24 Mobile Face drilling machine.
3. The No. 1 Mine is in the Thacker seam which ranges from 37 to 40 inches in height. Petitioner is constantly running into ascending and descending grades in this seam, resulting in dips in the coalbed. As a result of these dips, the canopies have to be installed in such a manner as to prevent the canopies from striking the roof and possibly destroying roof support. Installation of canopies on the tractors allows only a 23-inch vertical operating compartment which limits the vision of the operators of the equipment, creating a hazard to them as well as to the other employees in the mine.
4. Petitioner feels that since the shuttle car operator's vision is limited and since their position in the decks is cramped with the canopies installed, that canopy installation could be a contributing factor in any accidents that may arise.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 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.

SEPTEMBER 23, 1976.

[FR Doc.76-28827 Filed 9-30-76;8:45 am]

[Docket No. M 76-272]

#### SKYVIEW MINING, INC.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Skyview Mining, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 106 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\* \* \* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

1. Petitioner operates a mine in the No. 2 Elkhorn seam which varies from 40 to 44 inches in height.
2. The equipment used in this mine consists of a 14-7 Joy loading machine, a Long Airdox roof bolter, a Paul's bolting machine, and three Porter End-Dump shuttle cars.
3. The maximum height of canopies which can be used on this equipment would be 36 inches. Canopies set at this height strike the roof of the mine. Having these canopies installed also results in reduced vision for the equipment operators resulting in a hazardous situation.
4. The employees have refused to work under the conditions created by the use

of canopies because they feel the cramped positions and poor vision will cause their reflexes to be slowed which may result in injuries to themselves or fellow employees.

5. Due to the height of the coal seam and the type of equipment it uses, Petitioner requests that it be exempt from § 75.1710.

#### Request for Hearing or Comments

Persons interested in this petition may request a hearing on the petition or furnish comments on or before November 1, 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.

SEPTEMBER 23, 1976.

[FR Doc.76-28828 Filed 9-30-76;8:45 am]

#### Office of the Secretary

#### FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

#### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, established under section 7(a) of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 726(a)) will meet on Monday, October 25, 1976, through Thursday, October 28, 1976, commencing at 9:00 a.m. each day until the Advisory Committee concludes its business. The meeting will be held at the Edgewater Inn, 2411 Alaskan Way, Seattle, Washington 98121—Telephone: Area Code 206-624-7000.

The matters to be discussed at this public meeting are ratification of report of actions and suggested new and revised health and safety standards and revocation of certain standards which remained on the agenda for previous public meetings of the Advisory Committee. The matters which remain to be discussed concern fire prevention and control; drilling; loading, hauling, and dumping; use of equipment; safety programs; man hoisting; and suggested mandatory health standards 55/56/57.5-1 relating to airborne contaminants; 55/56/57.5-H1 relating to exposure limits for mineral fibers, arsenic, beryllium, and lead; and 55/56/57.5-H4 relating to smoking restrictions when exposure to fibers exists. Copies of the agenda and the suggested new and revised standards are available for the public and may be obtained from or may be examined in the office of the Executive Secretary to the Advisory Committee.



The meeting of the Advisory Committee is open to the public. Persons who expect to attend are requested to notify the Executive Secretary in writing by Tuesday, October 19, 1976, as public attendance will be limited to seating available in the meeting room.

Any member of the public may file a written statement with the Advisory Committee before, during or within 30 days after the meeting.

The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting.

All written statements, notices, and requests should be addressed to the Executive Secretary as follows: Mr. Herbert P. Levan, Executive Secretary, Metal and Nonmetal Mine Safety Advisory Committee, Room 704, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203. Telephone: Area Code 703-235-8685.

Dated: September 28, 1976.

RAYMOND A. PECK, JR.,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.76-29029 Filed 9-30-76;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### DEER ISLAND UNIT MANAGEMENT PLAN, ALASKA

##### Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Deer Island Unit Management Plan, USDA-FS-DES (Adm) 76-08.

The environmental statement concerns a proposed land use plan for the management under principles of multiple use of approximately 9,100 acres of National Forest Land located on Deer Island in Ernest Sound near Wrangell, Alaska.

This draft environmental statement was transmitted to CEQ on September 21, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3231, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Alaska Region, Federal Office Building, Juneau, Alaska 99802.

Forest Supervisor, Chatham Area, Tongass National Forest, Federal Building, Sitka, Alaska 99835.

Forest Supervisor, Stikine Area, Tongass National Forest, Federal Building, Petersburg, Alaska 99833.

Forest Supervisor, Ketchikan Area, Tongass National Forest, Federal Building, Room 313, Ketchikan, Alaska 99901.

A limited number of single copies are available upon request to Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to E. Allen Crozer, Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833. Comments must be received by November 21, 1976 in order to be considered in the preparation of the final environmental statement.

CARL W. SWANSON,  
Environmental Coordinator,  
Alaska Region.

SEPTEMBER 21, 1976.

[FR Doc.76-28821 Filed 9-30-76;8:45 am]

## HEADWATERS RESERVOIRS, MISSISSIPPI RIVER AND REMER ADMINISTRATIVE SITE, CHIPPEWA NATIONAL FOREST, MINNESOTA

### Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document transferring from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, lands within the Chippewa National Forest, Minnesota, see FR Doc. 76-28752 in the Notices Section of this issue.

### Rural Electrification Administration

#### ARIZONA ELECTRIC POWER COOPERATIVE, INC., BENSON, ARIZ.

##### Environmental Statement, Availability

Notice is hereby given that the Rural Electrification Administration has prepared a draft environmental impact statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee for Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602, which will provide financing for the initial operation and development of strip mining of approximately 8,000 acres of Gamero properties located near Gallup, New Mexico in McKinley County.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C., 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact in-

involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona, 85602.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before November 30, 1976 to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 24th day of September 1976.

DAVID H. ASKEGAARD,  
Acting Administrator,  
Rural Electrification Administration.

[FR Doc.76-28750 Filed 9-30-76;8:45 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### CARIBBEAN REGIONAL FISHERY MANAGEMENT COUNCIL

##### Public Meeting

Notice is hereby given of a meeting of the Caribbean Regional Fishery Management Council established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Caribbean Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Islands. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority; prepare comments on applications for foreign fishing; and conduct public hearings as it deems necessary.

This is the second organizational meeting of the Council. The meeting will be held Thursday and Friday, October 21 and 22, 1976 in the Department of Agriculture Conference Room, 2nd Floor, Stop 19, Fernandez Juncos, Santurce (San Juan), Puerto Rico. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m. each day.

##### Proposed Agenda:

1. Council Organization and Administration Procedures.
2. Technical Procedures including Fishery Management Plan Development.



This meeting is open to the public and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact on or about October 15, 1976:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., St. Petersburg, Florida 33702.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to submit written comments should do so by addressing the Regional Director at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

JACK W. GEHRINGER,  
Deputy Director,  
National Marine Fisheries Service.

[FR Doc. 76-28911 Filed 9-30-76; 8:45 am]

#### COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

##### Meeting

Pursuant to section 10(a)(2) of 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Wednesday and Thursday, October 20-21, 1976. The meeting will commence at 9:00 a.m. on each day in Room 6802, Department of Commerce, 14th Street, NW., between E Street and Constitution Avenue, NW., Washington, D.C.

The meeting will be open to public observation and approximately 75 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:30 a.m. until 12:00 p.m. on October 20 and 21, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. Depending on the level of interest expressed in making oral statements, the number of persons permitted to make oral statements may be limited to three, the length of oral statements may be limited to no more than ten minutes, and preference may be given based upon relevance of statements to items on the agenda; such decisions will be made by the Chairman in consultation with the Committee. Interested persons wishing to make oral statements must register on October 20 and 21 with the Executive Secretary between 8:45 a.m. and 9:00 a.m. in the meeting room and must provide their topic(s). A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office

of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (Attn: Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to Richard Keating at 634-4245.

The items for Committee discussion at the meeting will include the following:

##### WEDNESDAY, OCTOBER 20

- 9:00 a.m. Call to order—approval of minutes.
- 9:15 a.m. Report on resolutions passed during Alaska meeting.
- 9:30 a.m. Committee discussion of any further action to be taken on the resolutions.
- 10:00 a.m. Review of committee findings resulting from Alaska meeting.
- 10:15 a.m. Brief recess.
- 10:30 a.m. Review continued.
- 11:00 a.m. Oral statements (if any) by interested persons.
- 12:00 noon Lunch.
- 1:30 p.m. Progress report on implementation of rules and regulations for Coastal Zone Management Act amendments.
- 2:15 p.m. Committee's discussion of above.
- 3:00 p.m. Brief recess.
- 3:15 p.m. Results of GAO report.
- 4:00 p.m. Adjourn.

##### THURSDAY, OCTOBER 21

- 9:00 a.m. Call to order.
- 9:15 a.m. Further discussion and committee recommendations on evaluation effort for CZM.
- 10:15 a.m. Report on task force on State assistance activities.
- 11:30 a.m. Oral statements (if any) by interested persons.
- 12:00 noon Lunch.
- 1:30 p.m. Role of advisory committee as perceived by members.
- 2:30 p.m. Discussion of agenda, time, and place of next meeting.
- 3:00 p.m. Adjourn.

Dated: September 28, 1976.

THEODORE P. GLEITER,  
Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc. 76-28741 Filed 9-30-76; 8:45 am]

#### KINGS PRODUCTIONS, TAFT BROADCASTING CO.

##### Withdrawal of Permit Application for Taking Marine Mammals

On August 30, 1976, notice was published in the FEDERAL REGISTER (41 FR 36529), that an application had been filed with the National Marine Fisheries Service by Kings Productions, Taft Broadcasting Company, 8050 Hosbrook Court, Cincinnati, Ohio 45236, for a public display permit to take eight (8) Atlantic bottlenosed dolphins (*Tursiops truncatus*).

Notice is hereby given that Kings Productions has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National

Marine Fisheries Service on September 23, 1976.

JACK W. GEHRINGER,  
Deputy Director,  
National Marine Fisheries Service.

SEPTEMBER 27, 1976.

[FR Doc. 76-28728 Filed 9-30-76; 8:45 am]

#### MID-ATLANTIC REGIONAL FISHERY MANAGEMENT COUNCIL

##### Meeting Place Changed

Notice is hereby given of a change in the meeting October 19 through 21, 1976, 9:00 a.m. to 5:00 p.m. at the Holiday Inn, 6500 Elkridge Landing Road, Linthicum, Maryland, of the Mid-Atlantic Regional Fishery Management Council which was published in the FEDERAL REGISTER, September 22, 1976, Volume 41, No. 185 (41 FR 41445).

The meeting is now scheduled for October 19, 20, 21 from 10:00 a.m.-5:00 p.m.; 9:00 a.m.-5:00 p.m.; and 9:00 a.m.-3:00 p.m. respectively at the Sheraton Airport Inn, Philadelphia, Pennsylvania.

Dated: September 29, 1976.

JACK W. GEHRINGER,  
Deputy Director,  
National Marine Fisheries Service.

[FR Doc. 76-28912 Filed 9-30-76; 8:45 am]

#### OKLAHOMA CITY ZOO

##### Issuance of Permit To Take Marine Mammals

On July 27, 1976, notice was published in the FEDERAL REGISTER (41 FR 31248), that an application had been filed with the National Marine Fisheries Service by Oklahoma City Zoo, Route 1, Box 1, Oklahoma City, Oklahoma 73111, for a permit to take three (3) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on September 20, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking to Oklahoma City Zoo subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,  
Deputy Director,  
National Marine Fisheries Service.

SEPTEMBER 20, 1976.

[FR Doc. 76-28729 Filed 9-30-76; 8:45 am]



**Patent and Trademark Office  
PATENT AND TRADEMARK ADVISORY  
COMMITTEE  
Meeting**

The Patent and Trademark Advisory Committee will meet from 10 a.m. to 5 p.m. on October 25, 1976, in the James-town Room, Stouffer's National Center Hotel, 2399 Jefferson Davis Highway, Arlington, Virginia. This committee was established on December 15, 1975 to advise the Patent and Trademark Office on matters concerning the patent system and the administration of the Office. The agenda for the October 25 meeting is:

- (1) A system of reexamination of issued patents.
- (2) The improvement of documentation used in the examination of patent applications.
- (3) The total role of patent documentation.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first-come first-served basis. A period will be set aside for oral comments or questions by public observers of 3 minutes per individual on each of the agenda items. More extensive comments or questions should be submitted in writing before October 21. Other public statements may be submitted at any time before or after the meeting.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Herbert C. Wamsley, Office of the Commissioner of Patents and Trademarks, Washington, D.C. 20231, telephone: 703-557-3071; or to the Executive Secretary, David B. Allen, Office of Legislation and International Affairs, Patent and Trademark Office, Washington, D.C. 20231, telephone: 703-557-3065.

SEPTEMBER 22, 1976.

**LUTRELLE F. PARKER,  
Acting Commissioner of Patents  
and Trademarks.**

Approved:

**BETSY ANCKER-JOHNSON,  
Assistant Secretary for Science  
and Technology.**

[FR Doc.76-28806 Filed 9-30-76;8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Food and Drug Administration**

[Docket No. 75N-0268]

**MEDICAL DEVICES**

**Performance Standards Activities**

**Correction**

In FR Doc. 76-23470, appearing at page 34099, in the issue for Thursday, August 12, 1976, the following changes should be made:

On page 34100, in the third column, the fifteenth and sixteenth lines of the paragraph designated "1. Cardiac defibrillators," should read "draft of the standard was available in December 1973 and was discussed in an".

**PANEL ON REVIEW OF VITAMIN, MINERAL,  
AND HEMATINIC DRUG PRODUCTS**

**Meeting Place Change**

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. D)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 16, 1976 (41 FR 39818), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products scheduled to meet in Conference Rm. K of the Parklawn Bldg., Rockville, Md., on October 17 and 18 at 9 a.m., has been changed to meet at the Center for Continuing Education, University of Chicago, 1307 E. 60th St., Chicago, Ill.

Dated: September 29, 1976.

**WILLIAM F. RANDOLPH,  
Acting Associate Commissioner  
for Compliance.**

[FR Doc.76-28965 Filed 9-30-76;8:45 am]

**Health Services Administration**

**PSRO AREA DESIGNATION**

**Advisory Poll of Physicians in the  
State of Texas**

Notice is hereby given that the Department of Health, Education, and Welfare will conduct an advisory poll of all the doctors of medicine and osteopathy, who are engaged in active practice in the State of Texas, to determine whether such physicians prefer local Professional Standards Review Organization (PSRO) area designations or a single statewide PSRO area designation.

This advisory poll is undertaken as a result of the order of the United States District Court in the case of *Texas Medical Association, et. al. v. Weinberger*, (U.S.D.C., W.D. of Texas, No. A-74-CA-102, January 9, 1976), which set aside the designation of PSRO areas adopted by the Department and directed the Department to undertake, anew, procedures to designate PSRO areas in the State of Texas.

The results of the advisory poll will be included with other relevant information obtained by the Department in the administrative record which will form the basis for the proposed designation of PSRO areas in Texas, in accord with Section 1152(a) of the Social Security Act (the Act) and (42 CFR 101.1 et seq.).

Each physician engaged in active practice in the State of Texas will receive a ballot on which he may indicate whether he supports local PSRO area designations or a single PSRO area designation for the entire State of Texas. Any licensed doctor of medicine or osteopathy engaged in active practice in Texas who has not received a ballot within five days after this notice appears in the FEDERAL REGISTER, may request in writing a ballot prior to the expiration of the polling period from the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York,

New York 10022. Only those completed ballots postmarked no later than 30 days after publication of this notice in the FEDERAL REGISTER and returned in the postage paid addressed envelope provided with the ballot to each doctor will be considered valid. The tabulation procedures will assure that the vote of each individual physician responding to the poll will not be disclosed.

This advisory poll should not be confused with the poll required under section 1152(g) of the Social Security Act, as amended (Section 105 of Public Law 94-182). Under Section 1152(g) of the Act, the Secretary is required to poll all physicians in a State which has two or more PSRO area designations and where there was no conditional or operational PSRO agreement prior to December 31, 1975 to determine whether more than 50 percent of the physicians responding to the poll in each designated area prefer a statewide PSRO area designation or the present local area designations. The Secretary is required to designate the State as a statewide PSRO area if, in each PSRO area, more than 50 percent of the physicians responding to the poll indicate their preference for a statewide area designation. However, Section 1152 (g) does not presently apply to the State of Texas because the action of the United States District Court set aside PSRO area designations in Texas. If, after conducting this advisory poll and other appropriate procedures the Secretary should designate local Professional Standards Review Organization areas in Texas, it will be necessary to formally poll the physicians of Texas in accordance with Section 1152(g) of the Social Security Act, as amended.

Dated: September 27, 1976.

**LOUIS M. HELLMAN, M.D.,  
Administrator,  
Health Services Administration.**

[FR Doc.76-28835 Filed 9-30-76;8:45 am]

**Office of Education**

**COMMUNITY EDUCATION ADVISORY  
COUNCIL**

**Meeting**

Notice is hereby given, pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Pub. L. 92-634, that the next meeting of the Community Education Advisory Council will be held October 19 and 20, 1976. The meeting will be held in Liberty A Room at the Sheraton-Boston Hotel located at 39 Dalton Street (Prudential Center), in Boston, Massachusetts.

The Tuesday meeting will begin at 9:00 a.m. and end at 4:30 p.m. The Wednesday meeting will begin at 9:00 a.m. and end at 4:30 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest of community schools.

The meeting of the Council will be open to the public. The proposed agenda includes:



- (1) Discussion on future legislation.
- (2) Hearings on community education in the northeast area.
- (3) Reports from Community Schools Act grantees in the northeast area.
- (4) Reports from the National Recreation and Park Association.
- (5) Reports from the Northeast Center for Community Education Development.
- (6) Special reports.
- (7) Other administrative matters and related business.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on September 24, 1976.

JULIE ENGLUND,  
Director, Community  
Education Program.

[FR Doc. 76-28758 Filed 9-30-76; 8:45 am]

#### Office of the Assistant Secretary for Planning and Evaluation

[Contract No. HEW-100-76-0188]

#### RESEARCH ON DISABILITY INSURANCE APPLICATIONS

##### Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93-644), 42 U.S.C. 2946, this agency announces the award of Contract #HEW-100-76-0188 to Syracuse University, Office of Sponsored Programs, Syracuse, New York 13210. The purpose of this project is to conduct an econometric analysis of the determinants of disability insurance applications. Existing cross-sectional data will be analyzed to explain the causes of the recent rapid rate of growth in applications, and to predict their future behavior. The estimated cost of this contract is \$122,099.00 and the intended completion date is December 31, 1977.

Dated: September 27, 1976.

WILLIAM A. MORRILL,  
Assistant Secretary for  
Planning and Evaluation.

[FR Doc. 76-28818 Filed 9-30-76; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—FHA  
Commissioner

[Docket No. N-76-653]

#### HOME MORTGAGES IN DEFAULT Acceptance of Assignment

On May 17, 1976, the Department issued the following HM Mortgagee Letter 76-9 to all approved mortgagees and Notice HM 76-43 to HUD field office personnel. The letter and notice set forth HUD's policy in connection with the assignment to HUD of home mortgages in default in order to avoid foreclosure. Notice HM 76-43 includes an amendment

to paragraph 10c and 10c(2) issued September 22, 1976.

They are published here in their entirety as notification to the general public of the Department's policy and practice in the area.

Issued at Washington, D.C., September 27, 1976.

JAMES L. YOUNG,  
Assistant Secretary for Housing—Federal Housing  
Commissioner.

#### ACCEPTANCE OF ASSIGNMENT OF HOME MORTGAGES IN DEFAULT

1. *Purpose.* The purpose of this letter is to announce the Department's policy in connection with the acceptance of home mortgages in default in order to avoid foreclosure and to promulgate procedures for the implementation of that policy. The following instructions are effective immediately and, pending revision of Handbook 4191.1, Administration of Insured Home Mortgages, supersede the instructions in paragraph 126 of that Handbook.

2. *General.* Effective immediately, HUD will accept assignment of any fully insured mortgage if all the criteria in paragraph 3 below are met. Any mortgagor owning a home subject to a fully insured mortgage, regardless of the section of the National Housing Act under which the mortgage is insured, is entitled to a conference with a responsible representative of HUD before the mortgage is foreclosed, unless the Department agrees to accept assignment of the mortgage without such a conference. This Mortgagee Letter applies to all HUD-insured single family mortgages, except single family mortgages insured by HUD pursuant to Section 244 of the National Housing Act.

In any case where the mortgagor has voluntarily abandoned the mortgaged property, the mortgagee may initiate foreclosure without adhering to the procedures for assignment set forth in this Mortgagee Letter.

The requirements of this Letter shall be applicable to each mortgagee's HUD-insured portfolio. If servicing functions are performed by a contract servicer, it is the responsibility of the mortgagee to insure that the servicer meets these requirements.

3. *Eligibility criteria.* All of the following criteria must be met in order for the mortgage to be eligible for assignment. If the criteria are met, the mortgagee shall request that the Secretary accept assignment of the mortgage.

a. The mortgagee must have indicated to the mortgagor its intention to foreclose the mortgage.

4. *Mortgagee Decisions.*—In every case in which the mortgagee decides to foreclose, it must decide prior to initiating foreclosure whether or not to request that HUD accept assignment of the mortgage to avoid the foreclosure. If all of the criteria listed in paragraph 3 above are met, HUD must be requested to accept assignment and, if such a request is made, must have rejected it, before foreclosure is started.

5. *Notice to mortgagors.*—a. *When the Mortgagee is Considering Foreclosure.*

(1) *Time of Notice.* No sooner than five days after the date three full monthly installments are due and unpaid under the mortgage, but in any event prior to instituting foreclosure or acquisition of the mortgaged premises, the mortgagee shall send to the mortgagor a notice as below prescribed.

(2) *Content of Notice.* The notice shall advise the mortgagor of the following:

(a) He is now in default, and the mortgagee intends to foreclose unless he cures the default or alternative relief is afforded.

(b) If the default is due to circumstances beyond his control, he may be eligible for relief in lieu of foreclosure by assignment of the mortgage to HUD.

(c) The mortgagee is currently considering whether or not to apply to HUD for assignment of the mortgage.

(d) He will be advised shortly of the mortgagee's decision in writing.

(e) If he wishes to contact the mortgagee concerning his eligibility for assignment, he may write, call, or visit the mortgagee.

(f) If he does not understand his rights, he is admonished to secure assistance from an attorney or HUD-approved counseling agency.

An acceptable form of notice is attached hereto as Exhibit 1, and its use is suggested, although it may be modified to suit the mortgagee if it still includes the items above designated.

b. *When the mortgagee decides to request that HUD accept assignment.* The mortgagor shall be notified of the request by a letter including the substance of Exhibit 2. The letter must include a statement that HUD has been requested to accept assignment of the mortgage and it must enclose Form 2068F with item 14 completed. Instead of asking the mortgagor to mail the completed Form 2068F to it, the mortgagee may give the mortgagor the option of visiting its office for the purpose of completing the form.

c. *When the mortgagee decides not to request that HUD accept assignment.* The mortgagor shall be notified of the decision by a letter including the substance of Exhibit 3. The letter must include a statement that the mortgagee has decided to foreclose and has decided not to request that HUD accept the assignment, and it must identify the specific criteria for assignment identified in paragraph 3, above, which were not met. The letter must describe the mortgagor's right to request that HUD accept the assignment, with a brief explanation of the effect of assignment, specify the fifteen day time limit within which the mortgagor must act, and admonish him to seek legal or professional assistance if he does not understand his rights and obligations.

d. *Spanish language warning.* The letter required by paragraph 5b and the notice of decision required by paragraph 5c shall contain at the bottom thereof a warning to Spanish-speaking mortgagors to have the notice translated, as follows:

"ESTES ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HÁBALO TRADUCIR INMEDIATAMENTE. A MEMOS QUE RESPONDA DENTRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN FUTURO."

e. *Time limits.* All time limits for the sending of notices required by this Mortgagee Letter, and for mortgagors required responses shall be deemed to be calendar days, unless otherwise expressly stated. If the last day for sending any notice, performing any act or making any response falls on a Saturday, Sunday or legal holiday, the last day for sending such notice, doing such act or making such response shall be the next following regular working day.

6. *Notice to HUD.*—a. *Negative decisions.* If the mortgagee decides not to request that HUD accept assignment of the mortgage, HUD need not be notified of that decision, although the mortgagor must be notified as prescribed in paragraph 5c, above.



b. *Position decisions.* When the mortgagee decides to request that HUD accept assignment of the mortgage, it must notify the mortgagor and HUD simultaneously. The notification to HUD shall be in the form of a letter requesting that assignment be accepted and accompanied by the following:

(1) A copy of the notice to the mortgagor required by paragraph 5b, above.

(2) A copy of the related ledger record or payment record card reflecting the payment history on the account since inception of the loan or, if the indebtedness was assumed by the present mortgagor, since the assumption.

(3) Copies of all related collection records documenting the efforts of the mortgagee's staff to collect the debt and the mortgagor's reactions to those efforts.

(4) Copies of FNMA Forms 145 or similar reports to the investor recommending any action requiring approval of the investor. If no such formal reports or recommendations were made, substitute a brief narrative description of the reasons for the default, as seen by the mortgagee, and the basis on which the decision to foreclose was made.

(5) A brief statement of mortgagee's opinion as to the probability of restoring the mortgage to good standing and the reasons for that opinion.

(6) A completed Form 2068F. Pending revision of this form, item 14 shall be completed by the mortgagee before it is given to the mortgagor.

7. *Providing material to HUD.* When a mortgagee has notified a mortgagor that it intends to foreclose the mortgage and does not intend to request that HUD accept assignment of the mortgage, the mortgagor has fifteen days in which to request that HUD accept assignment of the mortgage during which the mortgagee must withhold foreclosure. If the mortgagor responds within this time period, HUD will direct the mortgagee to delay the initiation of foreclosure. HUD also will ask that the mortgagee provide the documentary information described in paragraph 6, above, except the completed Form 2068F. Mortgagees shall respond promptly to such requests and should remember that delays in responding will only serve to delay the date on which the mortgage can either be foreclosed or assigned to HUD.

8. *Mortgagee actions—*a. *General.* Mortgagees must take, or refrain from taking, actions as indicated below. Deviations from these requirements shall cause HUD to consider suspending or withdrawing the mortgagee's approval to participate in the Department's programs of mortgage insurance.

b. *Mortgagee actions.* Mortgagees shall not initiate any action leading to foreclosure of the mortgage, acquisition of the mortgaged property without the consent of the mortgagor, or disposition of the mortgagor until HUD's consideration of whether or not to accept an assignment is completed. Mortgagees must also honor, immediately, directions from HUD that mortgages be assigned. Whenever any mortgagee refuses to honor HUD's direction to assign, or refuses to refrain from foreclosure, acquisition, or disposition as above described pending HUD's determination on accepting assignments, the circumstances will be reported to the Director, Single Family Housing Division, Office of Loan Management, who shall take appropriate action, including, if warranted, recommending suspension or withdrawal of the mortgagee's approval to the Mortgage Review Board. HUD field office Directors are instructed to process requests that assignment be considered as rapidly as possible, and the mortgagee will be notified, by telephone and by mail, as soon as any decision has been reached.

c. *Granting additional relief.* When the mortgagee is advised by HUD that assign-

ment of a mortgage will not be accepted because the criterion described in paragraph 3g above has not been met, specific additional relief measures deemed reasonable by the Director will be prescribed. Mortgagees are expected to grant such relief.

9. *Mortgages now in foreclosure.* With regard to all fully insured single family mortgages in the process of foreclosure or acquisition on the effective date of this Mortgagee Letter, where no final court judgment has been entered pursuant to judicial foreclosure, or where no sale of the mortgaged property has taken place under a power of sale, mortgagees shall stay any foreclosure suit, seeking leave of court where necessary, or shall defer any sale until after such mortgagees have considered whether mortgagors are eligible for assignment and have afforded mortgagors an opportunity for review and final determination by HUD in accordance with the provisions of this Mortgagee Letter. Field office Directors are to give priority to processing requests involving cases already in foreclosure.

10. *Effect of assignment.* Mortgagees are reminded that assignment of a mortgage to the Secretary has advantages over completion of foreclosure to all parties. The mortgagor is provided an added opportunity to prevent foreclosure permanently, and HUD gains the potential for recovering all or a significant part of the amount paid in the mortgage insurance claim to the mortgagee. The mortgagee, however, benefits most. If the mortgage is foreclosed and a claim for mortgage insurance benefits is paid, the mortgagee loses two months' interest completely and is paid interest at the lower debenture rate from the date of default to the date of settlement of the claim. Further, it is reimbursed for only two thirds of the cost of completing the foreclosure. If, on the other hand, the mortgage is assigned, the claim includes all unpaid mortgage interest to the date of assignment, as well as all costs of completing the assignment. Mortgagees should consider these facts carefully in determining whether to request that HUD accept assignments of mortgages.

[LETTERHEAD OF MORTGAGEE]

Dear \_\_\_\_\_:  
Your mortgage is in default in the amount of \$\_\_\_\_\_ covering the months of \_\_\_\_\_ and late charges. Unless you are able to cure this default by promptly remitting the above amount to this office, we intend to commence foreclosure of your mortgage.

However, if the default was caused by circumstances beyond your control, you may be eligible for an assignment of your mortgage to the Department of Housing and Urban Development (HUD) to avoid foreclosure. If HUD were to accept assignment of your mortgage, it would become your lender and might be able to work out a more favorable payment plan whereby your mortgage payments might be reduced or suspended for a period of time or you might be allowed to cure the default by making only small additional payments with your monthly mortgage payments.

We are currently considering whether you meet the criteria for assignment specified in the HUD regulations. If we find that you do, we will request HUD to accept an assignment of your mortgage. If we decide that you do not, we will proceed with foreclosure, unless you seek further review of that decision by HUD. In either case, you will be advised shortly of our decision.

If you have any questions or wish to give us information concerning your eligibility for an assignment, please call \_\_\_\_\_ at (\_\_\_\_) \_\_\_\_\_ or visit him/her at our office. If you do not understand what this means to you, you might

want to contact one of the agencies listed in the HUD booklet we sent you recently or seek legal advice.

Sincerely,

EXHIBIT 2

[LETTERHEAD OF MORTGAGEE]

Dear \_\_\_\_\_:

Your mortgage is in serious default and we have decided that we are unable to provide any additional assistance to you in your attempts to save your home. We have, however, decided to ask that the Department of Housing and Urban Development (HUD) accept assignment of your mortgage to avoid foreclosure.

If HUD agrees to our request, HUD will become your lender and your future payments will be made directly to HUD. You may be able to work out some arrangement which will make it possible for you to bring your mortgage account current and save your home.

We are including a copy of Form 2068F. This asks several questions about your financial situation and your plans for the future. Answers to those questions are needed if HUD is to make a decision in your case. You must complete the form as fully as possible and return it to us WITHIN 15 DAYS OF THE DATE OF THIS LETTER. If you do not do this, we must assume that you are not interested in saving your home, and we will proceed with foreclosure. If you need help completing the form, please call \_\_\_\_\_ at (\_\_\_\_) \_\_\_\_\_ or visit him/her at our office.

If HUD decides for any reason that it will not accept assignment of your mortgage, unless you seek further review, we plan to start foreclosure as soon as we have been advised of that decision.

Spanish Language Warning: ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTA SU DERECHO A CONTINUAR VIVENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRANSCRIBIR INMEDIATAMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN EL FUTURO.

Sincerely,

EXHIBIT 3

[LETTERHEAD OF MORTGAGEE]

Dear \_\_\_\_\_:

Your mortgage is in serious default, and we have decided that we are unable to provide any additional assistance to you in your attempts to save your home. Under certain circumstances, the Department of Housing and Urban Development (HUD) might be able to accept assignment of your mortgage from us and offer additional help. This would mean that HUD would become your lender and you would make future payments to HUD. We have decided that you are not eligible for an assignment and we will not ask HUD to do this because: HERE LIST THE SPECIFIC ELIGIBILITY CRITERION OR CRITERIA FROM PARAGRAPH 3 WHICH MAKE THE CASE INELIGIBLE FOR ASSIGNMENT.

You have the right to go directly to HUD to ask that they consider your case, and we will not start foreclosure of your mortgage until you have had an opportunity to do so. If you wish to be sure that foreclosure will be delayed while HUD is considering acceptance of assignment of your mortgage, you must contact HUD WITHIN 15 DAYS OF THE DATE OF THIS LETTER. We intend to proceed automatically with foreclosure of your mortgage unless we have heard from HUD within that time.

If you want to ask HUD to consider accepting assignment of your mortgage, you



should call or write them at ADDRESS OF LOCAL HUD OFFICE, (-----), immediately. If you do not understand what this means to you, you might want to seek help. You may call the HUD office identified above or you might want to contact one of the agencies listed in the HUD booklet we sent you recently or seek legal advice.

Spanish Language Warning: ESTE ES UN AVISO MUY IMPORTANTE QUE AFECTORA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO PUEDE LEERLO, HAGALO TRANSDUCIR IMMEDIATAMENTE. A MENOS QUE RESPONDA DETRO DE QUINCE (15) DIAS A PARTIR DE LA FECHA QUE TENGA EL AVISO, UD. PUEDE PERDIR SU CASA EN EL FUTURO.

Sincerely,

[Notice HM 76-43 (HUD)]

#### APPENDIX 1

##### FIELD OFFICE LETTERHEAD

DEAR -----: This is in response to your request that HUD consider accepting assignment of your mortgage, which your lender has indicated it has decided to foreclose. We have directed your lender to delay starting any foreclosure action until after we have had time to consider your request, but you will be required to do several things promptly if we are to help you.

Please complete and return the enclosed Form 2068F within fifteen days of the date of this letter. When we receive it, we will review it, along with other material which we will get from your lender and other sources, and will decide whether it appears, from the record that we should accept assignment of your mortgage. If we decide that we should, we will notify you immediately to arrange a meeting at which we can make appropriate arrangements for the payments on your account. HUD will then become your lender. You will make your payments to us, in amounts which we will have agreed on to help you over your present temporary difficulty. After you are able to make larger payments, you will be permitted to make up your missed payments spread out over a period of time.

If, after reviewing the records, we decide that we cannot accept assignment of your mortgage without additional information, we will notify you and you will have the right to a conference with the HUD employee handling your case and to present information which you think will help that person decide in your favor. If you decide that you do not want such a conference, or after conference we find your mortgage is not eligible for assignment, we will not accept assignment of your mortgage and we will inform your lender that it is free to proceed with foreclosure if it still sees fit.

#### Spanish Language Warning:

"Este es un aviso muy importante que afectora su derecho a continuar viviendo en su casa. Si no puede leerlo, hagalo traducir inmediatamente. A menos que responda dentro de quince (15) días a partir de la fecha que tenga el aviso, ud. Puede perder su casa en el futuro."

If you have any question about this procedure or about the completion of the Form 2068F, please call ----- on (-----) -----, immediately. If you have not returned the completed form within fifteen days, we will assume that you no longer want our help and will advise the lender that it may proceed with foreclosure. You must remember that your position is serious, and our ability to help you will depend largely on your willingness to help yourself. We will not contact you again until after you have

returned the completed Form 2068F or have been in touch with the HUD employee identified above.

Sincerely,

Director.

Notice HM 76-43 (HUD)

#### APPENDIX 2

##### FIELD OFFICE LETTERHEAD

DEAR -----: This is to confirm the telephone conversation of ----- concerning FHA Case Number ----- (Last name of mortgagor).

The mortgagor has advised us that you have notified him(her) of your intention to foreclose this mortgage and that you have decided not to request that HUD accept assignment of the mortgage for specific reasons stated in your notice. We have been asked by the mortgagor to consider acceptance of the assignment. Accordingly, please forward the following immediately and withhold initiation of any foreclosure action until we have completed that consideration:

a. A copy of your notice to the mortgagor refusing to request assignment.

b. A copy of the related ledger record or payment record card reflecting the payment history on the account since inception of the loan or, if the indebtedness was assumed by the present mortgagor, since the assumption.

c. Copies of all related collection records documenting the efforts of your staff to collect the debt and the mortgagors' reactions to those efforts.

d. Copies of FNMA Forms 145 or similar reports to the investor recommending any action requiring the approval of the investor. If no such formal reports or recommendations were made, substitute a brief narrative description of the reasons for default, as you see them, and the basis on which your decision to foreclose was made.

e. A brief statement of your reasons for not requesting that HUD accept assignment of the mortgage, including your opinion as to the probability of restoring the mortgage to good standing and your reasons for that opinion.

Time is of the essence, and we do not wish to ask that your foreclosure be delayed more than is absolutely necessary. The mortgagor has been asked to provide us with certain information within fifteen days of this date, and we would hope that the material requested above will also be received within that time so that it can be considered promptly, along with the mortgagor's material. In any event, we are sure you realize that we cannot make any decision, one way or the other, until you have responded to this request.

Sincerely,

Director.

[Notice HM 76-43 (HUD)]

#### APPENDIX 3

##### FIELD OFFICE LETTERHEAD

DEAR -----: We have completed a preliminary review of the background of your case and have determined that we are unable to accept assignment of your mortgage for the following reasons:

Here list any basic eligibility criteria which are not met, or any other reason for deciding to reject assignment. If the reason for rejection is a failure to meet one of the subjective criteria (e or f), include a brief explanation for the decision that the criterion is not met.

You are entitled to a conference to discuss these matters, but you must request that

conference within fifteen days of the date of this letter, and such conference must be held within twenty five days of the date of this letter, unless we have agreed to a further delay. You may elect to conduct the conference by telephone or you may present your arguments by mail, but your decision to do so will remove any right you might have to a later conference in person.

You may examine any records in our possession having a bearing on our preliminary decision at our offices at any time during normal working hours before your conference. If you decide to demand a conference in person, it will normally be held in our office at a date and time of your choosing (subject to the twenty five day time limit discussed above). However, if your home is more than 200 miles from our office, we will arrange, if you desire, a more convenient place for the conference. You may be represented by one attorney or other representative of your choice, and you may present information of any sort, including witnesses, to show that the reasons above are not valid. The conference will be informal, and there will be no rules of evidence or procedure. Whenever the HUD representative believes that all of the available evidence has been considered or that the presentation of additional evidence would be repetitive, or whenever the HUD representative is prepared to concede the point under discussion, further discussion of that point will be discontinued, and the conference will be terminated when the HUD representative concludes that it has served its purpose.

#### Spanish Language Warning:

"Este es un aviso muy importante que afectora su derecho a continuar viviendo en su casa. Si no puede leerlo, hagalo traducir inmediatamente. A menos que responda dentro de quince (15) días a partir de la fecha que tenga el aviso, ud. Puede perder su casa en el futuro."

If you wish to have a conference and reconsideration of our initial position, you should either call or write -----, at ----- His/her telephone number is ----- If we have not heard from you within fifteen days of the date of this letter, we shall assume that you do not intend to request a conference, and our decision will become final. We will then advise your lender that it is free to foreclose your mortgage.

Sincerely,

Director.

[Notice HM 76-43 (HUD)]

#### APPENDIX 4

##### CALCULATION OF RECAST PRINCIPAL AMOUNT AND NEW MONTHLY PAYMENT

Example Mortgage Term Extended 10 Years.—Case No. 421-019614-203—Garth; Original Term: 30 years; Date of this Computation: 10-17-73; Date of First Payment: 10-1-63; Original Amount of Mortgage: \$15,200, Original Maturity Date: 9-1-93; Interest Rate: 5 1/4 %.

Monthly Installments Due 5-1-73 through 10-1-73 unpaid.

Present Monthly Payment:

MIP -----	\$5.26
Taxes -----	14.58
Insurance -----	5.83
Interest and Principal -----	84.06
	<hr/>
	\$109.73

Computation of "New Original Principal Balance" to be Amortized:



Item	Per month	Number of payments missed
Unpaid principal balance.....		\$12,583.43
Unpaid interest (5 1/4 pct.) Apr. 1, 1973 to Oct 1, 1973.....	55.05x6	333.30
MIP (1/2 pct.) Sept. 1, 1973.....	5.20x6	31.56
Escrow items due but unpaid:		
Taxes.....	14.58x6	87.48
Hazard insurance.....	5.83x6	34.98
Total new original principal balance.....		13,070.75

The first monthly installment based on the above figure will be due November 1, 1973, and the final payment to principal and interest will be due March 1, 2003 (Original Maturity Date plus 10 years).

New Monthly Payment Based on New Maturity Date and "New Original Principal Balance"

To amortize \$13,070.75, the number of monthly payments in the new term must first be computed. To the original term of 360 months is added 120 months (the extension period of 10 years) for a total of 480 months. From the total of 480 months, subtract 121 months (the total number of payments due prior to 11-1-73) for a remaining term of 359 months or 29 years and 11 months.

The new payment to principal and interest is reached by multiplying the new balance by the monthly installment per \$1,000 for 29 years and 11 months (\$13,070.75 x \$5.53 = \$72.30). The monthly installment per \$1,000 may be found under "Amortization Tables" in FHA Form 2025.

The new monthly installment will be:

Principal and Interest.....	\$72.30
MIP.....	5.26
Taxes.....	14.58
Insurance.....	5.83
	<hr/>
	\$97.97

<sup>1</sup>Based on original amortization schedule.

[Notice HM 76-43 (HUD)]

#### APPENDIX 5

FIELD OFFICE LETTERHEAD

FORBEARANCE AGREEMENT

Mortgagor's Name and Address

FHA Case No. ....

DEAR Mr. and Mrs. ....: In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

All payments required by your note and mortgage are suspended until ....., 19.... (This may be any date, 18 months or less from the date of the agreement). Before that date, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force. At the time of review, you may be required to resume payments in an amount to be determined by the Secretary. If the agreement expires without renewal, the payments required by your mortgage will resume on the date specified above.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a

substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require either that you conclude a new agreement or return to the terms of the note and mortgage, without modification.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT

By .....  
Director

We accept the above proposal.

Mortgagor

Mortgagor

[Notice HM 76-43 (HUD)]

#### APPENDIX 6

FIELD OFFICE LETTERHEAD

FORBEARANCE AGREEMENT

Date .....

Mortgagor's Name and Address:

FHA Case No. ....

DEAR Mr. and Mrs. ....:

In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

Beginning on the first day of ....., 19...., you will remit monthly the amount of \$..... The final payment of the entire mortgage balance shall become due and payable on the due date of the last installment as set forth in the mortgage.

If the account has not been brought current earlier, this agreement will automatically expire after ..... (this may be any number less than 19) monthly payments have come due in accordance with its terms. Before the due date of the ..... (the same number as is used above) payment, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force.

Payments under this agreement will be mailed to reach the Office of Finance and Accounting, Department of HUD, 451-7th Street, SW., Washington, D.C. 20410, on or before the first day of the month when due.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agreement and require that you conclude a new agreement.

On the date of this agreement, the regular monthly payment required by your mortgage is \$..... If, because of a change in escrow requirements, the regular monthly payment required by the mortgage is increased, the payment required by this agreement will be increased automatically by the same amount. If, because of a decrease in escrow requirements, the regular monthly

payment required by the mortgage is decreased, the amount required by this agreement will remain unchanged, and if the resulting payment is more than the payment required by the mortgage, the additional funds will be applied to reduce the delinquency existing under the mortgage at that time, until the account is brought current and your mortgage is reinstated. When the account is current, the monthly mortgage payments as set forth in the mortgage will resume.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT,

By .....  
Director

We accept the above proposal.

Mortgagor

Mortgagor

[Notice HM 76-43 (HUD)]

#### APPENDIX 7

[FIELD OFFICE LETTERHEAD]

FORBEARANCE AGREEMENT

Date .....

Mortgagor's Name and Address

FHA Case No. ....

DEAR Mr. and Mrs. ....:

In consideration of forbearance by the Secretary of Housing and Urban Development in not foreclosing the mortgage on your home, which is now in default, it is necessary that you indicate, by signing and returning this agreement, your acceptance of the following conditions:

Beginning on the first day of ....., 19...., you will remit monthly the amount required by your mortgage, plus an additional \$....., until your mortgage is brought current. When the account is current, the monthly mortgage payments as set forth in the mortgage will resume. The final payment of the entire mortgage balance will become due and payable on the due date of the last installment as set forth in the mortgage.

If the account has not been brought current earlier, this agreement will automatically expire after ..... monthly payments have come due in accordance with its terms. Before the due date of the ..... payment, this agreement will be reviewed and a determination made as to whether or not it should be renewed or amended and continued in force.

Payments under this agreement will be mailed to reach the Office of Finance and Accounting, Department of HUD, 451-7th Street, SW., Washington, D.C. 20410, on or before the first day of the month when due.

All of the provisions of the note and mortgage, except as modified herein, shall remain in full force and effect, and upon any breach of the terms of the mortgage or of this agreement, the Secretary may terminate this agreement and institute foreclosure proceedings. If the Secretary becomes aware of a substantial change in the facts or circumstances which induced him to enter into this agreement, he may terminate the agree-



ment and require that you conclude a new agreement.

On the date of this agreement, the regular monthly payment required by your mortgage is \$-----, and the total payment required by this agreement is \$-----. If, because of an increase in escrow requirements, the regular monthly payment required by the mortgage is increased, the total amount required by this agreement will be increased automatically by the same amount. If, because of a decrease in escrow requirements, the regular monthly payment required by the mortgage is decreased, the total amount required by this agreement will remain unchanged, and the additional funds will be applied to reduce the delinquency existing under the mortgage at that time.

Transfer of ownership of the mortgaged property or assignment or transfer of any interest or liability under the mortgage to a third party will automatically terminate this agreement.

Two copies of this letter are attached. The agreement will become effective when you have signed the original and first copy and returned them to this office. The other copy is for your records.

Sincerely,

SECRETARY OF HOUSING AND  
URBAN DEVELOPMENT

By -----  
Director

We accept the above proposal.

-----  
Mortgagor

-----  
Mortgagor  
agreement.

[Notice HM 76-43(HUD)]

#### APPENDIX B

#### SAMPLE RECASTING AGREEMENT

FHA Case No. -----

This Agreement, made this ---- day of -----, 19-----, between -----, hereinafter referred to as the Secretary, and -----, hereinafter referred to as the Borrowers, and -----, as Trustee (if applicable);

Witnesseth:

Whereas the Borrowers are now indebted to the Secretary in the sum of ----- Dollars (\$-----) (hereinafter called "new principal amount"), consisting of ----- Dollars (\$-----) unpaid principal, and ----- Dollars (\$-----) unpaid installments of ground rents, hazard insurance premiums, taxes, assessments, and mortgage insurance premiums, the payment of which is secured by a note and security instrument owned and held by the Secretary, dated -----, 19-----, and recorded in the office for the recording of deeds in ----- County and State of -----, in book ----- of mortgages, page -----, and -----

Whereas the parties mutually desire to modify the terms of payment of said indebtedness by changing the amount of monthly payments required on said note and security instrument;

Now, therefore, in consideration of the covenants hereinafter contained, it is mutually agreed as follows:

The Borrowers agree to pay the "new principal amount" with interest at the rate specified in said note on the unpaid balance in monthly installments of ----- Dollars (\$-----) commencing on the first day of -----, 19-----, and on the first day of each month thereafter until the "new principal amount" and interest thereon are fully paid, except that the final payment of the "new principal amount" and interest, if

not sooner paid, shall be due and payable on the first day of -----, 19-----.

It is mutually agreed that said security instrument shall continue a first lien upon the premises and that neither the obligation evidencing the aforesaid indebtedness nor the security instrument securing the same shall in any way be prejudiced by this agreement, but said obligation and security instrument and all the covenants and agreements thereof and the rights of the parties thereunder shall remain in full force and effect except as herein expressly modified.

In witness whereof the parties have signed, sealed, and delivered this agreement on the date above written.

----- [SEAL] ----- [SEAL] Secretary of HUD Borrower
By Director Borrower

#### DEEDS OF TRUST

(If the security instrument is a deed of trust and it is necessary that the Trustee execute recasting agreements, the following acknowledgment shall be signed by the Trustee.)

The Trustee has executed this instrument to acknowledge his (its) assent thereto and agrees to continue to act in such capacity under the terms as modified herein.

Trustee:  
-----

#### ACCEPTANCE OF ASSIGNMENT OF HOME MORTGAGES IN DEFAULT

1. *Purpose.* The purpose of this Notice is to announce the Department's policy in connection with the acceptance of home mortgages in default and to promulgate procedures for the implementation of the policy. Effective immediately, mortgagees shall request an assignment and HUD shall accept an assignment of those mortgages in default in order to avoid foreclosure where the mortgagor meets the criteria set forth in paragraph 3 below.

In any case where the mortgagor has voluntarily abandoned the mortgaged property, the mortgagee may initiate foreclosure without adhering to the procedures for assignment set forth in this Notice and in HM Mortgage Letter 76-9.

Outstanding instructions in paragraph 126 of Handbook 4191.1, Administration of Insured Home Mortgages, are being revised by HM Mortgage Letter Number 76-9, issued concurrently with this Notice. The following instructions are effective immediately and, pending revision of Handbook 4015.8, Mortgage Servicing Handbook, Secretary-Held Home Mortgages, supersede the instructions in paragraph 14 of that Handbook.

2. *Effective date and application.* The requirements imposed by this Notice and HM Mortgage Letter 76-9 are effective immediately with respect to all home mortgages fully insured under any section of the National Housing Act. In addition, with regard to all such single-family mortgages in the process of foreclosure or acquisition on the effective date of this Notice, where no final court judgment has been entered pursuant to judicial foreclosure, or where no sale of the mortgaged property has taken place under a power of sale, mortgagees shall stay any foreclosure suit, seeking leave of court where necessary, or shall defer any sale until after such mortgagees have considered whether the mortgages are eligible for assignment and have afforded the mortgagors an opportunity for review and final determination by HUD

<sup>1</sup> This date cannot exceed by more than 10 years the maturity date of the original note.

in accordance with the provisions of this Notice and HM Mortgage Letter 76-9. Field office Directors are to give priority to processing requests involving cases already in foreclosure.

#### [Notice HM 76-43(HUD)]

The requirements of this Notice and HM Mortgage Letter 76-9 shall be applicable to each mortgagee's HUD-insured portfolio. If servicing functions are performed by a contract servicer, it is the responsibility of the mortgagee to insure that the servicer meets these requirements.

This Notice and HM Mortgage Letter 76-9 apply to all HUD-insured single family home mortgages, except single family home mortgages co-insured by HUD pursuant to Section 244 of the National Housing Act.

3. *Eligibility criteria.* All of the following criteria must be met in order for the mortgage to be eligible for assignment. If all of the criteria are met, the mortgagee shall request an assignment and the Director shall accept the assignment.

a. The mortgagee must have indicated to the mortgagor its intention to foreclose the mortgage.

b. At least three full monthly installments must be due and unpaid under the mortgage.

c. The mortgaged property must be the principal residence of the mortgagor, except when the Regional Administrator grants a waiver of this criterion.

d. The mortgagor must not own other property subject to a mortgage insured or held by HUD, except when the Regional Administrator grants a waiver of this criterion.

e. The default must have been caused by a circumstance or set of circumstances beyond the mortgagor's control which temporarily renders the family financially unable to cure the delinquency within a reasonable time or make full mortgage payments. Examples of qualifying reasons for default include, but are not limited to:

(1) Curtailment of family income, such as unemployment or underemployment; loss, reduction or delay in receipt of federal, state, municipal benefits (e.g., Social Security, Supplemental Security Income, Public Assistance, government pensions) or of private benefit payments (e.g., pensions, annuities, retirement plans); loss of support payments; or other loss of income due to divorce or separation.

(2) Uninsured damage to the mortgaged property, affecting its livability, of a type which is commonly insured against but which was not covered or not fully covered by insurance because adequate insurance coverage was not available.

(3) Death or illness in the mortgagor's household or expenses attributable thereto.

(4) Unanticipated increase of payments to mortgage escrow account to compensate for past underestimates of requirements.

f. There must be a reasonable prospect that the mortgagor will be able to resume full mortgage payments after a temporary period of reduced or suspended payments not exceeding 36 months (discussed in detail in paragraph 10 below), and will be able to pay the mortgage in full by its original maturity date extended, if necessary, by up to ten years if, on the date of assignment, ten years or more have elapsed since the due date of the first payment under the mortgage.

g. The mortgagee must have done everything it might reasonably be expected to do to avoid foreclosure. If the only reason for rejection of an assignment would be failure to meet this criterion, however, and the mortgagee refuses to take additional steps deemed reasonable by the Director, the assignment shall be accepted and the circumstances reported, in detail, to the Director, Single Family Housing Division, Office of Loan Management.



4. *Responsibility.* On behalf of the Area or Insuring Office Director, the Director of Housing Management will have general oversight responsibility for reviewing requests that assignments be accepted and conducting assignment conferences. To the extent possible, the entire processing of any single request that HUD accept assignment should be handled by one qualified professional staff member. While this will normally be the function of a single family mortgage servicer, it may also be assigned to an occupancy specialist, chief property officer, or other staff member. The staff member should be identified in the Department's first communication with both the mortgagor and the mortgagee, and both parties should be made aware of any changes in personnel while the case is being considered. All decisions to accept or reject assignment are made in the name of the Area or Insuring Office Director, whose decisions are final and not subject to review, except in his sole discretion. If a Director wishes to delegate decisions making authority to the Director of Housing Management or some other subordinate, establishing a review or appeal process within the office with himself as the final authority, he may do so, although such a procedure is not required.

5. *Notification to mortgagees.—Mortgagee Responsibilities.* Specific requirements that mortgagees notify their mortgagors and the timing and content of those notices are included in HM Mortgagee Letter 76-9, paragraph 5. In summary, the mortgagee is required to notify the mortgagor when it is considering the eligibility for assignment of his mortgage, when it asks that HUD accept assignment, or when it has decided not to ask that HUD accept assignment. Samples of notices to mortgagors which may be used by mortgagees are included as attachments to HM Mortgagee Letter 76-9. While mortgagees may develop their own forms, any such forms must communicate clearly and concisely to mortgagors all information set forth in the samples.

b. *HUD responsibility.—(1) General.* The Area/Insuring Office shall facilitate communication with mortgagors during the entire assignment process. While field office Directors are not authorized to accept collect, long-distance telephone calls, each office, depending on the extent of its jurisdiction, shall establish a means for mortgagor concerns to be expressed at the least possible cost to the mortgagor. Where the jurisdiction is extensive and other than local or metropolitan area telephone calls are required, personnel most likely to respond to incoming calls from mortgagors (those in the Director's Office and in the Housing Management Division, at a minimum) should be instructed to ask each caller the area from which he is calling and the general subject of his call. If the call is a toll call, the caller should be asked to provide a number at which the call can be returned, and the call should be referred to the appropriate professional staff member who should return the call immediately.

(2) *Mortgagee requests that HUD accept assignment.* In this situation, the mortgagee will have forwarded the documents identified in HM Mortgagee Letter 76-9, paragraph 6, to HUD.

(3) *Mortgagee refuses to request that HUD accept assignment.* In this situation, the mortgagee will have advised the mortgagor that it intends to foreclose the mortgage and that it does not intend to request that HUD accept assignment of the mortgage, stating the reason or reasons for this decision. The mortgagor will have been advised that he has fifteen days from the date of the mortgagee's notice to contact HUD and ask that HUD consider accepting assignment of the mortgage.

Immediately upon receiving any communication from the mortgagor requesting consideration by HUD, the letter in Appendix 1 to this Notice shall be forwarded to the mortgagor, with a copy to the mortgagee, and the mortgagee shall be requested by telephone to provide the copies of records and statements of opinion listed in Appendix 2, followed immediately by confirmation in writing in the form of Appendix 2. Pending revision of Form 2068F, Item 14 shall be crossed out before the form is sent to the mortgagor. During the telephone conversation, the HUD employee shall secure sufficient information to serve as the basis for the completion of a request for a current credit report on the mortgagors, and the request shall be submitted to the HUD contract reporting source simultaneously with dispatch of the notices to the mortgagor and mortgagee.

(4) *Spanish language warning.* The letter required by paragraph 5b(3) and the notice of preliminary negative decision required by paragraph 6b(3) to be sent to the mortgagor by field offices shall contain at the bottom thereof a warning to Spanish-speaking mortgagors to have the notice translated; as follows:

"Este es un aviso muy importante que afectara su derecho a continuar viviendo en su casa. Si no puede leerlo, hagalo traducir inmediatamente. A menos que responda dentro de quince (15) días a partir de la fecha que tenga el aviso, ud. Puede perder su casa en el futuro."

(5) *Time limits.* All time limits for the sending of notices required by this Notice and by HM Mortgagee Letter 76-9, and for mortgagee's required responses shall be deemed to be calendar days, unless otherwise expressly stated. If the last day for sending any notices, performing any act or making any response falls on a Saturday, Sunday or legal holiday, the last day for sending such notice, doing such act or making such response shall be the next following regular working day.

6. *Preliminary review.—a. Mortgagor does not respond within stated time limits.* If the mortgagor does not respond to the HUD notification within the time limits stated in the notice, the mortgagee shall be notified of this fact and advised that it may proceed with foreclosure or with further attempts to salvage the account without acquiring title to the property. A copy of such letter shall be sent to the mortgagor. There will be no additional communications between the mortgagor and HUD, except as may be initiated by the mortgagor. The mortgagor's failure to respond within the stated time limits, without a significant cogent reason, abrogates his or her right to further consideration by HUD, although it does not preclude such further consideration and acceptance of assignment if the Director deems it appropriate. Once the initial time limits have expired, however, the mortgagee is under no obligation to delay foreclosure further, and the Director is free to process the case and reach his decision following any procedure he finds appropriate.

b. *Review of documents.—(1) General.* As soon as the documents requested from the mortgagee, the completed Form 2068F, and the current credit report have been received, they shall be reviewed and a preliminary decision reached.

(2) *Preliminary positive decisions.* If it appears from these materials that all of the eligibility criteria have been met, the mortgagee shall be directed to assign the mortgage to HUD, and no further review of eligibility is necessary. An appropriate repayment plan shall be promptly arranged, in accordance with paragraph 10 below.

(3) *Preliminary negative decisions.* If it cannot be established from a review of the

documentary materials that assignment should be accepted (it appears that one or more of the eligibility criteria have not been met), the mortgagor shall be notified immediately, by telephone, if possible, but in all cases a written notification must be sent. A suggested form for this notification is attached as Appendix 3, and all of the elements of that Appendix must be included in both the telephonic and written notification. If it is possible to make contact with the mortgagor by telephone before the written notification is dispatched, the fifteen day period for response and twenty-five day period in which the conference must be held, begin on the date of the telephone notification, and the letter should be amended accordingly, to establish that it confirms the telephone conversation and to establish specific deadline dates for the mortgagor's response. The mortgagee should be provided with a copy of the letter to the mortgagor.

7. *Conferences.—a. General.* Effective immediately, any mortgagor owning a home subject to an insured mortgage, regardless of the section of the National Housing Act under which the mortgage is insured, is entitled to a personal conference with a responsible representative of HUD before the mortgage is foreclosed, unless the Department agrees to accept assignment of the mortgage without such a conference. The consideration process shall terminate at the earliest point at which a decision to accept the assignment can be made, and it shall continue to and through the entire conference process only if the decision is to reject assignment.

b. *Mortgagor does not respond within stated time limits.* If the mortgagor has not requested a conference within the time limits specified in the notice of his right to a conference, the procedure described in paragraph 6a above shall be followed.

c. *Conference by letter or telephone.* Where the mortgagor responds to the notice of preliminary negative decision by indicating that he wishes to present his arguments by telephone or in writing, the HUD representative shall inform him that he thereby loses his right to a face-to-face conference and thereupon arrange for a telephone conference at government expense or the receipt of the mortgagor's written submissions within the above-specified limits.

d. *Mortgagor requests a personal conference.—(1) Scheduling.* The conference shall be scheduled as quickly as possible. If the mortgagor's wishes have been expressed in a telephone call, the HUD representative should attempt to reach agreement on a time and place for the conference during that conversation. If the mortgagor has written, and no time and date are stated in the letter, the HUD representative will attempt to contact the mortgagor by telephone or letter to arrange a mutually agreeable time and place. The conference must be held at the HUD office if the mortgagor resides within 200 miles of the field office. However, where the mortgagor resides more than 200 miles from the field office, the conference shall be held at a mutually agreed upon place, within the above specified time limits, including, for example, the mortgagor's home, a closer field office in another state, an area management broker's office, or a mortgagee's office. The mortgagor may set the time of the conference, subject only to the requirement that the HUD representative may insist that it be held during normal business hours. Here, too, flexibility is permitted, at the discretion of the HUD representative. The requirement that the conference be held within twenty-five days after notification to the mortgagor that a preliminary negative decision has been reached will be strictly adhered to unless there are good reasons for additional delay.



As soon as an agreement is reached on the scheduling of the conference, the time and place will be confirmed in a letter to the mortgagor, with a copy to the mortgagee.

(2) *Pre-conference responsibilities.* When the mortgagor telephonically contacts HUD to arrange for the conference, the HUD representative shall inform the mortgagor of his right to examine, prior to conference, the material on which HUD's preliminary negative decision was based, and if he so requests, make arrangements for the mortgagor to examine such material. The HUD representative shall also inform the mortgagor upon what findings HUD's preliminary negative decision was based and indicate what information is needed to rebut those findings.

e. *Conduct of Conference.*—(1) *Participation.* The mortgagor may be represented by one attorney or other representative and, if the HUD representative agrees, may be accompanied by other additional representatives. If there is more than one mortgagor, of course, both or all may be present. The HUD official shall permit the participation of additional persons who may speak from personal knowledge as to the character, financial situation of the mortgagor, the circumstances of his default, and his prospects for completing payment of the mortgage. At his discretion, the HUD official may exclude such persons from the conference room until their presence is necessary. If the mortgagor is represented by an attorney, the HUD representative may also request the presence of the Area Counsel or, in the case of an Insuring Office without assigned counsel, may request legal assistance from the Regional Counsel.

(2) *Procedures.* The HUD representative shall conduct the conference, which shall be informal. There shall be no formal rules of procedure or evidence. Generally, the mortgagor should be asked to state his position, identifying the specific bases for the negative decision with which he disagrees and the grounds on which he bases his disagreement. This should be followed by a presentation of any documentary materials which the mortgagor chooses to produce, which the HUD representative should consider carefully. Any witnesses which the mortgagor wishes to present should then be heard.

If, at any point, the HUD representative decides that the material presented by the mortgagor is convincing and is prepared to change his position on that point, he may prohibit the presentation of any additional information on the subject. Similarly, he may exclude repetition. Finally, he may insist that material presented by the mortgagor be restricted to material bearing directly on his reasons for having made the preliminary decision that assignment should not be accepted and may exclude material not related directly to those issues. Whenever the HUD representative is prepared to agree to accept assignment, regardless of how much material the mortgagor has presented or plans to present, the conference may be terminated.

8. *Decisions after conference.*—a. *Positive decisions.* As soon as the decision is made to accept the assignment, the mortgagee shall be advised by telephone, with immediate written confirmation. Confirmation shall consist of an executed Form 2784 consenting to the assignment and a set of Group C mortgage insurance claim forms. In addition, if the mortgagee did not request that HUD accept the assignment, these forms shall be accompanied by a letter specifically directing that the mortgage be assigned to the Secretary as soon as possible. The mortgagor shall be advised by telephone, if possible, but in any event, a brief notification letter shall be sent to him. An appropriate payment plan shall be promptly arranged, in accordance with paragraph 10 below.

b. *Negative decisions.* If the decision is negative, HUD shall send to the mortgagor a written notice of decision containing the following: (1) A statement setting forth the findings of the HUD official as to the mortgagor's default, financial status, and situation; and (2) a statement setting forth the specific criteria not met by the mortgagor. Promptly thereafter, the mortgagee shall also be advised by telephone, with written confirmation. The mortgagee may begin foreclosure as soon as it has received telephonic notification of the HUD decision to reject the assignment. This decision is final and not subject to appeal or reconsideration.

9. *Prompt processing; mortgagee actions.* The Area/Insuring Office shall promptly process all requests by mortgagees or mortgagors for assignment and make an expeditious, formal determination as to whether to accept assignment of the mortgage, and, upon reaching its decision, immediately notify both the mortgagor and mortgagee in writing of its decision.

Mortgagees shall not initiate any action leading to foreclosure of the mortgage, acquisition of the mortgaged property without the consent of the mortgagor, or dispossession of the mortgagor until HUD's consideration of whether or not to accept an assignment is completed. Mortgagees must also honor, immediately, directions from HUD that mortgages be assigned. Whenever any mortgagee refuses to honor HUD's direction to assign, or refuses to refrain from foreclosure, acquisition or dispossession as above described pending HUD's determination on accepting assignments, the circumstances shall be reported to the Director, Single Family Housing Division, Office of Loan Management, who shall take appropriate action including, if warranted, recommending suspension or withdrawal of the mortgagee's approval to the Mortgagee Review Board.

10. *Payment Programs.*—a. *General.* Before assignment of a mortgage is accepted, the Director should have determined a servicing program aimed at bringing the account current. At least an outline of such a program must, by definition, be a part of determining that the eligibility criterion in paragraph 3f above has been met. Failure to determine the basics of such a program can only be the result of not having fully evaluated the account in determining whether to accept assignment. A formal forbearance agreement should be concluded immediately, preferably before assignment is completed, but in no case later than the due date of the second payment coming due under the mortgage after the assignment is completed. Agreements must bear an effective date on or after the date of the assignment, and no payments may be accepted from the mortgagor before the assignment has been completed. Payments received before assignment is completed should be forwarded to the mortgagee for application to the account.

b. *Period of reduced or suspended payments.* After consultation with the mortgagor, HUD shall structure a payment plan calling for the highest monthly payment within the financial means of the mortgagor. There is no standard minimum monthly payment which must be demanded of mortgagors, but only under unusual circumstances should any agreement provide for payments of less than the amount required for the service charge, taxes and other escrows. Under no circumstances should the mortgagor's total monthly housing expense during this period exceed 35% of his monthly net effective income. (See Handbook 4155.1, Mortgage Credit Analysis Handbook, paragraphs 2-25.)

Initially, reduced or suspended payments may be agreed to for no more than 18

months from the date of the agreement. This period may be extended at the expiration of any agreement for periods not to exceed 18 months each up to a total of no more than 36 months. Extensions beyond 18 months may be granted only under unusual circumstances.

During the period of forbearance (not to exceed 36 months), the servicer shall periodically review and, where warranted by a change in the mortgagor's circumstances, either increase or decrease the payments required by the agreement.

c. *Reinstatement.* After the period of reduced or suspended payments or in order to cure an existing default, mortgages may be reinstated either by extended forbearance or by following the procedures for recasting insured mortgages in default, except that the term of the mortgage may not be extended, and the maturity date after recasting may not be later than the original maturity date unless more than ten years have elapsed since the due date of the first payment under the mortgage. In any case, however, the mortgage payments during the reinstatement period, including all escrows, must be no more than the highest payment obtainable under any one of the following three alternatives:

(1) The amount of the monthly mortgage payments due on the date of default plus any increase in escrow requirements; or

(2) The amount obtained by adding all outstanding arrearages to the unpaid principal balance and recasting the mortgage to allow for completion of its payment as amortized over its remaining term plus current escrow requirements. The term may be extended by up to 10 years if, on the date of assignment, 10 years or more had elapsed since the due date of the first payment under the mortgage, plus current escrow requirements (see Appendix 4); or

(3) An amount equal to 25 percent of the mortgagor's monthly net effective income. (See Handbook 4155.1, Mortgage Credit Analysis Handbook, paragraph 4.)

Recasting should be avoided if possible, and every effort should be made to reinstate before the original maturity date. If more than ten years have elapsed since the due date of the first payment under the mortgage, and payment in full by the original maturity date would result in monthly payments in excess of the greater of the above alternatives, maturity may be extended by up to ten years.

d. *Form of payment plans.* All forbearance and recasting plans shall be in writing and executed by the mortgagor and the Area/Insuring Office Director on behalf of the Secretary, and substantially in the form of the forbearance and recasting agreements set forth in Appendixes 5 through 8.

11. *Cautions and controls.* The field office Director must make every effort to insure that the mortgagee has extended reasonable relief to a deserving mortgagor (or has demonstrated that relief which might be reasonable is obviously inadequate) before accepting assignment. Care must be taken to make certain that the assignment of mortgages does not become a vehicle which permits mortgagees to assign basically sound but low interest rate mortgages, or mortgages which are chronically in default because of a disregard for or permanent or chronic inability to meet the mortgage obligation on the part of the mortgagor. If it develops that assignments are being accepted from a mortgagee in relatively high or low numbers, the field office Director will investigate the circumstances and, if it appears sanctions are warranted, the Director or the Assistant Secretary for Housing Management will bring the matter, well documented, before the Mortgage Review Board. The volume of assignments accepted from a lender is not, in



itself, a basis for criticism of that lender. Either relatively high or unusually low numbers of requests, however, should cause the Director to determine the reasons for the anomaly. This is especially true, of course, if the mortgagee also has a relatively high rate of foreclosures. It is recognized that within the above parameters, certain flexibility exists in each field office to administer the assignment program. To insure continuity within any one Region, however, each Regional Office may, at its option, develop explanatory but no more restrictive issuances to reflect the application of the criteria to local economic conditions for use by those field offices under its jurisdiction. A copy of these issuances should be furnished to the Director, Single Family Housing Division, OLM.

JAMES L. YOUNG,  
Assistant Secretary for  
Housing Management.

[FR Doc.76-28754 Filed 9-30-76;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 76-13]

### STUDY OF HIGHWAY NEEDS TO SOLVE ENERGY PROBLEMS

Public Hearings; Correction

In FR Doc. 76-26131 appearing at page 37389 in the FEDERAL REGISTER of September 3, 1976, the following changes should be made:

1. On page 37389, the telephone number at which Robert E. Johnson may be reached before the October 12 hearing is corrected to read (502-227-7321).

2. On page 37389, the telephone number at which Francis J. Locke may be reached before the October 15 hearing is corrected to read (301-962-2482).

Issued on: September 27, 1976.

DOWELL H. ANDERS,  
Acting Chief Counsel.

[FR Doc.76-28808 Filed 9-30-76;8:45 am]

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:00 p.m., October 18, 1976 in the 6th floor Conference Room of Covington and Burling, 888 16th Street, N.W., Washington, D.C. 20006.

The Committee will meet to consider, for the second time, proposed recommendations stemming from Professor David P. Currie's draft report, "Judicial Review Under the Federal Pollution Laws."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any

member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,  
Executive Secretary.

SEPTEMBER 29, 1976.

[FR Doc.76-29114 Filed 9-30-76;10:25 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 29223]

AMERICAN AIRLINES, INC., ET AL

Assignment of Enforcement Proceeding

This proceeding is hereby assigned to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.76-28831 Filed 9-30-76;8:45 am]

[Docket No. 28760]

AMERICAN AIRLINES, INC.

Assignment of Proceeding; Complaint of American Association of Zoological Parks and Aquariums

This proceeding is hereby assigned to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.76-28832 Filed 9-30-76;8:45 am]

[Docket No. 27793]

SOCIETE ANONYME BELGE D'EXPLOITATION DE LA NAVIGATION AERIENNE (SABENA)

Assignment of Proceeding; Complaint of Pan American World Airways, Inc.

This proceeding is hereby assigned to Administrative Law Judge Greer M. Murphy. Future communications should be addressed to Judge Murphy.

Dated at Washington, D.C., September 27, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc.76-28833 Filed 9-30-76;8:30 am]

[Docket No. 24971; Agreement CAB 23416-A1 and A2; Order 76-9-124]

SOLE SOURCE SUPPLIER JOINT NEGOTIATING AND PURCHASING COMMITTEE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of September 1976.

By Order 75-7-137, the Board deferred action on an agreement among various

air carriers and foreign air carriers, the primary purpose of which would be to permit the parties to the agreement to act collectively with respect to the procurement of spare parts from so-called "sole source suppliers."<sup>2,3</sup>

The preamble to the agreement states, inter alia, that this proposed scheme is necessary because "sole source suppliers of spares utilized by the airlines are in the unique position of selling their products in a noncompetitive market and therefore may price their products without regard to costs," and because of the desire of the parties "to insure that the prices paid to sole source suppliers for spares bear a reasonable relationship to costs."<sup>4</sup> In their pleadings, the applicants have also alleged that "sole source suppliers can and \* \* \* frequently \* \* \* [do] \* \* \* impose unreasonably high prices and other unfavorable terms and conditions upon sales of spare parts to the airlines";<sup>5</sup> that "sole source spare parts suppliers \* \* \* enjoy a monopoly bargaining position vis-a-vis the air carriers who must purchase their products without choice";<sup>6</sup> and that, by definition, "sole source suppliers" are in a monopoly position. (Id. at p. 18).

<sup>1</sup> Currently, the parties to the proposed agreement are: American Airlines, Air Canada, Allegheny Airlines, Alaska Airlines, Braniff International, Continental Air Lines, Eastern Air Lines, Frontier Airlines, Hughes Airwest, National Airlines, Southern Airways, Trans World Airlines, United Air Lines, Western Air Lines, North Central Airlines, Overseas National, and Canadian Pacific.

<sup>2</sup> The agreement defines a "sole source supplier" as the only source from which a spare is available. A spare, in turn, is defined as spare engines, spare parts, components, instruments, avionics, accessories, assemblies, special tools, and items of equipment and materials for any part of an aircraft and its support equipment.

<sup>3</sup> More specifically, the proposed agreement would establish a "Sole Source Supplier Committee" which would have a representative from each party and authority to:

(a) Consult with others to study and recommend actions relating to pricing, design, production, quality, and standardization;

(b) Examine the books and records of sole source suppliers with the acquiescence of such suppliers to ascertain the reasonableness of the price for spares in relation to the supplier's costs;

(c) Inspect the plant and manufacturing procedures of sole source suppliers with the acquiescence of such suppliers to determine the efficiency of the supplier's production techniques;

(d) Pool and compile air carrier spares usage and technical data and provide such data as may be appropriate to suppliers as a guide for inventory planning;

(e) Negotiate with sole source suppliers for the purchase of spares, including the price therefor;

(f) Purchase from sole source suppliers as an agent for the parties to the agreement; and

(g) Investigate, develop, and report on alternative sources of supply.

<sup>4</sup> See p. 1 of the proposed agreement.

<sup>5</sup> See comments of United Air Lines on behalf of the signatory parties to the agreement, dated May 1, 1973, at p. 10.

<sup>6</sup> See reply comments of United Air Lines on behalf of the signatory parties to the agreement, dated June 11, 1973, at p. 4.



Numerous pleadings have been filed in this proceeding either by or on behalf of the various firms in the aircraft spare parts industry. In brief, these pleadings have asserted that the proponents of the instant agreement have failed in any demonstration (a) that the aircraft spare parts industry is anticompetitive either in its structure or behavior, (b) that the instant agreement is necessary to meet "a serious transportation need" or to secure other "important public benefits," or (c) that the objectives of the agreement cannot be achieved through alternative, less anticompetitive means.<sup>7</sup> The U.S. Department of Justice (DOJ) stated, in reply comments filed on June 15, 1973, that although joint purchasing arrangements in themselves do not constitute a per se violation of the antitrust laws, the instant agreement could result in two activities—price fixing by buyers and collective group boycotts—which would be per se violations of the antitrust laws. DOJ also believed that the agreement was vague and insufficiently justified and should not be approved without first conducting a hearing.<sup>8</sup>

By Order 75-7-137, the Board deferred action on this matter pending an investigation by DOJ and possibly the Federal Trade Commission into the allegations of the parties of alleged monopolistic pricing practices in the aircraft spare parts industry. By letter dated February 18, 1976, and by comments filed March 12, 1976, DOJ advised the Board that it had found no evidence of anticompetitive conduct in that industry. Although the Federal Trade Commission has not reported, DOJ indicated that the FTC had uncovered nothing inconsistent with its conclusions.

Thereafter, an additional pleading was filed on behalf of the signatory parties in which it was argued that the findings of DOJ should in no way diminish the clear necessity for the instant agreement since the agreement is essential, in their view, "to remedy the imbalance in bargaining power between airlines and sole source suppliers."<sup>9</sup>

Upon consideration of the full record in this proceeding, and in particular the findings of DOJ, the Board has tentatively concluded that the instant agreement has not been adequately justified in accordance with the governing principles set forth on anticompetitive agreements in the *Local Cartage Agreement* Case, 15 C.A.B. 850, 853 (1952), and

should be disapproved under section 412 of the Act.<sup>10</sup>

In support of our conclusion, we tentatively find that the proponents of this agreement have failed to sufficiently demonstrate either (a) that the firms in the aircraft spare parts industry have been engaged in monopolistic pricing practices or other anticompetitive behavior, either collectively or on an individual basis, or (b) that this industry is even structurally anticompetitive. In other words, we have not been persuaded, on the basis of the record in this proceeding as it presently stands, that an imbalance in relative economic bargaining power exists between the airlines, on one side, and the firms in the aircraft spare parts industry, on the other, in the airlines' procurement of aircraft spare parts, or that the firms in the aircraft spare parts industry do in fact, or are in a position to, charge unreasonable prices or impose unreasonable terms in the airlines' procurement of these spare parts. Thus, we tentatively conclude that the applicants have fallen short of proving that the problem they seek to remedy by anticompetitive agreement exists at all. Without proof on this threshold issue of fact, we need not examine the question of where this agreement might fall as a matter of law under the standard of *Local Cartage*.

Accordingly, interested persons will be given ninety (90) days following the date of service of this order to show cause why the tentative findings and conclusions we have set forth should not be made final.<sup>11</sup> We shall expect such persons to support their objections, if any, with detailed answers specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported pleadings will not be entertained.

<sup>10</sup> Under the *Local Cartage* standard, the proponents of a proposed agreement which "has among its significant aspects elements which are plainly repugnant to established antitrust principles" are required to make a clear showing that the agreement "is required by a serious transportation need, or to secure important public benefits" before the Board will approve the agreement. Although DOJ correctly pointed out that the instant agreement has the potential for two activities—price fixing by buyers and collective group boycotts—which would otherwise be in restraint of trade and per se illegal under the antitrust laws, as we note herein, we do not believe it is necessary to consider the severity of these possible anticompetitive consequences with respect to this particular agreement because the applicants have not shown that "a serious transportation need" exists.

<sup>11</sup> Answers to the objections will be due 45 days after the time for objections has expired.

Accordingly, it is ordered, that: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and, thereby, disapproving Agreement CAB 23416-A1 and A2;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings or conclusions set forth herein shall, within 90 days after the date of service of this order, file with the Board and serve upon all the parties noted in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; answers to these objections will be due 45 days after the time for objections has expired;<sup>12</sup>

3. If timely and properly supported objections and answers thereto are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served on all parties of record.

This order shall be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc.76-28834 Filed 9-30-76;8:45 am]

## CIVIL SERVICE COMMISSION HEALTH, EDUCATION, AND WELFARE DEPARTMENT

### Title Change in Noncareer Executive Assignment

By notice of January 23, 1974, FR Doc. 74-1817, the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by non-career executive assignment the position of Commissioner, Community Services Administration, Social and Rehabilitation Service. This is notice that the title of this position is now being changed to Commissioner, Public Services Administration, Social and Rehabilitation Service.

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

[FR Doc.76-28748 Filed 9-30-76;8:45 am]

## JUSTICE DEPARTMENT

### Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Serv-

<sup>12</sup> All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

<sup>7</sup> See, for instance, the comments of the Aerospace Industries Association of America, Inc., dated May 1, 1973; also see their reply comments dated June 12, 1973.

<sup>8</sup> A brief summary of the pleadings of the applicants and of the opposing parties can be found in Order 75-7-137.

<sup>9</sup> See Signatory Parties' comments concerning DOJ inquiry, dated March 11, 1976. Further comments were also filed by the Aerospace Industries Association. In their pleading of March 15, 1976, they urge that, in view of the findings of DOJ, the Board should disapprove the instant agreement or, alternatively, set it for a full evidentiary hearing.



ice Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Attorney General, Office of the Attorney General.

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

[FR Doc. 76-28747 Filed 9-30-76; 8:45 am]

## JUSTICE DEPARTMENT

### Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General, Office of the Deputy Attorney General, Office of the Attorney General.

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

[FR Doc. 76-28746 Filed 9-30-76; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### CERTAIN COTTON TEXTILE PRODUCTS FROM MALAYSIA

#### Adjustment of Import Levels Correction

In FR Doc. 76-28051, in the issue for Friday, September 24, 1976, the letter contained in the above document should have read as follows; note the footnote references:

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C.

SEPTEMBER 21, 1976.

DEAR MR. COMMISSIONER: On December 22, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Malaysia, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1976, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 5 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 8 and May 16, 1976, between the Governments of the United States and Malaysia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 24, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to amend the levels of restraint established for Categories 22/23 and 26 to the following amounts:

Category:	Amended 12-mo. level of restraint <sup>1</sup>
22/23 -----	2,824,800 yd <sup>2</sup>
26 -----	6,474,600 yd <sup>2</sup>

<sup>1</sup> The levels of restraint have not been adjusted to reflect any entries made after Dec. 31, 1975.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia 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,

ROBERT E. SHEPHERD,  
*Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.*

## ESTABLISHING IMPORT LEVELS FOR CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILES

### Products from the Republic of Korea, Effective October 1, 1976

On June 26, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, concluded a comprehensive Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of the Republic of Korea concerning exports of cotton, wool and man-made fiber textiles over a three-year period beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the agreement are those establishing an aggregate limit for cotton textiles and cotton textile products in Categories 1-64, wool textile products in Categories 101-132, and man-made fiber textile products in Categories 200-243. Within the aggregate

limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Appropriate adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

limit, the following group limits have been established: Group I (Categories 1-38, shoe uppers in Category 63, 64, 200-213, and 241-243); Group II (Categories 39-62, Category 63, except shoe uppers, and 214-240); and Group III (Categories 101-132). Within the aggregate and applicable group limits, specific limits have been established for Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, 222, part of 224 (men's and boys' suits), 228, 234, 235, 237, and 238. The agreement was amended by an exchange of notes dated March 24 and April 1, 1976 to establish additional specific levels of restraint for Categories 116/117, 121, 124, and 229.

The agreement contains provisions for consultations to be held between the Governments of the United States and the Republic of Korea to establish levels of restraint for those categories not having specific export limitations for the agreement year beginning on October 1, 1976. During consultations held September 21-24, 1976, the levels set forth below were established for Categories 39, 42/43/62 pt. (shirts and blouses), part of 62 (other than shirts and blouses), 63, 104, 208, 210, 218, and 224 (other than men's and boys' suits).

Accordingly, there is published below a letter of September 29, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that for the twelve-month period beginning on October 1, 1976 and extending through September 30, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 9/10, 18/19/26 (printcloth, 22/23, 26 (duck) 39, 42/43/62 pt., 45/46/47, 48, 49, 50/51, 52, 62 pt. 63, 104, 116/117, 120, 121, 124, 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 be limited to the designated levels. This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ROBERT E. SHEPHERD,  
*Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.*

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

SEPTEMBER 29, 1976.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: 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 June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions



of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on October 1, 1976 and for the twelve-month period extending through September 30, 1977, entry into the United States for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26, 22/23, part of 26, 39,

42, 43/62 pt., 45/46/47, 48, 49, 50/51, 52, 62 pt., and 63; wool textile products in Categories 104, 116/117, 120, 121 and 124; and man-made fiber textile products in Categories 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 in excess of the following levels of restraint:

Category	12-month level of restraint
9/10	6,583,024 yd. <sup>2</sup>
18/19/26 (printcloth)*	5,235,626 yd. <sup>2</sup>
22/23	3,604,345 yd. <sup>2</sup>
26 (duck)†	21,943,401 yd. <sup>2</sup>
39	311,880 doz. pairs.
42/43 and part of 62‡	3,200,000 yd. <sup>2</sup> equivalent.
45/46/47	3,186,797 yd. <sup>2</sup> equivalent.
48	22,453 doz.
49	51,039 doz.
50/51	192,817 doz. (of which not more than 102,184 doz. shall be in category 50 and not more than 138,309 doz. shall be in category 51).
52	70,727 doz.
Pt. 62*	195,652 lb.
Pt. 63 (T.S.U.S.A. Nos. 380.3980 and 382.3380)	1,086,957 lb.
Pt. 63*	1,086,957 lb.
104	2,200,000 yd. <sup>2</sup>
116/117	470,815 lb.
120	320,448 numbers.
121	193,920 numbers.
124	1,010,000 numbers.
208	18,000,000 yd. <sup>2</sup> of which not more than 8,000,000 yd. <sup>2</sup> shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036).
210	1,750,000 yd. <sup>2</sup>
218	897,790 doz.
219	4,082,036 doz.
221	2,801,092 doz.
222	1,025,100 doz.
Pt. 224 (only T.S.U.S.A. Nos. 380.0420 and 380.8103)	41,333 doz.
Pt. 224*	48,485 doz.
228	4,358,974 lb.
229	881,517 doz.
234	752,455 doz.
235	3,845,407 doz.
237	1,422,840 doz.
238	155,555 numbers.
	218,013 doz.

\* In Category 26 the T.S.U.S.A. Numbers for printcloth are: 320...34, 321...34, 322...34, 326...34, 327...34, 328...34.

† In Category 26 the T.S.U.S.A. Numbers for duck fabric are: 320...01 through 04,06,08, 321...01 through 04,06,08, 322...01 through 04,06,08, 326...01 through 04,06,08, 327...01 through 04,06,08, 328...01,06,08.

‡ In Category 62, only T.S.U.S.A. Nos.: 380.0024, 380.0027, 382.0002, 382.0605, 382.0610, 382.3904, 382.6904.

\* In Category 62, all T.S.U.S.A. Numbers not listed in Footnote ‡.

† In Category 63, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.3980 and 382.3380.

‡ In Category 224, all T.S.U.S.A. Numbers except T.S.U.S.A. Nos. 380.0402, 380.0420, 380.8103 and 380.8143.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced in the Republic of Korea and exported to the United States prior to October 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1975 through September 30, 1976. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint within Group I may be exceeded by 10 percent; within Group II, by 7 percent; and within Group III, by 5 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the ap-

plicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea 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,

ROBERT E. SHEPHERD,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements, and Acting Deputy  
Assistant Secretary for Resources  
and Trade Assistance.

[FR Doc.76-29089 Filed 9-30-76;9:59 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SE- VERELY HANDICAPPED

### PROCUREMENT LIST 1976

#### Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 7510

Binder, Looseleaf

7510-00-582-5398,

7510-00-582-5399,

7510-00-582-5400,

(approximately 1/2 of the total Government requirements).

If the Committee approves the proposed additions, all entities of the Government will be required to procure the indicated portion of the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the 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.76-28801 Filed 9-30-76;8:45 am]

### PROCUREMENT LIST 1976

#### Additions to Procurement List

Notice of proposed additions to Procurement List 1976, November 25, 1975 (40 FR 54742) of the services and commodities listed below were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29473), April 2, 1976 (41 FR 14211), July 23, 1976 (41 FR 30380), August 6, 1976 (41 FR 32943).

After consideration of all the relevant data presented, the Committee has determined that the services and commodities listed below are suitable for



procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

Food Service Attendant Services (SH), Seneca Army Depot, Romulus, New York.

SIC 0782

Grounds Maintenance Services (SH), Federal Aviation Administration, Leesburg, Virginia.

Class 7530

Folder, File (IB), 7530-00-286-6924 (for GSA Regions 1, 2, 4, 5, 6, 7, & 8).

Folder Set, File (IB), 7530-00-286-6923 (for GSA Regions 1, 2 & 3).

Class 8465

Carrier, Intrenching Tool, Plastic, LC-1 (IB), 8465-00-001-6474.

Class 1560

Wire Bundle Assemblies (SH), 1560-00-222-3876 BF, 1560-00-883-4487 BF.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc.76-26802 Filed 9-30-76;8:45 am]

## COMMISSION ON FEDERAL PAPERWORK HOUSING Public Hearings

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Pittsburgh, Pennsylvania. The hearings will be held on October 14 and 15, 1976, at the William Penn Hotel, 530 William Penn Way, Fort Duquesne Room, Pittsburgh, Pennsylvania.

The hearings will commence each day at 9:00 a.m. and end at 1:00 p.m. On the first day, the Commission will receive comments about the impact of Federal paperwork upon housing and receive comments concerning the Commission's Report on the Occupational Safety and Health Act. On the second day, the Commission will receive comments about the impact of Federal paperwork upon State and local governments and receive comments about the Commission's preliminary Report on the Employee Retirement Income Security Act.

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 1111 20th Street NW., Suite 200, Washington, D.C. 20582, telephone (202) 653-5400.

FRANK HORTON,  
Chairman.

[FR Doc.76-29067 Filed 9-30-76;8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY ENVIRONMENTAL IMPACT STATEMENTS Availability

Environmental impact statements received by the Council on Environmental Quality from September 20 through September 24, 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. (November 15, 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

North Irish Creek Timber Sale, Tongass National Forest, Alaska, Sept. 21: The proposed action is the harvest of approximately 50 million board feet of timber from the Tongass National Forest in Alaska. Old-growth timber would be harvested in clear-cut patches varying in size from 7.5 acres to 160 acres and then transported to a site at Hamilton Bay. The project would require the construction of about 38 miles of road through an undeveloped area. The major adverse impact will result from the conversion of old-growth stands to second-growth stands, which will modify the character of wildlife habitat. After completion of the proposed action, the area will no longer be suitable for wilderness classification. (220 pages.) (ELR Order No. 61384.)

Willow Springs Unit, Mark Twain National Forest, Douglas, Howell, and Ozark Counties, Mo., Sept. 22: Proposed is a Unit Plan for the Willow Springs Unit in Douglas, Howell, and Ozark Counties, Missouri. The proposal would establish 4 broad management zones and cover the time period from October 1, 1977 to September 30, 1989. The various areas will be managed for recreational or timber harvesting purposes, depending on the character of the area. The plan calls for construction of 86 miles of trail, new picnicking, boating, and camping areas, and 49 miles of new road. Adverse effects include soil erosion, increased noise levels, and reduced timber capability. (36 pages.) (ELR Order No. 61395.)

Buck Creek and Yellow Mules Permit, Gallatin National Forest, Gallatin and Madison Counties, Mont., Sept. 21: The proposed action is the granting of a special use permit to Burlington Northern Railroad to construct a road through sections of the Gallatin National Forest, Montana. The purpose of the

3.4 miles of road is to allow Yellowstone Pine Lumber Company to gain access to Burlington Northern lands for timber harvest. The timber site is intermingled with 27.1 acres in the Buck Creek and Yellow Mule drainages of Gallatin National Forest. The project will affect water quality and quantity, wildlife habitat, esthetics, and increase wildfire hazards. (80 pages.) (ELR Order No. 61385.)

### DEPARTMENT OF DEFENSE

#### AIR FORCE

#### Supplement

B-1 Aircraft Development and Procurement (S-1), Sept. 24: This statement proposes an administrative action involving continued design, development, test and evaluation of four aircraft, associate subsystems and equipment, and proposed procurement and production of 240 aircraft between 1977 and 1986. This action would also entail the deployment of the fourth DT&E B-1 aircraft. The primary areas affected by this action are test facilities at Edwards AFB, Calif. and Eglin AFB, Fla.; and Evendale, Ohio, Seattle, Wash. and Deer Park, N.Y., and operational facilities throughout the U.S. Impacts of B-1 operations include an increase in the frequency of location-specific sonic booms. (60 pages.) (ELR Order No. 61404.)

#### ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Ave. SW., Washington, D.C. 20314, 202-693-6795.

#### Draft

Eight Mile Creek Paragould, Greene County, Ark., Sept. 23: Proposed is a plan for flood control and recreation in the Eight Mile Creek Basin, Arkansas, near Paragould. Features of the project consist of enlarging 11.4 miles of Eight Mile Creek and establishing a greenway along the entire length to be enlarged with incorporation of mini-parks and hiking and biking trails into the greenway. Adverse effects include the permanent loss of some 15 acres of woodlands and the temporary loss of some 22.8 miles of stream-bank vegetation. (Memphis District.) (60 pages.) (ELR Order No. 61401.)

#### Draft

Indian River Power Station, Unit 4, Sussex County, Del., Sept. 21: Proposed is the construction of Unit 4 of the Indian River Power Station in Sussex County, Delaware. The Delmarva Power and Light Company has proposed the addition to the station of a 400-megawatt bituminous coal-fired electric generating unit and associated structures. The project would utilize an additional 217 acres along the Indian River and a tributary, Island Creek. Adverse effects include changes in the temperature and salinity of the water, increased salt deposition on adjacent land, decreased visibility due to smoke from the cooling tower, and the loss of 175 acres of woodland due to dry-ash disposal. (Philadelphia District.) (225 pages.) (ELR Order No. 61387.)

#### Final

Charles River, Mass., Sept. 21: The statement proposes a "non-structural solution" to the problem of flood water control on the Charles River watershed. Approximately 8,422 acres would be acquired by the Corps and



maintained in their natural state in perpetuity. During periods of high water level the lands will be utilized as natural flood control reservoirs, eliminating the future need to construct dikes and levees. The areas will be operated as wildlife refuges during normal periods. No adverse impact is anticipated. (35 pages.) Comments made by: USDA, DOC, EPA, DOT, DOI, HUD, State and local agencies, concerned citizens. (ELR Order No. 61391.)

Fairport Small Boat Harbor (2), Lake County, Ohio, Sept. 23: The statement concerns the establishment of harbor facilities for small craft on southern Lake Erie at the Village of Fairport Harbor. The proposed development would consist of dredging an approach channel, an L-shaped dock channel, and construction of three stone breakwaters and a stone revetment. In addition, local interests propose the construction of a marina. Adverse impacts include the increased vehicular traffic in the area, and the alteration of bottom habitat by dredging and placement of dredge. (Buffalo District.) (143 pages.) Comments made by: DOC, HEW, HUD, DOI, DOT, EPA, State and local agencies, concerned citizens. (ELR Order No. 61400.)

#### Supplement

Red River Waterway, Mississippi River to Shreveport (S-1), Sept. 22: Proposed is the construction and maintenance of the Red River Waterway project in the states of Louisiana, Texas, Arkansas, and Oklahoma. The project consists of a 9- by 200-foot navigation channel, with 5 locks and dams and related bank stabilization, from the Mississippi River to Shreveport, Louisiana. The navigation feature will be a realigned channel 236 miles in length, and the locks will have dimensions of 84 feet by 685 feet usable chamber length. Project implementation will result in the loss or alteration of 43,100 acres of land, 5,500 acres of natural river channel, and 886,000 pounds of fish per year. (New Orleans District.) (200 pages.) (ELR Order No. 61394.)

#### ENVIRONMENT PROTECTION AGENCY

Contact: Ms. Rebecca W. Hanmer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, (202) 755-0780 (Stop 460).

#### Final

Granby Wastewater Treatment Facility, Grand County, Colo., September 20: Proposed is the construction of a new expanded wastewater treatment facility to replace the existing plant. The proposal was prompted by population growth projections associated with a large proposed second home/resort complex adjacent to Granby named Val Moritz. The construction would cause secondary impacts due to the induced growth in the general area. Implementation of the new wastewater treatment plant will have an effect upon the local tax structure with probable increases in property tax for Granby residents. This effect will be particularly severe if Val Moritz fails to develop to the extent and at the rates projected. (Region VIII.) (335 pages.) Comments made by: USDA, FEA, DOI, HEW, State and local agencies, concerned citizens. (ELR Order No. 61380.)

Utah Lake-Jordan R. Water Quality Management, several counties, Utah, September 24: This statement sets forth the Utah Lake-Jordan River Water Quality Management Planning Study. The study consists of a series of proposed wastewater treatment alternatives to resolve water pollution problems in all or parts of Davis, Salt Lake, Utah, Wasatch, and Juab Counties in the state of Utah. This Plan contains a recommendation

to expand wastewater treatment facilities through regionalization along with upgrading treatment efficiencies to meet Utah's level III effluent requirements. Environmental impacts are presented in terms of impacts on water quality, land resources, and air quality, as well as economic, financial, and social impacts. (Region VIII.) (435 pages.) Comments made by: HEW, USDA, FEA, DOI, COE, DOT, State and local agencies, concerned citizens. (ELR Order No. 61405.)

#### DEPARTMENT OF HUD

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

Mei Lun Yuen Development, San Francisco, San Francisco County, Cal., September 21: Proposed is a project for the Mei Lun Yuen Redevelopment of the Chinatown Redevelopment area in San Francisco, California. The action calls for parcel redevelopment into an elderly highrise apartment building containing 140 units with 10,000 square feet retail commercial space at ground level; 35 family flats in four buildings; and a five-story commercial parking lot. The project is to be constructed in the Chinatown Urban Renewal Area portion of the block bounded by California, Powell, Sacramento, and Stockton Streets. No adverse effects are anticipated. (100 pages.) (ELR Order No. 61397.)

Devon-Air Estates, Coral Gables, Dade County, Fla., September 21: Proposed is the construction of Devon-Air Estates, a Planned Unit Development (P.U.D.) in Coral Gables, Florida. The 392-acre project consists of 378 single family detached units, 788 townhouse units, 1084 apartment rental units, a 20-acre park and school site, and a 20-acre lake. The first phase of construction will be 101 single family detached units on 32 acres in the northern central section of the P.U.D. Adverse impacts include increases in noise and dust levels, and loss of agricultural lands. (142 pages.) (ELR Order No. 61390.)

Project Agnes Urban Renewal, Cornlugh, N.Y., Steuben County, N.Y., September 21: The proposed action is continuation of Project Agnes, an Urban Renewal Program designed to assist the City of Corning, N.Y. to recover from damage caused by Tropical Storm Agnes in June 1972. The project has been in execution since 1973 and this statement is an evaluation of the activities yet to be undertaken, including the completion of land acquisition, relocation activity, demolition and site clearance, and new construction. Adverse impacts include continued increases in air, noise, and water pollution. (165 pages.) (ELR Order No. 61392.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

#### SECTION 104(h)

#### Draft

Pensacola Senior Citizens Center, Escambia County, Fla., September 21: Proposed is the construction of a Senior Citizens Center in the City of Pensacola, Florida. The 12-15,000 sq. ft. facility, located in the western watershed of Bayou Texar, will house a social hall/theater with seating for approximately 200 persons; 2 club rooms; a solarium; a game room and snack area; kitchen, arts and crafts rooms; restrooms; and administrative offices. The construction of the Center will result in off site erosion and sedimentation,

increase in noise and air pollution, and loss of .35 acres of ground cover. (13 pages.) (ELR Order No. 61393.)

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

#### BUREAU OF SPORTS FISHERIES AND WILDLIFE

#### Draft

San Francisco Bay Nat'l Wildlife Refuge, Alameda, San Mateo, Santa Clara Counties, Cal., September 21: Proposed is the acquisition of 23,000 acres of land for a national wildlife refuge in Alameda, San Mateo, and Santa Clara Counties, California. The project is designed to protect fish and wildlife in the south San Francisco Bay Region and to provide opportunities for wildlife oriented recreation and nature study. As part of the proposal, the Leslie Salt Co. would be permitted to continue using certain salt ponds to produce salt through the solar evaporation process. Impacts on the environment are expected to be favorable. (190 pages.) (ELR Order No. 61386.)

#### GEOLOGICAL SURVEY

#### Draft

Eagle Butte Mine, Amax Coal Co., Lease, Campbell County, Wyo., September 22: Proposed is approval of the surface mining and reclamation plan for Amax Coal Company's Eagle Butte mine in Campbell County, Wyoming. The project calls for mining of 566.2 million tons of coal over a 39-year period, at a rate of 16 million tons per year, on a total of 3,520 acres of Federal coal land and 640 acres of State coal land. The mining will result in the destruction of a total of 3,446 acres of land, degradation of water and open space quality, loss of wildlife habitat, and increased burden on social and economic institutions. (340 pages.) (ELR Order No. 61396.)

#### INTERNATIONAL BOUNDARY AND WATER COMMISSION

Contact: Mr. T. R. Martin, Special Asst. U.S. Section IBWC, ARA/MEX, Room 3906 A, Washington, D.C. 20520, (202) 632-1317.

#### Draft

Amistad Hydroelectric Plant, Rio Grande, Val Verde County, Tex., September 24: Proposed is the construction and operation of a conventional hydroelectric facility at Amistad Dam and Reservoir on the Rio Grande in Val Verde County, Texas. The plant will provide fast-response energy to a total electric power system covering a large part of southern Texas. Construction activities would cause minor degradation of water quality in the immediate vicinity of the project; produce some beneficial and adverse effects to the economy and way of life within the local community; and consume both renewable and nonrenewable resources. (100 pages.) (ELR Order No. 61402.)

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### Draft

Solid Rocket Motor DDT&E Program, September 24: The proposed action is to process, test, and deliver Solid Rocket Motors (SRMs) in support of the National Aeronautics and Space Administration (NASA) Space Shuttle Program. Accomplishment of the proposed action involves the processing of nineteen (19) and static testing of seven (7) SRMs at Thiokol/Wasatch Division, Promontory, Utah; the delivery of twelve (12) SRMs to NASA/Kennedy Space Center, Florida; and the delivery of two (2) inert and three (3) empty SRMs to NASA/Marshall Space Flight Center,



Alabama. Occasional test firings will result in the release of air pollutants, causing a temporary, localized degradation of air. (215 pages). (ELR Order No. 61406.)

#### DEPARTMENT OF STATE

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

###### Draft

AID Pest Management Program, Sept. 24: This EIS addresses all activities of the Agency for International Development (AID) which are intended to control or eliminate pests. Conceptually, the AID program is organized according to (a) program area (food production and preservation, public health, and all other pest management programs); (b) program element (pesticide activity, research, training and technical assistance, other pest management activities); and geographical region (The United States, less developed countries, and extraterritorial global areas). AID Activities will include development assistance through loan and grant programs of technical assistance, research and training, and commodity support. (640 pages.) (ELR Order No. 61403.)

##### 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 HIGHWAY ADMINISTRATION

###### Draft

State Highway 82 (Carbondale), State Highway 133 to Aspen, Garfield, Eagle, and Pitkin Counties, Colo., Sept. 20: Proposed is the reconstruction of a segment of State Highway 82 in Garfield, Eagle, and Pitkin Counties, Colorado. The project will begin 1.9 miles south of the S.H. 133 intersection near Carbondale in Garfield County and terminate at the Aspen City limits, a total length of approximately 27 miles. The improved facility would be a two-lane or four-lane highway with limited controlled access, four 12 foot driving lanes, 4-foot inside shoulders and 10-foot outside shoulders. Adverse impacts include destruction of vegetation, relocation of homes and businesses, acquisition of new rights of way, and possible loss of some open space lands owned by Aspen City. (Region 8.) (257 pages.) (ELR Order No. 61381.)

U.S. 81, U.S. 81 and K-93 Junction to U.S. 36, Ottawa, Cloud, and Republic Counties, Kans., Sept. 21: Proposed is the improvement of U.S. 81 in Ottawa, Cloud, and Republic Counties, Kansas. The improved corridor will extend north from the junction of U.S. 81 and K-93 east of Minneapolis, in Ottawa County, north through Cloud County, to its intersection with U.S. 36 at Belleville in Republic County. Six alternative combinations are presented, with an average project length of 50.4 miles. Adverse effects include loss of cultivated land and residences, as well as construction impacts. (Region 7.) (320 pages.) (ELR Order No. 61383.)

Seattle Business District Bus Lanes, King County, Wash., Sept. 21: Proposed is the installation of an exclusive bus lane in the Seattle Central Business District. The project consists of a one lane "with-flow" peak hour operation bus lane on 2nd and 4th Avenues between Jackson and Virginia Streets. When the number of buses in the district increases by 60 buses per hour during the peak hour on the north/south avenues, a 2-lane "contra-flow" system would be installed. Also included in the project are improved information systems, bus shelters, wheelchair ramps, landscaping, and pedestrian facilities. Adverse impacts include changes in curb space and relocation of loading zones. (Region 10.) (155 pages.) (ELR Order No. 61388.)

###### Final

Sacramento River Crossing, IR-5 to SR-273, Shasta County, Calif., September 23: The proposed project is for the construction of a two-lane bridge across the Sacramento River and 1.25 miles of roadway section, providing a new traffic corridor in Shasta County from State Route 273 across the river to Interstate Route 5. The proposed alignment will pass through undeveloped grazing land and skirt the south perimeter of an existing residential subdivision at the west approach and a single family residence at the east approach. The relocation of one family residence along the west approach will be required. (Region 9.) (211 pages.) Comments made by: DOT, DOI, EPA, HEW, USCG, state and local agencies, concerned persons. (ELR Order No. 61398.)

561 North-South Facility and U.S. 61-Bypass, Davenport, Scott County, Iowa, Sept. 23: Proposed is the addition of traffic facilities in the 5.5 mile north-south corridor and the 4.5 mile east-west corridors of Davenport, Iowa, which are now served by U.S. 61 and other local streets. The major environmental impacts are displacement of families and businesses, possible acquisition of publicly-owned parks, and possible displacement of historical sites, depending upon the alternative selected. A 4(f) statement is included. (Region 7.) (194 pages.) Comments made by: USDA, DOI, EPA, DOT, state and local agencies, concerned individuals. (ELR Order No. 61399.)

U.S. Highway 51, Merrill to C.T. Highway "K", Lincoln and Oneida Counties, Wis., Sept. 21: Proposed is the construction of a 32-mile alignment for U.S. Highway 51 between Merrill in Lincoln County Wisconsin, and C.T. Highway "K" in Oneida County, Wisconsin. The 4-lane freeway will require approximately 2,550 acres of land, 75 percent of which is forest. Adverse impacts include increases in air and noise pollution as well as loss of agricultural and forest lands. A 4(f) statement is included concerning the use of land from the Heafford Junction to Minocqua State Park Trail Development. (Region 5.) (148 pages.) Comments made by: EPA, DOI, COE, state agencies, concerned persons. (ELR Order No. 61389.)

###### Supplement

Abbot Drive, Union Pacific RR. to Omaha Central Business District, Douglas County, Nebr., Sept. 20: This supplement advises the public that studies are under way to determine the most feasible method of connecting the southern terminus of Project No. M-50007(003) to the street system of the Omaha Central Business District. The roadway section extends from a point on Abbot Drive 1,000 feet northerly of the north abutment of the viaduct over the Union Pacific Railroad yards, to a connection with the street system of the Omaha Central Business District. Impacts will vary according to the alternative selected. (Region 7.) (17 pages.) (ELR Order No. 61382.)

GARY L. WIDMAN,  
General Counsel.

### ENVIRONMENTAL PROTECTION AGENCY

[FRL 625-1; OPP-180093]

#### STATE OF LOUISIANA

##### Issuance of a Specific Exemption To Use 2,4-D To Control Sesbania

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), notice is given

that the Environmental Protection Agency (EPA) has granted a specific exemption to the State of Louisiana (hereafter referred to as the "Applicant") to use a dimethylamine salt of 2,4-D for the control of sesbania on 60,000 acres of soybean plants. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the weed sesbania (*Sesbania exaltata* or *Sesbania macrocarpa*) is posing a threat to the soybean crop on 60,000 acres in 32 parishes in southwestern, central, and northeastern Louisiana. In most previous years, satisfactory weed control has been obtained by using preplant incorporated, preemergence and overtop herbicides. However, the Applicant stated that the infestation of sesbania has been particularly severe this year. Overtop sprays (2, 4-DB and Basagran formulations, which are registered for use on soybeans up to the bloom stage) are presently being used to control sesbania in soybean fields; however, research conducted by the Louisiana State University Cooperative Extension Service indicates that these products will not control sesbania in Louisiana which has emerged through the soybean canopy. No alternative pesticides are registered for this particular use.

The Applicant proposed to use the dimethylamine salt of 2,4-D in an aerial application as an overtop spray on 30,000 acres of soybeans planted in a solid seeded culture in southwestern Louisiana. The herbicide will be applied at the rate of four (4) to eight (8) ounces of a four pound per gallon active ingredient per acre applied in three to five gallons of water per acre. This is equivalent to one-eighth ( $\frac{1}{8}$ ) to one-quarter ( $\frac{1}{4}$ ) pound of 2,4-D acid equivalent per acre applied as the amine salt. It should be applied after the soybean plants are in the reproductive stage (past full bloom) and prior to the time sesbania plants are beginning to form pods. Sesbania is more sensitive to the herbicide at this time.

In addition, the Applicant proposed to treat with 2,4-D 30,000 acres of soybeans planted in conventional rows which are seriously infested with sesbania. The Applicant indicated that the pest weed has escaped control measures currently being employed. The acreage will be treated by ground application using a 2,4-D saturated bar connected to the rear of a tractor. The bar, covered with absorbent material, is impregnated with a solution of 2,4-D diluted at a ratio of equal parts of 2,4-D and water. The saturated bar is fastened to the tractor after



any excess 2,4-D has been allowed to drip off. The bar is suspended above the soybeans at a height such that sesbania plants will rub against the bar as the tractor travels down the row. Either one or two applications will be made as needed.

All aerial applications of 2,4-D will be made by certified applicators licensed by the Louisiana Department of Agriculture. Ground application using a 2,4-D saturated bar may be made by experienced farmers. To prevent damage to other susceptible crops in the areas of application, special permission will be obtained from the Commissioner of the Louisiana Department of Agriculture for the use of 2,4-D, except in the southwestern part of the State where cotton is not grown.

It appears that income derived from soybeans is very important to Louisiana farmers. The Applicant stated that, because of the low prices farmers are receiving for rice, many of them are more dependent than usual on their soybean crops. According to the Applicant, unless 2,4-D could be applied, the average yield on the 60,000 acres of soybeans plants infested with sesbania may be reduced by approximately 10 bushels per acre. At \$6.00 per bushel, the Applicant estimates a dollar loss of \$3,600,000.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of sesbania has occurred; (b) there is no pesticide presently registered and available for use to control sesbania in soybean fields in Louisiana; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the sesbania is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for the use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until September 30, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A dimethylamine salt of 2,4-D will be applied at the rate of from one-eighth to one-quarter pound 2,4-D acid equivalent per acre for aerial applications and equal ratios of 2,4-D and water for ground applications;

2. Overtop foliage, aerial applications will be limited to 30,000 acres in southwestern Louisiana;

3. Aerial applications will be made by certified applicators licensed by the Louisiana Department of Agriculture;

4. Ground applications on 30,000 acres of soybeans in central and northeastern Louisiana will be made using the 2,4-D saturated bar method of application;

5. The total quantity of 2,4-D to be applied will not exceed 7,500 pounds of active ingredient;

6. Applications will be limited to the following 32 parishes: Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Caldwell, Cameron, Catahoula, Concordia, East Baton Rouge, East Carroll, Evangeline, Franklin, Grant, Iberia, Iberville,

Jefferson, Davis, Lafayette, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Landry, St. Martin, St. Tammany, Tensas, Vermilion, and West Carroll;

7. Special permission will be obtained from the Louisiana Department of Agriculture for all applications in restricted areas;

8. Soybeans with residue levels not exceeding 0.5 ppm (part per million) of 2,4-D may be offered in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

9. There will be a thirty (30) day interval for grazing cattle on treated soybean fields; and

10. Since formal tolerances for 2,4-D on soybean plants have not been established, and soybeans from the 1976 treatment areas may contain residues on the order of 0.5 ppm, the State of Louisiana is advised to submit a petition for such a tolerance before the 1977 harvest.

Dated September 27, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 76-28714 Filed 9-30-76; 8:45 am]

[FRL 625-6; OPP-180094]

#### U.S. ARMY

##### Crisis Exemption To Use Carbaryl To Control Flea Vectors of Plague in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the U.S. Department of the Army (hereafter referred to as the "Army") has availed itself of a crisis exemption for the use of a ten (10) percent carbaryl dust to control flea vectors of plague identified at Fort Hunter Liggett, California. This exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Army has submitted in writing the following certified information.

The presence of bubonic plague at Fort Hunter Liggett was confirmed by the Letterman Army Institute of Research, San Francisco, California, in tests of vertebrate blood. There was concern that troops training in the area could be exposed to plague infection. On August 11, 1976, three hundred (300) pounds of a registered 10% carbaryl dust product was applied in the Fort Hunter Liggett area to burrows of ground squirrels (*Spermophilus beecheyi*); however, this product is not registered for plague vector control. The 10% carbaryl dust product registered for this use was not readily available. The time element was

so critical that there was no time to request a specific exemption.

A 20-acre area, which contained approximately 120 burrows per acre, was treated with 2 ounces of carbaryl applied to each ground squirrel burrow. This one-time treatment was carried out using hand-operated rotary dusters.

The entire treatment was made by U.S. Army trained medical personnel under the supervision of a medical entomologist from the United States Army Environmental Hygiene Agency, Regional Division-West, Denver, Colorado. These applications were made following consultation with U.S. Public Health Service officials, Fort Collins, Colorado. The dust was introduced into the burrows in such a manner that external environmental contamination was minimized. Participating personnel utilized appropriate safety equipment and precautions during the conduct of the treatment.

The average flea index per ground squirrel was 32.4 pre-treatment and 0.629 post-treatment. The average flea index per ground squirrel burrow was 0.9 pre-treatment and 0.01 post-treatment.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: September 24, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 76-28879 Filed 9-30-76; 8:45 am]

[FRL 625-6; OPP-180095]

#### U.S. DEPARTMENT OF AGRICULTURE

##### Crisis Exemption To Use Naled To Control the Oriental Fruit Fly in California

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), the Environmental Protection Agency (EPA) gives notice that the U.S. Department of Agriculture (hereafter referred to as "U.S.D.A.") has availed itself of a crisis exemption for the use of a naled formulation to control an oriental fruit fly infestation in Los Angeles County, California. This exemption is subject to the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the U.S.D.A. has submitted in writing the following certified information.

According to the U.S.D.A., this is a new infestation of the oriental fruit fly (*Dacus dorsalis* H.) to the continental United States; this insect is a serious pest of fruits and vegetables in Hawaii and the Orient. Its presence in California poses a potential serious economic loss for the California fruit and vegetable industry. The U.S.D.A. stated. No pesticide registered for this particular use to erad-



icate or control the oriental fruit fly was available; the time element was so critical that there was no time to request a specific exemption.

The present infestation is located in the Beverly Hills area of Los Angeles County, and covers approximately 9 square miles; identification of the pest was confirmed on August 2, 1976. Treatment and eradication efforts began on August 23. The material being applied to the 9 square mile area is a bait lure consisting of 88 percent methyl eugenol, 7 percent thixcin-E, and 5 percent naled. Each bait spot or station requires approximately 0.25 gram of naled. The bait lure will be applied to trunks of host trees, telephone poles, and other inanimate objects in the infested area. Applications will be made at least four times, 2 weeks apart, to 600 stations per square mile (6 to 8 stations per city block); all applications are being made by hand equipment, and out of the normal reach of children. Approximately 5,400 grams of naled will be required.

Applications will be made by trained personnel of the Plant Protection and Quarantine Programs, the Animal and Plant Health Inspection Service, U.S.D.A., and the California Department of Food and Agriculture.

In accordance with section 166.8 of the controlling regulations, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, an application for a specific exemption shall accompany the required certified information. The U.S.D.A. has submitted such an application; however, this notice does not constitute a decision on the application. The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: September 24, 1976.

JOHN B. RITCH, Jr.,  
Registration Division.

[FR Doc.76-28880 Filed 9-30-76; 8:45 am]

## ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

### MANAGEMENT OF COMMERCIAL- GENERATED RADIOACTIVE WASTES

#### Preparation of Environmental Impact Statement

Notice is hereby given that in accordance with the National Environmental Policy Act, the Energy Research and Development Administration (ERDA) has commenced the preparation of a generic programmatic environmental impact statement concerning the management of commercially-generated radioactive wastes. This statement will replace the draft environmental statement (WASH-1539) which was issued in September 1974 by ERDA's predecessor, the Atomic Energy Commission (AEC), concerning its program for developing radioactive waste repositories. WASH-1539 was withdrawn by ERDA in April 1975

before it was finalized. The comments received and the record of public hearings relative to WASH-1539 will be considered in the preparation of the new statement. These are available for public inspection at the ERDA public document rooms listed in appendix II of this notice.

The purpose of this notice is to present pertinent background information regarding the proposed scope and content of the statement and to solicit comments and suggestions for consideration in its preparation. All interested agencies, organization or persons desiring to submit comments or suggestions should submit them to W. H. Pennington, Director, Office of NEPA Coordination, Mail Station E-201, Energy Research and Development Administration, Washington, D.C. 20545, telephone (301) 353-4241, on or before November 15, 1976. Those desiring a copy of the draft environmental impact statement when it is issued should notify Mr. Pennington.

The technical alternatives for managing these wastes are covered in report number ERDA-76-43, "Alternatives for Managing Wastes from Reactors and Post-Fission Operations in the LWR Fuel Cycle," which was issued in May 1976. This report characterizes the technologies and classifies the state of their availability. It does not address environmental issues. It will be used as a technical base and a primary reference for the environmental impact statement. This technical report and other documents used in the preparation of this statement will be available for inspection at Richland, Washington, by contacting the ERDA public document room at the Richland Operations Office. A bibliography will be available at ERDA's public document rooms listed in Appendix II.

The new environmental statement will have an expanded scope and will discuss the treatment, storage, transportation and final disposition of "post-fission" radioactive wastes from the commercial nuclear fuel cycle. The statement will be generic in nature, analyzing the overall effects of management of these wastes. Descriptions of environmental impacts will be related to typical, hypothetical sites related to a projected nuclear economy. Wastes resulting from the U.S. defense program will not be considered in this statement since they are being treated in separate ERDA-prepared environmental impact statements.

The scope of the statement encompasses the environmental impact of disposal of radioactive wastes: (a) in continental geologic formations; (b) in the seabed; (c) in ice sheets; (d) extraterrestrially; and (e) by transmutation. Wastes to be disposed of include gaseous and solid wastes generated from the handling and reprocessing of spent reactor fuels, the decommissioning of reactors, spent fuel storage basins, reprocessing plants and mixed oxide fuel manufacturing facilities.

An abbreviated outline of the proposed contents of the draft statement is appended as Appendix I to this notice. This outline further elaborates the scope and

content of the statement. A summary of the impact statement comprises the first section of this appendix. The purpose and scope of the statement and a description of the approach used in the assessment of social and environmental impacts will be presented in section II.

Section III will provide background information on ERDA's waste management programs. Historical background, as well as plans for programs in the areas of waste treatment, interim storage, transportation and waste isolation will be included. Existing regulations and related regulatory questions pertinent to commercial radioactive waste management will also be identified and discussed.

The technical bases for the statement will be presented in section IV. In this section, the fuel cycle modes considered (i.e., uranium and plutonium recycle, uranium recycle and no recycle) will be described. Additionally, waste sources and classifications will be defined and projected wastes quantities tabulated.

Social and environmental impacts associated with reference facilities for the waste management operations including various waste treatments, interim storage, and transportation in the plutonium and uranium recycle and uranium-only recycle modes of fuel cycle operation will be presented in sections V, VI and VII respectively. Impacts associated with reference facilities for waste isolation and disposal alternatives will be presented in section VIII. These sections will generally emphasize those alternatives classified as "available" in ERDA-76-43. If more than one processing option is available for a specific alternative, a single process will be selected as a reference for purposes of comparison. Cost/benefit comparisons will be made among available alternatives for each waste management step.

Section IX will address the social and environmental impacts of the various options available for decommissioning and decontamination of retired nuclear facilities used in the fuel cycle.

In section X, a single alternative will be selected for each waste management operation. These will be combined in a model integrated system in order to develop cumulative impacts of the entire post-fission waste management system. The integrated system summations will consider the requirements for reactors projected to be built by the year 2000 operating over a 40-year expected life through the year 2040. Integrated systems analyses will be developed and compared for each of the three fuel cycle modes delineated in section IV.

Dated at Germantown, Md., this 27th day of September 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,  
Assistant Administrator for  
Environment and Safety.



## APPENDIX I

## PROPOSED CONTENTS

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT, MANAGEMENT OF COMMERCIAL-  
GENERATED RADIOACTIVE WASTES

## Foreword

## I. Summary

## II. Introduction

1. Purpose and scope.
2. Approach to assessment of environmental impacts.

## III. Background

1. Objective and anticipated benefits of ERDA Waste Management Program.
2. Waste treatment, interim storage, transportation, waste isolation and disposal and safeguards program.
3. Regulatory program and regulations.

## IV. Technical Basis for Statement

1. Technology (reference ERDA-76-43, Alternatives for Managing Wastes from Reactors and Post Fission Operations in the LWR Fuel Cycle, May 1976).
2. LWR Nuclear Capacity Projections (reactors built to year 2000 and operating through 2030).
3. Fuel Cycle Modes.
  - 3.1 Reprocess for Uranium and Plutonium Recycle (reference case).
  - 3.2 Reprocess for Uranium Recycle Only (Pu stored or disposed as waste).
  - 3.3 No fuel reprocessing (throwaway).
4. Waste sources and classifications.

## V. Environmental Assessment of Waste Treatments

1. High-level liquid waste solidification.
  - Calcination, vitrification, ceramic, metal matrix, supercalcine, sintering, glass ceramics, coated pellets, ion exchange processes, and no treatment (liquid storage).
2. Chop-leach fuel bundle residue treatment.
  - Compaction melting, conversion to nonmetal, matrix forming and recovery processes and packaging without treatment.
3. Noncombustible solid waste treatment.
  - Compaction, fixation in a solid matrix, mechanical disassembly, melting, and chemical reduction processes and packaging without treatment.
4. Combustible solid waste treatment.
  - Compaction, incineration followed by immobilization and acid digestion processes and packaging without treatment.
5. Intermediate-level liquid waste treatment.
  - Evaporation, combine with high-level liquid waste, calcine and no treatment.
6. Low-level liquid waste treatment.
  - Evaporation, ion exchange, filtration membrane, flocculation and precipitation processes and no treatment.
7. Miscellaneous non-high-level waste immobilization.
  - Absorbents, bitumen, cement, aluminosilicate mineral fixation, pelletization/compaction, organic polymers, salt matrix, ureaformaldehyde resin, and no treatment.
8. Volatile radioisotopes and off-gas treatment.
  - 8.1 Krypton-85.
    - Release without treatment, cryogenic distillation and immobilization in pressurized cylinders, immobilization by zeolite encapsulation and liquid fluorocarbon absorption.
  - 8.2 Iodine-129.
    - Caustic scrubbing, release without treatment, chemisorption by metal-loaded absorbents, mercuric nitrate-nitric acid scrubbing, iodox scrubbing, fixation by borium-iodate matrix, and silver and lead exchanged zeolites.
  - 8.3 Tritium.
    - Release without treatment, voloxidation, pyrochemical processing, isotopic enrichment, recycle, chemical storage, organic compounds, and hydrides.
  - 8.4 Carbon-14.
    - Release without treatment, caustic scrubbing, molecular sieve adsorption, fluorocarbon absorption.
  - 8.5 Ruthenium-106.
    - Release without treatment, fluidized bed calcination and additives.
  - 8.6 Particulates.
    - Prefilters, sand and deep bed fiber filters, HEPA filters and release without treatment.

## VI. Environmental Assessment of Interim Storage

1. High-level liquid waste.
  - Tank storage.
2. Chop-leach fuel bundle residues.
  - Vault storage, near-surface storage, and implications of no interim storage.
3. Solid non-high level waste.
  - Waste retrievability requirements for outdoor surface methods, outdoor subsurface methods and indoor methods.
4. Solid high-level waste.
  - 4.1 Alternatives for storage at generating site (water basin, air-cooled vault, and sealed storage cask).
  - 4.2 Contingency Plan—federal retrievable surface storage facility.



- VII. Environmental Impacts Associated With Transportation of Wastes (via railroad and truck)
1. Solid high-level waste.
  2. Chop-leach fuel bundle residues.
  3. Other solid waste.
- VIII. Environmental Impacts Associated With Waste Isolation and Disposal Alternatives
1. Geologic isolation in bedded salt.
    - 1.1 Salt-bed options.
    - 1.2 Reference concept.
    - 1.3 Site selection criteria.
    - 1.4 Facility effluents.
    - 1.5 Environmental impacts of construction.
  2. Geologic isolation in domed salt.
  3. Geologic isolation in argillaceous material.
  4. Geologic isolation in crystalline rock.
  5. Burial grounds.
- IX. Decommissioning and Decontamination of Retired Facilities
1. Protective storage.
  2. Entombment.
  3. Dismantling.
- X. Environmental Assessment of an Integrated Waste Management Plan
- This section describes the cumulative impacts of an integrated waste management plan based on a combination of selected individual component alternatives for each of the following fuel cycle modes:
1. Reprocess for uranium and plutonium recycle (Power reactor, reprocessing and MOX fuel fabrication wastes).
  2. Reprocess for uranium recycle only (Power reactor and reprocessing wastes).
  3. No fuel reprocessing (throwaway cycle).
 

(The only primary wastes are reactor wastes and spent fuel).

    - a. Waste generation projections.
 

(Quantities of waste by source for LWR capacity projected through year 2000 and operating through 2030).
    - b. Waste treatment facilities description.
    - c. Interim storage facilities.
    - d. Transportation of wastes.
    - e. Final disposition facility descriptions.
    - f. Cumulative environmental impact of facility construction.
    - g. Cumulative environmental impact of operation.
    - h. Societal and institutional implications of integrated waste management plan.
    - i. Unavoidable adverse environmental impacts.
    - j. Relationship between short-term uses and long-term productivity.
    - k. Irreversible and irretrievable commitment of resources.
    - l. Cost/benefit analyses of integrated waste management plan.
 

(Cumulative waste management costs and environmental effect comparisons for LWR operations through 2030).
- XI. Appendices of Supportive Material

## APPENDIX II

## ERDA PUBLIC DOCUMENT ROOMS

ERDA Headquarters, 20 Massachusetts Avenue, NW., Washington, D.C. 20545.  
 Albuquerque Operations Office, Kirkland Air Force Base East, Albuquerque, New Mexico.  
 Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois.  
 Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.  
 Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.  
 Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada.  
 Richland Operations Office, Federal Building, Richland, Washington.  
 San Francisco Operations Office, 1333 Broadway, Oakland, California.  
 Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

[FR Doc. 76-28982 Filed 9-30-76; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10923; FCC 76-882]

## INTERNATIONAL RECORD CARRIERS

Memorandum Opinion and Order  
Continuing Stay

In the matter of International Record Carriers' Scope of Operations in the Con-

tinental United States Including Possible Revisions to the Formula Prescribed Pursuant to Section 222 of the Communications Act, Docket No. 19660, RM-690.

Adopted: September 23, 1976.

Released: September 27, 1976.

1. On January 7, 1976, we issued a Report and Order and Notice of Proposed Rulemaking in the above-captioned matter, 57 FCC 2d 190. In that Report and Order we found that the formula governing distribution by the Western Union Telegraph Co. (WU) among the international record carriers (IRCs) of outbound unrouted international message telegraph traffic (international formula) which we had prescribed in 1943 pursuant to 47 U.S.C. 222(e) (1) (1971), is unjust, unreasonable, inequitable and not in the public interest. We also instituted an inquiry into the legal, economic and operational implications of placing distribution of such traffic on the basis of required customer-routings. Pending the outcome of the above inquiry, we prescribed an interim distribution of outbound traffic (interim formula) to become effective upon repeal of the original international formula on March 1, 1976. The effective date was subsequently

stayed by the Commission pending resolution of the petitions discussed below. International Record Carriers, 58 FCC 2d 266 (1976).

2. The Commission now has before it for consideration the following petitions and motions, pertaining to the January Report and Order:

(a) A Petition for Stay filed by RCA Global Communications, Inc., (RCA) on February 11, 1976 seeking a stay pending review of our Report and Order in the Court of Appeals;

(b) A Petition for Reconsideration filed by Western Union International, Inc. (WUI) on February 11, 1976, seeking, inter alia, postponement of the effective date of the interim formula until January 1, 1977;

(c) A Motion for Extension filed by WU on February 19, 1976 seeking extension until March 21, 1976 of the date for implementing the interim formula in which WU states that it needs the extra time to complete modifications of its facilities and the augmenting and training of its personnel necessary to implement the interim formula;<sup>1</sup> and

(d) A Contingent Motion for Clarification filed by WU on March 5, 1976 requesting clarification of our March 5, 1976 Stay Order to make explicit that WU is to be reimbursed by the IRCs for any increased expense it incurs during the pendency of the stay in preparing for implementation of the interim formula.

## I. RCA PETITION FOR STAY

3. RCA generally challenges the lawfulness of the January Report and Order and attempts to demonstrate that a stay of that order is justified under the standards set forth in *Virginia Petroleum Jobbers Association v. Federal Power Commission*, 259 F.2d 921 (D.C. Cir. 1958). We do not believe that RCA has sustained its burden in this regard.

4. RCA contends that the procedures followed by the Commission were defective in that they did not provide it a "full hearing" as required by Section 222(e) (3) of the Communications Act. It argues that the Commission was required under the statute to conduct an oral evidentiary hearing (commonly referred to as a "trial-type" hearing) as a condition precedent to any alteration of the formula. Alternatively, RCA suggests that, even if not absolutely required by the statutory language, an oral hearing was required by the circumstances of the present case and that our failure to convene a hearing was therefore an abuse of discretion. We do not agree with either of RCA's arguments and conclude that our procedures both meet the requirements of the statute and adequately protect RCA's procedural rights.

5. The characteristics of the international formula, general applicability and future effect, demonstrate that it is in

<sup>1</sup> In view of our action herein, this request has become moot. Accordingly, we will dismiss the WU petition.



form and fact a "rule," within the meaning of the Administrative Procedure Act (APA), 5 U.S.C. section 551(4) (1970). Accordingly, any proceeding to amend or alter it is a "rulemaking" (as contrasted to an adjudication) within the meaning of section 551(5) of the APA. Section 553 of the APA, setting forth the standards for rulemaking, does not absolutely require a trial-type hearing. Instead it provides for a notice and comment procedure of the form employed in this proceeding. Section 553 requires trial-type proceedings only where the operative statute requires rules to be made "on the record after opportunity for an agency hearing." 5 U.S.C. 553 (c). The "full hearing" requirement of section 222(a)(3) is not the equivalent of the APA requirement regarding a decision "on the record." See *United States v. Allegheny Ludlum Steel Co.*, 406 U.S. 742 (1972). RCA relies on *United States v. Storer Broadcasting Co.*, 351 U.S. 192 (1956), for the proposition that a "full hearing" under the Communications Act has been judicially defined to mean trial-type hearing. However, that case dealt specifically with applications under Section 309 of the Act for broadcast licenses, contests of which Congress has defined to be "adjudication." See 5 U.S.C. 558(c). Moreover, even in *Storer* the Supreme Court upheld the FCC's reliance on rulemaking proceedings rather than individual adjudicatory hearings. See also *Bell Telephone Company of Pennsylvania v. FCC*, 503 F.2d 1250, (3rd Cir. 1974), cert. denied, 422 U.S. 1026 (1975). The new rule was adopted after soliciting the views of all interested parties and after all parties had full opportunity to present their own arguments, counter-arguments and recommendations. The procedures followed were, thus, in full compliance with the requirements of Section 222 and the APA.

6. RCA also alleges that we have placed a simplistic reliance on competition as the benchmark of the public interest and that this runs afoul of the principle announced in *FCC v. RCA Communications, Inc.*, 346 U.S. 86 (1953) and reiterated in *Hawaiian Telephone Company v. FCC*, 498 F.2d 771 (D.C. Cir. 1974). While we realized that increased competition would likely result, our action was not based solely on the hope of increasing competition; nor did we simply equate increased competition with benefit to the public interest. We note that, quit apart from any action on our part, competition is a fact of the history of the international record industry and predates the organization of this Commission. Our Report and Order, therefore, merely recognizes, as it reasonably must, that such competition exists. Our decision did not increase the facilities or service points of any carrier; but merely removed the arbitrary penalty placed upon the carriers by which their efforts to obtain traffic are nullified by an equivalent loss of unrouted traffic.

7. The error identified in the RCA and Hawaiian Telephone cases is increasing competition on the basis of an undifferentiated national policy in favor of

competition, without considering the desirability or feasibility of such increased competition in a particular case. See *Pocket Phone Broadcast Service, Inc. v. FCC*, D.C. Cir. No. 74-2041 (decided July 16, 1976). The public's interest in the formula matter is its general interest in having available to it a rapid, efficient communications service with adequate facilities at reasonable charges. See 47 U.S.C. 151. Our Report and Order merely observed that in our experience competition has been an effective way to achieve those ends and that, absent compelling circumstances such as those in 1943, we see no reason to penalize competition which already exists. We did not, nor were we required to, find that service is presently inadequate. *FCC v. RCA*, 346 U.S. at 96-7. We do not agree, however, that the original formula has aided in achieving that result. Our experience convinces us that maintenance of the present service quality and its improvement is more likely where the carriers are required to earn the traffic they receive than where they receive it arbitrarily under a fixed quota. RCA has not shown anything which suggests that this view is incorrect under the present circumstances.

8. We do not agree, as RCA implies, that the original formula was designed to eliminate competition among the IRCs. As we view the legislative history, the section 222(e) requirement for a formula was enacted to protect the competitive positions of the IRCs in the face of WU's post-merger dual capacity as domestic monopolist and international competitor. This fact is also evident from the text of the formula as well as our order prescribing it. See 10 FCC 184 (1943). Were the intent of the original formula to eliminate competition, it would have been much simpler to ignore customer routings altogether and to prescribe a fixed quota share for each carrier. The complicated structure of the formula, particularly the provision assuring carriers of all traffic specifically routed via their facilities, can only be explained as an attempt to allow the carriers to develop, while eliminating WU's discretion in choosing who was to receive traffic. In this respect, the original formula was definitely a pro-competition tool. The features of the formula we found objectionably anti-competitive (the fixed quotas and the balancing provisions) were necessary in 1943 as the most reasonable way to protect the IRC's against WU abuses.<sup>2</sup> Our January Report and Order found that WU's divestment of its international operations had removed the need for those features and that traffic distribution could be made on a more dynamic basis. Our interim formula retains those aspects of the original formula which we believe remain sound and desirable under present conditions.

9. The interim formula also preserves elements of the 1943 formula in the use

<sup>2</sup>Our Order prescribing the original formula also adverts to the possibility of revision of the formula to reflect changes in operations. See 10 FCC at 192, 196.

of routed traffic shares to determine the distribution of unrouted traffic. Reduced to its essentials, the original formula is a system of proportionate distribution. The concept of proportionate distribution is sound and equitable and one that will best assure the public a strong and dynamic international telegraph industry.<sup>3</sup> We recognize that proportionate distribution is not the only way to distribute unrouted traffic, but it appears to us the most reasonable basis for distributing traffic because it relies on the experience in the market place rather than the arbitrary judgment of this Commission. Proportionate distribution, coupled with the interim formula's requirement for frequent updating of the carriers' quotas, allows the distribution to reflect, relatively immediately, changes in the market place and rewards carriers with additional unrouted traffic when they succeed in persuading more customers to route messages via a specific carrier.

10. Moreover, we find little merit to RCA's allegations that the Order is deficient because it fails to state how it benefits the public interest to relate a carrier's share of unrouted traffic to its share of routed traffic. To the contrary, we explicitly stated that the purpose of revising the distribution formula was to minimize any disincentives to carrier-initiated improvements in quality of service and to maximize the possibility of future benefits in this regard. 57 FCC 2d at 202. Having found that the original formula provided no incentives for the IRC's to improve service or increase efficiency, our obligations under the mandate of 47 U.S.C. 151 dictated that we adopt a formula which does provide such stimuli. 57 FCC 2d at 208.

11. We disagree with RCA's argument that our Report and Order is deficient because we failed to consider the effect on RCA of a change in the original formula. While we designated as issues in the present inquiry the effect on the carriers and the public of the original formula and of party recommendations for formula revision, we do not believe that our Report and Order or the interim formula is unlawful because we did not include a detailed quantitative analysis. We do not believe that section 222(e)(3) requires a precise and comprehensive quantitative analysis of potential revenue effects—if in fact such an analysis is possible—or that it would be any more helpful than the information we had available to us and considered in prescribing the interim formula. As is apparent from the statutory language, the thrust of section 222(e)(1) is a requirement to devise a means of distributing traffic which does not favor or prejudice any carrier. The same holds true for a proceeding under section 222(e)(3) to review and amend the existing distribution. The primary question

<sup>3</sup>RCA apparently agrees that proportionate distribution is an acceptable basis for distribution of traffic under the 1943 formula since it was a party to its creation and supported its adoption when presented to the Commission for review.



here, in addition to whether it serves the public interest, is to assure that the distribution of unrouted traffic be just, reasonable and equitable, and that if it appears to us that it is not, our obligation is to replace it with one that is equitable. No carrier has an absolute claim to unrouted traffic under the 1943 formula. The only claim a carrier has is that created by the formula. Therefore, once we determine that a method of distribution is unjust and devise a new method which meets the statutory standards, the possibility that a carrier will thereafter lose traffic it formerly received is inherent to the statutory command that unrouted traffic be equitably distributed. It must be remembered that any claim of diversion of traffic under a new distribution is a two-edged sword. It is not only a measure of the cost to one set of interests of a change, it also is a measure of the damage to other interests occasioned by the prior pattern of distribution. Thus, RCA's claim of harm from the interim formula equally catalogues the impact on ITT, TRT and FTC from the original formula.

12. We are not saying by this that the potential effect of a change in distribution is not an important consideration, or that we ignored it in devising the interim formula. This consideration is inherent in our overall duty to regulate in the public interest. The public's interest in the formula matter is its general interest in a rapid, efficient communications service with adequate facilities and reasonable charges. See 47 U.S.C. 151. Therefore, the impact of the interim formula must be examined in the context of its effect on that interest. In considering this impact, we must balance the benefits which we see from the new distribution against possible harm to the public. See, e.g., "F.P.C. v. Hope Natural Gas Company," 320 U.S., 591 (1944). In the present matter, this translates to a consideration of whether the redistribution of traffic will unreasonably endanger the financial integrity of the carriers to the point that they are unable to adequately serve the public. We do not see such an impact resulting from the interim formula. With respect to ITT, TRT and FTC, the interim formula will likely result initially in their receiving increased unrouted traffic and increased revenues. We would expect this to improve their financial position and would therefore be unlikely to harm their ability to provide service to the public.<sup>4</sup> With respect to RCA and WUI, the interim formula does appear likely initially to reduce their message volumes and revenues. Even here, though, we do not see any possible public harm.

<sup>4</sup> We do not expect that increased demand will render these carriers' facilities inadequate. Message service requires relatively few transmission facilities, primarily telegraph-grade circuits which are readily available and low in cost. We therefore expect that these carriers would be able to supplement their present facilities easily and at little cost should that become necessary.

13. RCA argues that it will suffer a reduction in gross operating revenues of \$2,028,000 annually if the interim formula is implemented.<sup>5</sup> Although we believe that any measure of potential revenue shift is speculative, for present purposes we will accept RCA's estimate. In 1975, RCA reported total operating revenues from all services of \$129,831,489 and a net income of \$32,071,720. The diversion of revenues projected by RCA is roughly 1.5 percent of its operating revenues and 6.3 percent of its net income. Although the loss of these revenues would obviously reduce its profitability for the year, it would not so reduce RCA's revenues as to put it into a loss situation or otherwise damage its ability to serve the public even in the short run. It should also be emphasized that this is a worst-case assumption and is predicated upon RCA's not making efforts to acquire lost traffic through increasing its routed traffic. It also assumes that 100 percent of RCA's costs involving the diverted traffic are fixed. However, we have no basis on which to so assume.

14. We find no merit to RCA's arguments that the interim formula is unduly complex, making it excessively expensive or difficult to administer, or that it will lead to a degradation in service quality. First, the interim formula is certainly less complex than the original formula, which RCA does not find objectionably complicated. While we sought to continue in the interim formula the original formula's concept of proportionate distribution, we eliminated as many of its ancillary complexities as possible. For example, we eliminated the separate quotas for each class of message and for the gateways and hinterlands. What RCA appears to object to is the fact that we replaced the original formula's area quota system with a quota for each destination. The use of individual destination quotas, however, relates distribution of unrouted traffic to the realities of the market. Second, we disagree that the interim formula will be unduly expensive to administer. The interim formula will require WU, at least initially, to handle more unrouted messages manually than it now does, and could, therefore, increase its costs per message. However, this is merely a question of degree, since WU presently handles many messages manually. The minimal economies that may be lost initially are outweighed by the deleterious effects on the carriers and the public of denying carriers incentive to seek more routed traffic. However, in fulfilling our public interest responsibilities, we will monitor WU's performance and will investigate any complaint that WU is not exercising prudent judgment in this area.

15. We are similarly unpersuaded by RCA's arguments that the interim formula will lead to an unreasonable degradation of service quality. RCA again

<sup>5</sup> \$428,000 from outbound traffic and \$1,600,000 from inbound traffic.

bases its arguments on the fact that the interim formula will require manual handling for more unrouted messages. WU estimates that manual handling of messages will require an average of 20 minutes per message. Because many of these messages are presently switched directly from the WU computer to the IRCs, RCA argues that this represents a severe degradation in service quality. We note that substantial numbers of messages are already processed manually at the Minneapolis facility—i.e., the messages for those destinations where the existing formula still calls for proportionate distribution. RCA does not object to the time required to process those messages. WU has asserted that the procedures it has proposed are designed to maintain existing service standards at Minneapolis despite the increased load and we see no reason presently to challenge WU's projections. When viewed in the overall context of the overseas message service, we are not persuaded that manual processing is unreasonable or that a 20-minute processing time for unrouted messages is inefficient. We note, however, that WU is proceeding with its efforts to automate the entire message-handling procedure and that it anticipates it will be ready to operate in this mode by the end of 1976. However, we see no reason to delay further the benefits to the public we see in the interim formula merely because WU initially must use manual procedures.

16. RCA alleges that the interim formula will result in disastrously expensive solicitation efforts to increase IRC shares of routed traffic—"leading to millions (of dollars) in new costs." Nothing in our Report and Order indicates our desire for such a result; we merely indicated there that we expected the carriers to strive, as they have not in the past, to reach a substantial segment of the public and persuade them to route their messages.<sup>6</sup> We do not construe this as a directive to engage in wasteful orgies of spending. Irrespective of the interim formula, it is a fact of business life in a competitive environment that the carriers must advertise if they are to make the public aware of its alternatives. The IRCs presently engage in a continuing program of advertising all their services. Therefore, any increase in carrier solicitation efforts resulting from our action will fit within the context of their present practices and is unlikely to create a problem. RCA is unrealistic in suggesting that the IRCs will engage in suicidal advertising campaigns. Rather, we expect that the IRCs will apply the same type of business judgment in this matter as they do in other aspects of their business. In any event, we are required to grant the IRCs a certain latitude in their business judgments, including the amounts they choose to spend. RCA has failed to demonstrate any reason for us to conclude that the IRCs will act imprudently.

<sup>6</sup> Report and Order, paragraph 47.



17. We also disagree with RCA's allegations that uncertainty as to the time the interim formula will be in effect will lead to inefficiencies on the part of the carriers. What RCA must be arguing is that our designation of the formula as an interim solution will make the carriers uncertain as to the planning of new facilities. We note that RCA itself has argued that message service is relatively static; therefore, the carriers' facility needs for the service will not change rapidly or frequently. Further, the carriers do not generally produce or lease telegraph-grade circuits such as used in the message service. Rather, they usually derive those channels by multiplexing voice-grade channels into 22 (cable) or 24 (satellite) telegraph-grade channels. For most service points, one such channel is all that is needed to provide message service. The fact is that a decision to augment facilities is made on the basis of the carriers' needs for circuits in connection with telex and leased-channel services which are more dynamic. In any event, the redistribution of traffic under the interim formula does not appear to us likely to result in major changes in the carriers' facility requirements. A change to the all-routed approach should not result in any great shift either, since the pattern of distribution should closely resemble that under the interim formula. The changes in carrier handling of traffic under either method of distribution will occur in response to the normal forces in a competitive market which historically have been evolutionary rather than precipitate.

18. RCA has failed to make a strong showing that it will be irreparably injured if we deny it the requested stay. RCA alleges in this connection that if the interim formula becomes effective it will lose unrouted traffic it presently receives under the existing formula. We do not find this to be the kind of injury which would justify issuance of a stay. The diversion of traffic likely under the interim formula does not appear likely to threaten the viability of RCA's message operations. It will continue to operate under the interim formula and to receive traffic. It will be in the same position as the other carriers to seek to increase its share of routed and, derivatively, unrouted traffic. If, after completion of its review and the appellate court should reverse our decision, RCA will be able to reacquire the traffic it lost. We are not faced with a situation where RCA would lose customers to another IRC who might develop business relations with that other carrier and not desire to change back to RCA. RCA will receive at all times all traffic routed via it. Customers filing unrouted traffic are not aware which IRC handles their traffic and so will not be aware of any change. In the event of a reversal, RCA will thus be in a position to resume operations under the present formula without any substantial change in its position. The mere fact that it will not receive an unspecified amount of revenues during the intervening period is not

sufficient to establish irreparable harm. RCA's unsubstantial claims of harm must be weighed against the harm to other carriers and the public if the interim formula does not become effective. In view of RCA's failure to make a strong showing that it is likely to prevail on the merits, its showing is insufficient to delay the benefits to the public that we see emanating from the interim formula.

19. RCA has also failed to show that issuance of a stay will not result in substantial harm to other parties or the public. The only argument RCA offered on the question of the effect of a stay on the other parties is to assert that a stay will merely continue in effect a pattern of distribution under which the carriers have operated, generally profitably, for more than 30 years. We are not persuaded by its reasoning. RCA appears to be arguing that the other carriers will not be harmed by a stay since it will maintain the status quo and will not cause them to change their position. However, in the present matter it is precisely the present pattern of distribution we have found to be unreasonable and inequitable. Therefore, a stay would continue for an indefinite period the inequities of the original formula. Delay will deny the carriers traffic to which we have found them to be entitled under the interim formula.<sup>7</sup> While we cannot quantify the extent this will harm those carriers, we note that RCA's arguments of the effects on it caused by a loss of traffic also apply to the harm caused the others who do not receive that traffic. In these circumstances, to save RCA from the traffic diversion, while causing a similar adverse effect on ITT and TRT, is not in our judgment equitable and is not an appropriate grounds for the relief requested.<sup>8</sup>

20. Most importantly, RCA has failed to show that a grant of its request would advance the public interest. In this regard, the most RCA offers is an assertion that a stay of the interim formula will not cause any short-term detriment to the public. We believe, however, that the public will benefit from the new method of distribution through the incentives it provides the carriers to increase their efficiency and to maintain or improve service quality. Further, we find substantial disincentives to such goals in the original formula. In the absence of any substantial showing that our decision is deficient or that our conclusions

<sup>7</sup> We also dispute RCA's characterization of the redistribution of traffic to other carriers under the interim formula as an "unanticipated and unjustified revenue windfall." As we have noted, no carrier has any claim to unrouted traffic except that conferred by the formula. So long as a formula meets the statutory criteria, a carrier has a valid claim to that traffic. As the interim formula qualifies under that standard, the carriers are legally entitled to all traffic received under its provisions and its receipt can hardly constitute a "windfall."

<sup>8</sup> Virginia Petroleum Jobber's Association v. F.P.C., 259 F.2d 921 (D.C. Cir. 1958).

are erroneous, we see no reason to delay the benefits of the interim formula. The interim formula resulted from a careful analysis of all the relevant matters and RCA has shown nothing which suggests that it will be likely to obtain reversal of that formula. No grounds exist, therefore, for further denying the other carriers the equitable distribution embodied in the interim formula. Accordingly, for all the above reasons, we will deny RCA's Petition For Stay.

## II. WUI PETITION FOR RECONSIDERATION

21. Turning now to the WUI Petition for Reconsideration, we are similarly unpersuaded by anything contained therein either that our Report and Order was erroneous, or that the effectiveness of the interim formula should be further postponed. In its Petition, WUI also challenged, without elaboration, our decision to base distribution of unrouted traffic on the carriers' respective shares of routed traffic. What we said above in connection with the RCA Petition for Stay applies equally to WUI's argument on this point and for that reason we will deny this request of WUI. Alternatively, WUI requested us to redefine "routed" traffic for purposes of the interim formula to exclude self-generated traffic in calculating the carrier respective routed-traffic shares. Self-generated traffic refers to traffic originated over a particular IRC's own facilities, as contrasted with traffic originating with WU and transferred to the IRC. Such traffic includes messages filed over the counter at an IRC public office, by telephone, over an IRC-supplied (telex) teleprinter. See Interim Formula, Section IV (a)-(c). After considering WUI's arguments, we adhere to our conclusion that self-generated traffic should be considered in calculating the carrier quotas. Self-generated traffic has a central role in the distribution of traffic under the original formula and the interim formula merely continues that practice.<sup>9</sup> Therefore, we are unpersuaded by WUI's argument that it had no notice that self-generated traffic might be included in quota calculation.<sup>10</sup> WUI could hardly be unaware that some features of the original formula might be retained in an amended formula. More importantly, however, WUI was on notice of the self-generated traffic question because that question was specifically placed in issue by the pleadings of the parties.<sup>11</sup> Moreover, WUI

<sup>9</sup> In fact, as our Report and Order recognized, at paragraph 20, the unanticipated growth in the relative proportion of self-generated traffic was the chief reason for the accumulation of large deficiencies and overages under the original formula.

<sup>10</sup> WUI, in fact, noted that self-generated traffic was included in calculating quotas under the original formula. See WUI supplemental comments at p. 14.

<sup>11</sup> TRT, by letter dated June 26, 1973, advocated proportionate distribution of traffic, but argued against inclusion of self-generated traffic in calculating quotas. ITT, in its Statement, at p. 33, agreed with TRT with respect to proportionate distribution but advocated inclusion of self-generated traffic.



itself advocated inclusion of self-generated traffic in connection with its third counterproposal. WUI Supplemental Comments at pp. 7-11. See also 57 FCC 2d at 196-7. WUI advocated a simplified version of the original formula which would place all carriers on an equal footing and base each carrier's quota of unrouted traffic on all its routed traffic—including self-generated traffic. Even though WUI chose to oppose, with the exception of its own counterproposal, proportionate distribution, and chose not to address the merits of including self-generated traffic, it clearly had notice of the issue and cannot now argue that it was denied the opportunity to comment. Accordingly, we find without merit WUI's contention that it was denied "due notice and hearing" on this issue as provided for in section 222(e)(1) or a "full hearing" under Section 222(e)(3). Similarly, we find without merit WUI's contention that our inclusion of self-generated traffic in calculating carrier quotas denied it the notice required by section 553(b) of the APA.

22. Nor are we persuaded by WUI's arguments that inclusion of self-generated traffic will unfairly prejudice WUI due to its lack of public offices in the gateways. The amount of traffic affected by this provision is so small that it would not have a significant effect on WUI's operating results.<sup>12</sup> WUI has shown nothing which would justify excluding self-generated traffic in calculating unrouted traffic quotas under the interim formula. The fact that the formula concept is aimed at, and only applicable to, unrouted traffic (which is by definition traffic handled by WU) does not argue that only routed WU transfer traffic should be used to determine distribution of unrouted traffic. Self-generated traffic is an integral and important part of routed traffic which it would be illogical to ignore.

23. We also disagree with WUI that the IRCs compete in conceptually different markets which require different methods of distribution. All IRCs are more or less equally situated with respect to traffic originating in the hinterland; no one carrier has better access than another. As TRT noted in opposing WUI's arguments, the carriers compete on a nationwide basis both in gateways and hinterland, since both gateway and hinterland customers may file their messages with WU and both have the option to route their messages or to file them unrouted. Thus, the important criterion for decision in the formula question is not, as WUI suggests, the relationship of WU to the filing public, but that of the IRCs and the public—since it is the IRCs, not WU, who will carry the messages overseas. Further, it is not the relation of WU to the public which creates unrouted traffic, but whether the IRCs are able to

persuade customers to insert routings. WU does not carry traffic internationally; in this connection it is a conduit to the various IRCs. In addition to conceptual weaknesses, WUI's arguments are internally inconsistent. While arguing that only WU transfer traffic is relevant to the formula, WUI inexplicably would include direct access traffic with which WU has no connection. Further, WUI would include gateway-originated traffic filed with WU even though it comes from a market which WUI asserts is irrelevant since the IRCs compete directly there.<sup>13</sup> We note that WUI's proportion of routed WU transfers is higher than its proportion of self-generated traffic or its share overall. Therefore, it would be to WUI's advantage to exclude self-generated traffic, since that would yield it more unrouted traffic under the interim formula. We believe that WUI has not shown that self-generated traffic should be excluded in calculating carrier quotas under the interim formula.<sup>14</sup>

24. *Phasing-in of the Interim Formula.* WUI has shown no reason why the interim formula should be phased in rather than becoming effective immediately. Section 222(e)(3) requires us, once we have found the present method of distribution to be unjust, to prescribe a new distribution which will meet the statutory standards. A phased implementation would not be consistent with this requirement, although we believe that such an approach would be within our discretion under the Act if we found strong public interest reasons for it. In the present matter, we see no public benefits from such an approach and, further, strongly question whether it would be feasible. The philosophy underlying the interim formula, that unrouted traffic be distributed according to customer wishes expressed through specific routings, would be frustrated by a phased implementation. Beyond this, we can see no reasonable basis for implementing the approach.

25. *Gateway Direct Access.* WUI also seeks clarification of Paragraph IV(b) of the interim formula which defines specifically routed messages to include those "filed with an international carrier at its gateway office by means of domestic communications networks . . . so long as the customer pays all charges incurred in connection with the use of such means . . . (direct access)." (emphasis added). In *All America Cables & Radio, Inc.*, 15 FCC 293 (1950), we permitted customers to file overseas messages directly with the IRCs so long as the customers pay the charges associated with the use of domestic communications networks. For customers located within the gateway cities, we per-

mitted the IRCs to absorb the usage charges so as to bring direct access into conformity with the IRCs general practice of free pickup and delivery in the gateway cities. We included the cited language to make clear that direct access traffic is included in routed traffic for purposes of calculating carrier quotas under the interim formula. As such, we did not intend to alter past Commission policy in this respect. Inasmuch as present Commission policy permits the IRCs to absorb usage charges in connection with gateway direct access, the language in paragraph IV(d) should not be taken as an intention now to require such customers to pay those charges. Further, traffic filed over the affected domestic networks by gateway-city customers will be considered as specifically-routed traffic, since it was filed with a specific IRC. Since the purpose of including the direct access provision in the formula was only to list the classes of traffic which would be considered specifically routed, it was not intended as a definition of direct access or a rule setting forth the criteria for its use; and we therefore believe it unnecessary formally to amend the language.<sup>15</sup>

### III. WU MOTION FOR CLARIFICATION

26. On March 5, 1976, WU filed a contingent motion for clarification in which it noted that in accordance with our January 7 Report and Order it had invested in the new facilities and hired additional personnel necessary for implementing the interim formula. WU had undertaken these matters in the belief that the interim formula would become effective on March 21, 1976.<sup>16</sup> WU now seeks clarification of our February 26 stay order to make explicit that it will be reimbursed for all increased expense resulting from the stay. Comments on WU's Motion were filed by ITT, RCA and TRT. We believe that since WU is a disinterested party in the present dispute it would be unreasonable to burden it with the start-up costs it incurred in good faith in anticipation that the interim formula would become effective on March 21, 1976. It was beneficial for all concerned to allow us time to consider RCA's and WUI's arguments and to resolve any doubt as to the interim formula. Inasmuch as all the IRC parties have benefitted from our review, we believe that all should bear a portion of the WU costs. We believe the most equitable basis for apportioning the costs is in pro-

<sup>12</sup> We do believe, however, that the provision should be part of the interim formula for the purpose of listing categories of specifically-routed traffic to which it applies. We express no opinion by this inclusion as to the propriety of present direct access policy. If in the future we have occasion to re-examine the policy, we will face the question of amending the formula in connection with any action we may then take.

<sup>13</sup> WU had sought extension of the effective date from the original March 1, 1976 date to permit its preparations. This request was mooted by our order of February 26, 1976, 58 FCC 2d 268, staying the effective date indefinitely.

<sup>14</sup> During the WU study period, 8,098 messages were filed unrouted at designated WU offices, while WUI reported 276,554 direct pickups of its own. Thus, the designated-office traffic amounts only to about 3 percent of its total self-generated traffic.

<sup>15</sup> WUI's argument is thus factually incorrect since WU has an "operating preserve" in the gateways equal to that of the IRCs. WUI is also inaccurate with respect to the hinterland; the IRCs have a direct operating presence there, albeit to a lesser extent than WU, through the mechanism of direct access.

<sup>16</sup> See Report and Order, 57 FCC 2d 190, at paragraph 18, Table 2.



portion to the amount of traffic each carrier will receive under the initial quotas. This is the way costs were to be apportioned at the time WU began its preparations for implementing the interim formula and the way costs will be apportioned during the operation of the formula. This will thus obviate the necessity of segregating costs incurred before March 21, 1976 from those arising thereafter and avoid disputes as to the allocation made.<sup>17</sup>

27. Accordingly, it is ordered, That the Petition for Stay in the above-captioned matter filed by RCA Global Communications, Inc. is hereby denied.

28. It is further ordered, That the Petition for Reconsideration in this matter filed by Western Union International, Inc. is to the extent provided for herein, GRANTED but, otherwise, is denied in all respects;

29. It is further ordered, That the Petition for Extension filed in this matter by the Western Union Telegraph Co. is dismissed;

30. It is further ordered, That the Stay issued in this matter shall continue until RCA Global Communications shall have had an opportunity to obtain a ruling from the Court of Appeals, on condition that RCA renews its pending Petition.

FEDERAL COMMUNICATIONS,  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-28814 Filed 9-30-76;8:45 am]

## FEDERAL ENERGY ADMINISTRATION

### CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of August 20 Through August 27,  
1976

Notice is hereby given that during the week of August 20 through August 27, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,  
General Counsel.

SEPTEMBER 27, 1976.

<sup>17</sup> RCA is also seeking a stay from the Court of Appeals. As we indicated in our prior stay order, we would continue the stay until RCA has had a reasonable opportunity to get a determination from the reviewing court. Petition for Stay filed in that court within five days of the release of this Order.

### APPENDIX.—List of cases received by the Office of Exception and Appeals, Aug. 20, to Aug. 27, 1976

Date	Name and location of applicant	Case No.	Type of submission
Aug. 20, 1976...	Exchange Oil & Gas Corp., New Orleans, La. (If granted: Exchange Oil & Gas Corp. would receive an extension of the price relief granted on April 9, 1976, to permit it to sell a portion of the crude oil produced from the Alma Thomas et al. leases located in Lafourche Parish, La., at upper tier ceiling prices.)	FEE-2947	Extension of exception relief in Exchange Oil & Gas Corp., 3 FEA par. 83,162 (Apr. 9, 1976).
Do.....	Murphy Oil Corp., El Dorado, Ark. (If granted: The FEA's July 16, 1976, decision and order would be rescinded and Murphy Oil Corp. would be permitted to use its 1973 calendar year as the base period for purposes of the mandatory Canadian crude oil allocation program (pt. 214).)	FEA-0934	Appeal of FEA's exception decision and order in Murphy Oil Corp., 4 FEA par. 83,009 (July 16, 1976).
Do.....	Petroleum International Associates Inc., Washington, D.C. (If granted: The FEA region II's July 19, 1976, interpretation would be rescinded and certain transactions between Petroleum International Associates, Inc., and the Supreme Petroleum Co. of New Jersey, Inc., would not be subject to the provisions of the mandatory petroleum price regulations (pt. 212).)	FEA-0932	Appeal of FEA region II's interpretation dated July 19, 1976.
Do.....	Sun Gas Co., Dallas, Tex. (If granted: Sun Gas Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Hailey, Jameson, and Spivey.)	FEE-2949— FEE-2951	Price exception (sec. 212.165).
Do.....	Supreme Petroleum Co. of New Jersey, Inc., Washington, D.C. (If granted: The FEA region II's July 19, 1976, interpretation would be rescinded and certain transactions between Supreme Petroleum Co. and Petroleum International Associates, Inc., would not be subject to the provisions of the mandatory petroleum price regulations (pt. 212).)	FEA-0933	Appeal of FEA region II's interpretation dated July 19, 1976.
Do.....	Texas Asphalt & Refining Co., Houston, Tex. (If granted: The FEA's July 15, 1976, decision and order would be rescinded and TARCO would be permitted to increase the handling fee which it is permitted to charge under sec. 212.94(b)(1) on sales of crude oil made pursuant to the mandatory crude oil allocation program.)	FEA-0931	Appeal of the FEA's decision and order in Texas Asphalt & Refining Co., 4 FEA par. 83,011 (July 15, 1976).
Do.....	United Refining Co., American Texas Oil Corp. (If granted: American Texas Oil Corp. would receive various types of administrative relief from the mandatory petroleum allocation and price regulations in connection with its acquisition of the Osceola refinery and the Osceola Division from the United Refining Co.)	FEE-2948	Exception to mandatory petroleum allocation and price regulations (pt. 211 and pt. 212).
Do.....	Whitco, Inc., Dallas, Tex. (If granted: Whitco, Inc., would receive an extension of the exception relief granted on June 25, 1976.)	FEX-0085	Extension of exception relief in Whitco, Inc. 3 FEA par. 87,005 (June 25, 1976).
Aug. 23, 1976...	Belridge Oil Co., Los Angeles, Calif. (If granted: Belridge Oil Co. would receive an extension of the price relief granted on July 30, 1976, to permit it to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEE-2855	Extension of exception relief in Belridge Oil Co., 4 FEA par. 83,021 (July 30, 1976).
Do.....	Dixie Gas, Inc., Marks, Miss. (If granted: Dixie Gas, Inc., would be permitted to retroactively and prospectively increase its prices for propane to reflect nonproduct cost increases.)	FEE-2953	Price exception (sec. 212.165).
Do.....	Exxon Co., U.S.A., Houston, Tex. (If granted: Exxon's entitlement purchase obligations for May 1976 would be adjusted to correct for FEA's alleged error in computing old oil receipts.)	FEA-0938	Appeal of the FEA's entitlement notice for May 1976 issued July 23, 1976.
Do.....	Ginsburg, Feldman & Bress, Washington, D.C. (If granted: The FEA's July 21, 1976, information request denial would be modified and copies of portions of documents relating to FEA ruling 1975-12 (stripper well lease exemption) would be released.)	FEA-0935	Appeal of FEA's information request denial.
Do.....	Independent Refining Corp., Washington, D.C. (If granted: Independent Refining Corp. would receive various types of administrative relief from the mandatory petroleum allocation regulations in connection with its proposed acquisition of the Allied Chemical refinery, Union Texas Petroleum Division, in Winnie, Tex.)	FEE-2952	Exception to mandatory petroleum allocation regulations (pt. 211).
Do.....	Kamur Industries, Inc., Oakland, Calif. (If granted: Kamur Industries, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base-period supplier, Mobil Oil Corp.)	FEE-2956	Exception to change supplier (sec. 211.9).
Do.....	Litchfield Oil Co., Inc., Draent, Mass. (If granted: The FEA's remedial order would be rescinded and Litchfield Oil Co., Inc., would not be required to refund alleged overcharges in its sales of motor gasoline to Gas Merchants, Inc.)	FEA-0937	Appeal of FEA region I's remedial order.
Do.....	Santa Fuel, Inc., Bridgeport, Conn. (If granted: The FEA's Aug. 4, 1976, remedial order would be rescinded and Santa Fuel, Inc., would not be required to refund alleged overcharges in its sales of No. 2 fuel oil to the State of Connecticut.)	FEA-0936 FES-0936	Appeal of the FEA region I's remedial order dated Aug. 4, 1976. Stay requested.
Do.....	Superior Oil Co., (West Seminole), Houston, Tex. (If granted: Superior Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its West Seminole plant.)	FEE-2954	Price exception (sec. 212.165).
Aug. 24, 1976	Clark Equipment Co., Buchanan, Mich. (If granted: Clark Equipment Co. would receive an increase in its base-period use of propane for its Melroe Division plant.)	FEE-2959	Exception to increase, base period use (sec. 211.12).
Do.....	Go-Tane Service Stations, Inc., Chicago, Ill. (If granted: Go-Tane Service Stations, Inc., would be assigned a new, lower priced supplier of motor gasoline to replace its base-period suppliers, Clark Oil & Refining Co. and Martin Oil Service.)	FEE-2958	Exception to change supplier (sec. 211.9).



## NOTICES

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Great Southern Oil & Gas Co., Inc., Lafayette, La. (If granted: Crude oil produced from the Castille No. 1 well, located in St. Martin Parish, La., would be sold at upper tier ceiling prices.)	FEE-2957	Price exception (sec. 212.74).
Do.....	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.05/gal for natural gas liquid products produced at the following natural gas plants: Bryans Mill, Cameron, Chittwood, Dewey, Levelland, Old Ocean, Pegasus, Spivey, and Wilcox.)	FEE-2960— FEE-2968	Price exception (sec. 212.165).
Do.....	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would receive an extension of the price relief granted on July 20 and July 30, 1976, to permit it to increase its prices to reflect nonproduct cost increases for natural gas liquid products produced at the following natural gas plants: Burnell, Chevron, Cow Island, Desdemona, Dollarhide, Electra, Grealey, Hickok, Kettleman, Lisbon, Nueces River, Phillips, Putnam, Oswego, Rio Bravo, Sholem Alechem, Vanderbilt, and West Seminole.)	FEE-2994— FEE-3002; FEE-3004— FEE-3011	Extension of price relief in Mobil Oil Corp., 4 FEA par. 83,015 (July 20, 1976); Mobil Oil Corp., 4 FEA par. 83,028 (July 30, 1976).
Do.....	Mobil Oil Corp., New York, N.Y. (If granted: Mobil Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases for natural gas liquid products produced at the La Gloria plant.)	FEE-3003	Price exception (sec. 212.165).
Do.....	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would receive an extension of the price relief granted on July 1, July 9, and Aug. 19, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Bayou Goula, Black Bayou, Camargo, Conley, Elk City, Halley, Iowa, KNDU, Lake Washington, Lirette, Mermentau, Molino, Norco, O'Keene, Prentice, Sea Robin, Seiling, Tallahala, TXL, Van, and Ventura.)	FEE-2972— FEE-2986; FEE-2988— FEE-2993	Extension of price relief in Shell Oil Co., 3 FEA par. 83,200 (July 1, 1976); Shell Oil Co., 3 FEA par. 83,208 (July 9, 1976); Shell Oil Co., 4 FEA par. (Aug. 19, 1976).
Do.....	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Red Fish Bay plant.)	FEE-2987	Price exception (sec. 212.165).
Do.....	Sun Oil Co., Dallas, Tex. (If granted: Sun Oil Co. would receive an extension of the price relief granted on July 22, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Belle Isle, Sun, and Wakita.)	FEE-2969— FEE-2971	Extension of price relief in Sun Oil Co., 4 FEA par. 83,017 (July 22, 1976).
Do.....	Vinalhaven Fuel & Marine Corp., Vinalhaven, Maine. (If granted: The FEA's remedial order would be rescinded and Vinalhaven Fuel & Marine Corp. would not be required to refund overcharges related to its sales of motor gasoline.)	FEA-0939 9	Appeal of FEA region I's remedial order.
Aug. 25, 1976...	Blees Oil Co., Bonman, N. Dak. (If granted: Blees Oil Co. would not be required to file form FEA P112-M-1 for middle distillates.)	FEE-3015	Exception to reporting requirement (sec. 211.127).
Do.....	Doss, Inc., Eupora, Miss. (If granted: Doss, Inc., would be permitted to sell propane at price levels in excess of its maximum allowable price under sec. 212.164.)	FEE-3014	Price exception (sec. 212.164).
Do.....	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would receive an extension of the price relief granted on July 30, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Breckenridge, Chesterville, Como, Encinal, Eunice, Fannett, Gladewater, Kroutz Springs, Lake Washington, Maysville, McLean, Mermentau, Mocane, Monahans, Monument, Moores Orchard, Shackelford, and Spear.)	FEE-3024— FEE-3041	Extension of price relief in Gulf Oil Corp., 4 FEA par. 83,025 (July 30, 1976).
Do.....	McCulloch Gas Processing Corp., Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted on June 29, 1976, to permit it to increase its prices to reflect nonproduct cost increases for natural gas products produced at the following natural gas plants: Belle, Fairview, Gillette, Hight, Jamison, Odekoven, Tule Creek, and Wolf Draw.)	FEE-3016— FEE-3023	Extension of relief in McCulloch Gas Processing Corp., 3 FEA par. 83,258 (June 29, 1976).
Do.....	Pioneer Operations Co., Inc., Russell, Kans. (If granted: Crude oil produced from the Flegler, Doran "A," Tittel "B," Krug "E," and Dolechek leases located in Rice, Barton, and Russell Counties, Kans., would be sold at upper tier ceiling prices.)	FEE-3012	Price exception (sec. 212.74).
Do.....	Ruthven, Inc., Russell, Kans. (If granted: Crude oil produced from the Ben Rein lease located in Russell County, Kans., would be sold at upper tier ceiling prices.)	FEE-3013	Do.
Aug. 26, 1976...	Atlantic Richfield Co., Los Angeles, Calif. (If granted: The FEA's July 13, 1976, information request denial would be rescinded and Atlantic Richfield Co. would receive access to documents concerning FEA region X's reassignment order dated Oct. 23, 1975, and a notice of probable violation issued to Arco on Dec. 9, 1975.)	FEA-0941	Appeal of FEA's information request denial.



Date	Name and location of applicant	Case No.	Type of submission
Do.....	Austral Oil Co., Inc., Houston, Tex. (If granted: The FEA's July 15, 1976, decision and order would be revised and Austral would receive additional price relief in connection with the crude oil produced from the Ackerly (Dean) Sand Unit located in Dawson and Martin Counties, Tex.)	FEA-0940	Appeal of exception relief in Austral Oil Co., Inc., (4 FEA par. 83,004 July 15, 1976).
Do.....	Louisiana Land & Exploration Co., New Orleans, La. (If granted: Louisiana Land & Exploration Co. would receive a stay from the provisions of sec. 211.63 pending a final determination of its exception request.)	FES-2845	Stay request.
Do.....	Saber Petroleum Corp., Inc., Washington, D.C. (If granted: The FEA's July 6, 1976, interpretation would be rescinded and Saber Petroleum Corp., Inc., would be permitted to establish new classes of purchaser for customers obtained May 15, 1973.)	FEA-0942	Appeal of FEA's interpretation dated July 6, 1976.
Do.....	Small's LP Gas Co., Wyatt, Mo. (If granted: Small's LP Gas Co. would be assigned a new, lower priced supplier of propane to replace its base-period supplier, Signal LP Gas Co.)	FEE-3042	Exception to change supplier (sec. 211.9).

[FR Doc.76-28615 Filed 9-27-76;1:52 am]

### CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of August 27 Through September 3, 1976

Notice is hereby given that during the week of August 27 through September 3, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action

sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,  
General Counsel.

SEPTEMBER 27, 1976.

#### Appendix

#### List of cases received by the Office of Exceptions and Appeals

[Week of Aug. 27 through Sept. 3, 1976]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 27, 1976...	Glacier Park Co., Washington, D.C. (If granted: Glacier Park Co. would receive a temporary stay which would relieve the firm of the requirement that it purchase entitlements valued at \$238,008.99 by Sept. 1, as indicated on the FEA's entitlement notice for June 1976.)	FST-0013	Request for temporary stay.
Do.....	Shell Oil Co., Houston, Tex. (If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Altamont, Calumet, Fashing, Grand Chenier, and West Lake Verret.)	FEE-3044— FEE-3048	Price exception (sec. 212.165).
Aug. 30, 1976...	Hilderbrand, Harold G. Schenectady, N.Y. (If granted: The FEA's Aug. 17, 1976, information request denial would be rescinded and Harold G. Hilderbrand would receive access to certain compliance case file materials.)	FEA-0944	Appeal of information request denial dated Aug. 17, 1976.
Do.....	Kinder, Harold H., Beckley, W. Va. (If granted: Harold H. Kinder would be permitted to increase his prices for motor gasoline at over his maximum allowable price determined pursuant to the mandatory petroleum price regulations.)	FEE-3050	Price exception (sec. 212.93).
Do.....	Laketon Asphalt Refining, Inc., Evansville, Ind. (If granted: The FEA's Aug. 13, 1976, decision and order would be rescinded in part and Laketon Asphalt Refining, Inc., would be granted relief from its entitlement obligations for the months of April and May 1976.)	FEA-0943	Appeal of exception relief in Laketon Asphalt Refining, Inc., 4 FEA par. — (Aug. 13, 1976).
Do.....	Laketon Asphalt Refining, Inc., Evansville, Ind. (If granted: Laketon Asphalt Refining, Inc., would be relieved of its purchase obligations under the notice of special correction dated July 22, 1976, issued pursuant to sec. 211.67(j)(2).)	FEE-3043	Exception to notice of special correction (sec. 211.67(j)(2)).
Do.....	Saveway Gas & Appliance, Inc., Dexter, Mo. (If granted: Saveway Gas & Appliance, Inc., would receive an extension of the relief granted on Mar. 31, 1976, and would be assigned a new, lower priced supplier of propane to replace its base period suppliers, NGL Supply, Inc.)	FEE-3049	Extension of exception relief in Saveway Gas & Appliance, Inc., 3 FEA par. 83,150 (Mar. 31, 1976).
Do.....	Various small refiners (If granted: Certain small refiners would be required to purchase entitlements in order to offset the excessive benefits which they received as a result of exception relief which was granted to them in 1975. See FEDERAL REGISTER notice of Aug. 30, 1976, 41 F.R. 36540.)	FEX-0059— FEX-0076	Supplemental order.
Do.....	Various small refiners (If granted: Certain small refiners would be authorized to sell entitlements on the basis that they did not receive a sufficient measure of exception relief in 1975. See FEDERAL REGISTER notice of Aug. 30, 1976, 41 F.R. 36540.)	FEX-0077— FEX-0084	Do.



## NOTICES

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Western Oil Lands, Inc., Washington, D.C. (If granted: Crude oil produced from the Eagle Springs Field wells located in Nye County, Nev., would be classified as "new oil" for purposes of 10 CFR, pt. 211.)	FEE-3051	Allocation exception (pt. 211).
Aug. 31, 1976....	Consumers Fuel Co., Inc., Martinsburg, W. Va., (If granted: The FEA's June 23, 1976, remedial order would be rescinded and Consumers would not be required to refund overcharges in its sales of heating oil.)	FEA-0946	Appeal of FEA remedial order dated June 23, 1976.
Do.....	Continental Oil Co., Houston, Tex. (If granted: Continental Oil Co. would receive an extension of the relief granted on July 30, 1976, and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Acadia, Burnell, Elk Basin, Elk City, Hamlin, Kettleman Hills, Maljamar, Medford, North Cowden, North Okarcho, Okeene, Ramsey, Rincon, South Hampton, Sussex, West Seminole, West World, and Ward.)	FEE-3057— FEE-3074	Extension of exception relief in Continental Oil Co., 4 FEA par. 83,023 (July 30, 1976).
Do.....	Superior Oil Co., Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the relief granted on June 22 and June 29, 1976, and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Cymrie, Elk City, Kettleman Hills, Levelland, and Portilla.)	FEE-3052— FEE-3056	Extension of relief granted in Superior Oil Co., 3 FEA par. 83,262 (June 29, 1976); Superior Oil Co., 3 FEA par. 80,656 (June 22, 1976).
Sept. 1, 1976....	ECO Petroleum Corp., Houston, Tex. (If granted: ECO Petroleum Corp. would be assigned a new, lower priced supplier of motor gasoline to replace its base period suppliers, Foremost Petroleum Corp., and Ada Resources, Inc.)	FEE-3075	Exception to change supplier (sec. 211.9).
Sept. 2, 1976....	Cathey, John J., Colorado Springs, Colo. (If granted: The FEA's July 30, 1976, decision and order would be rescinded and Cathey would be permitted to retain \$19,285.93 in revenues which he realized by charging prices in excess of the lower tier ceiling price for crude oil produced from the Peterson lease located in Kimball, Nebr.)	FEA-0945	Appeal of FEA's decision and order in John J. Cathey, 4 FEA par. 83,022 (July 30, 1976).
Do.....	Dumont 66 Service, Dumont, Iowa (If granted: Dumont 66 Service would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Ritchie Oil Co.)	FEE-3076	Exception to change supplier (sec. 211.9).
Do.....	Kathol Petroleum Inc.; Tomlinson Oil Co., Inc., Wichita, Kans. (If granted: Kathol Petroleum, Inc., and Tomlinson Oil Co., Inc., would be permitted to pass through nonproduct costs in excess of \$0.005 per gallon in computing its prices for natural gas products.)	FEE-3079	Price exception (sec. 212.165).
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Phillips Petroleum Co. would be granted an exception from 10 CFR 212.83(h) and be allowed to exclude its sales of butanes and natural gasoline to Lion Oil Co. from its cost recovery calculations.)	FEE-3078	Price exception (sec. 212.83(h)).
Do.....	Sav-Mor Oil Co., Los Angeles, Calif. (If granted: Sav-Mor Oil Co. would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Time Oil Co.)	FEE-3080	Exception to change supplier (sec. 211.9).
Do.....	Sun Gas Co., Dallas, Tex. (If granted: Sun Gas Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Fardoche, Pledger, Slaughter, and Victorin.)	FEE-3081— FEE-3084	Price exception (sec. 212.165).
Do.....	Western Slope Fuel Co., Denver, Colo. (If granted: The FEA's notice of probable violation would be rescinded and Western Slope Fuel Co. would not be required to refund alleged overcharges on its sales of butane and would be permitted to increase its prices for butane by \$0.005 per gallon to reflect nonproduct cost increases.)	FEE-3077	Price exception (sec. 212.93(b)(4) and 212.165).
Do.....	Kerr-McGee Corp.; Southwestern Refining Co., Washington, D.C. (If granted: Kerr-McGee would be permitted to continue to treat its subsidiary, Southwestern Refining, as a separate firm for purposes of 10 CFR, pt. 212.)	FEE-3086	Price exception (sec. 212.111(c)(1)).
Sept. 3, 1976....	Koch Refining Co., Wichita, Kans. (If granted: Koch Refining Co.'s allocation of Canadian crude oil would be adjusted to reflect expansion of its Pine Bend refinery capacity during the base period pursuant to sec. 214.31.)	FEE-3085	Exception to mandatory Canadian crude oil allocation regulations (sec. 214.31).

[FR Doc.76-28616 Filed 9-27-76; 1:52 am]

CASES FILED WITH THE OFFICE OF  
EXCEPTIONS AND APPEALSWeek of September 3 Through September  
10, 1976

Notice is hereby given that during the week of September 3 through September 10, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action

sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,  
General Counsel.

SEPTEMBER 27, 1976.



**APPENDIX.—List of cases received by the Office of Exceptions and Appeals, week of Sept. 3, through Sept. 10, 1976**

Date	Name and location of applicant	Case No.	Type of submission
Sept. 3, 1976...	Porter, W. H., Midwest City, Okla. (If granted: The Kirchmeier Lease well located in Lincoln County, Okla., would be classified as a stripper well.)	FEE-3087	Price exception (sec. 212.74)
Sept. 7, 1976...	Oil Development Co. of Texas, Washington, D.C. (If granted: The Oil Development Co. of Texas would receive an extension of the price relief granted in FEA's Aug. 19, 1976, decision and order.)	FEE-3088	Extension of the price relief granted in Oil Development Co. of Texas, 4 FEA par. .... (Aug. 19 1976).
Do.....	Union Oil Co. of California, Los Angeles, Calif. (If granted: FEA's Aug. 6, 1976, decision and order would be rescinded and Union Oil Co. would be permitted to determine the price of crude oil produced from the Trading Bay Unit in MacArthur River Field without regard to the current cumulative deficiency which has accrued since Apr. 8, 1976.)	FEA-0947	Appeal of FEA's decision and order in Union Oil Co. of California, 4 FEA par. 83,039 (Aug. 6, 1976).
Sept. 8, 1976...	W. L. Arthur d.b.a. Arthur's, Marshfield, Mo. (If granted: Arthur's would be assigned a new supplier of motor gasoline to replace its base-period supplier, Springfield Oil Co.)	FEE-3089	Exception to change suppliers.
Do.....	Blees Oil Co., Bowman, Mont. (If granted: Blees Oil Co. would receive an exception from their requirements of 10 CFR 212.93.)	FEE-3106	Price exception (sec. 212.93).
Do.....	Energy Corp. of Louisiana Ltd., New Orleans, La. (If granted: ECOL would be permitted to establish its prices for motor gasoline in a manner different from that prescribed under sec. 212.111(b)(ii), the new item rule.)	FEE-3105	Price exception (sec. 212.111).
Do.....	Inexo Oil Co., Houston, Tex. (If granted: Inexo Oil Co. would receive an exception from the certification requirements of 10 CFR 212.131(a)(3).)	FEE-3104 FES-3104	Price exception (sec. 212.131).
Do.....	Sauder, E. W., Emporia, Kans. (If granted: Retroactive exception relief would be granted to permit the sale of the crude oil produced from the Babinger-Perrier and Rossillon leases at upper tier ceiling prices.)	FEE-3090	Price exception (sec. 212.73).
Do.....	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc., would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Buckeye, Coalina Nose, Garvin County, Handy, Kettleman Hills, Lignite, Luby, Maurice, New Hope, Shields Canyon, South Kermit, Wilson Creek, and Van.)	FEE-3091- FEE-3103	Price exception (sec. 212.165).
Sept. 9, 1976...	Hudson Oil Co., Inc., Washington, D.C. (If granted: Hudson Oil Co., Inc., would receive exceptions from various FEA regulations to enable it to acquire a refinery from Midland Cooperatives, Inc.)	FEE-3107	Exceptions regarding the proposed acquisition of a refinery.
Do.....	Midland Cooperatives, Inc., Minneapolis, Minn. (If granted: Midland Cooperatives, Inc., would receive exceptions from various FEA regulations to enable it to sell its Cushing, Okla., refinery.)	FEE-3108	Exceptions regarding the proposed sale of its refinery.

[FR Doc.76-28617 Filed 9-27-76; 1:52 am]

**CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS**

**Week of September 13 Through September 17, 1976**

Notice is hereby given that during the week of September 13 through September 17, 1976 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action

sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,  
General Counsel.

SEPTEMBER 27, 1976.

**APPENDIX.—List of cases received by the Office of Exceptions and Appeals, Sept. 10 to Sept. 17, 1976**

Date	Name and location of applicant	Case No.	Type of submission
Sept. 13, 1976...	A & N Producing Services, Inc., Jackson, Miss. (If granted: Crude oil produced from the USA Well No. 2 located in Franklin County, Miss., would be sold at upper tier ceiling prices.)	FEE-3110	Price exception (sec. 212.74).
Do.....	Capitol Oil Co., Baltimore, Md. (If granted: Region III's decision and order denying exception relief would be rescinded and Capitol Oil Co. would be permitted to retroactively increase its prices on sales of No. 2 heating oil.)	FEA-0951	Appeal of region III's decision and order.
Do.....	Confederated Tribes of the Warm Springs Reservation, Warm Springs, Oreg., (If granted: The Confederated Tribes of the Warm Springs Reservation would be assigned a new supplier of gasoline to replace their base-period supplier, Pugh Oil Co.)	FEE-3114	Exception to change suppliers.



## NOTICES

Date	Name and location of applicant	Case No.	Type of submission
Do.....	H. L. Mills Petroleum Products, Hagerstown, Md. (If granted: H. L. Mills Petroleum Products would receive an extension of the relief granted in FEA's July 1, 1976, decision and order assigning to the firm a lower priced supplier of motor gasoline.)	FEX-0086	Extension of exception relief granted in H. L. Mills Petroleum Products, 3 FEA par. 83,255 (July 1, 1976).
Sept. 14, 1976..	Amoco Production Co., Chicago, Ill. (If granted: Amoco Production Co. would receive an extension of the exception relief granted on Aug. 27, 1976, to permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Luby, North Cowden, and Old Ocean Plants.)	FEE-3130— FEE-3132	Extension of price relief granted in Amoco Production Co., 4 FEA par. .... (Aug. 27, 1976).
Do.....	Barnes Petroleum Corp., Mountain View, Okla. (If granted: Crude oil produced from the Southwest Carnegie Field would be sold at upper tier ceiling prices.)	FEE-3112	Price exception (sec. 212.74).
Do.....	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following natural gas plants: Adena, Bakke, Cotton Valley, Dollarhide, Dominguez, Gillette, Houma, Kettleman Hills, Lisbon, Paloma, Putnam, Oswego, Rio Bravo, Santa Maria Valley, South Coles Levee, Stearns, Van, and Worland.)	FEE-3113— FEE-3129	Price exception (sec. 212.165).
Sept. 15, 1976..	Frank H. McGehee, Natchez, Miss. (If granted: FEA's Aug. 27, 1976, decision and order would be rescinded and Crude oil produced from the USA-26-6 well would be sold at upper tier ceiling prices.)	FEA-0952	Appeal of FEA's decision and order in Frank H. McGehee, 4 FEA par. .... (Aug. 27, 1976).
Do.....	Northern Gas Products Co., Omaha, Nebr. (If granted: Northern Gas Products Co. would receive an extension of the relief granted on Aug. 27, 1976, and would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products.)	FEE-3134	Extension of exception relief in Northern Gas Products Co., 4 FEA par. .... (Aug. 27, 1976).
Do.....	Northwest Propane, Inc., Farmington, Mich. (If granted: Northwest Propane, Inc., would receive an extension of the exception relief granted on Apr. 2, 1976, assigning to the firm a lower priced supplier of propane to replace its base-period supplier, Petroleum Gas Co.)	FEE-3136	Extension of exception relief granted in Northwest Propane, Inc., 3 FEA par. 83,147 (Apr. 2, 1976).
Do.....	Oil Properties Co., Inc., Augusta, Kans. (If granted: The Lang Lease located in Ellis County, Kans., would retroactively be classified as a stripper well.)	FEE-3133	Price exception (sec. 212.74).
Do.....	Tresler Oil Co., Cincinnati, Ohio. (If granted: Tresler Oil Co. would receive an increase in its base-period use of motor gasoline for the stations which it purchased from Omega Oil.)	FEE-3135	Allocation relief.
Sept. 16, 1976..	Bear Oil Co., Clearfield Pa. (If granted: Bear Oil Co.'s total base-period use would be supplied by Exxon rather than Exxon and Amoco.)	FEE-3137	Exception to change suppliers.
Do.....	Eagle Oil Co., Columbus, Ohio. (If granted: Eagle Oil Co. would receive an extension of the exception relief which resulted in the assignment of a lower priced supplier.)	FEE-3138	Extension of exception relief granted in Eagle Oil Co., 3 FEA par. 80,523 (June 24, 1976).
Do.....	Skelly Oil Co., Tulsa, Okla. (If granted: FEA's Sept. 2, 1976, remedial order concerning the allocation of increased product costs to volumes of catalyst coke would be rescinded.)	FEA-0953	Appeal of FEA's Sept. 2, 1976, remedial order.

[FR Doc.76-28618 Filed 9-27-76;1:52 am]

## FEDERAL POWER COMMISSION

[Docket No. ER76-659]

## ALABAMA POWER CO.

## Compliance Filing

SEPTEMBER 24, 1976.

Take notice that on August 25, 1976, Alabama Power Company (Company) tendered for filing revised exhibits BMG-5 and BMG-6 to its original filing in this docket on April 30, 1976. The Company states that the filing is in compliance with the Commission's order of July 27, 1976, and eliminates that portion of the original filing which attempted to revise the reserve requirements under Section 5.04 and to eliminate Section 5.06 of the Interconnection Agreement between the Company and Alabama Electric Cooperative, Inc.

The Company further states that a copy of the revised exhibits has been served on each person designated on the official service list.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28763 Filed 9-30-76;8:45 am]

[Rate Schedule Nos. 375, et al.]

## ATLANTIC RICHFIELD CO., ET AL.

## Notice of Rate Change Filings

SEPTEMBER 23, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on



the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before October 18, 1976, file with the Federal Power Com-

mission, 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,  
Acting Secretary.

## APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 25, 1976	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	375	Trunkline Gas Co.	Texas Gulf Coast.
Sept. 2, 1976	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	52	do	Do.
Sept. 7, 1976	CRA, Inc., P.O. Box 7305, Kansas City, Mo. 64116.	48	Northern Natural Gas Co.	Permian Basin.
Sept. 9, 1976	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	101	Texas Eastern Transmission Corp.	Other southwest.
Do.	do	113	do	Do.
Do.	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	23	United Gas Pipe Line Co.	Texas Gulf Coast.
Sept. 13, 1976 <sup>1</sup>	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	47	Trunkline Gas Co.	Do.
Do.	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	89	Tennessee Gas Pipeline Co.	South Louisiana.
Do.	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	111	Cities Service Gas Co.	Hugoton-Anadarko.
Sept. 15, 1976	Texaco Inc., P.O. Box 3109, Midland, Tex. 79701.	216	Natural Gas Pipeline Co. of America.	Do.
Do.	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	254	United Gas Pipe Line Co.	Southern Louisiana.
Sept. 14, 1976	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	115	do	Other southwest.

<sup>1</sup> Previously filed Apr. 26, 1976. Filings were lost and resubmitted.

[FR Doc.76-28611 Filed 9-27-76; 8:45 am]

[Docket No. RP76-153]

## BACA GAS GATHERING SYSTEM, INC.

## Rate Increase

SEPTEMBER 24, 1976.

Take notice that on September 13, 1976, Baca Gas Gathering System, Inc. (Baca) tendered for filing Third Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 3.

Baca states that the purpose of the filing is to track increased purchased gas costs occasioned by the Commission's Opinion No. 770, issued July 27, 1976. The proposed changes, according to Baca, will increase its revenues by \$559,000, with its expenses increasing by \$517,000.

Baca requests that Third Revised Sheet No. 3-A become effective on the date of tender because the size of the increase in purchased gas cost is so large as to require immediate tracking. Baca requests that Fourth Revised Sheet No. 3-A become effective October 1, 1976, so that no lag will exist between the 1¢/Mcf escalation under Opinion No. 770 and Baca's tracking of the escalation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 15,

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 application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28773 Filed 9-30-76; 8:45 am]

[Docket No. ER76-893]

## CENTRAL ILLINOIS PUBLIC SERVICE CO.

## Filing of Interconnection Agreement

SEPTEMBER 23, 1976.

Take notice that on September 7, 1976, Central Illinois Public Service Company (CIPS) tendered for filing an Interconnection Agreement dated August 31, 1976, between Central Illinois Light Company and CIPS. The primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties, and to expand their coordinated interconnection operation, states CIPS.

Services to be provided under the following five Service Schedules are:

1. Service Schedule A—Emergency Service.
2. Service Schedule B—Maintenance Power.

3. Service Schedule C—Economy Energy.

4. Service Schedule D—Short Term Firm Power.

5. Service Schedule E—Short Term Non-Firm Power.

An effective date of August 31, 1976 for the Interconnection Agreement and September 30, 1976 for Service Schedules under this Agreement is requested. The Agreement shall continue until terminated by either party who must give at least 36 months prior written notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28793 Filed 9-30-76; 8:45 am]

[Docket No. RI76-155]

## CHARLES B. WILSON, JR., LTD.

## Petition for Special Relief

SEPTEMBER 24, 1976.

Take notice that on September 15, 1976, Charles B. Wilson, Jr., Ltd., Westhall Building, 1616 West Loop South, Houston, Texas 77027, filed a petition for special relief in Docket No. RI76-155 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76).

Petitioner seeks authorization to charge 65 cents per Mcf for the sale of gas to Colorado Interstate Gas Company from the Rosa B. Neff Gas Unit No. 1, Keyes Field, Cimarron County, Oklahoma. The subject gas is currently being sold at the rate of 40 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 18, 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 C.F.R. 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 party 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28785 Filed 9-30-76; 8:45 am]



[Docket No. RP76-13]

**CITIES SERVICE GAS CO.****Conference on Rates and Charges**

SEPTEMBER 24, 1976.

Take notice that on October 13, 1976, a conference of all parties to intervene in this proceeding, the Cities Service Gas Company, any interested customers, and the Commission Staff will be held in Conference Room No. 5200 at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., at 10 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested State Commissions.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28761 Filed 9-30-76;8:45 am]

[Docket No. RP75-106]

**COLUMBIA GAS TRANSMISSION CORP.****Revised Tariff Sheets**

SEPTEMBER 24, 1976.

Take notice that on September 16, 1976, Columbia Gas Transmission Corporation (Columbia) tendered for filing these revised tariffs, each proposed to be effective on the date indicated:

- (a) Substitute Twenty-Fifth Revised Sheet No. 16—December 15, 1975;
- (b) Second Substitute Twenty-Sixth Revised Sheet No. 16—January 15, 1976;
- (c) Second Substitute Twenty-Seventh Revised Sheet No. 16—March 2, 1976;
- (d) Second Substitute Twenty-Eighth Revised Sheet No. 16—July 2, 1976;
- (e) Substitute Twenty-Ninth Revised Sheet No. 16—September 2, 1976.

All these are changes to Columbia's FPC Gas Tariff, Original Volume No. 1. Columbia states that these revised sheets present the settlement rates for the captioned docket, and are filed in accordance with ordering Paragraph (C) of the Commission's Order issued September 13, 1976 in this proceeding.

Columbia states further that copies of this filing were served upon 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 October 20, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28780 Filed 9-30-76;8:45 am]

[Docket No. RP75-106 (AP76-1)]

**COLUMBIA GAS TRANSMISSION CORP.****Proposed Changes in FPC Gas Tariff**

SEPTEMBER 24, 1976.

Take notice that on September 16, 1976, Columbia Gas Transmission Corporation (Columbia) tendered for filing Thirtieth Revised Sheet No. 16 to its FPC Gas Tariff, Original Volume No. 1. Columbia states the purpose of the filing is to track advance payments in accordance with Article VII of the Settlement Agreement in the referenced dockets, accepted by the Commission by order issued September 13, 1976.

Columbia indicates that the revised tariff sheet reflects a tracking increase of 0.78¢ per Mcf as the result of inclusion in rate base of \$53,512.447 which represents the net increase in advance payment amounts not reflected previously in Columbia's rates.

Columbia proposes an effective date of October 16, 1976 for the tendered sheet. Columbia states copies of this tender were served upon 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 October 20, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28781 Filed 9-30-76;8:45 am]

[Docket Nos. RP69-19 and RP72-157  
(Refund)]**CONSOLIDATED NATURAL GAS CO.**

(Refund.)

SEPTEMBER 24, 1976.

Take notice that on February 9, 1976 Consolidated Gas Supply Corporation (Consolidated) filed a document in which it stated it received a refund in the amount of \$101,616.85 from Texas Eastern Transmission Corporation. Of this amount, Consolidated stated \$97,172.53 is applicable to its jurisdictional sales.

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 October 15, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28762 Filed 9-30-76;8:45 am]

[Docket No. RP76-102]

**DISTRIGAS CORP.****Revised Tariff Sheet**

SEPTEMBER 23, 1976.

Take notice that on August 19, 1976 Distrigas Corporation (Distrigas) tendered for filing Second Substitute Original Sheet No. 2 to its Special Rate Schedule No. 7. Distrigas states that this Substitute Sheet is intended to pay through to Distrigas of Massachusetts Corporation the charge that Distrigas has been authorized by the Commission to pay to its supplier of imported LNG. Distrigas states that the current price of LNG for the twelve-month period ending March 31, 1977 is 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 October 15, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28787 Filed 9-30-76;8:45 am]

[Docket No. E-9453]

**DUKE POWER CO.****Revised Rate Schedule Supplements**

SEPTEMBER 23, 1976.

Take notice that Duke Power Company on September 13, 1976, tendered for filing revised rate schedule supplements in purported compliance with the Commission's order in Docket No. E-9453, dated August 17, 1976.

Any person desiring to be heard or to protest said application 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 and 1.10). All such petitions or protests should be filed on or before October 12, 1976. Protests will be considered by the



Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 76-28777 Filed 9-30-76; 8:45 am]

[Docket No. RP72-134 (PGA76-18A)]

# **EASTERN SHORE NATURAL GAS CO.**

## **Purchased Gas Cost Adjustment to Rates and Charges**

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 13, 1976, tendered for filing Second Substitute Thirty-Second Revised Sheet No. 3A Superseding Substitute Thirty-Second Revised Sheet No. 3A and Second Substitute Thirty-Second Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective September 1, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by \$.005 per Mcf. These decreases reflect corresponding decreases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 30, 1976, in FPC Docket Nos. RP75-3 and RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of September 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 76-28788 Filed 9-30-76; 8:45 am]

[Docket No. RP72-134 (PGA76-19)]

# **EASTERN SHORE NATURAL GAS CO.**

## **Purchased Gas Cost Adjustment to Rates and Charges**

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 13, 1976, tendered for filing Third Substitute Thirty-First Revised Sheet No. 3A Superseding Second Substitute Thirty-First Revised Sheet No. 3A and Third Substitute Thirty-First Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective August 1, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by \$.005 per Mcf. These decreases reflect corresponding decreases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 30, 1976, in FPC Docket Nos. RP75-3 and RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of August 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 76-28789 Filed 9-30-76; 8:45 am]

[Docket No. RP72-134 (PGA 76-20)]

# **EASTERN SHORE NATURAL GAS CO.**

## **Purchased Gas Cost Adjustment to Rates and Charges**

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on September 13, 1976, tendered for filing Thirty-Third Revised Sheet No. 3A Superseding Substitute Thirty-Second Revised Sheet No. 3A and Thirty-Third Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective October 1, 1976, will increase the commodity or delivery charges of Eastern Shore's. These increases reflect corresponding increases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 13, 1976, in FPC Docket No. RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of October 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 13, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 76-28790 Filed 9-30-76; 8:45 am]

[Docket No. RP72-134 (PGA76-20A)]

# **EASTERN SHORE NATURAL GAS CO.**

## **Purchased Gas Cost Adjustment to Rates and Charges**

SEPTEMBER 23, 1976.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore)



on September 13, 1976, tendered for filing Substitute Thirty-Third Revised Sheet No. 3A Superseding Thirty-Third Sheet No. 3A and Substitute Thirty-Third Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1. These revised tariff sheets, to be effective October 1, 1976, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, E-1, I-1 and PS-1 by \$.005 per Mcf. These decreases reflect corresponding decreases by Transcontinental Gas Pipe Line Corporation (Transco), Eastern Shore's sole supplier, in its filing of August 30, 1976, in FPC Docket Nos. RP75-3 and RP75-75.

Pursuant to Section 154.51 of the Regulations under the Natural Gas Act, Eastern Shore respectfully requests waiver of the notice requirements of Section 154.22 of those Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the tariff sheets submitted to become effective as of October 1, 1976, to coincide with the effective date of Transco's rate changes. In support thereof, Eastern Shore states that Transco's August 30, 1976, filing of its revised tariff sheets prohibited it from preparing its computations and revised tariff sheets in time to comply with the applicable notice requirements.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC, 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28791 Filed 9-30-76;8:45 am]

[Docket Nos. RP75-1, RP75-53, and RP76-24]

#### FLORIDA GAS TRANSMISSION CO.

##### Filing of Stipulation and Agreement

SEPTEMBER 24, 1976.

Take notice that on September 14, 1976, Presiding Administrative Law Judge Samuel Z. Gordon certified to the Commission a proposed Stipulation and Agreement which had been tendered into evidence by Florida Gas Transmission Company (Florida Gas) at a joint hearing held September 10, 1976 in the three proceedings captioned above. The proposed Stipulation and Agreement, if

approved, will effectively resolve all issues in the rate proceedings at Docket No. RP76-24 as well as the rate of return issues in Docket Nos. RP75-1 and RP75-53 which were reserved for hearing and decision by prior Commission orders.

Any person wishing to do so may submit written comments concerning the proposed Stipulation and Agreement. All such comments should be delivered or mailed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before October 8, 1976. Reply comments, if any, should be submitted by October 18, 1976.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28775 Filed 9-30-76;8:45 am]

[Docket No. ES76-76]

#### GULF STATES UTILITIES CO.

##### Application

SEPTEMBER 24, 1976.

Take notice that on September 17, 1976, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of \$160,000,000 principal amount of unsecured short-term promissory Notes.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge, Louisiana and vicinity.

Applicant proposes to issue the Notes to commercial banks, insurance companies and similar institutions and to commercial paper dealers. Notes will be issued on various dates and for varying periods of time, but no note issued to a commercial bank, insurance companies or similar institutions will have a maturity of more than one year from the date of its issuance and no note issued to commercial paper dealers will have a maturity of more than nine months from the date of its issuance. In no event shall any such notes have a maturity after December 31, 1979.

The proceeds from the Notes will be added to the general funds of the Applicant and will be used, among other things, to provide part of the interim funds for current construction expenditures made and to be made.

Applicant has requested that the issuance of the commercial paper be exempted from competitive bidding requirements.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 15, 1976, file with the Federal Power Commission, 825 North Capitol Street, N.E., 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 available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28770 Filed 9-30-76;8:45 am]

[Docket No. ID-1551]

#### JAMES EDWIN HOBBS

##### Application

SEPTEMBER 24, 1976.

Take notice that on September 15, 1976, James Edwin Hobbs (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:

Vice President, Delmarva Power & Light Company, Public Utility.  
President, Delmarva Power & Light Company of Maryland, Public Utility.  
President, Delmarva Power & Light Company of Virginia, Public Utility.

Delmarva Power & Light Company is principally engaged in the generation, transmission and distribution of electrical energy throughout the State of Delaware. Owns and operates transmission lines, interconnecting with similar facilities of Delmarva Power & Light Company of Maryland, Philadelphia Electric Company, Atlantic City Electric Company and Conowingo Power Company. Also owns and operates plants and properties for the manufacture and distribution of gas within New Castle County, Delaware.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 22, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28767 Filed 9-30-76;8:45 am]



[Docket No. RP76-87]

**INTER-CITY MINNESOTA PIPELINES LTD., INC.****Conference**

SEPTEMBER 23, 1976.

Take notice that on October 5, 1976, Staff is convening an informal conference of all interested persons for the purpose of discussing the issues in the above referenced docket in Room No. 8402, at the offices of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. at 10:00 A.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed to all parties to the proceeding, the jurisdictional customers and interested state commission.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-28779 Filed 9-30-76;8:45 am]

[Docket No. ES76-77]

**IOWA ELECTRIC LIGHT AND POWER CO.****Application**

SEPTEMBER 24, 1976.

Take notice that on September 20, 1976, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell \$7,000,000 principal amount of Series P First Mortgage Bonds and \$2,200,000 principal amount of Series O First Mortgage Bonds.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Series P and Series O First Mortgage Bonds which will have a maturity not to exceed thirty years will be issued on approximately December 1, 1976 under the Applicant's Indenture of Mortgage and Deed of Trust, dated August 1, 1940, as heretofore amended and supplemented by forty-four supplemental indentures and as to be further supplemented by a forty-fifth supplemental indenture to be dated as of December 1, 1976 between the Company and The First National Bank of Chicago, as

Trustee. The First Mortgage Bonds will not be sold but upon issuance will be delivered to a Trustee, or Trustees, designated as Assignee by the Cities of Marshalltown and Boone, Iowa, to be held as security for the obligation of the Company to pay principal, premium, if any, and interest on tax exempt Pollution Control Bonds to be issued and sold by Marshalltown, Iowa in the principal amount of \$7,000,000 and by Boone, Iowa in the principal amount of \$2,200,000.

The purpose for which the proceeds from the sale of the Pollution Control Bonds are to be used is to finance the construction of pollution control facilities at the Company's generating stations in Marshalltown and Boone, Iowa.

Any person desiring to be heard or to make protest with reference to this Application should on or before October 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-28786 Filed 9-30-76;8:45 am]

[Docket No. RP73-91, PGA76-3]

**MCCULLOCH INTERSTATE GAS CORP.****Purchased Gas Adjustment Clause**

SEPTEMBER 24, 1976.

Take notice that on August 31, 1976, McCulloch Interstate Gas Corporation ("McCulloch Interstate") tendered for filing copies of Eighth Revised Sheet No. 32 to its FPC Gas Tariff Original Volume No. 1, as required under the Commission's Rules and Regulations under the Natural Gas Act.

McCulloch Interstate's Eighth Revised Sheet No. 32 provides for a Purchased Gas Adjustment rate increase of 17.42¢ per MMBtu, effective October 1, 1976. McCulloch Interstate's filing is made in order to: (1) recover the balance in McCulloch Interstate's Unrecovered Purchased Gas Cost Account as of June 30, 1975 and June 30, 1976 and (2) to provide for a current Gas Cost Adjustment in order to permit McCulloch Interstate to recover the higher cost of gas purchases which it is currently incurring.

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 October 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-28774 Filed 9-30-76;8:45 am]

[Docket No. RP75-96]

**MICHIGAN WISCONSIN PIPE LINE CO.****Tender of Stipulation and Agreement**

SEPTEMBER 23, 1976.

Take notice that on September 3, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), tendered for filing a Stipulation and Agreement together with a Motion for approval thereof to resolve the issues pending in the above-captioned docket.

Michigan Wisconsin states that it has pending before the Commission a general rate increase proceeding resulting from a filing made on April 30, 1975, the effectiveness of which was suspended until November 1, 1975, by the Commission's order of May 19, 1975. Michigan Wisconsin states that the Stipulation and Agreement provides for a reduction in the cost of service of \$23,637,187 below the cost of service filed on April 30, 1975, exclusive of changes in the cost of purchased gas. Under the Stipulation and Agreement, issues relating to the proposed rate base treatment of certain advance payments and costs associated with the Gas Arctic and Northern Border projects are reserved for Commission decision.

Copies of the Stipulation and Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 7, 1976. Any reply comments should be filed on or before October 28, 1976.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc.76-28765 Filed 9-30-76;8:45 am]

[Docket No. RM75-14]

**NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS****Order Permitting Intervention and Allowing Time for Oral Argument**

SEPTEMBER 17, 1976.

The Commission received on September 16, 1976, a petition for leave to intervene and request for time for oral argument from Mr. George B. Kaiser, President of Kaiser-Francis Oil Company (Kaiser Oil). The petition alleges that Kaiser Oil is a small independent gas producer and the interest of such producers are not adequately repre-



sented by any other parties to the proceeding.

On September 16, 1976, the Commission received a letter from Mr. James F. Flug, counsel for the "Energy Action Committee." The letter complains of not having received notice of the present oral argument, and requests time to reply to what is alleged to be " \* \* \* a direct personal attack on us by Tom Johnson of Shell Oil in his opening remarks \* \* \*."

Proper notice of this proceeding was given to all parties in accordance with the Commission's regulations, and was widely publicized in both the general and trade news media. In addition, the Commission heard no specific attacks on Mr. Flug and his Committee during the aforementioned presentation. There were remarks critical of unspecified groups of people, among whom Mr. Flug may consider himself. We will allow this group to appear.

The Commission finds: (1) That it may be in the public interest to allow the intervention of Kaiser-Francis Oil Company.

(2) That it may be in the public interest to allow the presentation of oral argument on September 17, 1976, for not more than ten minutes by Kaiser-Francis Oil Company, and by Energy Action Committee.

The Commission orders: (A) That Kaiser-Francis Oil Company be permitted to intervene and to present oral argument for not more than ten minutes on September 17, 1976.

(B) That Energy Action Committee be permitted to present oral argument for not more than ten minutes on September 17, 1976.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-28784 Filed 9-30-76; 8:45 am]

[Docket No. CP76-517]

# NATURAL GAS PIPELINE CO. OF AMERICA Application

SEPTEMBER 22, 1976.

Take notice that on September 9, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-517 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of transmission and storage facilities to enable Applicant to provide an additional storage service to its customers under a proposed new Rate Schedule LS-2, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in order to provide its customers with additional flexibility in the operation of their systems and to enhance reliability of service to the ultimate consumer, Applicant proposes to expand its storage fields in Iowa and Illinois to increase daily withdrawal

capacity by 124,000 Mcf in order to provide the proposed new LS-2 service to its customers. It is said that the Iowa and Illinois storage fields are sufficiently large to permit the proposed expansion.

It is indicated that in order to provide flexibility to the customers in their utilization of the proposed storage service, a total of 100 days top storage withdrawal would be available over a period beginning December 1 of each year and continuing through March 31, of the next year, with the maximum available to each customer being 100 times its contracted daily withdrawal quantity. To enable Applicant to provide this leased storage service, Applicant proposes to allocate from the existing entitlements of participating customers (1) 12,400,000 Mcf of top storage gas each year; (2) 310,000 Mcf of fuel gas each year, and (3) 24,800,000 Mcf of cushion gas for the first year of LS-2 service only.

The application shows that service agreements covering LS-2 service would be for a period of ten years commencing April 1, 1977, but would be cancellable on one year's notice by Applicant if, in Applicant's judgment, the severity of curtailment on its system requires. It is asserted that upon termination of the LS-2 service, cushion gas would be returned to Applicant's customers.

Applicant proposes that this service would be billed under a monthly demand charge applied uniformly throughout the year. It is indicated that the demand charge would be based on Applicant's average cost of providing 100-day storage, excluding cushion gas and fuel gas cost in recognition that customers are furnishing the cushion and fuel gas for the service, plus a component attributable to the allocated portion of the cost of Applicant's North End pipeline loopings between its market storage fields and the terminus of its system.

Applicant states that it would offer the LS-2 storage service to all its customers, allocating the 124,000 Mcf per day among them pro rata to their existing daily contract quantities under Rate Schedules DMQ-1 and G-1 and that the volumes not accepted would then be re-offered to those customers which did elect to participate in the LS-2 storage service, until the total volume is contracted for.

In order to effectuate the proposal herein while at the same time continuing to provide the storage services and make the withdrawals for storage services for Applicant's own account previously certificated by the Commission, Applicant requests that the inventory limitations of the storage field proposed to be expanded, imposed as conditions to certificate authorization heretofore issued, be increased to levels as follows:

Storage field:	1,000 cubic feet
Columbus City—St. Peter	9,000,000
Columbus City—St. Simon	
Reservoir	35,000,000
Cairo Galesville	15,000,000
Cairo St. Peter	27,000,000
Cairo—Mt. Simon Reservoir	45,000,000
Loudon—Devonian	72,000,000

Applicant also proposes to construct and operate the following:

1. Approximately 1.6 miles of 6-inch, 8-inch, and 20-inch gathering pipeline, drill and connect four injection-withdrawal wells and other miscellaneous facilities at Applicant's Columbus City—Mt. Simon Storage Field in Louisa County, Iowa;

2. Approximately 2.8 miles, of 6-inch, 8-inch, 10-inch, and 12-inch gathering pipeline, drill and connect four injection-withdrawal wells and other miscellaneous facilities at Applicant's Columbus City—Mt. Simon Storage Field in Louisa County, Iowa;

3. Approximately 2.1 miles of 6-inch, 10-inch, 12-inch, and 16-inch gathering pipeline, drill and connect seven injection-withdrawal wells and other miscellaneous facilities at Applicant's Cairo—Mt. Simon Storage Field in Louisa County, Iowa;

4. Approximately 2.1 miles of 6-inch and 8-inch gathering pipeline, drill and connect five injection-withdrawal wells, recomplete one well for injection and withdrawal use and other miscellaneous facilities at Applicant's Cairo Galesville Storage Field in Louisa County, Iowa;

5. Approximately 5.7 miles of 6-inch, 10-inch, 12-inch and 16-inch gathering pipeline, drill and connect five injection-withdrawal wells, recomplete two wells for injection-withdrawal use and other miscellaneous facilities at Applicant's Cairo—St. Peters Storage Field in Louisa County, Iowa;

6. Approximately 1.8 miles of 6-inch and 8-inch gathering pipeline, drill and connect two injection-withdrawal wells, recomplete four wells for injection-withdrawal use and other miscellaneous facilities at Applicant's Loudon—Devonian Storage Field in Fayette County, Illinois;

7. 6,000 brake horsepower of compression at Applicant's Columbus City—Cairo Storage Field's Compressor Station No. 204 in Louisa County, Iowa; and

8. Approximately 30.0 miles of 30-inch loop pipeline partially looping Applicant's existing pipeline between its Compressor Station No. 110 and the terminus of its main transmission system at Volo, Illinois.

The application shows the estimated cost of the above facilities, excluding cushion gas which would be provided by the participating customers, to be \$23,575,000. Applicant also proposes to construct and operate pursuant to Section 2.55(a) of the Commission's General Policy and Interpretations, 6 observation wells, dehydration, and other miscellaneous facilities at a cost of \$1,609,000. It is indicated that these costs would be financed with funds obtained through interim and permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 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 appropriation 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28796 Filed 9-30-76; 8:45 am]

[Docket No. E-8721]

#### NEVADA POWER CO.

##### Revised Cost of Service Study and Amended Rate Schedules

SEPTEMBER 23, 1976.

Take notice that by letter dated September 2, 1976, Nevada Power Company submitted pursuant to Ordering Paragraph (C) of Commission Opinion No. 768, issued July 7, 1976, a revised cost of service study with amended rate schedules for its service to California-Pacific Utilities Company of Henderson, Nevada, and Needles, California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 October 8, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28776 Filed 9-30-76; 8:45 am]

[Docket No. RP71-107 (PGA76-3)]

#### NORTHERN NATURAL GAS CO.

##### Purchased Gas Cost Adjustment Rate Change

SEPTEMBER 23, 1976.

Take notice that on August 27, 1976, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.P.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Third Revised Volume No. 1, Substitute Eleventh Revised Sheet No. 4a  
Original Volume No. 2, Substitute Twelfth Revised Sheet No. 1c

Northern states that these tariff sheets provide for a PGA increase of 4.12¢ per Mcf in the commodity portion of all jurisdictional rates to be effective October 27, 1976. Northern states that this will result in an increase in annual jurisdictional market area gas sales revenues of approximately \$4,270,215 for the last two months of 1976 and \$142,634 for field area sales. Northern states that these additional revenues will permit Northern to recover its increased gas purchased costs for the last five months of 1976 over the last two months of 1976.

Northern states that this rate increase is being filed pursuant to Section 154.38 (d) (4) of the Regulations Under the Natural Gas Act and Opinion Nos. 770 and 742-A issued July 27, 1976. Northern states that Ordering Paragraph (D) of Opinion No. 770 permits jurisdictional pipeline companies having a purchase gas adjustment clause in effect on July 27, 1976 to make a special rate increase filing to track their increases in gas purchase costs occasioned by rate increases filed by natural gas producers reflecting the nationwide rates prescribed by Opinion Nos. 770 and 742-A. Northern states that Section 2.56a(j) permits the producer to make a single filing on or before August 26, 1976, for increased rates to become effective on July 27 and a one cent escalation on October 1, 1976. Northern states that the rate increase which Northern is here filing reflects such producer rate increases.

Northern states that Ordering Paragraph (D) of Opinion No. 770 further permits pipeline companies to file a surcharge to become effective on October 27, 1976 which will permit recovery of producer increases attributable to this opinion incurred prior to October 27, 1976. Northern states that it has included in this filing such a surcharge to recover over the months of November and December the unrecovered purchased gas costs for the months of August, September and October attributable to Opinion Nos. 770 and 742-A.

Northern states that further, Northern's Stipulation and Agreement at Docket No. RP74-75, approved by the Commission on July 27, 1976, requires Northern to refund as a credit through

its next PGA rate increase, the excess of the total amount collected in revenues with interest for its Exploration Program over the Modified Cost of Service approved by the Commission in that proceeding. Northern states that it is complying with the approved Stipulation and Agreement at Docket No. RP74-75 by including the refund obligation with interest as a credit in this rate increase filing. Northern states that this credit for the Docket ???

No. RP74-75 refund obligation more than offsets the surcharge for the unrecovered purchased gas costs attributable to Opinion Nos. 770 and 742-A and thus reduces the magnitude of this special rate increase filing. Northern states that the enclosed tariff sheets include Docket No. RP76-89 rates accepted for filing by the Commission on May 26, 1976 and suspended until October 27, 1976.

Northern states that copies of the filing have been mailed to each of the Gas Utility 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 October 5, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28778 Filed 9-30-76; 8:45 am]

[Docket No. ER76-898]

#### PACIFIC POWER & LIGHT CO.

##### Rate Schedule

SEPTEMBER 23, 1976.

Take notice that Pacific Power & Light Company (Pacific) on September 7, 1976, tendered for filing a rate schedule for service to Montana-Dakota Utilities Co. (MDU). Pacific states that the rate schedule provides for changes to the facilities serving MDU and for certain new services. Pacific states that presently serves MDU under Rate Schedule FPC No. 89.

Pacific states that the proposed rate schedule provides for Pacific to supply MDU with replacement power for the MDU Acme Steam Generating Plant which was retired on August 23, 1976, and to continue the existing rate schedule for power and energy service. Pacific states that the power factor provisions



have been changed to require MDU to operate between 95% lagging and 95% leading. Pacific states that charges for maintenance and use of facilities have also been modified or added.

Pacific respectfully requests waiver of the Commission's notice requirements so that the rate schedule may be made effective August 23, 1976 which it claims is the date of commencement of service.

Pacific states that a copy of the filing was supplied to Montana-Dakota Utilities Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28792 Filed 9-30-76; 8:45 am]

[Docket No. ES76-78]

**PACIFIC POWER & LIGHT CO.**  
Application

SEPTEMBER 24, 1976.

Take notice that on September 20, 1976, Pacific Power & Light Company (Applicant), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue additional shares, not to exceed 2,000,000, of its Common Stock of the par value of \$3.25 per share (Additional Common Stock).

Applicant proposes to sell the Additional Common Stock at competitive bidding in accordance with the applicable requirements of Section 34.1a of the Commission's Regulations.

Net proceeds from the issuance and sale of shares of the Additional Common Stock will be used to repay short-term notes prior to or as they mature and to finance, in part, Applicant's construction program.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 21, 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 available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28760 Filed 9-30-76; 8:45 am]

[Docket No. CP76-519]

**ROCKY MOUNTAIN NATURAL GAS CO., INC.**

Application

SEPTEMBER 23, 1976.

Take notice that on September 14, 1976, Rocky Mountain Natural Gas Company, Inc. (Applicant), 1600 Sherman Street, Denver, Colorado 80202, filed in Docket No. CP76-519 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Colorado Interstate Gas Company (CIG) to sell and deliver or cause to be delivered on a best efforts basis to Applicant natural gas which may be used by Applicant during the period from November 1, 1976, through March 31, 1977, to supplement gas service to sixteen communities situated in the State of Colorado, said delivery to be effectuated through a three party exchange between CIG, Mountain Fuel Supply Company (Mountain Fuel), and Mountain Fuel Resources, Inc. (Resources), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes that since CIG's system does not interconnect with Applicant's pipeline Resources would make natural gas deliveries to Applicant for CIG's account from an existing interconnection in the Divide Creek Field located in Mesa County, Colorado. The proposal requires that Resources reduce deliveries to Mountain Fuel at Bonanza, Utah, under its FPC Rate Schedule by a volume equal to the volumes delivered to Rocky Mountain, and that CIG deliver to Mountain Fuel for Resources' account, volumes equal to those which Resources delivers to Applicant, such deliveries to be made at an existing interconnection in Sweetwater County, Wyoming. Applicant indicates that should the exchange account between CIG and Mountain Fuel not be in balance on March 31, 1977, the account will be balanced within thirty days thereafter. Also it is stated that no new facilities would be required to effectuate that proposal.

It is proposed that Resources would collect a transportation charge from Applicant pursuant to Resources' existing FPC Rate Schedule T-1 for authorized overrun gas, that CIG would propose a rate based on existing rate schedules modified to reflect actual deliveries, and further that Mountain Fuel would not realize revenues from this exchange.

Applicant asserts that it presently supplies gas service to the sixteen com-

munities from company-owned wells, gas storage, and through gas purchase contracts and transportation agreements, all production originating in the State of Colorado, and that because of declines in local gas production and limited development in the area, Applicant has received emergency gas during the winter months through a tripartite exchange arrangement between CIG, Mountain Fuel, and Cascade Natural Gas Corporation (Cascade) for the past several years, but that Cascade is no longer involved. Applicant asserts that the estimated volume of natural gas necessary to meet Applicant's maximum daily requirements during the period from November 1, 1976, through March 31, 1977, for these communities would not exceed 6,000 Mcf on any day and that without the requested supply from CIG, Applicant may be forced to curtail partially its firm requirements during the 1976-1977 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 18, 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 156.9). 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28766 Filed 9-30-76; 8:45 am]

[Docket Nos. R-393 and RM76-5]

**SMALL PRODUCER REGULATION**

**Order Granting Rehearing for the Purpose of Further Consideration**

SEPTEMBER 17, 1976.

On August 23, 25, 26, and 27, 1976, the Four Corners Gas Association, Inexco Oil Company, Columbia Gas Transmission Corporation, Jerome P. McHugh & Associates, and Texaco, Inc. filed applications for rehearing, reconsideration, and clarification of Opinion No. 742-A, issued July 27, 1976.

*The Commission finds.* In order to afford the Commission the opportunity to consider fully the issues raised by the above-referenced applications, it is appropriate and proper in the administration of the Natural Gas Act to grant rehearing of Opinion No. 742-A and Order No. 553 for the purpose of further consideration.

*The Commission orders.* The applications for rehearing, reconsideration, and

<sup>1</sup> Columbia, in the same document, filed for rehearing of Order No. 553 which implemented Opinion No. 742-A.



clarification filed by Four Corners Gas Association, Columbia Gas Transmission Corporation, Jerome P. McHugh & Associates, and Texaco, Inc., are granted for the purpose of further consideration.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-28752 Filed 9-30-76;8:45 am]

[Docket Nos. RP72-91, et al. (Phase I)]

#### SOUTHERN NATURAL GAS CO.

#### Order Granting Rehearing for Purposes of Further Consideration

SEPTEMBER 24, 1976.

On July 29, 1976, the Commission issued an order in this docket modifying initial decision. An application for rehearing thereof was filed by Southern Natural Gas Company (Southern) on August 27, 1976. In order to give full consideration to the issues raised we shall grant rehearing of the July 29, 1976, order.

*The Commission further finds.* In order to afford further time for consideration of this matter it is appropriate and proper in the administration of the Natural Gas Act that rehearing be granted for the purpose specified herein.

*The Commission orders.* The rehearing sought is granted for the limited purpose of further consideration of the issue raised herein.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28772 Filed 9-30-76;8:45 am]

[Docket Nos. RP76-53 and RP76-60]

#### SOUTH TEXAS NATURAL GAS GATHERING CO.

#### Order Approving Settlement Agreement

SEPTEMBER 24, 1976.

On July 16, 1976, South Texas Natural Gas Gathering Company (South Texas) filed a proposed Stipulation and Agreement (Agreement) intended to settle all issues in this proceeding. The Commission herein approves the Agreement, directs South Texas to file revised tariff sheets and orders refunds.

On January 12, 1976, South Texas tendered for filing in Docket No. RP76-53 proposed increases in rates for the sale of gas to Natural Gas Pipeline Company of America (Natural) under South Texas' FPC Rate Schedule No. 1 and to Transcontinental Gas Pipeline Corporation (Transco) under South Texas' FPC Rate Schedule No. 2. The proposed increase in rates charged to Natural was from 21.55¢ to 22.58¢ per Mcf. South Texas stated in its filing that the 22.58¢ per Mcf rate would not permit it to earn a reasonable rate of return on sales to Natural but that there were contractual limitations on the increase which could be requested. For service to Transco, South Texas proposed a new base purchased gas rate of 33.55¢ per Mcf and an increase in the gathering and

transportation component of the total rate from 6.22¢ to 15.82¢ per Mcf.

South Texas requested that the rates proposed in Docket No. RP76-53 be permitted to become effective on February 12, 1976. By order issued on February 10, 1976, the Commission accepted the proposed rates for filing and suspended their effectiveness for five months until July 12, 1976.

On January 30, 1976, South Texas tendered for filing in Docket No. RP76-60 a request for a further increase in rates charged to Natural under South Texas' FPC Rate Schedule No. 1. The proposed increase was from the 22.58¢ per Mcf requested in Docket No. RP76-53 to 33.67¢ per Mcf. South Texas requested that its January 30, 1976, filing be treated as a unilateral filing under Section 4(d) of the Natural Gas Act and that the proposed rates be made effective as of March 1, 1976. By order issued on February 27, 1976, the Commission denied South Texas' request that its filing be treated as a unilateral filing under Section 4(d) and instituted a proceeding under Section 5 of the Natural Gas Act to determine the just and reasonable rate to be charged to Natural. The Commission's order also consolidated the proceeding in Docket No. RP76-60 with that in Docket No. RP76-53.

Petitions to intervene were filed by Transco, Natural, Brooklyn Union Gas Company and Public Service Electric and Gas Company. Intervention was granted to those petitioners by Commission order issued on March 19, 1976.

A settlement conference was convened on June 23, 1976, which resulted in the filing of a proposed Stipulation and Agreement on July 16, 1976. Public notice of the filing was issued on July 27, 1976, with comments due on or before August 9, 1976. Comments in support of the Agreement were filed by the Commission's Staff on July 30, 1976.

The Commission's review of the proposed Agreement indicates that it constitutes a just and reasonable resolution of the issues involved in this proceeding. The Commission will, therefore, accept and approve the settlement agreement without modification. Rates reflecting that portion of the Agreement relating to Transco will, in accordance with the terms of the Agreement, be permitted to become effective on July 12, 1976, the dates on which the rates filed in Docket No. RP76-53 become effective subject to refund. A 1.03¢ per Mcf increase in the rates charged to Natural will also be permitted to become effective on July 12, 1976. The balance of the rate which, by terms of the Agreement, may be charged to Natural will be permitted to become effective on the date on which this order becomes final and nonreviewable.

*The Commission finds.* The proposed Agreement filed on July 16, 1976, in Docket Nos. RP76-53 and RP76-60 is reasonable, proper, and in the public interest in carrying out the provisions of the Natural Gas Act. Accordingly, the proposed Agreement should be approved as herein ordered and conditioned.

*The Commission orders.* (A) The proposed Agreement filed on July 16,

1976, as a settlement of the issues in this proceeding is incorporated herein by reference and hereby approved and adopted to become effective in accordance with its terms and this order.

(B) South Texas shall file within fifteen (15) days of the issuance of this order revised rate schedules which reflect the terms of the Agreement accepted herein.

(C) Within fifteen (15) days after the rate schedules to be filed in compliance with Paragraph (B) above are accepted for filing, South Texas shall refund all amounts collected in excess of the rates set forth in those rate schedules together with interest calculated at 9% per annum.

(D) South Texas shall file a report within fifteen (15) days after refunds have been made in compliance with Paragraph (C) above. Such report shall show monthly billing determinants and revenues under rates in effect prior to July 12, 1976, the rates which became effective on July 12, 1976, subject to refund, and the settlement rates. The report should also show the monthly settlement rate increase, the monthly rate refund and the monthly interest computation, together with summaries of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against South Texas or any person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28797 Filed 9-30-76;8:45 am]

[Docket No. ER76-905]

#### SOUTHWESTERN PUBLIC SERVICE CO.

#### Rate Filing

SEPTEMBER 24, 1976.

Take notice that on September 13, 1976, the Southwestern Public Service Company (Southwestern) of Amarillo, Texas, tendered for filing a new contract and rate schedule for electric power service to the Lea County Cooperative, Inc. of Lovington, New Mexico. The service would be rendered through Lea County's 115 kV transmission line which now connects to Southwestern's generating facilities known as the Denver City, Texas plant. The new rate would supersede Southwestern's existing FPC Rate Schedule No. 55.

Southwestern states that the proposed rate is a departure from the existing FPC Rate Schedule No. 55 because of basic changes in plant costs, the procurement of fuel and related costs. It has previously used only natural gas as fuel



for electric generation. It further states that a coal-fired plant would be placed in service on August 31, 1976, with additional coal-fired plants planned for service in 1978 and 1980.

Southwestern adds that since Lea County is a partial-requirements customer, the new contract for firm power requires Lea County to negotiate firm power requirements one year in advance for better planning of high cost plant additions by Southwestern. Emergency and non-firm power rate schedules are also included in the contract.

Southwestern states that the base cost of fuel adjustment is set at 9 mills per kwh and provides for a 4.4% loss adjustment to the point of the sale.

Southwestern requests the Commission to waive the 30-day notice requirement and make the proposed new rate effective on September 16, 1976.

Any person desiring to be heard or to protest said filing shall file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice (18 CFR 1.8 or 1.10). All protests or petitions to intervene must be filed on or before October 29, 1976. All protests will be considered by the Commission 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 must file a petition to intervene in accordance with the Rules of Practice. This filing is on file with the Commission and available for public inspection.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28768 Filed 9-30-76;8:45 am]

[Docket Nos. CP75-372 and CP75-373]

**TENNESSEE GAS PIPELINE CO., A  
DIVISION OF TENNECO, INC.**

**Initiating Review of Initial Decision**

SEPTEMBER 24, 1976.

On August 16, 1976, Presiding Administrative Law Judge Wagner issued an initial decision in the above-designated matter. Briefs on exceptions to the initial decision were due to be filed on September 15, 1976. On September 16, 1976, Counsel for the Commission Staff filed a brief on exceptions.

Inasmuch as no exceptions to the initial decision were timely filed, absent this order the initial decision would become final on September 25, 1976, i.e., within ten days from the time for filing exceptions. Accordingly, pursuant to Section 1.30(d)(2) of the Commission's Rules of Practice and Procedure, the Commission herein initiates review of the initial decision of August 16, 1976, provides for the filing of briefs opposing exceptions on or before October 5, 1976, and further orders that said initial decision is stayed

pending a final decision by the Commission in this proceeding.

By direction of the Commission.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28771 Filed 9-30-76;8:45 am]

[Docket No. CP76-180]

**TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC. AND CONSOLIDATED GAS SUPPLY CORP.**

**Petition To Amend**

SEPTEMBER 24, 1976.

Take notice that on September 14, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Consolidated Gas Supply Corporation (Consolidated), 445 W. Main Street, Clarksburg, West Virginia 26301 (also referred to as Petitioners), filed in Docket No. CP76-180 a petition to amend the order of June 11, 1976, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioners request authorization for additional points of receipt of natural gas to be delivered by Tennessee to Consolidated and the additional transportation by Tennessee of volumes of gas for Consolidated, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is stated that by the order of June 11, 1976, Petitioners were authorized to transport and exchange natural gas under an agreement whereby it is provided for the delivery of up to 15,000 Mcf per day of Tennessee's share of production from the Ship Shoal Block 246 "B" (SS 246-B) platform into Consolidated's existing facilities and for the delivery to Tennessee into the existing 30-inch Eugene Island Block 349 to Ship Shoal Block 198 (SS 198) pipeline (Project 349) jointly owned by Tennessee, Texas Eastern Transmission Corporation, and Texas Gas Transmission Corporation, and Texas Gas Transmission Company of up to 20,000 Mcf per day of Consolidated's share of production from the Ship Shoal Block 271 "A" (SS 271-A) platform. The application indicates that the agreement provides that in the event monthly volumes received by Consolidated are in excess of the monthly volumes delivered to Tennessee, Consolidated would deliver to Tennessee, from existing sources of supply delivering gas into the BWP, additional volumes equal to such excess. Further, it is stated that monthly volumes received by Tennessee which are

<sup>1</sup> The application was tendered for filing September 14, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 15, 1976. Thus, filing was not completed until the latter date.

in excess of deliveries by Tennessee to Consolidated would be transported by Tennessee through Project 349 and redelivered to Consolidated, or for the account of Consolidated, into the BWP in SS 198 where Project 349 terminates.

It is indicated that the agreement provided for a point of receipt by Tennessee for gas delivered to it by Consolidated at the point of interconnection of Consolidated's SS 271-A lateral line and Tennessee's Project 349 facilities. Petitioners propose to amend the agreement to provide for points of receipt for gas received by Tennessee from Consolidated in addition to the aforementioned location, at (1) SS 198 and/or other existing points of delivery for the account of Consolidated on the BWP and (2) at Crowley, Acadia Parish, Louisiana (Crowley).

It is noted that in the amendment, Tennessee would transport for delivery onshore such daily volumes of gas as requested by Consolidated and as Tennessee in its sole judgement has sufficient capacity to so transport. The petition provides that gas which Consolidated causes to be delivered to Tennessee in the BWP at SS 198 would be transported by Tennessee, to the extent Tennessee should determine that it has available capacity, for delivery onshore at Crowley. Similarly, it is noted that should Tennessee determine that it has available capacity in its onshore transmission system, then gas which Consolidated causes to be delivered to Tennessee at Crowley would be transported by Tennessee for redelivery to Consolidated at mutually agreeable existing points of delivery to Consolidated located on Tennessee's system. It is stated that the amendment further provides that for transportation of such gas during any month Consolidated would pay to Tennessee a total transportation charge which would be the sum of (a) 4.0 cents times each Mcf transported via Project 349;<sup>2</sup> plus (b) Tennessee's then in effect BWP average transportation cost per Mcf/mile times each Mcf transported via the BWP times the mileage from the point in the BWP where gas is received, or caused to be received, for the account of Consolidated to Crowley (currently 6.0 cents per Mcf from SS 198;<sup>3</sup> plus (c) Tennessee's then in effect system average transportation cost per Mcf/mile (currently .038 cents<sup>4</sup>) times each Mcf transported by Tennessee to each delivery point located on Tennessee's system times the mileage from Crowley to each such delivery point. Such rates would be in effect until superseded by another legally effective rate applicable to the transportation service rendered by Tennessee, it is said.

<sup>2</sup> Such rate was previously authorized by the Commission in its June 11, 1976, order.

<sup>3</sup> Such rate was authorized by the Commission in its order issued April 20, 1976, in Docket No. CP76-222.

<sup>4</sup> As reflected in Tennessee's current rate filing in Docket No. RP76-137.



[Docket No. CP76-512]

**TRANSCONTINENTAL GAS PIPE LINE CORP.****Application**

SEPTEMBER 24, 1976.

The petition indicates that Consolidated has gas supplies available which are now connected to the BWP and also anticipates that new supplies of natural gas would be available to it in the vicinity of the BWP. Although it is shown that Consolidated presently has agreements with Columbia Gulf Transmission Company (Columbia) and Transcontinental Gas Pipe Line Corporation (Transco) providing for the transportation of Consolidated's South Louisiana gas supplies, it is expected that the volumes in this area which would become available to Consolidated in the future would exceed the capacity presently contracted to be provided by Columbia and Transco for such transportation service. It is stated that the service proposed herein would allow Consolidated to attach such volumes to its system without the duplication of gathering facilities. Further, the petition states that the proposed establishment of additional receipt points on the BWP, as well as the proposed additional transportation service to be rendered by Tennessee, would not require the construction of additional facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 19, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28769 Filed 9-30-76;8:45 am]

[Docket No. E-9565]

**TOWN OF MASSENA, NEW YORK AND CITY OF SHERRILL, NEW YORK V. NIAGARA MOHAWK POWER CORPORATION AND POWER AUTHORITY OF THE STATE OF NEW YORK**

**Clarification of Dates**

SEPTEMBER 17, 1976.

By notice dated August 31, 1976, the Commission set September 24, 1976 as the due date for protests and petitions to intervene in the above-designated docket. September 24, 1976 is also the due date for answers by the defendants.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-28783 Filed 9-30-76;8:45 am]

Take notice that on September 2, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-512 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the construction and operation of a tap and the transportation of natural gas for Cherokee Finishing Company, Division of Southern Powell Corporation (Cherokee), an industrial customer of United Cities Gas Company, North and South Carolina Division (United Cities), one of Applicant's resale customers, from a point mutually agreeable to Applicant and Cherokee on Applicant's main line in Jones County, Mississippi to existing delivery points to United Cities for Cherokee's account for transportation to Cherokee's Gafney, South Carolina plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct a tap and flange connecting the gathering facilities of Robert Mosbacher (Mosbacher) to Applicant's line in Jones County, Mississippi, for which Cherokee would reimburse Applicant for Cherokee's pro-rata share of the cost of the facilities, which cost is estimated to be \$7,800. Applicant further proposes to transport for two years on an interruptible basis up to 500 Mcf of gas per day purchased by Cherokee from Mosbacher. It is stated that Mosbacher has agreed to sell an average daily volume of 250 Mcf per day from production in the Calhoun Field, Jones County, Mississippi, and that Cherokee would purchase the gas for \$1.40 per Mcf at 15.025 psia until January 1, 1977, \$1.50 per Mcf until January 1, 1978, and \$1.60 per Mcf through the termination of the contract.

Applicant proposes to charge 22 cents per Mcf at 14.7 psia for transportation of gas. Applicant would retain for compressor fuel and line loss 3.8 percent of the gas received for transportation.

It is stated that natural gas is used at Cherokee Finishing Company's plant to direct fire drying and finishing equipment utilized in textile screen printing processes and that direct firing of gas is required to eliminate contract of heated surfaces to the dyed product.

The application asserts that since the volumes to be transported under this and any similar transportation arrangements with customers of the distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily

deliveries, shall not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis.

Applicant maintains that it did not consider the subject natural gas supply to be available for purchase by it and did not attempt to purchase said gas because, at the time this transaction was consummated, the Commission had given no indication that it would authorize a sale to interstate pipelines at the price level reflected herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28759 Filed 9-30-76;8:45 am]

[Docket No. CP74-177]

**WASHINGTON NATURAL GAS CO.****Petition To Amend**

SEPTEMBER 24, 1976.

Take notice that on September 3, 1976, Washington Natural Gas Company (Petitioner) as Project Operator, 815 Mercer Street, Seattle, Washington, 98111, filed in Docket No. CP74-177 a petition to amend the order of July 29, 1974, issuing



a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petitioner Petitioner requests authorization to continue for an additional year through calendar 1977 the testing program for a new zone in the Jackson Prairie Storage Project (Storage Project) located in Lewis County, Washington, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by order issued December 12, 1972, in Docket No. CP71-6 the Commission authorized Petitioner as Project Operator to construct and operate facilities to commence development of a new Zone 9 in the Storage Project, which project provides an underground natural gas storage facility to support the rendition by Northwest Pipeline Corporation (Northwest) of winter gas service under Northwest's Rate Schedule SGS-1 contained in its FPC Gas Tariff, Original Volume No. 1. It is further shown that by order issued July 29, 1974, in this proceeding, Petitioner was granted a three-year budget-type authorization for further developmental work and that the authority granted by the certificate expires December 31, 1976.

Petitioner requests that the Commission amend the certificate to allow the testing program to be continued through calendar 1977. The Petitioner requests no change in the authorized maximum capital expenditure of \$3,000,000, the maximum annual expenditure of \$1,000,000 or the total volume of gas of 2,000,000 Mcf to be injected into the proposed storage area.

It is asserted that the results to date have been positive. The petition states that a total of eight gas injection/withdrawal, observation, or water withdrawal wells have been drilled and one existing well was reworked for additional observation, and that a water pump test program was begun in early 1973 and has been continued throughout the developmental period. Further, the petition states that during the summer of 1975 a total of 198,000 Mcf was injected into the Zone 9 structure marked with an ethylene tracer and the pressure reflections resulting from this test gas were observed, and that during the summer of 1976 additional natural gas has been placed in the reservoir and it is anticipated that by the fall of this year an aggregate volume of 1,100,000 Mcf will be in the reservoir marked with the ethylene tracer.

Petitioner indicates that in 1974 the entire testing program was anticipated to be carried out over the three-year period authorized in the certificate, but allowing for the restabilization of reservoir pressures following this year's gas injection program, an additional developmental year would be required for completion of a storage cycle, including sustained gas withdrawals during the load period and the subsequent replacement of that gas. It is maintained the activities cannot be scheduled more than six to eight months in advance because

the results of one act determine the next set of actions to be taken, and each phase must be fully evaluated prior to beginning the next developmental task. Petitioner asserts that the original time schedule is simply not sufficient to allow full evaluation of the Zone 9 structure as a storage reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc.76-28764 Filed 9-30-76;8:45 am]

## FEDERAL RESERVE SYSTEM CITIZENS BAN-CORP.

### Formation of Bank Holding Company

Citizens Ban-Corporation, Rock Port, Missouri, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 95 percent or more of the voting shares of The Citizens Bank of Atchison County, Rock Port, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1976.

Board of Governors of the Federal Reserve System, September 24, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.76-28836 Filed 9-30-76;8:45 am]

[Reg. C; Docket No. R-0057]

## EXEMPTION APPLICATION UNDER THE HOME MORTGAGE DISCLOSURE ACT OF 1975

### California

The California Savings and Loan League, on behalf of its California-chartered members, has applied to the Board for an exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR 203). The League's ap-

plication was filed pursuant to section 306(b) of the Act (12 U.S.C. 2805(b)), and § 203.3(a) (3) and the Supplement to Regulation C (12 CFR 203.3(a) (3)) and is based upon the requirements of the California Administrative Code (Subchapter 20) and the implementing directives of the California Department of Savings and Loan. In its application, the League claims that the applicable State disclosure regulations contain requirements that are substantially similar to those imposed under the Federal Act and Regulation C and that there are adequate provisions for the enforcement of the State law.

If the Board grants an exemption in this case, the exemption would apply, as provided in Regulation C (12 CFR 203.3(a) (3) and Supplement (d)), to all California-chartered savings and loan associations that are subject to the regulations of the California Department of Savings and Loan. In addition, while the exemption application of the League is pending before the Board, all California-chartered savings and loan associations that are subject to those regulations need not comply with the September 30 reporting requirement of Regulation C (12 CFR 203.3(a) (2)).

Copies of the League's exemption application are available for public inspection and copying during regular business hours in Room B 1118 at the Board's Offices, Twentieth Street and Constitution Avenue, N.W., Washington, D.C., and at the Federal Reserve Bank of San Francisco, 420 Sansome Street, San Francisco, California.

To aid in the Board's consideration of this matter, interested persons are invited to submit relevant data, views, and arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than November 1, 1976. All submitted materials should include a reference to docket number R-0057. The comments that are received will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding the availability of information (12 CFR 261.6(a)).

By order of the Board of Governors,  
September 29, 1976.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.76-29083 Filed 9-30-76;8:45 am]

[Reg. C; Docket No. R-0058]

## EXEMPTION APPLICATIONS UNDER THE HOME MORTGAGE DISCLOSURE ACT OF 1975

### Illinois

The State of Illinois, through the Savings and Loan Commissioner, and the Illinois Savings and Loan League, on behalf of its Illinois-chartered members, have applied to the Board for an exemption from the disclosure requirements of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801-2809), as implemented by Regulation C (12 CFR 203).



The applications of the Commissioner and the League were filed pursuant to § 306(b) of the Act (12 U.S.C. 2805(b)), and § 203.3(a)(3) and the Supplement to Regulation C (12 CFR 203.3(a)(3)) and are based upon the requirements of the Illinois Financial Institutions Disclosure Act (95 Ill. Rev. Stat. sections 201-208) and the implementing directives of the Illinois Department of Financial Institutions. In their applications, the Commissioner and the League claim that the provisions of the Illinois Act and departmental directives contain requirements that are substantially similar to those imposed under the Federal Act and Regulation C and that there are adequate provisions for the enforcement of the State law.

If the Board grants an exemption in this case, the exemption would apply, as provided in Regulation C (12 CFR 203.3(a)(3) and Supplement (d)), to all Illinois-chartered depository institutions that are subject to the Illinois Act. In addition, while the exemption applications of the Commissioner and the League are pending before the Board, all Illinois-chartered depository institutions that are subject to the Illinois Act need not comply with the September 30 reporting requirement of Regulation C (12 CFR 203.3(a)(2)).

Copies of the Commissioner's and the League's exemption applications are available for public inspection and copying during regular business hours in Room B 1118 at the Board's Offices, Twentieth Street and Constitution Avenue, N.W., Washington, D.C., and at the Federal Reserve Bank of Chicago, 230 South LaSalle Street, Chicago, Illinois.

To aid in the Board's consideration of this matter, interested persons are invited to submit relevant data, views, and arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than November 1, 1976. All submitted materials should include a reference to docket number R-0058. The comments that are received will be made available for public inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding the availability of information (12 CFR 261.6(a)).

By order of the Board of Governors,  
September 29, 1976.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.76-29084 Filed 9-30-76;8:45 am]

**HAMPTON BANKSHARES CORP., ET AL.**  
**Order Approving Retention of Clayton Trust Company**

Hampton Bankshares Corporation, Clayton Bankshares Corporation, and Crestwood Bank Shares Corporation, all of St. Louis, Missouri, bank holding companies within the meaning of the Bank Holding Company Act, have each applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)

(2) of the Board's Regulation Y, to retain indirectly 32.8 percent<sup>1</sup> of the voting shares of Clayton Trust Company, Clayton, Missouri ("Company"), a company that engages in activities that may be carried on by a trust company including providing services of a trust, fiduciary, agency, or custodian nature. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(4)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 27133). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Each Applicant is a separate one-bank holding company and each controls a different bank; Applicants are affiliated with each other through common ownership. Their three subsidiary banks have aggregate deposits of approximately \$272.4 million.<sup>2</sup> Company, which commenced operations in 1973, was organized by the individual who serves as chief executive officer and is principal shareholder of each of Applicants. In 1974, the shares of Company were placed in a voting trust and voting trust certificates were issued to Applicants' three subsidiary banks. As a result, each Applicant controls approximately 32.8 per cent of the voting shares of Company.<sup>3</sup> Company had total trust assets of approximately \$12.5 million as of April 30, 1976.

<sup>1</sup> Applicants have applied to retain in the aggregate 98.32 percent of Company's outstanding voting shares.

<sup>2</sup> All banking data are as of December 31, 1975.

<sup>3</sup> Section 2(g)(2) of the Act provides in pertinent part that for purposes of the Act "shares held or controlled directly or indirectly by trustees for the benefit of \* \* \* a company \* \* \* shall be deemed to be controlled by such company." The shares of Company that are subject to the voting trust are held for the benefit of Applicants' subsidiary banks and thus are deemed to be controlled indirectly by Applicants.

It is the Board's judgment that Applicants, by acquiring control of Company without prior Board approval, violated the Act. It appears, however, from the facts of record that such violations resulted from a misunderstanding of the statutes applicable to nonbanking activities of bank holding companies and were inadvertent. Applicants mistakenly believed that control of shares of Company was permissible without Board approval under section 4(c)(5) and 4(c)(1)(C) of the Act. The Board has scrutinized the underlying facts surrounding the acquisition of shares of Company without prior Board approval. In particular, the Board notes that Company's activities are in every respect permissible under section 4(c)(8) of the Act and that Applicants took prompt action in bringing their activities into compliance with the Act of applying for Board approval upon being advised by the Federal Reserve Bank of Kansas City of the violations. Upon an examination of all the facts of record, the

Board believes that the facts are such that they do not warrant denial of the application to retain shares of Company.

In acting on applications submitted pursuant to section 4(c)(8) of the Act, the Board analyzes an application to retain a company engaged in section 4(c)(8) activities by the same standards that it analyzes an application to acquire a company engaged in such activities. In addition, the Board analyzes the competitive effects of a proposal both at the time of the acquisition and at the time of the application for retention. Applicants acquired their interests in Company from Company's organizer through the above-described voting trust arrangement. That transaction was essentially a reorganization in which control of voting shares of Company was transferred from an individual to companies, not then engaged directly or indirectly in providing trust services, but controlled by the same individual and the transaction does not appear to have had any significant adverse effects on competition at that time. At present, Company competes with several other companies offering similar services in the St. Louis market.<sup>4</sup>

The retention of Company by Applicants should provide benefits to the public by assuring a convenient and continued source of trust and related services. There is no evidence in the record indicating that retention of Company would lead to any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that, in accordance with the provisions of section 4(c)(8), retention of shares of Company by Applicants can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. 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.

By order of the Board of Governors,  
effective September 27, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.76-28837 Filed 9-30-76;8:45 am]

<sup>4</sup> The St. Louis market is approximated by the City and County of St. Louis, portions of St. Charles and Jefferson Counties, Missouri, and portions of Madison and St. Clair Counties in Illinois.

<sup>5</sup> Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee, and Lilly. Absent and not voting: Governor Coldwell.



## NATIONAL DETROIT CORP.

## Order Approving Acquisition of Bank

National Detroit Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares, less directors' qualifying shares, of National Bank of Port Huron, Port Huron, Michigan ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of The Commercial and Savings Bank of St. Clair County, St. Clair, Michigan ("Commercial Bank") and the Peoples Bank of Port Huron, Port Huron, Michigan ("Peoples Bank"), in light of the factors set forth in section 3(c) of the Act, (12 U.S.C. 1842(c)).

Applicant controls five banks in Michigan with aggregate deposits of \$4.9 billion, representing approximately 16.7 percent of the total commercial bank deposits in Michigan, and is the largest banking organization in the State.<sup>1</sup> Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in the State.

Applicant is seeking to make its initial entry into the Port Huron banking market (the relevant market),<sup>2</sup> and Bank will be located in the city of Port Huron. Applicant has no offices within the relevant market and the nearest office of any of Applicant's subsidiary banks to Bank's proposed location is 40 miles southwest of Bank in the Detroit banking market.

In its consideration of the subject application, the Board has also considered the comments submitted by the two Protestants. Generally speaking, Protestants contend that the proposal would have anticompetitive effects and would adversely affect the viability of existing banks in the market. The Board has analyzed the information submitted by each of the Protestants and, for the reasons set forth below, it is the Board's judgment that the issues raised by Protestants are not sufficient to warrant denial of the subject application.<sup>3</sup>

<sup>1</sup> Unless otherwise indicated, all banking data are as of December 31, 1975.

<sup>2</sup> The Port Huron market is approximated by St. Clair County, excluding a small western portion that includes the town of Capac. All market data are as of June 30, 1975.

<sup>3</sup> Protestant Peoples Bank, in its original submission, requested that the Board hold a hearing on the application. Under section 3(b) of the Act, the Board is required to hold a hearing only when the primary supervisor of the bank to be acquired recommends disapproval of the application (12 U.S.C. 1842(b)). In this case, the Comptroller of the Currency issued a preliminary charter

The first Protestant Commercial Bank, principally argues that consummation of the proposal would (1) increase market concentration, (2) hinder market deconcentration and (3) adversely affect Peoples Bank. Commercial Bank contends that the relevant market for analyzing the competitive effects of this proposal encompasses the six-county area of Wayne, Oakland, Macomb, Washtenaw, Livingston and St. Clair counties. It is the Board's opinion, however, that Protestant Commercial Bank's definition of the relevant market is too broad as it includes the Detroit banking market and portions of several other banking markets<sup>4</sup> and that the correct market for purposes of analyzing the competitive effects of this proposal is the Port Huron market as defined above (see footnote two). It is the Board's view that consummation of this proposal, would add an additional full service banking competitor to this highly concentrated market in which the three largest banking organizations hold approximately 86 per cent of the total commercial bank deposits and would increase the likelihood of eventual market deconcentration. Finally, the Board disagrees with Commercial Bank's assessment of the adverse effect that consummation of the proposal would have on Peoples Bank. The Board notes that Peoples Bank increased its deposits 13.6 per cent between year-end 1974 and 1975, that its return on assets for 1975 was far in excess of the State-wide average for like-sized banks, and that it was better capitalized during 1975 than the average like-sized banks in Michigan.

The second Protestant, Peoples Bank, contends that the Port Huron area has experienced significant economic deterioration since the hearings held by the Comptroller of the Currency in connection with chartering of Bank, and therefore, the Port Huron area could not now support an additional bank. The record shows that the population of St. Clair County increased 7.4 per cent from 1970-1975. At the same time, the banking organizations with their head offices in St. Clair County increased their deposits at almost twice the average rate for all banks in the State for the period June 1974 to December 1975. Similarly, the record does not support Peoples Bank's

approval on October 21, 1975 and has not subsequently recommended that the application be denied. Thus, there was no statutory requirement that a hearing be held. Protestant Peoples Bank submitted written material in support of its protest and by letter of May 27, 1976, withdrew its request for a formal hearing.

In conjunction with its consideration of a recent application by Michigan National Corporation, Bloomfield Hills, Michigan, to acquire Peoples Bank and Trust, N.A., Trenton, Michigan, (Board Order of August 24, 1976), the Board had occasion to consider the proper definition of the Detroit banking market and found that it was approximated by the counties of Macomb, Oakland and Wayne.

assessment of the effect this acquisition would have on the existing banks in the market. With the exception of a small branch of a bank whose main office is located outside of the relevant market, the banking organizations in the market are well established institutions, and as noted above, those banking organizations with their head offices in the St. Clair County have experienced significant deposit growth. As already noted, Peoples Bank itself has experienced above average growth of deposits and an above average return on its assets. On the basis of the above and other facts of record, the Board is of the view that the Port Huron banking market will continue to support the existing banks in the market and that Bank will not have a serious adverse effect upon those institutions.

Having considered the comments of the Protestants and all of the facts of record, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on future competition and that Applicant's acquisition of Bank can be reasonably expected to stimulate competition in this highly concentrated market by introducing an additional banking alternative without significantly adversely affecting any of the existing banks in the market. Therefore, for the reasons summarized above, the Board concludes that competitive considerations are consistent with, and lend some weight toward, approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. As a proposed new bank, Bank has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application.

Bank will serve as an additional full service banking alternative to the residents of Port Huron, increasing the number of banks in that city from two to three. Bank will offer all services normally considered to be full service banking including trust services, selected week-day evening hours, and Saturday hours. Accordingly, these considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) National Bank of Port Huron, Port Huron, Michigan, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the



Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
effective September 27, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.76-28838 Filed 9-30-76;8:45 am]

#### OLD CANAL BANKSHARES, INC.

##### Formation of Bank Holding Company

Old Canal Bankshares, Inc., Lockport, Illinois, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Heritage First National Bank of Lockport, Lockport, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 28, 1976.

Board of Governors of the Federal Reserve System, September 24, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.76-28839 Filed 9-30-76;8:45 am]

#### PHILADELPHIA NATIONAL CORP.

##### Order Approving Acquisitions of Liberal Finance Company and Liberal Consumer Discount Company

Philadelphia National Corporation, Philadelphia, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 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)), to purchase, through Signal Finance Corporation, Pittsburgh, Pennsylvania ("Signal"), a wholly-owned indirect subsidiary of Applicant engaged in the consumer finance business, all the outstanding shares of Liberal Finance Company and Liberal Consumer Discount Company ("Liberal Companies"), both of Edwardsville, Pennsylvania, both of which engage in the activities of making installment loans for personal, family or household purposes; purchasing sales finance contracts in connection with the sale of personal, family or household goods or services; selling credit life insurance, credit disability insurance and casualty insurance (that

will be reinsured by existing subsidiaries of Applicant) in connection with personal installment loans made and sales contracts purchased, and generally engaging in the business of a consumer finance company. Upon approval of these applications, the name of the Liberal Companies will be changed to "Signal Consumer Discount Company." All of the above activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 141). 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 section 4(c) (8) of the Act (12 U.S.C. 1843 (c) (8)).

Applicant, the third largest banking organization in Pennsylvania, controls The Philadelphia National Bank ("Bank") with total domestic deposits of \$2.4 billion.<sup>1</sup> Signal Financial Corporation, Pittsburgh, Pennsylvania ("Financial"), is a holding company and direct parent of Signal, the corporation through which Applicant will acquire the Liberal Companies, and is a wholly-owned subsidiary of Applicant.<sup>2</sup> Financial's subsidiaries are engaged in consumer lending and, to a lesser extent, the sale of credit related life, disability, and property insurance to its customers through 73 consumer loan offices in twelve states, two insurance companies, and a thrift and loan association in California.

The Liberal Companies with total assets of \$1.6 million together are engaged at a common location in Edwardsville, Pennsylvania, in the general consumer finance business including the extension of direct personal loans, the purchase of retail installment paper and the sale of credit-related insurance. Applicant's direct subsidiary, Financial, conducts through its subsidiaries including Signal, substantially the same activities as the Liberal Companies. Bank is also active in consumer lending and credit insurance sales. The Liberal Companies' only office is located in the Wilkes-Barre market;<sup>3</sup> within that market, 25 consumer finance companies operate 36 offices. In addition, 16 commercial banks operate 46 offices and there are at least 7 large credit unions active in consumer lending.

Financial operates offices in northeastern Pennsylvania, its office nearest to that of the Liberal Companies is 21 miles distant. However, they operate in sepa-

rate geographic markets and service area overlap is minimal. Bank does not maintain an office in the Wilkes-Barre market and has not originated or purchased a significant amount of consumer loans in the market. Accordingly, the proposal would not eliminate significant existing competition.

Applicant, through Financial, is a potential entrant into the Wilkes-Barre market. However, there are also numerous other entrants. Of the more than 200 consumer finance organizations in Pennsylvania alone, only 25 are currently represented in the Wilkes-Barre market. The Wilkes-Barre market is considered competitive with no significant barriers to entry known to exist. Hence, no adverse effects on potential competition in the Wilkes-Barre market are expected. The current owners of the Liberal Companies have committed themselves to the sale of their business and subsequent retirement. Since the Liberal Companies appear to be so small and nonaggressive, the probability of their branching is minimal. Hence, the Liberal Companies are not considered likely entrants to other markets and their disappearance is not likely to affect potential competition.

The proposed acquisition of the Liberal Companies through Signal is expected to yield public benefits. Applicant intends to market aggressively the larger and longer term loans permissible under the Pennsylvania Consumer Discount Act. Applicant also plans the introduction of reduced rate loans to select customers within a year. Upon consummation of this proposal, credit insurance rates at the Edwardsville office of Signal Consumer Discount Company would be reduced from the maximums permitted by Pennsylvania law.<sup>4</sup> Furthermore, it is expected that customers will be afforded greater expedience in insurance claims handling because Applicant owns the reinsurer of insurance that would be sold at that office. Moreover, there is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c) (8) of the Act, that consummation of the proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y

<sup>1</sup> All banking data are as of December 31, 1975, unless otherwise indicated.

<sup>2</sup> Applicant acquired Financial with Board authorization by Board Order of June 18, 1973 (38 FR 16679 (1973)). At that time, Financial was known as Signet Corporation.

<sup>3</sup> The Wilkes-Barre market encompasses the northern half of Luzerne County, the southern half of Wyoming County below the Susquehanna River, and the southern tip of Lackawanna County.

<sup>4</sup> Board Order of June 18, 1973, approving the acquisition of Financial by Applicant was conditioned on Financial's commitment to sell credit-related insurance at rates below those that would otherwise apply to such insurance sold by the underwriter. Premiums on credit life insurance will be reduced by 3.3 percent and premiums on credit disability insurance by 5 percent.

<sup>5</sup> Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee, and Lilly. Absent and not voting: Governor Coldwell.



(12 CFR § 225.4(c)) and to the authority of the Board to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board may find necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations or orders issued thereunder, or to prevent evasion thereof.

The transaction 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 Reserve Bank of Philadelphia, pursuant to authority hereby delegated.

By order of the Board of Governors,<sup>5</sup>  
effective September 24, 1976.

Griffith L. Garwood,  
Assistant Secretary of the Board.

[FR Doc.76-28840 Filed 9-30-76;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

### CHICORY ROOT—CRUDE AND PREPARED Order

#### PROCEDURAL BACKGROUND

On August 23, 1976, the presiding officer certified to the Commission a motion (M 27-17) filed on August 11, 1976, by respondent Rolimpex that the hearing on temporary relief set to begin on August 11, 1976, be adjourned. The presiding officer recommended that this motion be denied. On August 5, 1976, the Commission issued an order denying a similar motion to postpone filed by other parties in this investigation. Notice of that order was published in the FEDERAL REGISTER of August 11, 1976 (41 F.R. 33949). The temporary relief hearing was held August 11 through August 14, 1976.

#### ORDER

The motion of respondent Rolimpex that the hearing be adjourned is denied.

#### OPINION

This motion was certified to the Commission after the hearing at issue had been held. The Commission denied this motion for the same reason that it denied the earlier, similar motion in this matter referred to above, namely that requests for temporary relief should be acted upon expeditiously. Respondent Rolimpex, in our judgment, failed to show good cause why the hearing should have been adjourned.

By order of the Commission.

Issued: September 28, 1976.

Kenneth R. Mason,  
Secretary.

[FR Doc.76-28873 Filed 9-30-76;8:45 am]

<sup>5</sup> Voting for this action: Chairman Burns and Governors Wallich, Jackson, Partee, and Lilly. Present and abstaining: Governor Gardner. Absent and not voting: Governor Coldwell.

[TA-201-16]

## SUGAR

### Investigation and Hearing

*Investigation instituted.* Following receipt on September 17, 1976, of a resolution of the Committee on Finance of the Senate, the United States International Trade Commission, on September 21, 1976, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether sugar beets and sugar cane; sugars, sirups, and molasses, derived from sugar cane or sugar beets; and sugars, sirups, and molasses, described in subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States (TSUS), flavored; and sirups, flavored or unflavored, consisting of blends of any of the products described in aforementioned subpart A; all the foregoing provided for in items 155.10 through 155.31, inclusive, and item 155.75 of the TSUS, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

*Investigation to be expedited.* On September 22, 1976, the Commission received a letter from the President urging the Commission to promptly make such an investigation and requesting that the Commission expedite its investigation and submit its report as quickly as possible. The Commission will expedite its investigation and will submit its report as soon as possible.

*Public hearings ordered.* Public hearings in connection with the investigation will be held in Washington, D.C., beginning at 10 a.m., e.s.t., on November 4, 1976, in the Hearing Room of the United States International Trade Commission Building, 701 E Street NW.; in New Orleans, La., beginning on November 11, 1976, at a time and place to be announced; and in San Francisco, Calif., beginning on November 30, 1976, at a time and place to be announced. Requests for appearances at any of the hearings should be received in writing by the Secretary of the Commission at his office in Washington not later than noon of the sixth calendar day preceding the hearing.

By order of the Commission.

Issued: September 28, 1976.

Kenneth R. Mason,  
Secretary.

[FR Doc.76-28874 Filed 9-30-76;8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-85)]

### DRAFT ENVIRONMENTAL IMPACT STATEMENT

#### Availability

Notice is hereby given of the public availability of the draft Environmental

Impact Statement (EIS) for the Space Shuttle Solid Rocket Motor Design, Development, Test and Evaluation (DDT&E) Program at Thiokol/Wasatch Division, Promontory, Utah.

The subject draft Environmental Impact Statement addresses the Space Shuttle Solid Rocket Motor (SRM) Processing, Static Test Firing, and Delivery activities. These are the major activities of the Space Shuttle DDT&E Program at Thiokol/Wasatch Division. The other activities in the SRM DDT&E program which are considered environmentally insignificant include facilities activation support, flight test and ground operation support, logistics support and sustaining engineering for demonstrating operational capability.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by state and local agencies and members of the public. Such comments should be submitted to the Associate Deputy Administrator, National Aeronautics and Space Administration, Washington, DC 20546. All comments must be received by November 15, 1976, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23665.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory, Building 180, Room 600, 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.



Done at Washington, DC, this 24th day of September 1976.

By the direction of the Administrator,

DUWARD L. CROW,  
Associate Deputy Administrator,  
National Aeronautics and  
Space Administration.

[FR Doc.76-28815 Filed 9-30-76;8:45 am]

[Notice (76-84)]

# NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS

## Meeting

The NASA Research and Technology Advisory Council Panel on Aviation Safety and Operating Systems will meet on October 20-21, 1976, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Room 225 of the Administration Building N-1219. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 60 persons. All visitors must report to the Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council's Panel on Aviation Safety and Operating Systems serves in an advisory capacity only. There are 20 members. The following list sets forth the approved agenda and schedule for the October 20-21, 1976 meeting of the Panel. For further information, please contact the Executive Secretary, Mr. Kenneth E. Hodge, area code 202/755-2375.

OCTOBER 20, 1976

Time	Topic
12:30 p.m.	Registration of Members and Visitors
1:00 p.m.	Chairman's Opening Remarks and Report (Purpose: To report on the July 1976 meeting of the Research and Technology Advisory Council (RTAC) and relay the Council's response to this Panel's activity. The Chairman will also hear the critique of the NASA Aviation Safety and Operating Problems Conference held at Langley Research Center October 18-20, 1976.)
2:00 p.m.	Report of the Executive Secretary (Purpose: To advise the Panel of recent NASA organizational changes and report on action taken to date on past recommendations of the Panel.)
2:30 p.m.	Report on the NASA Aviation Meteorological Program (Purpose: To brief the Panel on Program Plans, including the meteorological workshop planned to define the atmospheric behavior and models required by the aircraft manufacturers.)

Time	Topic
3:00 p.m.	Status of Research in Lightning Effects on Aircraft (Purpose: To brief the Panel on the status of research into lightning effects on aircraft and recommendations for future R. & D. efforts.)
3:45 p.m.	Status Report on the Aerospace Safety Research and Data Institute (ASRDI) (Purpose: To provide the Panel a status report on the transfer of ASRDI from the Lewis Research Center to Headquarters.)
4:00 p.m.	Report of the NASA Aviation Safety Reporting System (ASRS) Advisory Committee. (Purpose: To provide a status report on the first months of operation, by the Chairman of the ASRS advisory committee.)

OCTOBER 21, 1976

8:00 a.m.	Status of the Supersonic Cruise Aircraft Research (SCAR) Noise Program (Purpose: To brief the Panel on the status of research in the area of SCAR noise reduction.)
8:30 a.m.	Report of the Ad Hoc Panel on Terminal Configured Vehicles (TVC) (Purpose: To report the results of the Ad Hoc Panel meeting held at Langley Research Center in July 1976.)
9:00 a.m.	Report on the NASA Global Atmospheric Sampling Program (GASP) (Purpose: To report the results of atmospheric constituents measurements and analysis made to serve as a basis to judge the realities of potential problems.)
9:30 a.m.	Status on the Application of Active Control Technology on New or Derivative Transport Aircraft (Purpose: To inform the Panel on the status of active control technology directed to achieve: better fuel efficiency through lower aircraft structural weight and reduced area horizontal-tail surfaces, and gust load suppression.)
10:30 a.m.	Status Reports from NASA Research Centers on Research of Interest to the Panel (Purpose: Research Centers Staff will augment their written presentations on various research projects related to aircraft safety and operating systems.)
1:00 p.m.	Member's Reports and Development of Panel Recommendations (Purpose: To report on non-NASA safety and operating systems research of interest to the Panel and formalize recommendations and resolutions to be reported to the Council.)

Time	Topic
4:00 p.m.	Adjournment.

WILLIAM W. SNAVELY,  
Assistant Administrator for  
DOD and Interagency Affairs,  
National Aeronautics  
and Space Administration.

SEPTEMBER 27, 1976.

[FR Doc.76-28730 Filed 9-30-76;8:45 am]

## NATIONAL COMMISSION FOR MANPOWER POLICY

### MEETINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold a formal meeting on October 22 and October 23, 1976. The meeting will be held in the Mount Vernon Room of the Sheraton Carlton Hotel located on the corner of 16th and K Streets NW., Washington, D.C. The meeting will commence at 9:00 a.m. and conclude at 6:30 p.m. on October 22, and will reconvene at 8:30 a.m. on October 23, concluding at 3:30 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (P.L. 92-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda for the Commission's meeting will cover a wide range of manpower issues and strategies involved in developing a national manpower policy framework, such as employment and anti-recessionary strategies, strengthening the training base, youth and jobs, income transfers to work, improving the delivery of manpower services, as well as other selected manpower issues in structuring an employment strategy.

Members of the general public or other interested individuals may attend Commission meetings. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before and seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to



make an oral statement must be submitted to the Director of the Commission three days before the meeting. The application shall identify the following: The applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commission's headquarters located at 1522 K Street NW., Room 300, Washington, D.C.

Signed at Washington, D.C., this 27th day of September 1976.

ROBERT T. HALL,  
Director, National Commission  
for Manpower Policy.

[FR Doc.76-28872 Filed 9-30-76;8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR PSYCHOBIOLOGY Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.  
Date and time: October 20 and 21, 1976;  
9:00 a.m.—5:00 p.m. each day.  
Place: National Science Foundation, 1800 G Street N.W., Washington, D.C., Room 321.  
Type of Meeting: Closed.

Contact Person: Dr. Fred Stollnitz, Program Director for Psychobiology, Room 320, National Science Foundation, Washington, D.C., Telephone: (202) 632-4264.

Purpose of Panel: To provide advice and recommendations concerning support for research in psychobiology.

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. 552(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 pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make

determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc.76-28842 Filed 9-30-76;8:45 am]

#### OFFICE OF THE FEDERAL REGISTER INFLATION IMPACT STATEMENTS Revision of Publication Guidelines

The Office of the Federal Register (OFR) announces revised guidelines for the publication in the FEDERAL REGISTER of documents that implement the Inflation Impact Program. This revision is in response to an Office of Management and Budget (OMB) memorandum of June 11, 1976.

Under Executive Order 11821 (39 FR 41501, November 29, 1974), every Federal agency that proposes a "major" rule or legislation must evaluate its potential inflation impact and prepare an Inflation Impact Statement (IIS).

Under the authority given by E.O. 11821, OMB issued Circular A-107 which contained initial guidelines for the development of criteria and procedures agencies were to follow. Each agency then developed its own criteria on cost impacts, effects on productivity, competition, supplies of important materials, employment and energy. These criteria are used to determine when a proposed rule, regulation, or legislation is major and, thus, requires further analysis and preparation of an IIS.

At the request of OMB, the OFR issued guidelines on June 23, 1975 (40 FR 26312) and October 20, 1975 (40 FR 48979). Under those guidelines, an agency certifies in its FEDERAL REGISTER document that it has evaluated the inflation impact only for "major" proposals.

The OMB memorandum of June 11, 1976, adds to the requirements in Circular A-107 by requiring an agency to state in the FEDERAL REGISTER that minor rules (that is, those whose impacts do not exceed the agency's IIS criteria) have been reviewed and do not require an IIS.

The OFR and OMB have determined that each Federal agency shall use the following language for proposed and final rules which the agency determines to be minor:

The (insert agency name) has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

The OFR and OMB have determined that each Federal agency shall use the following language for proposed and final rules which the agency determines to be major:

The (insert agency name) has determined that this document contains a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Inflation Impact Statement has been prepared.

To facilitate the finding of the required language within a document, the language shall be placed immediately above the signature of the authorizing official. Sample excerpts of typed documents which show the proper placement of the required language follow:

#### ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 418]

##### EFFLUENT GUIDELINES

###### Fertilizer Manufacturing

The purpose of this document \* \* \* Authority \* \* \*

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

RUSSELL TRAIN,  
Administrator.

[40 CFR Part 418]

##### EFFLUENT GUIDELINES

###### Fertilizer Manufacturing

The purpose of this document \* \* \* Authority \* \* \*

The Environmental Protection Agency has determined that this document contains a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Inflation Impact Statement has been prepared.

RUSSELL TRAIN,  
Administrator.

Persons with comments or questions concerning this notice may direct them to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

Dated: September 28, 1976.

FRED J. EMERY,  
Director of the Federal Register.

[FR Doc.76-28807 Filed 9-30-76;8:45 am]

#### COMMISSION ON CIVIL RIGHTS CALIFORNIA ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the California Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 6:00 p.m. on October 21, 1976, and will reconvene at 9:00 a.m. and end at 6:00 p.m. on October 22, 1976, at the Ambassador Hotel, 3400 Wilshire Boulevard, Los Angeles, California 90005.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North



Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this factfinding meeting is to collect information on equal employment opportunities for minorities and women in the motion picture and television industry.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 28, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-28739 Filed 9-30-76;8:45 am]

## CALIFORNIA ADVISORY COMMITTEE

### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning and briefing session of the California Advisory Committee (SAC) to this Commission will convene at 7:00 pm. and end at 10:00 pm. on October 20, 1976, at the Ambassador Hotel, 3400 Wilshire Boulevard, Los Angeles, California 90005.

Persons wishing to attend this open meeting and briefing session should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Rm. 1015, Los Angeles, California 90012.

The purpose of this meeting is review of agenda witnesses and hearing book for the two-day open meeting on equal employment opportunities for minorities and women in the motion picture and television industry.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 24, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-28740 Filed 9-30-76;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Reports

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 Sept. 23, 1976 (44 USC 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

#### NEW FORMS

##### NATIONAL SCIENCE FOUNDATION

Pre-College Science Education Needs Assessment, single-time, principals, teachers, superintendents, science supervisors, Kathy Wallman, 395-6140.

##### DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration, information storage and retrieval recreation developments, on occasion, recreation developments or parks, Warren Topelius, 395-5872.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research:  
Rehabilitation audit instrument, single-time homestead properties in HUD program, housing, veterans and labor division, C. Louis Kincannon, 395-3532.  
Administrative Agency and Institutional Participant Survey, semi-annually, urban homestead agencies, financial institutions, housing, veterans and labor division, C. Louis Kincannon, 395-3532.

##### DEPARTMENT OF TRANSPORTATION

Coast Guard, U.S. Coast Guard Port Security Card Questionnaire, on occasion, civilian workers requiring access to vessels, Warren Topelius, 395-5872.

#### REVISIONS

##### DEPARTMENT OF AGRICULTURE

Food and Nutrition Service Regulations—cash in lieu of commodities (school feeding program), on occasion, state agencies, Warren Topelius, 395-5872.  
Forest Service, application for summer employment—Forest Service, 6100-23, annually, individuals desiring seasonal employment with the Forest Service, Warren Topelius, 395-5872.

##### DEPARTMENT OF COMMERCE

Bureau of Census, annual survey of manufacturers, MA 100, MA 100S, annually, sample of manufacturing establishments, Cynthia Wiggins, 395-5631.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, LRPH tenant data survey, single-time, public housing agencies, housing, veterans and labor division, Sunderhauf, M.B., 395-3532.

#### EXTENSIONS

##### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Dance Company Information Questionnaire, NEA-D-1, annually, professional dance companies, Warren Topelius, 395-5872.

##### DEPARTMENT OF COMMERCE

Bureau of Census:  
Atomic Energy Products and Services, MA-38Q, annually, manufacturers, Hulett, D. T., 395-4730.  
Steel Mill Products (commodity survey)—Annual Report for 1971, MA-33B, annually, manufacturers, Cynthia Wiggins, 395-5631.

#### DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:  
Reinsurance transactions with insurance companies resident abroad, BE-48, annually, insurance companies, Hulett, D. T., 395-4730.

Foreign contract operations of U.S. construction, engineering, consulting, and other technical service firms, BE-47, annually, technical service firms, Hulett, D. T., 395-4730.

Institutional remittances to foreign countries, BE-40, quarterly, non-profit institutions, Hulett, D. T., 395-4730.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, housing assistance supply experiment survey of tenants and homeowners, wave 2, single-time, households in 2 SMSA's, housing, veterans and labor division, Sunderhauf, M. B., 395-3532.

Administration (Office of Assistant Secretary) mortgagees certification and application for interest reduction, etc., FHA 3111, on occasion, mortgagees, housing, veterans and labor division, 395-3532.

PHILLIP D. LARSEN,

Budget and Management Officer.

[FR Doc.76-28944 Filed 9-30-76;8:45 am]

## OFFICE OF TELECOMMUNICATIONS POLICY

### ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

#### Report on Closed Meeting

Notice is hereby given that the report on the May 1975 closed meeting of the Electromagnetic Radiation Management Advisory Council is available for inspection and copying at the Library of Congress, Exchange and Gift Division, Federal Documents Section, Washington, D.C. 20540 and in the Publications Room, Office of Telecommunications Policy, 1800 G Street, NW., Washington, D.C. 20504. This report is made available pursuant to Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463 (1972).

This Office is aware that the report is overdue and regrets the delay.

Dated: September 27, 1976.

L. DANIEL O'NEILL,  
Advisory Committee  
Management Officer.

[FR Doc.76-28743 Filed 9-30-76;8:45 am]

## PRIVACY PROTECTION STUDY COMMISSION MEETING

The Privacy Protection Study Commission will hold closed meetings for the purpose of internal deliberations and discussion with staff on Wednesday, October 20, 1976, Thursday, October 21, 1976 and Friday, October 22, 1976 from 9:00 a.m. to 5:30 p.m. in Room 3105, 26 Federal Plaza, New York, New York 10007.

The Commission will discuss the progress of projects being undertaken by the staff of the Commission. Topics of discussion may include the following Com-



mission projects: Credit Cards, Credit Reporting, Insurance, Depository and Lending Institutions, Medical Records, Research and Statistical Information and Social Services and Public Assistance.

It has been determined in writing by the Director of the Office of Management and Budget, James T. Lynn, that these meetings may be closed under Section 10(d) of the Federal Advisory Committee Act and under exemption 5 of the Freedom of Information Act, 5 U.S.C. 552(b)(5).

For further information contact John Barker, Public Affairs Director, at (202) 634-1477.

CAROLE W. PARSONS,  
Executive Director,  
Protection Study Commission.

[FR Doc. 76-28816 Filed 9-30-76; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12819; File No. SR-Amex-76-21]

### AMERICAN STOCK EXCHANGE, INC.

#### Self-Regulatory Organizations; Rule Change

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 September 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

#### EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The American Stock Exchange, Inc. (Amex) pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the Act) hereby proposes to amend Rules 915 and 916 relating to the approval and withdrawal of approval of underlying stocks in respect of which option contracts are approved for listing and trading on the Exchange.

The Board of Governors of the Amex approved the amendment to Rules 915 and 916 on September 9, 1976.

#### EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

Rule 915 and the policies adopted by the Board of Governors thereunder set forth guidelines to be considered by the Exchange in evaluating potential underlying stocks for Exchange option transactions. These standards relate to such matters as the number of shares outstanding and held by persons other than affiliates of the issuer, number of shareholders, trading volume of the underlying stock, market price of the underlying stock, compliance by the issuer with SEC reporting requirements, past earnings history of the issuer and the absence of defaults by such issuer in meeting certain of its obligations. The Amex now proposes to amend certain of these criteria in order, basically, to strengthen them.

Presently, an issuer and its consolidated subsidiaries must report net profit (after taxes but before extraordinary items net of tax effect) of at least \$250,000 for each of its last three fiscal years and trading volume (on the principal securities exchange on which the stock is listed) of 1,000,000 shares per year in each of the two previous calendar years. Under the proposed changes, an issuer would need to show a net profit of at least \$1,000,000 in each of three of the last four fiscal years with a profit of at least \$1,000,000 for the fiscal year immediately prior to selection, and trading volume (in all markets) of 2,000,000 shares in each of the last two calendar years. Also, under existing guidelines the market price per share of an underlying stock must be \$10 at the time of selection. This requirement would be strengthened so that an underlying stock would have to close not lower than \$10 each business day during the six calendar months preceding the date of selection.

The amendments would delete the requirement that the underlying stock have a minimum of 10,000,000 outstanding shares. The Amex believes that a guideline regarding outstanding stock is superfluous in view of the Exchange's continuing requirement that an underlying stock have a public float of at least 8,000,000 shares. In addition, the Exchange's guideline concerning the absence of defaults by an issuer would be revised so that an issuer would not fail to meet the guideline solely on account of a default by an insignificant subsidiary.

The result of these proposed amendments to the Exchange's selection criteria will be to limit the trading of options to those underlying stocks which have extensive public ownership and amounts of corporate information disseminated to the public and a substantial degree of financial stability.

The Amex, as previously noted, is proposing to strengthen substantially its guidelines for the selection of underlying stocks. At the same time, the Exchange believes that underlying stocks which fall slightly below certain of these high initial approval guidelines that do not adversely affect the continuity, depth and liquidity of the Exchange's option market and the interest of public investors should continue to be listed. Accordingly, the Amex is proposing to amend Rule 916 to incorporate criteria to be used by the Exchange in determining whether to continue an underlying stock's approval for Exchange option transactions.

Thus, ordinarily the Exchange's withdrawal of approval procedures will be initiated, in accordance with the terms of proposed Rule 916, whenever an underlying stock's public float declines below 7,200,000; the number of holders of the underlying stock falls below 9,000; trading volume in the underlying stock is less than 1,800,000 shares in the preceding calendar year and 1,000,000 shares during the preceding six calendar months; the underlying stock closes below \$10 on a majority of the business days during the preceding twelve

calendar months; the issuer fails to correct its non-compliance with SEC reporting requirements within 30 days; the issuer and its significant subsidiaries fail to cure a default in certain of their obligations within six months of its occurrence; or the issuer and its consolidated subsidiaries report net profit (after taxes but before extraordinary items net of tax effect) of less than \$250,000 in more than one of the preceding four fiscal years.

In adopting these numerical maintenance criteria, the Amex is cognizant of the need to retain a measure of flexibility in their application, to avoid the circumstance where invoking or continuing the Exchange's withdrawal of approval procedures may not be consistent with the maintenance of a fair and orderly market or may not serve to protect investors. Accordingly, where exceptional circumstances have caused an underlying stock not to be in compliance with the above requirements regarding number of publicly held shares, number of shareholders, trading volume or market price, the Exchange may determine not to initiate its withdrawal of approval procedures if, but only if, the Exchange deems it in the best interest of maintaining a fair and orderly market or for the protection of investors, not or for the protection of investors. Also, if such withdrawal or approval procedures have been initiated and shortly thereafter the underlying stock again fully complies with all maintenance criteria the Exchange, under the proposed revision to Rule 916, will have the necessary flexibility to stop its withdrawal of approval procedures.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires that the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that it is consistent with this section of the Act to set forth specific, objective criteria to be considered in connection with the selection of underlying stocks for Exchange options transactions and the continuance of such approval.

The amendments to Rules 915 and 916 were considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No additional comments were solicited or received.

The Exchange does not believe any burden on competition will be imposed by these proposed rule changes.

On or before November 8, 1976, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desir-



ing to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 1, 1976.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: September 21, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-28885 Filed 9-30-76;8:45 am]

[70-5904]

#### ARKANSAS POWER & LIGHT CO.

#### Proposed Issuance and Sale of Notes to Banks and/or a Dealer in Commercial Paper and Exception From Competitive Bidding

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), First National Building, Little Rock, Arkansas 72203, a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), 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 of the Act and Rule 50(a) (5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated April 7, 1975 (HCAR No. 18912), the Commission authorized Arkansas to issue and sell, from time to time through December 31, 1976, up to \$95,000,000 aggregate principal amount outstanding at any one time of unsecured short-term promissory notes to a group of banks and/or a commercial paper dealer.

Arkansas now proposes to revise the foregoing program and to issue and sell, from time to time through September 30, 1978, unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper in an aggregate principal amount outstanding at any one time not to exceed \$110,000,000.

The notes proposed to be issued and sold to commercial banks will be in the form of unsecured promissory notes payable not more than nine months from the date of issuance with right of renewal, will bear interest at the prime commercial bank rate in effect at the lending bank on the date of issuance or from time to time depending upon the require-

ments of the lending bank, and will, at the option of Arkansas, be prepayable, in whole or in part, at any time without premium or penalty. While no formal commitments for future borrowings have been made with any bank, it is expected that the banks to whom such notes will be issued and sold and the maximum amount to be issued and outstanding at any one time to each such bank will be substantially as follows:

	Maximum amount to be borrowed
First National Bank of Eastern Ark., Forrest City, Ark.-----	\$300,000
Arkansas Bank & Trust Co., Hot Springs, Ark.-----	800,000
First National Bank of Hot Springs, Ark.-----	500,000
The Commercial National Bank, Little Rock, Ark.-----	1,000,000
First National Bank in Little Rock, Ark.-----	4,000,000
Union National Bank, Little Rock, Ark.-----	1,500,000
Worthen Bank & Trust Co., Little Rock, Ark.-----	3,000,000
Irving Trust Co., New York, N.Y.-----	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.-----	45,000,000
Morgan Guaranty Trust Co. of New York, N.Y.-----	8,000,000
National Bank of Commerce, Pine Bluff, Ark.-----	1,500,000
Simmons First National Bank, Pine Bluff, Ark.-----	14,000,000
Peoples Bank & Trust Co., Russellville, Ark.-----	300,000
Chemical Bank, New York, N.Y.-----	2,500,000
Marine Midland Trust Co., New York, N.Y.-----	2,500,000
Total -----	89,900,000

Except as indicated above, Arkansas will not effect borrowings from banks pursuant to this declaration until it shall have filed an amendment setting forth the name or names of the banks from which such other borrowings are to be effected and the amounts thereof and such other borrowings shall have been authorized by order of this Commission.

Arkansas maintains daily operating balances with the above Arkansas banks. If balances were to be maintained solely for the purpose of satisfying a compensating balance requirement at a rate of 15% and assuming a 7% prime rate, the effective interest cost would be 8.24%. The above non-Arkansas banks may require compensating balances of 10% of the amount of the commitment for loans plus 10% of the average annual amount of the loans outstanding from those banks. Assuming a 7% prime rate and a 20% compensating balance, the effective interest cost on loans from the non-Arkansas banks would be 8.75%.

The proposed commercial paper will be in the form of unsecured promissory notes with varying maturities not to exceed 270 days, the actual maturities to be determined by market conditions, effective cost of money to the company, and Arkansas' anticipated cash requirements at the time of issuance. In accordance with the established custom and practices in the market, the proposed commercial paper will not be payable prior to maturity. Arkansas proposes to

issue, reissue, and sell commercial paper in denominations of not less than \$100,000 directly to Salomon Brothers, a dealer in commercial paper, at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity sold by public-utility issuers to commercial paper dealers. No commission or fee will be payable by Arkansas in connection with the issuance and sale of the commercial paper. The dealer, as principal, will reoffer and sell the commercial paper at a discount rate of  $\frac{1}{8}$  of 1% per annum less than the prevailing discount rate to Arkansas in such a manner as not to constitute a public offering. The dealer in reoffering the commercial paper will limit the reoffer and sale to a non-public customer list of not more than 200 buyers of commercial paper. Such list will be furnished to the Commission, and no change will be made therein without advising the Commission of such change. It is anticipated that the commercial paper will be held by the buyers to maturity; however, the dealer may, if desired by a buyer, repurchase the commercial paper for resale to others on the list of customers.

Arkansas asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Arkansas are published daily in financial publications, and it is not practical to invite bids for commercial paper. Arkansas further requests that it be granted authority to file on a quarterly basis its certificates under Rule 24 with respect to the issuance and sale, from time to time, of the proposed bank notes and commercial paper.

As of July 31, 1976, Arkansas' construction program is expected to result in expenditures of approximately \$205,300,000 in 1977 and \$156,200,000 in 1978. The net proceeds to be received by Arkansas from the issuance and sale of the proposed bank notes and commercial paper, together with other funds available from time to time from operations or derived from the issuance and sale of long-term debt and/or equity securities, will be applied to the company's construction program. As such notes mature, they will be renewed (but to mature not later than June 30, 1979) or repaid out of funds then available to Arkansas from its operations or derived from the issuance and sale of similar securities or long-term debt and/or equity securities.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed \$5,000 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 21, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for



[70-5906]

**LOUISIANA POWER & LIGHT CO.****Proposal To Operate and Subsequently Acquire Municipal Electric Facilities**

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 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 declaration, as filed or as it may be amended, may be 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 its 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.76-28881 Filed 9-30-76; 8:45 am]

[70-5388]

**EASTERN UTILITIES ASSOCIATES ET AL.****Supplemental Notice Correcting Error**

In the Matter of EASTERN UTILITIES ASSOCIATES, P.O. Box 2333, Boston, Massachusetts 02107; BLACKSTONE VALLEY ELECTRIC CO., P.O. Box 1111, Lincoln, Rhode Island 02865; BROCKTON EDISON CO., 36 Main Street, Brockton, Massachusetts 02403; FALL RIVER ELECTRIC LIGHT CO., 85 North Main Street, Fall River, Massachusetts 02722; and MONTAUP ELECTRIC CO., P.O. Box 391, Fall River, Massachusetts 02722.

On September 5, 1976 (HCAR No. 19682) a notice was issued in this proceeding relating in part to a proposed sale of Montaup Electric Company ("Montaup") securities by Blackstone Valley Electric Company ("Blackstone") to Brockton Edison Company ("Brockton"). As part of the consideration to be paid for the securities, it should have been stated that Brockton will pay Blackstone's cost for those securities (\$23,100,000) plus Blackstone's equity in the unappropriated retained earnings of Montaup and Montaup's equity in the undistributed unappropriated earnings of certain electric generating companies in which Montaup owns stock.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-28882 Filed 9-30-76; 8:45 am]

Louisiana is engaged in the business of generating, transmitting, distributing, and selling electric power and energy. It operates in 46 of the 64 parishes (counties) in the State of Louisiana, including the Parish of Lafourche. Its operating revenues for the twelve months ended June 30, 1976, aggregated \$302,336,000.

The City of Thibodaux ("City") is a municipal corporation of the State of Louisiana, located in the Parish of Lafourche, in the southeasterly part of the state. Its estimated population is approximately 15,000 people. The City owns, operates, and maintains a system for the generation, distribution, and sale of electric power and energy to customers within the corporate limits of the City, as well as to some customers outside of such corporate limits ("Electric System"). As of December 31, 1975, the City had 5,333 electric customers. As of December 31, 1975, the Electric System had a depreciated book value of \$13,646,507 against an original cost of \$19,010,146. For the year ended December 31, 1975, the Electric System had operating revenues of \$3,857,774, operating expenses (including depreciation) of \$3,805,650, or a net income of \$52,124. The Electric System immediately adjoins the electric system and facilities of Louisiana. The City presently has outstanding bonds in the aggregate principal amount of \$13,985,000 which are payable from the income and revenues of its waterworks and electric systems and plants ("Bonds"), consisting of the principal amounts presently outstanding of nine different series, maturing on August first of the years 1977 through 2002, and bearing interest at rates from 3½% to 6% per annum. Louisiana states that it is its understanding that, at least in part for financial reasons, the City has been encountering increasing difficulty in the operation and maintenance of the Electric System.

Pursuant to an invitation of the City and on the basis of subsequent negotiations, Louisiana, under date of June 1, 1976, submitted to the City a proposition and offer ("Offer"), which provides for the operation and possible ultimate ownership by the company of the Electric System as set forth in an Operating Agreement. A special election was called

by the City, held on August 14, 1976, and resulted in a vote by the electorate in favor of the acceptance of the Offer.

Under the terms of the Operating Agreement, Louisiana, among other things, will be obligated, at its own expense, to operate and maintain the entirety of the Electric System exclusive of the generating facilities ("Distribution System"), providing for the entirety of the electric power supply requirements of the Distribution System and its customers. The company may (but will not be obligated to) operate and/or maintain the Electric System's generating facilities or any part thereof. Louisiana will make payments to a designated fiscal agent of amounts necessary to pay the principal of and interest on the Bonds as such principal and interest become due. Within 10 days after Louisiana commences to operate the Electric System, the company must pay the City the sum of \$625,000. Through August 1, 2002, the company is also obligated to pay the City 2% of the revenues from residential and commercial customers within the corporate limits of the City. (This is standard in all municipalities wherein the company is franchised.)

The Operating Agreement will further provide that at such time as no Bonds or refunding bonds are outstanding (pre-refunded Bonds and/or pre-refunded refunding bonds being considered as no longer outstanding), Louisiana will have the right and option, for the considerations resulting from the terms of the Operating Agreement (or the terms of any lease-purchase agreement in connection with any refunding bonds), to acquire from the City the entirety of the Electric System.

In order to integrate the service to the City into Louisiana's operations, it will be necessary to convert approximately 1 mile of 13.8 KV feeder line to 34.5 KV and construct approximately .5 miles of 34.5 KV feeder line, tying the company's 34.5 KV system on the northerly side of the City to the City's existing 34.5 KV system. The cost of such work is estimated at \$42,400.

The application states that the proposed transaction will relieve the City of financial burdens and will provide the City with a reliable and adequate supply of electricity with consequent improvement in electric service and that such improved electric service will be provided at substantially lower rates. It is further stated that Louisiana's service to the City is expected to be operated on an increasingly profitable basis and that the ultimate acquisition by the company of the Electric System on a desirable basis is provided for and appears likely.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction except that the Louisiana Public Service Commission ("LPSC") has asserted jurisdiction with respect to certain transactions, which assertion of jurisdiction is applicable to the transaction proposed herein, to the extent of requiring prior disclosure of the



intendment and plan with regard thereto and "official action" of non-opposition (or approval) by the LPSC before the proposed action may be taken. Fees and expenses to be incurred in connection with the proposal are estimated at \$14,500, including legal fees of \$12,500.

Notice is further given that any interested person may, not later than October 21, 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 applicant 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 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 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. 76-28883 Filed 9-30-76; 8:45 am]

[Release No. 34-12809; File No.  
SR-MSE-76-17]

#### MIDWEST STOCK EXCHANGE, INC.

##### Self-Regulatory Organizations; Rule Change

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 September 13, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

##### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE DELETIONS BRACKETED—ADDITIONS ITALICIZED

##### Article XVII of the Midwest Stock Exchange Rules

##### Rule 22: Responsibility for Acts of Others

It is the responsibility of members and general partners and officers of member organizations to effect consistent compliance by their respective organizations with the Constitution and Rules of the

Exchange in areas where they have or should have direct or supervisory responsibility. Members and general partners and officers of member organizations are liable to the same discipline and penalties for acts or omissions of their member organizations relating to these areas of responsibility as though such act or omission were their own personal act or omission.

##### EXCHANGE STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to impute personal responsibility for members, general partners, or officers for acts of member organizations over which they had or should have had supervision.

The proposed rule change improves the Exchange's capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the Act, the rules and regulations thereunder.

Comments were neither solicited nor received.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

On or before November 8, 1976, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 25, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 16, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-28886 Filed 9-30-76; 8:45 am]

[Release 34-12830; File No. SR-NASD-76-8]

#### NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

##### Self-Regulatory Organizations; Rule Change

Pursuant to Section 10(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 on September 20, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

##### NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

##### TEXT OF PROPOSED RULE CHANGES

The following is the full text of proposed new rule Section 33 of Article III of the Rules of Fair Practice:

##### ARTICLE III, SECTION 33

(a) A member or a person associated with a member shall not effect any transaction in an option contract, including an option displayed on the NASDAQ System, except in accordance with the provisions of rules, regulations and procedures adopted by the Board of Governors pursuant to the authorization granted in subsection (b) hereof.

(b) The Board of Governors is authorized, for the purpose of preventing fraudulent and manipulative acts and practices, promoting just and equitable principles of trade, providing safeguards against unreasonable profits or unreasonable rates of commission or other charges, and for the protection of investors and the public interest, to adopt rules, regulations and procedures for transactions in options relating to:

(1) transactions in option contracts, including options displayed on the NASDAQ System by members for their own account or the accounts of public customers;

(2) the comparison—clearance and settlement of transactions in options;

(3) the reporting of transactions in options;

(4) the qualifications and standards for registered market makers in options;

(5) the standards for authorization of underlying securities eligible to be subject to options displayed on the NASDAQ System;

(6) the endorsement and guarantee of performance of options; and

(7) such other areas of options activity and trading as may be required to achieve the above-stated purposes.

(c) The rules, regulations and procedures authorized by subsection (b) hereof shall be incorporated into Appendix E to be attached to and made a part of these Rules of Fair Practice. The Board of Governors shall have the power to adopt, alter, amend, supplement or modify the provisions of Appendix E from time to time without recourse to the membership for approval, as would otherwise be required by Article VII of the By-Laws, and Appendix E shall become effective as the Board of Governors may prescribe unless disapproved by the Securities and Exchange Commission.

(d) For the purposes of this section, the term "option" shall mean any put, call, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so, but shall not include any tender offer, registered warrant, right, convertible security or any other option in respect to which the writer



is the issuer of the security which may be purchased or sold upon the exercise of the option.

#### NASD'S STATEMENT OF PURPOSE OF PROPOSED RULES

The purpose of proposed Section 33 is to provide the necessary regulatory framework for the display of quotations in standardized options on the NASDAQ System and members trading in connection thereto. The Association's plan would permit the display of quotations in standardized options on the NASDAQ System. These options will be issued, or subject to issuance, by the Options Clearing Corporation (the "Clearing Corporation"). Accordingly, the options to be displayed on the NASDAQ System, to which quotations may be entered by registered NASDAQ options market makers, will be limited to options authorized by the Association in underlying securities selected in accordance with the Securities and Exchange Commission's S-7 criteria and guidelines of the Association and the Clearing Corporation.

The terms of the options to be listed on the NASDAQ System will be standardized as to exercise price and expiration date in accordance with the rules of the Association and the by-laws and rules of the Clearing Corporation. Comparison of trade information will be accomplished by a processor under contract to the Association. Matched trades will be forwarded on a daily basis to the Clearing Corporation for clearance and settlement in accordance with its by-laws and rules.

The proposed rules would provide the following:

Section 33 would be a new rule of fair practice of the Association. Subsection (a) of the rule would prohibit a member or a person associated with a member from effecting transactions in options if such were inconsistent with the rules, regulations and procedures adopted by the Board of Governors pursuant to authority granted to it by subsection (b) of the rule.

Subsection (b) would delegate to the Board authority to adopt such rules, regulations and procedures for the governance of options trading as may, from time to time, be deemed by the Board to be necessary for the protection of investors and in the public interest. The areas in which the Board would be authorized to promulgate rules are set forth in subsection (b). The authority thereby granted to the Board would enable it to develop a regulatory program consistent with existing standardized options trading plans and SEC requirements. Further, it would authorize the Board to adopt rules concerning traditional over-the-counter options and rules in respect to non-exchange NASD member firms doing business in exchange listed options on an "access basis."

Subsection (c) would provide for the adoption by the Board of an Appendix E to the Rules of Fair Practice. Appendix E would contain the rules, regulations

and procedures authorized by subsection (b). Further, subsection (c) would authorize the Board to adopt and amend the provisions of Appendix E without recourse to the membership for approval.

Subsection (d) would define the term "option" for purposes of subsections (a), (b) and (c) of Section 33. The definition would encompass conventional or traditional over-the-counter options, as well as options issued by or subject to issuance by the Options Clearing Corporation.

The purpose and explanations of the specialized rules and regulations authorized above are set forth in Exhibit 1.

#### BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Sections 15A(b)(2) of the Securities Exchange Act of 1934 provide that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that its rules provide it with the capacity to carry out the purposes of the Act, to enforce compliance with the Act by its members and persons associated with its members, and the rules and regulations thereunder, and to protect investors and the public interest. The provisions of Article III, Section 33 would prohibit a member or a person associated with a member from effecting transactions in options if such were inconsistent with the rules, regulations and procedures adopted by the Board of Governors. Further, the authority thereby granted to the Board would enable it to develop a regulatory program consistent with existing standardized options trading plans and SEC requirements. Also, it would authorize the Board to adopt rules concerning traditional over-the-counter options and rules in respect to non-exchange NASD member firms doing business in exchange listed options on an "access basis."

#### COMMENTS RECEIVED FROM THE MEMBERS, PARTICIPANTS OF OTHERS ON THE PROPOSED RULES AND AMENDMENTS

Comments on proposed Article III, Section 36 (now renumbered Section 33) were solicited in Notice to Members No. 76-8. This Notice to Members contained other proposed rules and no comments received referred specifically to the new Section 36 (now renumbered Section 33). Copies of those comment letters are appended hereto as Exhibit 2.

#### BURDEN ON COMPETITION

It is the position of the National Association of Securities Dealers, Inc. that the proposed rule imposes no burden on competition that is not necessary and in furtherance of the purposes of the Securities Exchange Act of 1934, as amended.

On or before November 8, 1976, or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which

the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 24, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-28887 Filed 9-30-76; 8:45 am]

#### NATIONAL MARKET ADVISORY BOARD Meeting and Cancellation of Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the National Market Advisory Board will conduct open meetings on October 18 and 19, 1976 in New York City, beginning at 9:30 A.M. on October 18 and 8:30 A.M. on October 19. Initial notice of this meeting was published in the FEDERAL REGISTER on August 26, 1976.

The Board will also conduct open meetings on November 15 and 16 and December 13 and 14, 1976 in Room 776, 500 North Capitol Street, Washington, D.C. The summarized agenda for these meetings will be published in the FEDERAL REGISTER at a later date.

The meeting of the Board scheduled for October 6, 7, and 8, 1976, notice of which was published in the FEDERAL REGISTER on August 26, 1976, has been cancelled.

The summarized agenda for the meeting on October 18 and 19 is as follows:

1. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book;
2. Discussion of the Board's report to the Congress pursuant to Section 11A(d)(3)(B) of the Securities Exchange Act of 1934; and
3. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive



Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: September 27, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-28889 Filed 9-30-76;8:45 am]

[Release No. 34-12825]

**NATIONAL BANK OF NORTH AMERICA**  
Application for Registration as a Clearing Agency

National Bank of North America has made application for registration as a clearing agency under Section 17A of the Securities Exchange Act of 1934 (the "Act") and pursuant to subsection (c) (1) of Rule 17Ab2-1 under the Act.

Pursuant to subsection (c) (1) of § 240.17Ab2-1 under the Act, if requested by an applicant, the Commission may grant the applicant registration as a clearing agency but exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A (b) (3) of the Act. Registration pursuant to subsection (c) (1) of § 240.17Ab2-1 shall not be effective for more than eighteen (18) months from the date on which registration is made effective by the Commission.

Subsection (c) (2) of § 240.17Ab2-1 requires that, in the case of any clearing agency registered in accordance with subsection (c) (1) of § 240.17Ab2-1, the Commission, not later than nine months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b) (3) or will institute proceedings to determine whether registration should be denied at the expiration of 18 months.

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications on or before November 12, 1976. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with subsection (c) (2) of § 240.17Ab2-1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 600-17.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

For the Commission, by the Division of Market Regulation, pursuant to delegate authority.

Dated: September 23, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-28890 Filed 9-30-76;8:45 am]

[70-5734]

**NORTHEAST UTILITIES ET AL.**

**Post-Effective Amendment on Financing of Nuclear Fuel Cores, Etc.**

Notice is hereby given that Northeast Utilities ("Northeast"), P.O. Box 270, Hartford, Connecticut 06101, a registered holding company; The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, public-utility subsidiary companies of Northeast; and Northeast Nuclear Energy Company ("NNEC"), a subsidiary company of Northeast formerly known as The Millstone Point Company, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the post-effective amendment to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated October 21, 1975, and January 16, 1976 (HCAR Nos. 19218 and 19346), the Commission authorized NNEC to engage in certain financing of its nuclear fuel cores and related transactions, including the issuance and sale through March 31, 1977 of up to \$22,500,000 of short-term notes outstanding at any one time to a group of four banks.

NNEC now proposes to issue and sell up to an additional \$7,000,000 of short-term notes outstanding at any one time to The First National Bank of Boston, Massachusetts. In all other respects, the transactions remain unchanged.

Notice is further given that any interested person may, not later than October 21, 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 (air mail if the person being served is located more than 500 miles from the point of mailing) 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 amended or as it may be further 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 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.76-28884 Filed 9-30-76;8:45 am]

[Release No. 34-12822; File No. SR-TAD-76-2]

**TAD DEPOSITORY CORP.**

**Self-Regulatory Organizations; Rule Change**

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 September 10, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

**STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE**

The proposed rule change is an addition to existing services presently performed by the TAD Depository Corporation (TAD). In that, TAD desires to commence a pilot system that will provide TAD participants with a means for pledging of collateral (shares on deposit in TAD) to a pledgee bank(s) in accordance with the New York State Uniform Commercial Code Section (UCC) 8-320.

**STATEMENT OF BASIS AND PURPOSE**

The basis and purpose of the foregoing proposed rule change is as follows:

3. To provide TAD participants with a service whereby shares on deposit in TAD may be pledged as collateral for loans.

4.a. Not applicable.

4.b.(1)(A) The TAD system will provide an additional service to its participants that will translate into a reduction of physical movements of securities by offering a complementary depository service.

(B) The system provides for safekeeping of the pledged shares by transferring designated shares from the pledgor's account to the pledgee's account. Furthermore the total shares pledged are identified daily to each pledgor in his daily activity statement. Release of the pledged shares will only be effected when signed instructions are received by TAD from the pledgee.



(C) This service and the TAD system comply with all provisions of the ACT and the rules and regulations thereunder.

(D) Not applicable.

(E) The system is to be implemented on a pilot basis and will be limited to one pledgee bank and multiple participants. More pledgee banks and participants will be added to the service as experience is gained.

(ii) As mentioned in section 4.b.(1)E, once the pilot period is over and the system has been made fully operational, any participant pledgor or pledgee may become a user of the system.

(iii) Not applicable.

(iv) Standard fees of .35¢ per line item will be charged to both the pledgor and pledgee and a pledgee participant fee of \$150.00 per month.

(v) (A) The system will provide same day availability of the released shares to the pledgor.

(B) The TAD system provides an automatic control of all pledged shares and reports daily these pledged positions to both the pledgor and the pledgee.

(C) This service is being implemented in cooperation with and the support of TAD's participants.

(D) The proposed system removes a present impediment in the TAD system by providing a vehicle for TAD participants to use their shares on deposit with TAD for collateral loan purposes once released by the pledgee. The system eliminates manual handling of certificates by the TAD pledgor and pledgee.

(E) By providing a bookkeeping system that eliminates the risk of losses or stolen certificates found in manual collateral loan systems.

(vi) Not applicable.

(vii) Not applicable.

(c) Not applicable.

5. TAD's participants have encouraged the depository to provide this service. They have informed us through conversations that this type of service improvement should be made to the system so as to provide them with maximum flexibility for cost effective processing. No written comments were solicited.

6. Presently in New York, two other clearing agencies offer collateral loan service's (Depository Trust Company and the National Clearing Corporation). TAD's introduction of such a service should have no burden on competition. Participants presently have securities on deposit at TAD which will now be available for such a program and should not result in a wholesale migration of securities from one or the other clearing agencies to TAD.

On or before November 6, 1976 or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect

to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 25, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 21, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-28888 Filed 9-30-76;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### SBIC NATIONAL ADVISORY COUNCIL

#### Meeting

The Small Business Administration SBIC National Advisory Council will hold a public meeting at 8:30 a.m. and conclude at 3:30 p.m., Wednesday, October 13, 1976, at the Executive Tower Inn in Denver, Colorado, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call John T. Wetach, U.S. Small Business Administration, 1441 L St. NW., Washington, D.C. 20416, (202) 653-6848.

Dated: September 27, 1976.

HENRY V. Z. HYDE, Jr.,  
Deputy Advocate for  
Advisory Councils.

[FR Doc.76-28809 Filed 9-30-76;8:45 am]

## OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

### CERTAIN ALLOY TOOL STEEL QUANTITATIVE LIMITATIONS

#### Modification

SEPTEMBER 30, 1976.

By Proclamation 4445 of June 11, 1976 (41 F.R. 24101, June 15, 1976), temporary quantitative limitations were placed on the importation into the United States of certain articles of stainless or alloy tool steel. The Proclamation, inter alia, implements an agreement entered into on June 11, 1976 between the Government of the United States and the Government of Japan concerning the importation into the United States of such steel articles.

Under paragraph (5) of the Proclamation, the Special Representative is directed to perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment or termination of the agreement with the Government of Japan. The Special Representative is also authorized to make any changes in the Tariff Schedules of

the United States (TSUS) as may be necessary to carry out the agreement.

Pursuant to Proclamation 4445, of June 11, 1976, the Special Representative modified paragraph (f) of headnote 2, Subpart A, part 2, of the TSUS, to change the maximum increase allowable in the base limit for alloy tool steel provided for in item 923.24 for the restraint period June 14, 1976-June 13, 1977, to 100%. (See FEDERAL REGISTER notice, 41 FR 43261, September 30, 1976.)

Pursuant to paragraph 3 and Annex C of the agreement between the Government of Japan and the Government of the United States, as amended, the Government of Japan has notified the United States Government that the base limit for alloy tool steel may be exceeded by 3,500 short tons. Consistent with the agreement and pursuant to paragraph (f) of Subpart A, part 2 of the Appendix to the TSUS, there must be an equal tonnage reduction in the quota quantity from Japan for one or more other items during the same restraint period. This reduction is being made in the quota quantity for imports of stainless steel sheet and strip from Japan.

Accordingly, pursuant to paragraph (5) of Proclamation 4445, of June 11, 1976, and paragraph (f) of headnote 2, Subpart A, part 2 of the Appendix to the TSUS, Subpart A, part 2 of the Appendix to the TSUS is modified with respect to the quota quantities which may be entered from Japan for items 923.20 and 923.24 for the quota period June 14, 1976-June 13, 1977, as follows:

(1) With respect to item 923.20, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "38,600" to "35,100"; and

(2) With respect to item 923.24, by changing the number in the column headed "Quota Quantity (in short tons), June 14, 1976", from "3,500" to "7,000".

This modification will be effective on October 1, 1976.

FREDERICK B. DENT,  
Special Representative for  
Trade Negotiations.

[FR Doc.76-29130 Filed 9-30-76;10:43 am]

## DEPARTMENT OF LABOR

### Employment and Training Administration EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

#### Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area



to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in

which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 27th day of September 1976.

BEN BURDETSKY,  
Deputy Assistant Secretary for  
Employment and Training.

*Applications received during the week ending Sept. 24, 1976*

Name of applicant	Location of enterprise	Principal product or activity
BABCO, Inc.	Westover, W. Va.	Manufacturing of concrete and concrete products.
Fairfield Communities Land Co.	Fairfield Glade, Tenn.	Hotel.
Electrical Constructors of America, Inc.	Henderson County, N.C.	Electrical work.
T. E. Nixon Lumber Co., Inc.	New Iberia, La.	Sales of lumber and building materials.
Hycaloader Co., Inc.	Lake Providence, La.	Manufacturing of coal-processing and electrical-distribution equipment.
Mott's Food Locker.	Rockville, Mo.	Meatpacking plant.
Milan Nursing Home	Milan, Mo.	Nursing home.
TRACT Handcraft Industries Cooperative.	Veblen, Langford, and Eden, S. Dak.	Manufacturing of decorative applique pillows and bedspreads.

[FR Doc.76-28715 Filed 9-30-76;8:45 am]

**Occupational Safety and Health  
Administration**

**OREGON STATE STANDARDS**

**Approval**

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary)) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon

plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Sections 1952.105-109 of Subpart D set forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 2, 1975, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR Part 1910, Subpart J. These standards are contained in OAR Chapter 437, Part 22, and Part 28, of the Occupational Health Standards, and were adopted on October 31, 1974, December 11, 1974, April 18, 1975, and April 2, 1976, and public hearings were not requested.

By letter dated August 5, 1975, from James W. Lake, Regional Administrator, to M. Keith Wilson, Chairman, Workmen's Compensation Board, the proposed State standard was rejected for technical defects, referenced documents not included, and failure to meet the "at least as effective" test in several standards. By letter of August 25, 1975, the State standard was resubmitted. The equivalent standard to § 1910.142 (a) (2) has a reduced distance of 200 feet between livestock and sleeping quarters, but requires additional measures to control health hazards as well as mosquitoes and flies. The equivalent standard to § 1910.142 (b) (4) and (5) was amended on April 2, 1976, to require floors in tents provided as sleeping places to be constructed of wood, asphalt or concrete, and to be smooth and of tight construction. The equivalent standard to § 1910.142 (b) (2), (b) (7), and (d) (3) are similar to the requirements of the Manpower Administration housing rule for agricultural workers (20 CFR Part 620).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the revised State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N-3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

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

Signed at Seattle, Washington this 24th day of June, 1976.

WESLEY M. NOBLE,  
Acting Regional  
Administrator—OSHA.

[FR Doc.76-28844 Filed 9-30-76;8:45 am]



## OREGON STATE STANDARDS

## Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the Federal Register (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

By a notice published in the FEDERAL REGISTER on October 30, 1975 (40 FR 50583) the Regional Administrator approved State standards comparable to Subpart G of Part 1910, Title 29, Code of Federal Regulations. The State standards were contained in Oregon Administrative Rules, Chapter 333, Section 22-002 through -142 (now designated OAR Chapter 437, Part 22).

By letter dated May 20, 1976, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State has submitted revisions to the vinyl chloride standard (OAR Chapter 437, 22-017(E)), corresponding to 29 CFR 1910.1017, which correct typographical errors and omissions in accordance with corrections to § 1910.1017 that appeared in the FEDERAL REGISTER on December 3, 1974 (39 FR 41848).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the revised State standards are identical to the comparable Federal standards and are accordingly hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon

97310; and the Technical Data Center Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

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

Signed at Seattle, Washington this 24th day of June, 1976.

WESLEY M. NOBLE,  
Acting Regional  
Administrator—OSHA.

[FR Doc.76-28845 Filed 9-30-76;8:45 am]

## OREGON STATE STANDARDS

## Approval

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 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Sections 1952.105-109 of Subpart D set forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 18, 1976, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR Part 1918, Longshoring. These standards are contained in Oregon Administrative Rules, Chapter 437, Division 74, and were

adopted on April 2, 1976, following a public hearing on February 7, 1976.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. The State standard differs from the Federal standard in that it does not contain provisions on gear certification or shipboard activity and equipment. The State standard is more stringent in: (1) requiring the marking of all controls on derricks and cranes; (2) grounding circuit requirements; and, (3) requirements regarding the use of unsafe tools. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Building, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center Room N-3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

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

Signed at Seattle, Washington this 24th day of June, 1976.

WESLEY M. NOBLE,  
Acting Regional Administrator,  
Occupational Safety and  
Health Administration.

[FR Doc.76-28846 Filed 9-30-76;8:45 am]

## OREGON STATE STANDARDS

## Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from



the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Sections 1952.105-109 of Subpart D set forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 2, 1975, from M. Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR 1928.21. These standards are contained in OAR Chapter 437, Parts 16, 22, 28 and 33, of the Occupational Safety and Health Standards, and were adopted on November 5, 1969, April 18, 1975 (as amended April 2, 1976), October 31, 1974 and January 24, 1975, and public hearings were not requested.

Approval of this State standard was delayed pending approval of the State submission of the equivalent standard to 29 CFR Part 1910, Subpart J.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards and are accordingly hereby approved. State standards differ from Federal Occupational Safety and Health standards in that: (1) The State standard equivalent to § 1910.142(a)(2) has a reduced distance of 200 feet between livestock and sleeping quarters, but requires additional measures to control health hazards as well as mosquitos and flies; (2) The equivalent standard to § 1910.142(b)(2), (b)(7), and (d)(3) are similar to the requirements of the Manpower Administration housing rule for agricultural workers (20 CFR Part 620); and, (3) State standards, Pulpwood Logging, Part 16, have been adopted to be more appropriate for the size of logs generally handled within the State as opposed to the smaller logs normally handled in other parts of the country. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Federal Office Build-

ing, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and the Technical Data Center, Room N-3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective October 1, 1976.

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

Signed at Seattle, Wash., this 25th day of June 1976.

WESLEY M. NOBLE,  
Acting Regional Administrator,  
Occupational Safety and  
Health Administration.

[FR Doc.76-28847 Filed 9-30-76; 8:45 am]

#### Office of Federal Contract Compliance Programs

##### HONEYWELL, INC.

#### Proposed Sanctions; Intent to Debar and Cancel From Federal Government Contract Activity

The following notice of intent to debar and cancel Honeywell, Inc., from all further Federal government contract activity pursuant to sections 209(a)(5) and (6) of Executive Order 11246, as amended, and the Secretary of Labor's regulations issued pursuant thereto, is published in accordance with 41 Code of Federal Regulations 60-1.26(b) and 41 Code of Federal Regulations 60-30.6 which require that notice of such proposed sanctions must be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this the 27th day of September 1976.

LAWRENCE Z. LORBER,  
Deputy Assistant Secretary Director,  
Office of Federal Contract  
Compliance Programs.

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

Office of Federal Contract Compliance  
Programs

Washington, D.C. 20210

MR. EDWARD SPENCER, President,  
Honeywell, Incorporated,  
Honeywell Plaza,  
Minneapolis, Minnesota.

SEPTEMBER 23, 1976.

DEAR MR. SPENCER: Honeywell, Incorporated (hereinafter Honeywell) is hereby notified pursuant to Title 41, Code of Federal

Regulations, Part 60-1 and Part 60-30, that I, as Director of the Office of Federal Contract Compliance Programs, propose to request that the Secretary of Labor cause the termination of any and all existing Government contracts and subcontracts between Honeywell and any agency of the United States and to declare Honeywell ineligible for further Government contracts and subcontracts pursuant to section 209(a)(5) and (6) of Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303) (hereinafter Executive Order 11246 or the Executive Order) until such time as Honeywell's Residential Division, GAP Division and General Offices, located in and around Minneapolis, Minnesota are brought into full compliance with Executive Order 11246 and the Secretary of Labor's regulations issued pursuant thereto which are published at Title 41, Code of Federal Regulations, Chapter 60 (hereinafter 41 CFR 60-1.1, et seq.).

Jurisdiction for the hearing, which will be conducted by the Chief Administrative Law Judge of the United States Department of Labor or his designee is provided by sections 208 (a) and (b) of Executive Order 11246 and 41 CFR 60-1.26(b) and 41 CFR Part 60-30. Honeywell is a Government contractor within the meaning of Executive Order 11246 and is now, and at all material times has been, subject to the contractual obligations imposed upon Government contractors and subcontractors by Executive Order 11246 and the Executive Orders which preceded it, including Executive Order 10925, and the implementing regulations issued thereunder. Cancellation and termination of Honeywell's Government contracts and subcontracts and debarment from further contracts and subcontracts will apply to all of Honeywell's Government contracts and subcontracts and is not limited to the facilities identified in paragraph 1, above.

Under the provisions of 41 CFR 60-2.2(c) (1) and 41 CFR 60-1.26(b), Honeywell has fourteen (14) days from receipt of this Notice in which to file an answer and to request a hearing respecting this Office's proposed actions. Such a hearing request should be directed to the Chief Administrative Law Judge, United States Department of Labor, 1111-20th Street, N.W., Suite 700, Washington, D.C. 20036. Service should also be made upon the Department of Labor by mailing a copy to James D. Henry, Associate Solicitor, United States Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210.

If a request for a hearing is not made within the fourteen (14) day period, Honeywell will be declared ineligible for future Government contracts and subcontracts, and its current contracts and subcontracts will be terminated for default.

The following is a general summation of the events which necessitate this Notice.

In October, 1974, the Energy Research and Development Administration conducted a compliance review of Honeywell's Residential Division in Minneapolis, Minnesota. The compliance review revealed a substantial concentration of females in certain departments or seniority groups. Moreover, the compliance review indicated a substantial disparity between the average hourly wage rate of males and females. Further, it was determined that female employees in the GAP Division and General Offices, who are members of the same bargaining unit as those in the Residential Division, were also adversely affected by Honeywell's discriminatory employment practices.

Representatives of the Government and Honeywell attempted to negotiate a settlement of the outstanding issues concerning the existence of an affected class of female employees and the appropriate back pay relief necessary to eliminate the present



effects of past discriminatory employment practices. In a September 10, 1976 meeting, Honeywell was presented a back pay proposal from the Government which covered female employees at the Minneapolis facility. Honeywell responded by stating that it would not negotiate with the Government on any back pay recovery inasmuch as it disputes the existence of an affected class as defined by 41 CFR 60-2.1. Honeywell was informed that its refusal necessitated the issuance of a Notice of Intent to Debar and Cancel Honeywell from Government contract activity. Thereafter, I assumed jurisdiction over Honeywell pursuant to 41 CFR 60-1.25.

In this enforcement proceeding, the Department of Labor is seeking back pay relief on behalf of employees at Honeywell's Minneapolis facilities. In addition, this Department will seek such other relief as justice may require. Please be advised that in the event that Honeywell requests a hearing in response to this Notice, Federal contracting agencies will continue to determine Honeywell's eligibility for any new or additional Government contracts as provided by 41 CFR 60-2.2(d).

I would also like to advise Honeywell that the Department of Labor is willing to continue to attempt to reach a negotiated settlement regarding the issues involved in this matter. Arrangements for such negotiations may be made with Mr. Louis G. Ferrand, Jr., Acting Counsel for Civil Rights, Office of the Solicitor, Room N 2414, United States Department of Labor, Washington, D.C. 20210.

Sincerely,

LAWRENCE Z. LORBER,  
Director, Office of Federal  
Contract Compliance Programs.

[FR Doc.76-28871 Filed 9-30-76;8:45 am]

#### Office of the Secretary

[TA-W-1,086]

#### ALCAN WESTERN PRODUCTS

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 11, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Alcan Western Products, Riverside, California, division of Alcan Aluminum Corp., Cleveland, Ohio (TA-W-1,086). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with aluminum bearing alloy and coated coils produced by Alcan Western Products or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A

group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28852 Filed 9-30-76;8:45 am]

[TA-W-885]

#### BETHLEHEM STEEL CORP.; SEATTLE, WASH.

##### Determinations 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-885: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 19, 1976 in response to a worker petition dated April 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing industrial fasteners at the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23820). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel 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 the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met for standard industrial fasteners and that criterion number three (3) has not been met for railroad spikes.

#### SIGNIFICANT PARTIAL OR TOTAL SEPARATIONS

The average number of production workers in the Industrial Fastener Division of the Seattle plant increased 34.9 percent from 1973 to 1974 and then declined 45.3 percent from 1974 to 1975. From the second quarter of 1975 through the first quarter of 1976, the average number of production workers declined in each quarter when compared to the same quarter of the previous year. In the first quarter of 1976, average employment declined 60.7 percent compared to the first quarter of 1975.

Average weekly hours worked declined 4.5 percent from 1973 to 1974 and declined 0.8 percent from 1974 to 1975. In the first quarter of 1976, average weekly hours worked increased 0.5 percent compared to the first quarter of 1975.

The average number of salaried workers in the Industrial Fastener Division of the Seattle plant increased 30.0 percent from 1973 to 1974 and then remained stable from 1974 to 1975. In the first quarter of 1976, the average number of salaried workers declined 31.0 percent compared to the first quarter of 1975.

Labor turnover data shows that layoffs in the Industrial Fastener Division of the Seattle plant began in the second quarter of 1975. In 1975, total layoffs were equal to 71.0 percent of average employment at the Seattle plant's Industrial Fastener Division.

Employees are used interchangeably in the production of standard fasteners and specialty fasteners.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

The quantity of industrial fastener sales by the Seattle plant increased 8.7 percent from 1973 to 1974 and then declined 44.5 percent from 1974 to 1975. From the first quarter of 1975 through the first quarter of 1976, the quantity of sales declined in each quarter when compared to the same quarter of the previous year.

Sixty-five percent of industrial fasteners produced at the Seattle plant are



standard fasteners. Thirty-five percent are special fasteners. These proportions have remained constant in recent years.

Production data was not available for the first quarter of 1973. Unit production of industrial fasteners at the Seattle plant increased 10.0 percent in the last three quarters of 1974 compared to the same period of 1973. Unit production of industrial fasteners declined 55.0 percent from 1974 to 1975. From the first quarter of 1975 through the first quarter of 1976, unit production declined in each quarter when compared to the same quarter of the previous year.

Production of railroad spikes at the Seattle plant remained stable from 1973 to 1974 and from 1974 to 1975.

#### INCREASED IMPORTS

Imports of iron or steel bolts increased absolutely in each year from 1971 through 1974 and then declined absolutely from 1974 to 1975. Imports increased relatively from 1971 to 1972, and then declined relatively from 1972 to 1973. Imports increased relatively from 1973 to 1974. Although the ratio of imports to domestic production remained stable, at 19.3 percent, from 1974 to 1975, the 1975 ratio was above the 1971 through 1974 average of 16.2 percent. The ratio of imports to domestic consumption increased from 17.1 percent in 1974 to 17.9 percent in 1975.

Imports of iron or steel nuts increased absolutely and relatively in each year from 1971 through 1974. Imports declined absolutely from 1974 to 1975. Although the ratio of imports to domestic production declined from 96.6 percent in 1974 to 91.0 percent in 1975, the 1975 ratio was well above the 1971 through 1974 average of 73.2 percent. The ratio of imports to domestic consumption increased from 51.8 percent in 1974 to 53.0 percent in 1975.

Imports of iron or steel screws increased absolutely and relatively in each year from 1971 through 1974. Imports declined absolutely by 34.5 percent from 1974 to 1975. Domestic production fell by 37.8 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 36.3 percent and 28.1 percent, respectively, in 1974 to 38.2 percent and 29.9 percent in 1975.

Imports of specialty fasteners are negligible because of time lags and quality control problems involved in the purchase of imports.

There are no imports of railroad spikes according to information provided by analysts at the International Trade Commission.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers reduced purchases of standard industrial fasteners from the Seattle plant and substituted lower priced imported standard industrial fasteners. The price differential is so great (import prices are 40 percent below domestic prices, according to customers' estimates) that importing is necessary to remain competitive in the market.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with standard industrial fasteners produced at the Seattle, Washington plant of Bethlehem Steel Corporation 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 standard industrial fasteners in the Industrial Fastener Division of the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania who became totally or partially separated from employment on or after April 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

I further conclude that increases of imports of articles like or directly competitive with railroad spikes produced in the Industrial Fastener Division of the Seattle, Washington plant of Bethlehem Steel Corporation, Bethlehem, Pennsylvania did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,  
*Acting Executive Assistant to  
the Deputy Under Secretary.*

[FR Doc.76-28524 Filed 9-30-76;8:45 am]

[TA-W-920]

#### CENTRAL SCREW 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-920: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition received on June 7, 1976 which was filed by the International Association of Machinists on behalf of workers and former workers producing standard steel screws at the Sonoma, California plant of Central Screw Company, Des Plaines, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24794). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Central Screw Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the 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 revealed that all four criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 2.9 percent from 1973 to 1974 and declined 61.8 percent from 1974 to 1975. All production workers were terminated on May 1, 1976, the date of the plant closure.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production increased 3.6 percent from 1973 to 1974 and then declined 70.5 percent from 1974 to 1975. Production declined in each quarter of 1975 when compared to the same quarter in 1974.

#### INCREASED IMPORTS

Imports of iron or steel screws increased both in absolute terms and relative to domestic production and consumption in each year from 1971 through 1974. While imports decreased in absolute terms from 1974 to 1975, the ratios of imports to domestic production and consumption increased from 36.3 percent and 28.1 percent, respectively, in 1974 to 38.2 percent and 29.9 percent, respectively, in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that a representative sample of all customers of Central Screw Company reduced purchases of standard steel screws from Central Screw Co. from 1974 to 1975 and increased purchases of lower-priced imported screws.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with standard steel screws produced at the Sonoma, California plant of Central Screw 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 at the Sonoma, California plant of Central Screw Company who became totally or partially separated from employment on or after May 13, 1975, are eligible to apply for adjust-



ment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 22nd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28853 Filed 9-30-76;8:45 am]

[TA-W-946]

**C. M. GRAY-PREMIER MARBLE CORP.;  
LONG ISLAND CITY, N.Y.**

**Determinations 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-946: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 21, 1976 in response to a worker petition received on that date which was filed by Local No. 1 of the International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Terrazzo Workers' Helpers on behalf of workers and former workers fabricating marble at the C. M. Gray-Premier Marble Corporation, Long Island City, New York.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the C. M. Gray-Premier Marble Corporation, other marble contractors, 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 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.

The investigation has revealed that all four of the above criteria have been met in regard to the cutting and polishing of marble, but that the third and fourth criteria have not been met in regard to the setting of marble.

**SIGNIFICANT TOTAL OR PARTIAL  
SEPARATIONS**

The average employment of polishers declined 25 percent in the last half of 1975 compared to the like period of 1974 and declined 50 percent in the first half of 1976 compared to the like period of 1975.

The average employment of cutters and setters declined 50 percent in the last half of 1975 compared to the like period of 1974 and declined 67 percent in the first half of 1976 compared to the like period of 1975.

The average employment of helpers declined 60 percent in the last half of 1975 compared to the like period of 1974 and declined 50 percent in the first half of 1976 compared to the like period of 1975.

**SALES OR PRODUCTION, OR BOTH, HAVE  
DECREASED ABSOLUTELY**

Sales declined 8 percent from 1974 to 1975. Labor costs of production declined 7 percent in the last half of 1975 compared to the like period of 1974 and declined 30 percent in the first half of 1976 compared to the like period of 1975.

**INCREASED IMPORTS**

Imports of marble, breccia, onyx, and travertine in terms of value increased from 1971 through 1974, declined 16.1 percent from 1974 to 1975, and increased 1.4 percent in the first quarter of 1976 compared to the like period of 1975. The ratio of imports to domestic production declined from 111.6 percent in 1974 to 103.7 percent in 1975 and increased from 107.1 percent in the first quarter of 1975 to 144.7 percent in the first quarter of 1976.

**CONTRIBUTED IMPORTANTLY**

C. M. Gray-Premier employs workers who polish and cut marble slab in the company's shop and set marble in building interiors on a contract basis.

Contractors awarded projects in lieu of C. M. Gray-Premier indicated that imported marble was used on these jobs. The use of prefabricated imported marble led to the separation of the cutters and polishers who fabricated marble in C. M. Gray-Premier's shop. However, the use of imports could not have led to the separation of any workers solely or primarily engaged in setting marble; nor could it have led to the separation of any helpers since all helpers employed at C. M. Gray-Premier have been almost exclusively engaged over the past year in helping the setters to set marble. Evidence from past adjustment assistance cases involving marble firms in the New York City area indicates that since June 1975 marble installers have been allowed under a new union rule to install imported marble. Given this new situation, setters and their helpers would remain employed regardless of whether imported or domestic marble were being set.

**CONCLUSION**

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly

competitive with the marble fabricated at the C. M. Gray-Premier Marble Corporation, Long Island City, New York, contributed importantly to the total or partial separation of the cutters and polishers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the cutting or polishing of marble at the C. M. Gray-Premier Marble Corporation, located in Long Island City, New York, who became totally or partially separated from employment on or after June 16, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with the marble fabricated at the C. M. Gray-Premier Marble Corporation did not contribute importantly to the total or partial separation of those workers solely or primarily engaged in that firm in employment related to the setting of marble. Therefore, such workers are not eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28525 Filed 9-30-76;8:45 am]

[TA-W-886]

**CONTINENTAL SCREW CO., INC.;  
NEW BEDFORD, MASS.**

**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-886 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 18, 1976 in response to a worker petition received on June 18, 1976 which was filed on behalf of workers and former workers producing screws and threading screws at the New Bedford, Massachusetts plant of the Continental Screw Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27465). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Continental Screw Co., 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 be-



come 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 Continental Screw Co., Inc. manufactures specialty, proprietary fasteners exclusively. U.S. imports of specialty fasteners are negligible. These fasteners do not pose an import problem because the low volume markets characteristic of such fasteners are of little interest to off-shore producers.

The Department's investigation indicated that the layoffs experienced by the Continental Screw Co., Inc. in 1975 were attributed to a decline in jobs due to a loss of accounts to other domestic manufacturers during a labor strike which started on May 5, 1975 and continued to September 22, 1975. Continental's inability to meet deliveries during this period caused a reduction in purchases by Continental's customers. This reduction in purchases continued after the strike ended, causing Continental to reduce their work force at that time.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of screws 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 23rd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28526 Filed 9-30-76;8:45 am]

[TA-W-1,071]

#### DOLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated September 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Longshoremen's and Warehousemen's Union on behalf of the workers and former workers of Maunaloa, Hawaii plant of Dole Company, Honolulu, Hawaii, a subsidiary of Castle & Cooke, Inc., Honolulu, Hawaii (TA-W-1,071). Accordingly, the Director, Office of Trade Adjust-

ment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with pineapple—fresh and canned (all sizes and bites) produced by Dole Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28854 Filed 9-30-76;8:45 am]

#### ENZEL-ARTHUR RICHARDS MANUFACTURING CORP., NEW YORK, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-903: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on May 27, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's tailored clothing at Enzel-Arthur

Richards Mfg. Corp. The petition was expanded to include E.A.R. Pants Mfg. Corp., formerly Enzel-Arthur Richards' pants division.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24800). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Enzel-Arthur Richards Mfg. Corp., 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 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 have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all the above criteria have been met for the suit coat and suit pants divisions, but that the first and second criteria have not been met for the vest division.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers in the suit coat division of Enzel-Arthur Richards Mfg. Corp. declined 1 percent from 1973 to 1974, and declined 11 percent from 1974 to 1975. Employment increased 25 percent in the first half of 1976 from the first half of 1975. The average number of hours worked remained the same from 1974 to 1975, and increased 6 percent in the first half of 1976 from the first half of 1975.

The average number of production workers in the pants division increased 20 percent from 1973 to 1974, and then declined 14 percent from 1974 to 1975. Employment increased 53 percent in the first half of 1976 from the first half of 1975. The average number of hours worked declined 3 percent from 1974 to 1975, and declined 3 percent in the first half of 1976 from the first half of 1975.

The average number of production workers in the suit vest division increased 44 percent in the last nine months of 1974 compared to the same period in 1973, and increased 46 percent from 1974 to 1975. Employment increased 45 percent in the first half of 1976 from the same period in 1975. The average number of hours worked increased 3 percent



from 1974 to 1975 and remained the same in the first half of 1976 compared to the first half of 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production are equivalent, since the clothing is produced to order. Production of men's suit coats increased 4 percent in quantity from 1973 to 1974, and increased 7 percent in quantity from 1974 to 1975. Production of suit coats declined in the second and third quarters of 1975 and in the first quarter of 1976 compared to the same quarters of the previous year.

Production of men's suit pants increased 22 percent in quantity from 1973 to 1974 and then declined 15 percent in quantity from 1974 to 1975. Production of pants increased 15 percent in quantity in the first quarter of 1976 compared to the same quarter of 1975.

Production of men's suit vests commenced in March 1973. Production of vests increased 62 percent in quantity in the last three quarters of 1974 compared to the same period in 1973. Production of vests increased 55 percent in quantity from 1974 to 1975, and increased 12 percent in the first quarter of 1976 compared to the same quarter of 1975.

#### INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased absolutely and relatively in each year from 1971 through 1973, and increased relatively from 1973 to 1974. Imports increased both absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

Imports of men's and boys' dress and sport trousers and shorts increased absolutely and relatively from 1971 to 1972, declined absolutely and relatively in each year from 1972 to 1974, and then increased both absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

Imports of men's and boys' tailored suit vests increased absolutely and relatively in each year from 1972 to 1975. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 16.3 percent and 14.6 percent, respectively, in 1975.

#### CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicated that Enzel-Arthur Richards produced for one manufacturer. Retail customers of this manufacturer increased import purchases of men's suit coats and pants from 1974 to 1975. These customers shifted from domestic to imported suits because of the lower price of the imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and suit pants produced by the coat and pants divisions of Enzel-Arthur Richards Mfg. Corp. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of men's suit coats at Enzel-Arthur Richards Mfg. Corp. and suit pants at E.A.R. Pants Mfg. Corp. (formerly Enzel-Arthur Richards Mfg. Corp. pants division) located in New York City, New York who became totally or partially separated from employment on or after May 24, 1975 and before January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All employees separated on or after January 1, 1976 are denied certification.

I further conclude that increases of imports like or directly competitive with men's suit vests produced by the vest division of Enzel-Arthur Richards Mfg. Corp. did not contribute importantly to the total or partial separation of the workers of that division of the firm.

Signed at Washington, D.C. this 22nd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28527 Filed 9-30-76;8:45 am]

[TA-W-976]

#### EVANS-ARISTOCRAT INDUSTRIES, INC.; GURABO, PUERTO RICO

##### 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-976: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 30, 1976 in response to a worker petition received on June 30, 1976 which was filed on behalf of workers formerly producing wallets and clutch purses at the Billfold Corporation of America, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, Newark, New Jersey. The investigation was expanded to include workers formerly producing wallets and clutch purses at Cardinal Leather Products, Incorporated, and E. A. Products, Incorporated, also Gurabo, Puerto Rico subsidiaries of Evans-Aristocrat Industries, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29506). No public hearing was requested and none was held. The information upon which the determina-

tion was made was obtained principally from officials of Evans-Aristocrat Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and industry analysts.

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 revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The annual average number of workers employed at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., declined 18 percent, 43 percent and 36 percent, respectively, from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of wallets and clutch purses at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., decreased 44 percent, 52 percent and 5 percent, respectively, from 1974 to 1975. Production at all three plants was terminated in December 1975.

#### INCREASED IMPORTS

U.S. imports of personal flat goods, including wallets and clutch purses, rose in value every year from 1971 to 1975, increasing from \$13.1 million in 1971 to \$25.9 million in 1975. The ratios of imports to domestic production and consumption increased from 8.7 percent and 8.0 percent, respectively, in 1971 to 13.0 percent and 11.5 percent, respectively, in 1975.

#### CONTRIBUTED IMPORTANTLY

From 1974 to 1975 most of Evans-Aristocrat Industries' largest customers reduced purchases of wallets and clutch purses from the company and substituted primarily imported goods which provided a significant price advantage. During the same period, Evans-Aristocrat Industries increased its purchases of imported wallets and clutch purses



from outside foreign sources. In order to successfully compete with increased imports in the market for low-price wallets and clutch purses, the company decided in 1975 to phase out production at its three Puerto Rico subsidiaries, to increase production at its plant in Yallahs, Jamaica and to expand its importing operation. All production at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., ceased in December 1975, and all employees were terminated shortly thereafter.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with wallets and clutch purses produced at the Billfold Corporation of America, Cardinal Leather Products, Inc., and E. A. Products, Inc., contributed importantly to the total or partial separation of the workers at such subdivisions of the firm. In accordance with the provisions of the Trade Act of 1974, I make the following certifications:

All workers of the Billfold Corporation of America, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, who became totally or partially separated from employment on or after August 18, 1975 and before January 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who became or will become separated from employment on or after January 11, 1976 are denied certification; "All workers of Cardinal Leather Products, Incorporated, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, who became totally or partially separated from employment on or after August 18, 1975 and before January 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who became or will become separated from employment on or after January 11, 1976 are denied certification;

All workers of E. A. Products, Incorporated, a Gurabo, Puerto Rico subsidiary of Evans-Aristocrat Industries, Incorporated, who became totally or partially separated from employment on or after August 18, 1975 and before January 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became or will become separated from employment on or after January 11, 1976 are denied certification.

Signed at Washington, D.C., this 22nd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28528 Filed 9-30-76;8:45 am]

[TA-W-1,075]

#### F. MEZZEO & CO., INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated September 10, 1976 which was filed under

Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of F. Mezzio & Company, Inc., New York, New York (TA-W-1,075). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tuxedos produced by F. Mezzio & Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28860 Filed 9-30-76;8:45 am]

[TA-W-1,084]

#### GENERAL ELECTRIC CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 5, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of General Electric Company, Evendale, Ohio a division of Gen-

eral Electric Corporation, Fairfield, Conn. (TA-W-1,084). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with jet engines produced by General Electric Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28855 Filed 9-30-76;8:45 am]

[TA-W-1,068]

#### INTERNATIONAL SHOE CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated August 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of the Russellville, Arkansas plant of International Shoe Co., St. Louis, Missouri a division of



Interco, Inc., St. Louis, Missouri (TA-W-1,068). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's shoes produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of Trade  
Adjustment Assistance.

[FR Doc.76-28856 Filed 9-30-76;8:45 am]

[TA-W-1,078]

#### KRASNO BROTHERS GLOVES & MITTEN CO., INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Krasno Brothers Gloves & Mitten Co., Inc., Milwaukee, Wisconsin (TA-W-

1,078). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with work gloves produced by Krasno Brothers Gloves & Mitten Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28857 Filed 9-30-76;8:45 am]

[TA-W-1,067]

#### LEVERENZ SHOE CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated September 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The New Holstein, Wisconsin plant of Leverenz Shoe Company, Sheboygan, Wisconsin (TA-W-1,067). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in sec-

tion 221(a) of the Act and 29 CFR 90.12, 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress and casual shoes produced by Leverenz Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of Trade  
Adjustment Assistance.

[FR Doc.76-28858 Filed 9-30-76;8:45 am]

[TA-W-1,076]

#### MAREMONT CORPORATION

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 25, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of New England Operations, Saco, Maine of Maremont Corporation, Chicago, Illinois (TA-W-1,076).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.



The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with machine guns produced by Maremont Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1976,

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28859 Filed 9-30-76;8:45 am]

[TA-W-1,077]

#### MILWAUKEE GLOVE CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Milwaukee Glove Company, Marinette, Wisconsin (TA-W-1,077).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative

increases of imports of articles like or directly competitive with leather coats and gloves for men produced by Milwaukee Glove Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28861 Filed 9-30-76;8:45 am]

[TA-W-1083]

#### MOHAWK DATA SCIENCES

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated August 30, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Herkimer, New York plant of Mohawk Data Sciences, Parsippany, New Jersey (TA-W-1083). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with high speed printers produced by Mohawk Data Sciences or an appropriate subdivision

thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28862 Filed 9-30-76;8:45 am]

[TA-W-1,082]

#### MOREHOUSE GARMENT CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 20, 1976 the Department of Labor received a petition dated September 3, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Paperworkers International Union on behalf of the workers and former workers of Morehouse Garment Corporation, Bastrop, Louisiana, a subsidiary of Master Trouser, New York, New York (TA-W-1,082). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' slacks produced by Morehouse Garment Corporation or an appropriate subdivision thereof have contributed impor-



tantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28863 Filed 9-30-76;8:45 am]

[TA-W-1,072]

#### NUNN BUSCH SHOE CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated September 2, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Nunn Busch Shoe Company, Edgerton, Wisconsin, a division of Weyenberg, Milwaukee, Wisconsin (TA-W-1,072). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's welt shoes produced by Nunn Busch Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision

and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28864 Filed 9-30-76;8:45 am]

[TA-W-958 and TA-W-970]

#### OOMPHTIES, INCORPORATED

#### 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-958 and TA-W-970: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

Investigation TA-W-958 was initiated on June 29, 1976 in response to a worker petition received on that date on behalf of workers and former workers producing women's casual shoes and slippers at Ludington Division of Oomphies, Incorporated, Lawrence, Massachusetts.

Investigation TA-W-970 was initiated on June 30, 1976 in response to a worker petition received on that date which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's casual shoes and slippers at Casual Footwear Division of Oomphies, Incorporated, Lowell, Massachusetts.

The notices of investigation were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29518). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Oomphies, Incorporated, 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.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average company employment at Oomphies declined 10 percent in the second quarter of 1976 from the previous quarter and declined 9 percent compared to the same quarter in 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total company sales at Oomphies, excluding imports, declined 17 percent in the second quarter of 1976 compared to the same quarter in 1975.

In the second quarter of 1976 production at Oomphies declined 1 percent compared to the same quarter in 1975.

#### INCREASED IMPORTS

Imports of women's nonrubber footwear increased relative to domestic production from 1971 through 1973 and declined from 1973 through 1975. Imports increased absolutely from 1971 through 1973, declined in 1974 and then increased in 1975. Imports increased from 53.3 million pair in the first quarter of 1975 to 62.2 million pair in the first quarter of 1976, an increase of 17 percent.

Oomphies imports a single article—a Spanish kidskin slipper. Imports of this slipper increased 20 percent in the first six months of 1976 compared to the like period of 1975.

#### CONTRIBUTED IMPORTANTLY

Customers of Oomphies indicated that purchases of imported shoes of the type produced by Oomphies have been increasing in recent years. Customers commented that purchases of imported espadrille style shoes have increased and



that an increasing percentage of their inventories of women's shoes are imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's casual shoes and slippers produced at Oomphies, Incorporated contributed importantly to the total or partial separation of the workers at Casual Footwear Division, Lowell, Massachusetts and Ludington Division, Lawrence, Massachusetts. In accordance with the provisions of the Act, I make the following certification:

All workers at Ludington Division, Lawrence, Massachusetts, and Casual Footwear Division, Lowell, Massachusetts, of Oomphies, Incorporated who became totally or partially separated from employment on or after March 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28865 Filed 9-30-76;8:45 am]

[TA-W-994]

#### PARIS SHOE COMPANY, 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-994: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 20, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's footwear at Paris Shoe Company, Incorporated, Lowell, Massachusetts, a division of Lacomia Shoe Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on August 6, 1976 (41 FR 32926). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paris Shoe Company, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of 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, criteria (1) and (2) have not been met.

The evidence developed in the Department's investigation reveals that employment of production workers at Paris Shoe Company, Incorporated increased 14 percent in 1975 from 1974 and increased 23 percent in the first six months of 1976 compared to the first six months of 1975. An average work week of 40 hours per worker has been maintained at Paris Shoe Company, Incorporated since January 1975.

Production and sales by Paris Shoe Company, Incorporated increased 22 percent and 55 percent, respectively, from 1974 to 1975. Production and sales increased 9 percent and 35 percent, respectively, in the first six months of 1976 compared to the first six months of 1975.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production have not declined and a significant number or proportion of workers producing men's footwear at Paris Shoe Company, Incorporated, Lowell, Massachusetts have not become totally or partially separated as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28866 Filed 9-30-76;8:45 am]

[TA-W-1,069]

#### PHELPS COOPERATIVE SOCIETY

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated August 27, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Phelps Cooperative Society, Phelps, Wisconsin (TA-W-1,069).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the selling of

groceries, hardware, clothing, farm supplies and gasoline provided by The Phelps Cooperative Society or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28867 Filed 9-30-76;8:45 am]

[TA-W-942]

#### STAR METAL PRODUCTS CO., INC.; CLEVELAND, OHIO

#### 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-942: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 18, 1976 in response to a worker petition received on June 18, 1976 which was filed on behalf of workers and former workers producing replaceable parts for metal fastener machinery at the Cleveland, Ohio plant of the Star Metal Products Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27804). No public hearing was requested and none was held.

The information upon which the determination was made was obtained prin-



cipally from officials of Star Metal Products Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make 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 revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Star Metal Products Company declined 2.5 percent in 1975 from 1974 and decreased 28.0 percent in the first six months of 1976 compared to the same period in 1975. Average weekly hours declined 4.1 percent from 1974 to 1975 and decreased 1.3 percent in the first six months of 1976 compared to the same period in 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Dollar value of sales by Star Metal Products Company, Incorporated decreased 13.9 percent from 1974 to 1975. Sales in the first six months of 1976 were 2.6 percent below sales in the same period of 1975.

#### INCREASED IMPORTS

Imports of transfer fingers, cutters and quills are not separately identifiable under the TSUSA classification system. Industry analysts indicate that these replaceable parts do not pose an import problem because of their fast rate of replacement. Major competition comes from tool shops of the company's customers.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that in recent years the metal fastened industry has been adversely affected by the general domestic economic recession. Customers of Star Metal had reduced their purchases of replaceable parts for metal fastener machines, but did not import such parts. Customers indicated that it was imprac-

tical to import such parts because these parts wear out quickly and thus require prompt delivery.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increase of imports like or directly competitive with the replacement parts for metal fastener machinery which are produced at the Cleveland, Ohio plant of the Star Metal Products Company, Incorporated, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 23rd day of September 1976.

JAMES D. HOOVER,  
Acting Executive Assistant to  
the Deputy Under Secretary.

[FR Doc.76-28529 Filed 9-30-76; 8:45 am]

[TA-W-1,073]

#### WILBAR'S, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 13, 1976 the Department of Labor received a petition dated July 19, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the \_\_\_\_\_ on behalf of the workers and former workers of Wilbar's, Incorporated, Boston, Massachusetts (TA-W-1,073).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the selling of shoes, handbags and jewelry provided by Wilbar's, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

Interested persons are invited to submit written comments regarding the

subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 12, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-28868 Filed 9-30-76; 8:45 am]

#### FEDERAL HOME LOAN BANK BOARD

[No. AC-17]

#### CIVIC FEDERAL SAVINGS AND LOAN ASSOCIATION, SAN FRANCISCO, CALIF.

#### Approval of Conversion; Final Action

SEPTEMBER 23, 1976.

Notice is hereby given that on September 23, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation by Resolution No. 76-732, approved the application of Civic Federal Savings and Loan Association, San Francisco, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 California Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,  
Assistant Secretary.

[FR Doc.76-28819 Filed 9-30-76; 8:45 am]

#### DEPARTMENT OF DEFENSE

#### DEPARTMENT OF THE AIR FORCE

#### Public Hearing and Availability of Draft Environmental Impact Statement

Informal public hearings will be held for the purpose of soliciting comments from the public on the proposed closure of Craig Air Force Base, Alabama and Webb AFB, Texas. Alternative base closure sites include Columbus AFB, Mississippi, Laughlin AFB, Texas, Reese AFB, Texas, and Vance AFB, Oklahoma. The Draft Environmental Impact Statement for these proposed actions was filed with the Council on Environmental Quality (CEQ) on September 15, 1976. Limited copies of the DEIS are available from: Information Office, Columbus AFB, MS 39701. Information Office, Craig AFB, AL 36701. Information Office, Laughlin AFB, TX 78840. Information Office, Reese AFB, TX 79489.



Information Office, Vance AFB, OK 73701.  
Information Office, Webb AFB, TX 79720.  
Information Office, Williams AFB, AZ 85224.

In addition, copies of the DEIS and Background Studies have been placed in the following locations for public reference:

Lowndes County Library, 314 7th St. N., Columbus AFB, MS 39701.  
Fant Memorial Library, Mississippi University for Women, Columbus, MS 39701.  
14 FTW/SSL, Base Library, Columbus AFB, MS 39701.  
Selma Public Library, Selma, AL 36701.  
George C. Wallace State Community College Library, Highway 22, Selma, AL 36701.  
Selma University Library, 1501 Lapsley Street, Selma, AL 36701.  
Alabama Lutheran Academy and College Library, 1804 Green Street, Selma, AL 36701.  
Val Verde Library, 300 Spring Street, Del Rio, TX 78840.  
Base Library, Laughlin AFB, TX 78840.  
Lubbock City/County Library, Slaton Branch, 164 W. Garza, Slaton, TX 79364.  
Lubbock City/County Library, Idalou Branch, 122 Main Street, Idalou, TX 79329.  
Lubbock City/County Library, 1306 9th Street, Lubbock, TX 79401.  
Hockley County Memorial Library, Levelland Branch Library, Austin and Ave. H, Levelland, TX 79366.  
Reese AFB Library, Reese AFB, X 79489.  
Miss Jean Harrington, Librarian, Enid Public Library, 120 W. Maine, Enid, OK 73701.  
Mr. Tom Kirk, Librarian, (NW-CL), Vance AFB, OK 73701.  
Howard County Library, 310 Scurry, Big Spring, TX 79720.  
Howard College Library, 1001 Birdwell, Big Spring, TX 79720.  
78 FTW/SSL, Base Library, Webb AFB, TX 79720.  
City Library, 12 E. McDowell Road, Phoenix, AZ 85001.  
City Library, 59 E. 1st Street, Mesa, AZ 85201.  
City Library, 3839 Civic Center Plaza, Scottsdale, AZ 85251.  
Mesa Community College Library, 1833 W. Southern, Mesa, AZ 85201.  
City Library, 3500 S. Rural Road, Tempe, AZ 85281.  
Arizona State University Library, Tempe, AZ, 85283.  
City Library, 132 W. Bruce Avenue, Gilbert, AZ 85234.  
City Library, P.O. Box 252, Apache Junction, AZ 85220.  
Base Library, Williams AFB, AZ 85224.  
Scottsdale Community College Library, 9000 E. Chaparral Road, Scottsdale, AZ 85251.  
City Library, 178 E. Commonwealth, Chandler, AZ 85224.  
Phoenix College Library, 1202 W. Thomas Road, Phoenix, AZ 85203.

The informal public hearings will be held at the dates, times and places listed below:

Date: October 18, 1976.  
Time: 7 PM.  
Place: Joe Cook Jr. H.S. Auditorium, North 7th St., Columbus, MS 39701.  
Date: October 21, 1976.  
Time: 7 PM.  
Place: Convention Hall, Cherokee and Independence, Enid, OK 73701.  
Date: October 27, 1976.  
Time: 7 PM.  
Place: Civic Center, Avenue F, Del Rio, TX 78840.  
Date: November 3, 1976.  
Time: 7 p.m.  
Place: Big Spring High School Auditorium, 11 Place, Big Spring, TX 79720.  
Date: November 8, 1976.  
Time: 7 p.m.

Place: City Hall, Council Chamber, 10th Street & Texas Avenue, Lubbock, TX 79408.  
Date: November 15, 1976.  
Time: 7 p.m.  
Place: Convention Center, Municipal Complex, Broad Street, Selma, AL 36701.

Arrangements have been made at each location to continue the public hearings on the following day in the event the presiding officer determines that an extension is necessary.

The presiding officer at these hearings will be Colonel Howard K. Smith, Chief Judge, 2nd Circuit, USAF Trial Judiciary, Maxwell Air Force Base, Alabama 36112.

The increasing disparity between pilot training capacity and requirements has dictated that the United States Air Force take management actions to more closely align these two factors. The degree of excess capacity projected for the next several years provides an opportunity to achieve economies by reducing fixed base cost. The USAF requirements for fixed wing pilot production has declined from a total of approximately 4,300 pilots in FY 1972 to approximately 1,550 pilots in FY 1978. Currently within Air Training Command, the Air Force has a capability to train approximately 2,760 fixed wing pilots at seven Undergraduate Pilot Training (UPT) bases. This excess pilot production capacity projected ahead, which is expected to increase further with the introduction of instrument flight simulators, cannot be economically continued or operationally justified. Closure of two UPT bases would produce optimum savings while retaining an adequate pilot training expansion capability. Thus the Air Force proposes two actions: to close Craig AFB, Selma, Alabama and Webb AFB, Big Spring, Texas. The Flying Training Wing (FTW) at each base would be inactivated and the pilot training mission would be redistributed among the five remaining UPT bases (Williams, AFB, AZ, Laughlin AFB, TX, Vance AFB, OK, Reese AFB, TX, and Columbus AFB, MS) during FY 1977. The associated tenant organizations which provide weather, communication, manpower, and other support activities would also be inactivated. The resources necessary to support the increased training mission activity at the five remaining UPT bases would be provided from the inactivated organizations at Craig and Webb AFBs. These proposed actions would ultimately involve the reduction of approximately 900 civilian and 1,550 military positions at Craig AFB and approximately 850 civilian and 1,700 military positions at Webb AFB. The redistribution of Craig AFB's pilot training mission during FY 1977 to the five remaining UPT bases would require that approximately 50 civilian and 370 military positions be transferred from Craig AFB to the gaining UPT bases. There would be a similar transfer of approximately 50 civilian and 440 military positions from Webb AFB to the gaining UPT bases. Concurrent with the termination of the flying training mission, a caretaker force of approximately 320 military and civilian positions would be established at Craig and Webb AFBs. Facilities at these bases would be screened and those declared excess to Defense requirements would be made

available for other use. The caretaker manpower positions would be eliminated upon final disposition of facilities. The proposed actions to close Craig AFB, Dallas County, Selma, Alabama, and Webb AFB, Howard County, Big Spring, Texas, would achieve approximately \$47 million in annual recurring savings to the Department of Defense through reductions in personnel and base operating costs.

The following procedures will be followed during the informal public hearings. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. The closing date for including written communications in the hearing record is five days after date of public hearing. Submit written communications to the presiding officer or as directed at the public hearing.

The deadline for forwarding comments to the Special Assistant for Environmental Quality (SAF/ILE), Washington, DC 20330, has been extended from November 8, 1976, as announced in the FEDERAL REGISTER, 41 FR 41944, dated September 24, 1976, to November 23, 1976.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 76-29102 Filed 9-30-76; 8:45 am]

# Department of the Air Force DRAFT ENVIRONMENTAL STATEMENT Public Hearing

SEPTEMBER 29, 1976.

Informal public hearings will be held for the purpose of soliciting comments from the public on the draft environmental impact statements for the proposed closure of Kincheloe Air Force Base (AFB), Michigan, and the proposed reduction of Loring AFB, Maine. The closure of Blytheville AFB, Arkansas, is an alternative to both of the proposed candidate actions. In the event that the Blytheville AFB closure is selected in lieu of either of the proposed candidate actions, the natural environment should improve due to the decrease in aircraft operations. The socio-economic impacts, however, could be severe in the areas of unemployment, housing vacancy, school enrollments, and funding. Hearings are scheduled to be held in the Blytheville AFB vicinity on October 18 and 19, 1976. Draft Environmental Impact Statements (DEIS) for these proposed actions were filed with the Council on Environmental Quality (CEQ) on September 3, 1976. Copies are available from:

Special Assistant for Environmental Quality, (SAF/ILE), The Pentagon, Room 4C885, Washington, D.C. 20330.

In addition, copies of the DEIS have been placed in the following locations for public reference:

Blytheville Public Library, Blytheville, Arkansas.



Chamber of Commerce, Bytheville, Arkansas.  
 97BMW Office of Information, Blytheville  
 AFB, Arkansas.  
 Base Library, Blytheville AFB, Arkansas.

The Presiding Officer will be Col. Allan C. Smith, Chief Judge, 5th Circuit, USAF Trial Judiciary, Travis AFB, California 94535, telephone (707) 438-6321).

The following procedures will be followed during the informal public hearings. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations will be accepted. Written statements will be given the same consideration as oral statements. The closing date for including written communications in the hearing record is five days after date of public hearing. Submit written communications to the 97BMW/01, Blytheville AFB, Arkansas 72315.

The informal public hearing for the Blytheville AFB vicinity will be held at the following specific times and place:  
 9:00 a.m.-4:00 p.m., 18 October 1976, Blytheville City Hall, Blytheville, Arkansas.  
 7:00 p.m.-10:30 p.m., 19 October 1976, Blytheville City Hall, Blytheville, Arkansas.

Any changes to this notice will be publicized in the local news media.

FRANKIE S. ESTEP,  
*Air Force Federal Register Liaison Officer, Directorate of Administration.*

[FR Doc.76-28983 Filed 9-30-76;8:45 am]

#### Department of the Army

#### HEADWATERS RESERVOIRS, MISSISSIPPI RIVER AND REMER ADMINISTRATIVE SITE, CHIPPEWA NATIONAL FOREST, MINNESOTA

#### Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached below and made a part hereof, which lands are within the Chippewa National Forest, Minnesota, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record.

(2) The Forest Service acquired administrative site described in Exhibit B below, which is administered by the Forest Supervisor, Chippewa National Forest, is hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to outstanding rights or interests of record.

Pursuant to Section 2 of the aforesaid Act of July 26, 1956, the Forest Service administrative site transferred to the

Secretary of the Army by this order is hereafter subject only to laws applicable to Department of the Army lands comprising the Headwaters Reservoirs, Mississippi River. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date: This order will be effective as of October 1, 1976.

Dated: July 22, 1976.

MARTIN R. HOFFMANN,  
*Secretary of the Army.*

Dated: August 10, 1976.

EARL L. BUTZ,  
*Secretary of Agriculture.*

#### EXHIBIT A

LAND TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

#### Fifth Principal Meridian

T. 143 N., R. 28 W.,

Sec. 14, That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , south of a line beginning at a point on the east line of said tract, 225 feet north of the southeast corner; thence north 75° west, 920 feet; thence in a northwesterly direction, 490 feet, more or less, to a point on the west line of said tract, 670 feet north of the southwest corner containing 12.7 acres, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 103). That portion of the NW $\frac{1}{4}$ -SE $\frac{1}{4}$ , south and west of a line beginning at a point on the east line of said tract, 600 feet south of the northeast corner, to a point on the north line of said tract, 500 feet west of the northeast corner, containing 36.5 acres, more or less. (Corps tract 103).

Sec. 23, That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , north and west of a line beginning at a point on the north line of said tract, 100 feet east of the northwest corner, to a point on the west line of said tract, 320 feet north of the southwest corner, containing 1.0 acre, more or less. (Corps tract 104). That portion of the NE $\frac{1}{4}$ -SE $\frac{1}{4}$ , south and west of a line beginning at a point on the south line of said tract, 430 feet east of the southwest corner, to a point on the west line of said tract, 890 feet north of the southwest corner, containing 4.4 acres, more or less. (Corps tract 104). That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , west of a line beginning at a point on the south line of said tract, 450 feet east of the southwest corner; thence north 13°30' west, 540 feet; thence north 11° east, 240 feet; thence north 83°30' east, 550 feet; thence north 14° east, 150 feet; thence in a northwesterly direction, 630 feet, more or less, to a point on the north line of said tract, 430 feet east of the northwest corner, containing 17.0 acres, more or less. The west line of said tracts is used as a meridian in this description. (Corps tract 104).

Sec. 25, That portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , south and west of a line beginning at the northwest corner of said tract; thence south 26°30' east, 430 feet; thence in a southeasterly direction, 930 feet, more or less, to a point on the south line of said tract, 390 feet east of the southwest corner, containing 7.8 acres, more or less. The west line of said tract is used as a meridian in this description.

(Corps tract 57). That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , south and east of a line beginning at a point on the east line of said tract, 100 feet north of the southeast corner; thence south 64° west, 225 feet; thence north 84° west, 475 feet; thence in a southwesterly direction, 170 feet, more or less, to a point on the south line of said tract, 835 feet west of the southeast corner, containing 1.4 acre, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 57).

Sec. 26, That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , south and west of a line beginning at a point on the north line of said tract, 890 feet west of the northeast corner; thence south 24° east, 910 feet; thence in a southeasterly direction, to a point on the east line of said tract, 120 feet north of the southeast corner, containing 25.00 acres, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 57). That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , west of a line beginning at a point on the south line of said tract, 120 feet of the southeast corner; thence north 19° west, 970 feet; thence north 27° east, 260 feet; thence in a northeasterly direction, 360 feet, more or less, to the northeast corner of said tract, containing 31.0 acres, more or less. The east line of said tract is used as a meridian in this description. (Corps tract 57).

The tracts described, contain in all 136.8 acres, more or less.

#### EXHIBIT B

LAND TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

#### Fifth Principal Meridian

T. 141 N., R. 26 W.,

Sec. 1, Part of the NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ , beginning at a point 50 feet south of the established center of Sec. 1, T. 141 N., R. 26 W., this point being on the north and south quarter line, 2,737.5 feet south 0°40' east (va. 6°45') from the north quarter corner of Sec. 1 and the south right-of-way line of Highway #34, 50 feet south of centerline of said highway. From this point as the place of beginning run south 89°15' east along said south right-of-way line a distance of 511.2 feet; thence south 0°40' east a distance of 511.2 feet; thence north 89°15' west, a distance of 511.2 feet to the north and south quarter line; thence north 0°40' west along said quarter line a distance of 511.2 feet to the place of beginning; conveying hereby 6.00 acres, more or less. Including the following fixtures and standard plan number for improvements:

Ranger dwelling	B-38
Office	B-42
Dwelling	B-196
Warehouse	B-27
Oil shed	
Garage	B-16
Dwelling	B-199

[FR Doc.76-28752 Filed 9-30-76;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 128]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 27, 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 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protests must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 50TA), filed September 20, 1976. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Blvd., P.O. Box 22005, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new chassis, automobile parts and automobile show equipment*, in initial movements, in truckaway service; (1) from the plantsites of General Motors Corporation, located at Linden, N.J., and at or near Wilmington, Del., to points in Alabama, Florida and Georgia; and (2) from the plantsites of General Motors Corporation, located at Atlanta, Ga., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia, for 180 days. Supporting shipper: General Motors Corporation, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 5470 (Sub-No. 111TA), filed September 15, 1976. Applicant: TAJON, INC., R.D. #5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: R. W. Sanguigni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Coatesville,

Pa., to Buffalo, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lukens Steel Co., Strode Ave., Coatesville, Pa. 19320. Send protests to: John J. Englund, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 36556 (Sub-No. 33TA), filed September 15, 1976. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers, Wis. 53171. Applicant's representative: Fred Flgge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container parts*, from the plantsite and warehouse facilities of the Carnation Company, at or near Oconomowoc, Wis., to the plantsite and warehouse facilities of the Carnation Company, at or near Sebring, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carnation Company, 39526 Marks Road, Oconomowoc, Wis. 53066. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 49368 (Sub-No. 95TA), filed September 17, 1976. Applicant: COMPLETE AUTO TRANSIT, INC., P.O. Box 5216, Detroit, Mich. 48235. Applicant's representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service; (1) from the plant site of General Motors Corporation, located at Atlanta, Ga., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia; and (2) from the plant sites of General Motors Corporation, located at Linden, N.J., and at or near Wilmington, Del., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, under a continuing contract with General Motors Corporation, for 180 days. Supporting shipper: General Motors Corporation, E. R. Wiseman, Director Transportation Economics, GM Logistics Operations, 30007 Van Dyke Ave., Warren, Mich. 48090. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 52460 (Sub-No. 184TA), filed September 20, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, Okla. 74107. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp*; and (2) *materials and supplies* used in

the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 61396 (Sub-No. 316TA), filed September 14, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid argon, liquid oxygen, and liquid nitrogen*, in bulk, in cryogenic tank vehicles, from the plantsite of Burdiox, Inc., at or near Portage, Mich., to points in Indiana and Ohio and from the plantsite of Chemetron Corporation, at or near Toledo, Ohio, to Decatur and Ft. Wayne, Ind., and Adrian, Bay City, Beldine, Chelsea, Detroit, Grand Rapids, Highland Park, Jackson, Kalamazoo, Marshall, Montague, Muskegon, Quincy and South Haven, Mich. Restriction: All service hereunder restricted to traffic originating at the above-named facilities and moving in trailers owned by Burdiox, Inc., for 180 days. Supporting shipper: Kurt R. Rose, Vice-President, Burdiox, Inc., 3300 Lakeside Ave., Cleveland, Ohio 44144. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 113908 (Sub-No. 284TA), filed September 15, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh "pasteurized" grape juice*, in bulk, from Madera, Calif., and the commercial zone thereof, to United States Ports of Entry at or near Buffalo, N.Y.; Detroit, Mich.; and Champlain, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Big "M" Distributors, 1100 W. Shaw Ave., Fresno, Calif. 93705. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 385TA), filed September 15, 1976. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *In-*



*edible animal fats and grease*, in bulk, from points in Arkansas, to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. Pfau's Sons Co., Inc., P.O. Box 7, Jeffersonville, Ind. 47130. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114897 (Sub-No. 122TA), filed September 15, 1976. Applicant: WHITFIELD TANK LINES, INC., 821 E. Pasadena, P.O. Box 7676, Phoenix, Ariz. 85011. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries Inc., at or near Farnsworth, Tex., to points in Oklahoma, Kansas, Colorado and New Mexico, for 180 days. Supporting shipper: Farmland Industries Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Andrew V. Baylor, District Supervisor, Room 3427 Federal Bldg., 230 North 1st Ave., Phoenix, Ariz. 85025.

No. MC 119493 (Sub-No. 143TA), filed September 20, 1976. Applicant: MONKEM COMPANY, INC., West 20th St., Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp*; and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119641 (Sub-No. 136TA), filed September 20, 1976. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., P.O. Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Doran, Suite 1, P.O. Box 335, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes*, from Kings, N.C., to Princeton, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cox Wood Preserving Co., Cannon Bridge Road, Orangeburg, S.C. 29115. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 345 W.

Wayne, St., Room 204, Fort Wayne, Ind. 46802.

No. MC 119988 (Sub-No. 101TA), filed September 20, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Highway 103 East, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and wood pulp*, from points in Washington and West Feliciana Parishes, La., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Brown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: John Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 124078 (Sub-No. 703TA), filed September 15, 1976. Applicant: SCHWERMANN TRUCKING COMPANY, 611 South 28th St., Milwaukee, Wis. 53246. 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: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125433 (Sub-No. 84TA), filed September 14, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Kenneth W. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled waste paper (old cardboard boxes)*, from the plantsite of Beehive Mill Supply, at Salt Lake City, Utah, to Crown Zellerbach Corporation, in Antioch, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: eBeehive Mill Supply Inc., 381 West Paxton Ave., Salt Lake City, Utah 84101. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 126102 (Sub-No. 20TA), filed September 15, 1976. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington St., P.O. Box 1808, Plainville, Mass. 02762. Applicant's representative: Robert G. Parks, 189 Neholden St., Needham, Mass. 02192. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by*

retail rental centers and related supplies, from warehouse facilities of Taylor Rental Corporation, at Springfield, Mass., to points in the United States (except Alaska and Hawaii), under a continuing contract with Taylor Rental Corporation, for 180 days. Supporting shipper: Taylor Rental Corporation, 570 Cottage St., Springfield, Mass. 01101. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Providence, R.I. 02903.

No. MC 126276 (Sub-No. 156TA), filed September 17, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and products produced or distributed by manufacturers and converters of paper products* (except paper and paper products); and (2) *paper and paper products produced or distributed by manufacturers and converters of paper products*, from Louisville, Ky., to Shelbyville, Ill., Detroit, Mich., and Altoona and Pittsburgh, Pa., under a continuing contract with The Continental Group, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Continental Group, Inc., Daniel Dorney, Manager of Distribution-Sales Service, 200 E. Northwest Highway, Palatine, Ill. 60067. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126545 (Sub-No. 10TA), filed September 15, 1976. Applicant: GLENERY, INC., 173 Hickory St., Kearny, N.J. 07032. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, supplies, inter-office correspondence, sales, accounting and computer data* used in the manufacture, sale and/or distribution of sanitary paper products, between Milltown and Edison, N.J., on the one hand, and, Holyoke, Mass., on the other, under a continuing contract with Cel-Fibe and its Division, Graham Manufacturing Co., for 180 days. Supporting shipper: Cel-Fibe and its Division, Graham Manufacturing Co., Milltown, N.J. 08850. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 127135 (Sub-No. 5TA), filed September 20, 1976. Applicant: HERBERT O. KINDRICK, doing business as KINDRICK TRUCKING CO., Route 1, Box 432, Herriman, Tenn. 37748. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over



irregular routes, transporting: *Ferro alloys*, in bulk, between the plantsite and shipping facilities of Roane Electric Furnace, Inc., at or near Rockwood, Tenn., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, West Virginia, Pennsylvania, New York, Michigan, Alabama, and Georgia, for 180 days. Supporting shipper: Roane Electric Furnace, Inc., Rockwood, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 128841 (Sub-No. 14TA), filed September 14, 1976. Applicant: MUR-GAIL, INC., 301 North Fifth St., Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by premium trading stamp companies, in shipper owned or leased trailers, having had immediate prior transportation by rail, from Minneapolis and St. Paul, Minn., to Grand Rapids, Minn., and returned merchandise, from Grand Rapids, Minn., to Minneapolis and St. Paul, Minn., under a continuing contract with The Sperry & Hutchinson Company, for 180 days. Supporting shipper: The Sperry & Hutchinson Company, 330 Madison Ave., New York, N.Y. 10017. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 129613 (Sub-No. 22TA), filed September 20, 1976. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Winchester, Va., and its commercial zone, to points in Michigan, Illinois, Indiana, Ohio and Georgia, under a continuing contract with Rubbermaid Commercial Products, Inc., for 180 days. Supporting shipper: Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, Va. 22601. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., NW, Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 134477 (Sub-No. 118TA), filed September 20, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in

*Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Spencer Foods, Inc., located at or near Schuyler, Nebr., and Spencer and Hartley, Iowa, to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania 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: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138104 (Sub-No. 37TA), filed September 17, 1976. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive liquid waste*, from Russellville, Ark., to Galveston, Tex., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fredrick P. Beierle, President, Southwest Nuclear Company, 3001 LBJ Freeway, Suite 227, Dallas, Tex. 75234. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 138878 (Sub-No. 5TA), filed September 17, 1976. Applicant: JOHN S. WATSON, doing business as JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, W. Va. 26452. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood residuals*, from Curry Bros. Lumber Co., at or near Elizabeth, W. Va., to Coshocton, Chillicothe and Philo, Ohio; (2) *Wooden pallets, wood pallet parts and wood chips*, from the plantsite of James Bros., Inc., Jane Lew, W. Va., to points in Ohio, Pennsylvania, North Carolina, South Carolina, Virginia, and Tennessee; and (3) *Common brick*, from points in North Carolina, to points in Maryland, Pennsylvania, New Jersey, West Virginia, Ohio, Delaware, and New York, for 180 days. Supporting shippers: L. J. Curry, Treasurer, Curry Bros. Lumber Co., Box 337, Elizabeth, W. Va. 26143. Hoyt B. James, President, James Bros., Inc., P.O. Box J, Jane Lew, W. Va. 26378. Harold King, Manager, Weston Brick Co., P.O. Box 629, Weston, W. Va. 26452. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 139468 (Sub-No. 20TA), filed September 17, 1976. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 6534 Gessner, Houston, Tex. 77040.

Applicant's representative: David R. Parker, 1600 Broadway, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down and in sections; building sections and panels and parts and accessories*, used in the manufacture, installation, and completion of the commodities indicated above, from La Grange, Ga., to points in Alabama, Florida, North Carolina, South Carolina, Tennessee, Massachusetts, and Rhode Island, restricted (1) to traffic originating at the plantsites and storage facilities of National Steel Products Company, Inc., and (2) to traffic under a continuing contract with National Steel Products Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Steel Products Company, Inc., P.O. Box 40490, Houston, Tex. 77040. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77022.

No. MC 140061 (Sub-No. 3TA), filed September 13, 1976. Applicant: DON MULDER TRUCKING, 1735 North 50th St., Lincoln, Nebr. 68504. Applicant's representative: Don Mulder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the production and marketing of fresh vegetables, from Indianapolis, Ind., and Cincinnati, Ohio and their commercial zones, to Grand Island, Nebr., and Pine Bluffs, Wyo., under a continuing contract with D. H. Buckner, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Don Buckner, Vice-President, D. H. Buckner, Inc., 4309 Saddle Horse Court, Grand Island, Nebr. 68801. Send protests to: Mac H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 141500 (Sub-No. 1TA), filed August 5, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 35, Kewaskum, Wis. 53040. Applicant's representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Quick lime*, in bulk, in dump vehicles, from Superior and Green Bay, Wis., and points in their respective Commercial Zones, to the port of entry on the International Boundary line between the United States and Canada, at or near Sault Ste. Marie, Mich., under a continuing contract with Reiss Lime Company of Canada, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reiss Lime Company of Canada, Ltd., P.O. Box 688, Sheboygan, Wis. 53081. Send protests to: Gail Daugherty, Transportation Assist-



ant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 141519 (Sub-No. 3TA), filed September 16, 1976. Applicant: TEJAS LINES, INC., Route 2, Box 174A, Canyon, Tex. 79015. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of Farmland Industries, Inc., at or near Farnsworth, Tex., to points in Oklahoma, Kansas, Colorado and New Mexico, for 180 days. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 141804 (Sub-No. 23TA), filed September 17, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Foodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knock-down reels and pallet stock*, from Lodi and Lindsay, Calif., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, and Tennessee, for 180 days. Supporting shipper: The Wickes Corporation, 515 N. Washington Ave., Saginaw, Mich. 48607. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142207 (Sub-No. 2TA), filed September 20, 1976. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Ap-

plicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and wood pulp*; and (2) *materials and supplies* used in the manufacture or conversion of those commodities specified in (1) above, between points in Washington and West Feliciana Parishes, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 142457 (Sub-No. 1TA) filed September 14, 1976. Applicant: EUGENE STENNETT, doing business as GENE'S TRUCKING, 903 York Ave., St. Paul, Minn. 55106. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide, solidified (dry ice)*, in containers, from Chicago and Morris, Ill., to St. Paul, Lake City, Red Wing and Winona, Minn., and Eau Claire and LaCrosse, Wis., under a continuing contract with Jasons Dry Ice, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jasons Dry Ice, Inc., 2103 Charles Ave., St. Paul, Minn. 55114. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142460TA, filed September 16, 1976. Applicant: CEMCO HEAVY HAULERS, INC., P.O. Box 101, Riverton, Ill. 62561. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Spring-

field, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road construction and underground cable laying equipment*, for the account of Roland Machinery Company, between Springfield, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, North Dakota, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee and Wisconsin, under a continuing contract with Roland Machinery Company, for 180 days. Supporting shipper: Robert Roland, Assistant Sales Manager, Roland Machinery Company, 816 North Dirksen Parkway, Springfield, Ill. 62702. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142461TA, filed September 16, 1976. Applicant: H. & W. TRUCKING CO., INC., 237 Starlite Road, Mount Airy, N.C. 27030. Applicant's representative: Eric Meierhoefer, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new furniture parts*, from the plant-sites and facilities used by Bassett Furniture Industries, Inc., located at or near Mt. Airy, Newton, N.C.; Henry County, Va.; Dublin and Macon, Ga.; to points in Washington, Oregon, New Mexico, Utah, Idaho, Nebraska, California and Arizona, under a continuing contract with Bassett Furniture Industries, Inc., for 180 days. Supporting shipper: Bassett Furniture Industries, Inc., Box 626, Bassett, Va. 24055. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

By the Commission.

GORDON H. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 76-28841 Filed 9-30-76; 8:45 am]  
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# Federal register

FRIDAY, OCTOBER 1, 1976



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PART II:

## DEPARTMENT OF THE INTERIOR

Mining Enforcement and  
Safety Administration



## UNDERGROUND COAL MINES

Illumination Requirements



## Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND  
SAFETY ADMINISTRATION, DEPARTMENT  
OF THE INTERIORSUBCHAPTER O—COAL MINE HEALTH  
AND SAFETY

## PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

## Illumination in Underground Coal Mines

**Background.** Section 317(e) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 788; 30 U.S.C. 877(e)) directed the Secretary of the Interior within nine months after March 30, 1970, to propose standards under which all working places in a mine shall be illuminated by permissible lighting while persons are working in such places. Section 317(e) further provides that such working places shall be illuminated within eighteen months after such standards are promulgated.

Pursuant to authority under section 101 of the Act (30 U.S.C. 811) and in accordance with section 317(e), there was published in the FEDERAL REGISTER for December 31, 1970 (35 FR 20009) a notice of proposed rulemaking which prescribed the illumination to be provided in the working places of underground coal mines, and in addition, the reflection efficiency of the surfaces on permissible electric face equipment and restrictions on visual impedance and pulsation frequencies of lighting devices installed on such equipment.

In light of written comments, suggestions, and objections submitted to the Director, Bureau of Mines, concerning this notice of proposed standards, and in view of numerous consultation meetings held, in accordance with section 101(c) of the Act, subsequent to the publication of the proposed standards, it was deemed advisable to withdraw the proposed rulemaking of December 31, 1970, and to propose revised illumination standards.

Therefore, pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, and in accordance with section 317(e), there was published in the FEDERAL REGISTER for Wednesday, October 27, 1971, (36 FR 20607) proposed standards contained in § 75.1719 and §§ 75.1719-1 through 75.1719-4 of Part 75, Title 30, Code of Federal Regulations, setting forth proposed mandatory standards which would: (1) Prescribe the illumination to be provided in the working places of underground coal mines; (2) specify requirements for lighting fixtures; (3) provide for methods of measuring light; and (4) specify requirements for mining machines, hard hats, and cap lamps. Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the Director, Bureau of Mines.

Written comments, suggestions, and objections stating the grounds for objection and requesting a public hearing on the proposed standards were timely filed with the Director. In accordance with section 101(f) of the Act, a notice of

objections filed and hearing requested was published in the FEDERAL REGISTER for Tuesday, February 19, 1974 (39 FR 6118).

Subsequently there was published in the FEDERAL REGISTER for Wednesday, March 6, 1974 (39 FR 8618) a notice of public hearing to be held for the purpose of receiving relevant evidence on the issues raised by the written objections and the grounds for such objections which had been filed in response to the proposed standards published on October 27, 1971 (36 FR 20607). The public hearing was held on April 4, 1974, in the Main Auditorium of the Department of the Interior. The record was held open for twenty-one days to permit submission of additional data and information. A verbatim transcript of the hearing, together with the comments, suggestions, information and data submitted, is available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, Department of the Interior, Room 818, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Based on the evidence in written comments, suggestions, data, and information submitted in response to the proposed rulemaking and at the public hearing, findings of fact were made public on June 25, 1974, and were published in the FEDERAL REGISTER for Friday, June 28, 1974 (39 FR 24021).

All comments, suggestions, statements, data, information, and objections submitted in response to the notice of proposed rulemaking of October 27, 1971 (36 FR 20607) and the public hearing have been fully and carefully considered. Modifications of the proposed standards have been made which are described below and in the findings of fact.

1. **Section 75.1719:** As proposed, § 75.1719 merely restated the provisions of section 317(e) of the Act. § 75.1719 has been revised to specifically state the date upon which the standards contained in §§ 75.1719-1 through 75.1719-4 were promulgated in the FEDERAL REGISTER and, without the necessity of referring to other sources when published in the Code of Federal Regulations, to provide and specifically state the date 18 months after promulgation by which mine operators shall provide the required lighting.

2. **Section 75.1719-1:** The proposed § 75.1719-1 has been revised and modified to reflect certain findings of fact and comments and suggestions received in response to the notice of proposed rulemaking. The major revisions concern the requirement for lighting only while self-propelled mining equipment is operated in a working place; a definition of "self-propelled mining equipment" for the purposes of these standards; a clearer description of the illumination required according to specific types of equipment; and rearrangement and redesignation of proposed provisions for clarity. The revisions, modifications and new provisions are further described below.

**Section 75.1719-1(a):** As proposed, paragraph (a) required each working

place to be illuminated at all times while miners were working in such places. Paragraph (a) has been modified to require illumination of working places only while self-propelled mining equipment is operated in the working place. As stated in the June 25, 1974 findings of fact, this change is made because portable task luminaires or area lighting systems for various nonmachine underground operations (for example, timbering, electrical, pipe, or machine repair) would require frequent repositioning which in many cases increases the miner's exposure to electrical shock, ignition, and other hazards present in working places. Additionally, MESA reports show that almost all serious and fatal accidents in working places occur while self-propelled equipment is operated in such working places. Therefore, illumination of working places while self-propelled mining equipment is not operated in working places will not be required, and such requirements are deleted, pending further study and until further notice is given pursuant to section 101 of the Act. As a result of the modification, the majority of light fixtures can be installed on machines, thereby eliminating the need for the presence of additional miners in working places.

**Section 75.1719-1(b):** A new paragraph (b) has been added defining "self-propelled mining equipment" for the purpose of clarifying the kinds of equipment which would require that illumination be provided in specified areas of the working place while such equipment is operated in the working place.

**Section 75.1719-1(c) and (d):** Proposed paragraphs (b) and (c) have been redesignated paragraphs (c) and (d) respectively.

**Section 75.1719-1(e):** Proposed paragraphs (d), (e), (f) and (g) of § 75.1719-1 have been revised, modified, rearranged or deleted to more clearly define the areas to be illuminated for specific types of equipment or to conform to findings of fact and have been combined into a new paragraph (e).

Proposed paragraph (e) of § 75.1719-1 required the gob-side of the longwall roof support system to be illuminated. Such a requirement would necessitate installation of light fixtures under unsupported roof which would be extremely hazardous to miners. Proposed paragraph (e) has been redesignated paragraph (e) (4), and since miners do not work or travel on the gob-side of the roof support system, the area required to be illuminated has been changed to include only the area in which miners travel and work, which is the area between the gob-side of the travelway and the side of the block of coal from which coal is being extracted.

In addition the control station, the head and tail piece, and the roof and floor for a distance of 5 feet horizontally from the control station, head piece, and tail piece shall be illuminated. Because of the similarity in the methods of mining, the areas to be illuminated in a shortwall working place have been included.



Paragraph (e)(2) has been added to cover the use of self-loading haulage equipment, such as scoops, when used to load materials in the working place. Such equipment is often used to load coal, rock, and other materials into shuttle cars and other types of haulage cars, and onto conveyors and belts. When operated in a working place for purposes other than loading, such equipment will be required to comply with § 75.1719-1(e)(6).

A new paragraph (e)(5) has been added which covers roof-bolting machines separately from other types of equipment. The distance to which a miner is subjected to rib rolls increases as the distance from the floor to the roof increases. It is, therefore, important that illumination be provided on the ribs so that a miner can see a rib roll developing and take evasive action. Illumination will be required of coal surfaces and exposed surfaces of mining equipment which are within a distance of 5 feet from the roof bolting machine or within a distance equal to the distance from the floor to the roof, whichever is greater. It is the intent of the standards that in working places where the distance from the floor to the roof is 5 feet or less, that when the face or a rib is within 5 feet of the machine that such face and ribs shall be illuminated. It is also intended that the roof over the machine and the roof and floor for a distance of 5 feet surrounding the machine shall be illuminated. A distance of 5 feet will be measured, parallel to the floor, from the rear of the machine, from the sides of the machine, and from the sides and front of the drilling boom. The perimeter of the area on the roof and floor which shall be illuminated will be determined by projecting the 5 foot distance to the floor and roof. In addition, any rib surface, face surface, and exposed surface of mining equipment which is within the 5-foot distance shall be illuminated. Where the distance from the floor to the roof is more than 5 feet, the distance from the sides of the machine and the sides and front of the drilling boom will be increased to a distance equal to the distance from the floor to the roof, but the distance from the rear of the machine shall be 5 feet. A roof bolting machine is operated throughout the working place at greater distances from the face and ribs than other self-propelled mining equipment. Further, unlike other self-propelled mining equipment, the roof bolting machine has operating controls located at an operator station at the front of the machine. In view of its unique function, the location of operating controls, and movement throughout the working place, the requirement for illumination only within a distance of 5 feet from the machine or a distance equal to the distance from the floor to the roof, whichever is greater, is provided in order to minimize discomfort glare, the presence of which could result in diminution of safety.

Paragraph (e)(6) will require illumination in working places in which other self-propelled equipment is operated, un-

less the entire working place is illuminated by stationary lighting. Luminaires shall be installed on each machine which shall illuminate a face or rib coal surface which is within 10 feet from the front and rear of the machine; the area of the surface to be illuminated shall equal the height and width of the machine; and the luminaires in the direction of travel shall be in operation at all times the machine is being trammed in the working place.

Proposed paragraph (f) has been deleted in view of the finding of fact that portable task luminaires or area lighting systems for various nonmachine underground operations require frequent repositioning which in many cases increases the miner's exposure to electrical shock and ignition hazards.

Proposed paragraph (g) required that in anthracite mines the area between the face and the full box, and the battery area at and in by the last open crosscut be illuminated. This requirement has been deleted because in anthracite mines self-propelled mining equipment is not normally used between the face and the full box or in the battery area. However, the provisions of § 75.1719-1 requiring illumination of working places while self-propelled mining equipment is operated in such places will be applied to anthracite mines.

Section 75.1719-1(f): As proposed, paragraph (h) provided that an authorized representative of the Secretary may specify other areas in working places to be illuminated. Proposed paragraph (h) has been redesignated paragraph (f) and has been revised to conform to the findings of fact and to provide that the Assistant Administrator, Coal Mine Health and Safety, MESA, may specify other areas in a working place to be illuminated while self-propelled mining equipment is operated in the working place.

Section 75.1719-1(g): Proposed paragraph (f) of § 75.1719-2 has been redesignated paragraph (g) of § 75.1719-1 and has been modified to clarify those surfaces to be illuminated and the surface brightness of such surfaces.

3. Section 75.1719-2: The provisions of § 75.1719-2 have been rearranged for clarity, content of subject matter, and ease of use. Revisions have been made and several new provisions have been added. The rearrangement, revisions and new provisions are described below.

Section 75.1719-2(a): The second sentence of paragraph (a) is redesignated paragraph (c)(1).

Section 75.1719-2(b): A new paragraph (b) has been added to specifically provide for the use of either machine-mounted or stationary lighting fixtures.

Section 75.1719-2(c): The provisions of § 75.1719-2(c) have been rearranged and contain the provisions of the second sentence of proposed § 75.1719-2(a) and revisions of proposed § 75.1719-2(b).

Paragraph (c)(2) contains revisions of the first sentence of proposed paragraph (b) providing more specific approved methods of grounding of stationary light fixtures and a maximum allowable fault current is specified to prevent

electrical burns to miners handling energized stationary light fixtures.

Paragraph (c)(3) contains revisions of the second sentence of proposed paragraph (b) which has been modified to require that the frames of machine-mounted light fixtures be grounded to the machine only by a separate grounding conductor in compliance with § 75.701-4. This method of grounding is necessary in order to assure an adequate grounding circuit, because light fixtures installed on a machine are occasionally broken loose from the frame of the machine which allows an internal ground fault inside the enclosure to become a shock and/or an ignition hazard.

Section 75.1719-2(d): A new paragraph (d) has been added limiting to 300 volts the amount of voltage that can be used to supply power to stationary light fixtures which can be carried by hand while energized. Extremely dangerous shock hazard exist in handling portable equipment energized at a voltage greater than 300 volts. This hazard is also recognized in 30 CFR Part 18 which limits the voltage of hand-held tools to 300 volts.

Section 75.1719-2(e): Paragraph (e) contains the provisions of proposed paragraph (c) which has been modified to specify a maximum allowable amount of fault current setting which may be used to deenergize the circuit.

Section 75.1719-2(f): Paragraph (f) contains the provisions of proposed paragraph (d). Modifications have been made for clarity and to allow light fixtures to be protected by means other than removal for a specified distance from the blasting operation. This change was made to provide flexibility in the protection of light fixtures without diminution of safety, particularly for longwall operations. For example, the standard as proposed required light fixtures to be removed from the entire longwall face during blasting operations.

Section 75.1719-2(g): Paragraph (g) contains the provisions of the first sentence of proposed paragraph (e). The second sentence of proposed paragraph (e) has been deleted because experiments have shown that a light spread exceeding 170° does not cause glare if the light fixtures are properly oriented. However, paragraph (g) continues the requirement that lighting fixture systems shall be designed and installed to minimize discomfort glare.

4. Section 75.1719-3: Proposed § 75.1719-3 has been rearranged, revised and modified as explained below.

Section 75.1719-3(a): Proposed paragraph (a) provided that illumination levels could be determined by measuring surface brightness or incident light. Paragraph (a) has been modified to limit measurement of only luminous intensity (surface brightness). Incident light measurements have been deleted because at the present time technical problems exist in determining the reflectance value of rough and irregular surfaces under actual mining conditions. Paragraph (a) has been further modified to state clearly that the method of



measurement in § 75.1719-3 is intended as prescribing the manner in which luminous intensity measurements will be made by MESA. The requirement that telescopic photosensors or visual photometers be used as instruments to measure light has also been deleted in order to allow for the use of a variety of existing instruments or others which may be developed in the future.

**Section 75.1719-3(b):** A new paragraph (b) has been added providing for standardization of light measuring procedures from mine to mine depending upon the areas of working places required to be illuminated. Paragraph (b) also combines provisions of proposed paragraphs (c) and (d) with revisions and modifications. The modifications provide for a more practical and enforceable method of light measurement. In addition, for the purpose of clarity, methods of measuring luminous intensity are depicted by figures in paragraphs (b)(5) and (b)(7).

**Section 75.1719-3(c):** A new paragraph (c) has been added to permit measurements to be made without hazard to an authorized representative of the Secretary under conditions which reflect as near as practicable the conditions surrounding the actual use of a machine. Temporary support may be required but at other times it may be more expedient to move a machine to a similar working place in which permanent roof supports have been installed.

**Section 75.1719-3(d):** Proposed paragraph (b) has been redesignated paragraph (d). The reference to Figure 4-5 in the "Illuminating Engineering Society Handbook, 4th Ed.," has been changed to the Commission Internationale de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is set forth for convenience and ready availability to assist in color correction of the instruments.

**Section 75.1719-4:** Paragraph (a) has been modified to provide that the paint on exterior surfaces of mining machines shall have a minimum reflectance of 30 percent, instead of 50 percent, in order to permit the use of common types of readily available protective paints and materials.

Paragraphs (b) and (d) have been modified to specify minimum sizes for reflectors or reflecting tape on mining machines, and reflecting tape, or equivalent paint, or material on hard hats or hard caps.

#### TEST AND EVALUATION OF ILLUMINATION SYSTEMS

The Mining Enforcement and Safety Administration (MESA) recognizes the complexity of making underground illumination measurements and evaluating illumination systems. Illumination of working places in underground mines is a relatively new and innovative safety measure, although practical lighting fixtures (stationary and machine-mounted) have been developed which will illuminate the working places to 0.06 foot-lamberts. Such lighting fixtures have been tried under actual mining condi-

tions and at various coal-bed heights and have been found acceptable to both operators and miners. It is also recognized that a scarcity of illumination engineering expertise exists in the coal industry and in the mining equipment and mine lighting fixture industries. Therefore, in order to facilitate design and installation of illumination systems and to expedite compliance with §§ 75.1719 through 75.1719-4 of Part 75, 30 CFR, MESA will provide technical assistance to coal mine operators, mining equipment manufacturers, and lighting fixture manufacturers in their efforts to design and install illumination systems.

The attention of mine operators and equipment manufacturers is directed to a Notice published in Part II of the FEDERAL REGISTER for Thursday, April 1, 1976 (41 FR 14108) which states where and how technical assistance may be obtained from MESA and the test and evaluation of illumination systems. Requests should be made in writing to the Assistant Administrator—Technical Support, MESA, Ballston Towers No. 3, Room 917, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Mine operators, and equipment and lighting fixture manufacturers, are not required to submit lighting systems for test and evaluation. An approval plate or label will not be issued by MESA, nor will such a plate or label be required on lighting systems which have been tested and evaluated. MESA will, however, issue a Statement of Test and Evaluation which will define the parameters within which the illumination system can be operated to provide the required light. For example, the Statement of Test and Evaluation will state the maximum height of the working place, the maximum width of the working place, the type and model of machine (if machine mounted), and location and orientation of light fixtures, and other conditions under which the equipment may be operated to provide the required light.

It is intended that if lighting systems are installed and a machine is operated within the conditions and parameters set forth in the Statement of Test and Evaluation the operator will be considered by MESA as being in compliance with the requirements of the standards. However, if the lighting system is not installed or the machine is not operated within the conditions and parameters stated, light measurements shall be made in accordance with the procedures specified in the regulation; to determine whether the required light is provided and whether a violation exists.

Upon written application and payment of fees MESA will test and evaluate lighting systems in a mine or in a simulated working place. Tests may be made on a machine or on a mockup of a machine upon which it is intended to install the lighting system.

In Part II of the FEDERAL REGISTER for Thursday, April 1, 1976, at page 14102 (41 FR 14102) there was published a Notice that on October 1, 1976, the Secretary of the Interior would promulgate by publication in the FEDERAL REGISTER

the final standards for the illumination of working places in a coal mine. The form and substance of the standards were set forth, together with the reasons for revisions, modifications, or changes which have been made in the proposed standards. The mandatory standards which are set forth below are those which were published on April 1, 1976, and no further changes or revisions have been made.

Part 75, Title 30, Code of Federal Regulations is amended and revised as set forth below.

**Effective Date:** These revisions and amendments shall be effective on October 1, 1976.

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

Dated: September 23, 1976.

WILLIAM L. FISHER,  
Assistant Secretary of  
the Interior.

Part 75 of Title 30, Code of Federal Regulation, is amended by revising § 75.1719 and by adding new §§ 75.1719-1 through 75.1719-4 as follows:

- Sec.  
75.1719 Illumination; purpose and scope of §§ 75.1719 through 75.1719-4; time for compliance.  
75.1719-1 Illumination in working places.  
75.1719-2 Lighting fixtures; requirements.  
75.1719-3 Methods of measurement; light measuring instruments.  
75.1719-4 Mining machines, cap lamps; requirements.

§ 75.1719 Illumination; purpose and scope of §§ 75.1719 through 75.1719-4; time for compliance.

(a) Section 317(e) of the Act (30 U.S.C. 877(e)) directs and authorizes the Secretary to propose and promulgate standards under which all working places in a mine shall be illuminated by permissible lighting while persons are working in such places. §§ 75.1719 through 75.1719-4 prescribe the requirements for illumination of working places in underground coal mines while persons are working in such places and while self-propelled mining equipment is operated in the working place.

(b) Section 317(e) further provides that all working places in a mine shall be illuminated within eighteen months after the promulgation of the standards. §§ 75.1719 through 75.1719-4 were published and promulgated in the FEDERAL REGISTER on October 1, 1976 (41 FR 43534). Mine operators shall comply with §§ 75.1719 through 75.1719-4 not later than April 1, 1978.

§ 75.1719-1 Illumination in working places.

(a) Each operator of an underground coal mine shall provide each working place in the mine with lighting as prescribed in §§ 75.1719-1 and 75.1719-2 while self-propelled mining equipment is operated in the working place.

(b) *Self-propelled mining equipment; definition.* For the purposes of §§ 75.1719 through 75.1719-4, "self-propelled mining equipment" means equipment which



possesses the capability of moving itself or its associated components from one location to another by electric, hydraulic, pneumatic, or mechanical power supplied by a source located on the machine or transmitted to the machine by cables, ropes, or chains.

(c) The lighting prescribed in this section shall be in addition to that provided by personal cap lamps.

(d) The luminous intensity (surface brightness) of surfaces that are in a miner's normal field of vision of areas in working places that are required to be lighted shall be not less than 0.06 foot-lamberts when measured in accordance with § 75.1719-3.

(e) When self-propelled mining equipment specified in paragraphs (e)(1) through (e)(6) of this section is operated in a working place, the areas within a miner's normal field of vision which shall be illuminated in the working place shall be as prescribed in paragraphs (e)(1) through (e)(6) of this section.

(1) *Continuous miners and coal-loading equipment.* In working places in which continuous miners and coal-loading equipment are operated, the areas which shall be illuminated shall be as follows:

- (i) The face, and
- (ii) The ribs, roof, floor, and exposed surface of mining equipment, which are between the face and the inby end of the shuttle car or other conveying equipment while in position to receive material.

(2) *Self-loading haulage equipment used as a loading machine.* In working places in which self-loading haulage equipment is operated to load material, the areas which shall be illuminated shall be as follows:

- (i) The face, and
- (ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and a point 5 feet outby the machine.

(3) *Cutting and drilling equipment.* In working places in which cutting or drilling equipment is operated, the areas which shall be illuminated shall be as follows:

- (i) The face, and
- (ii) The ribs, roof, floor, and exposed surfaces of mining equipment, which are between the face and a point 5 feet outby the machine.

(4) *Shortwall and longwall mining equipment.* In working places in which shortwall or longwall mining equipment is operated, the areas which shall be illuminated shall be as follows:

- (i) The area for the length of the self-advancing roof support system and which is between the gob-side of the travelway and the side of the block of coal from which coal is being extracted, and
- (ii) The control station, and the head piece and tail piece of the face conveyor, and

(iii) The roof and floor for a distance of 5 feet horizontally from the control station, head piece and tail piece.

(5) *Roof bolting equipment.* In working places in which roof bolting equipment is operated, the areas which shall be illuminated shall be as follows:

(i) *Where the distance from the floor, to the roof is 5 feet, or less:* the face, ribs, roof, floor, and exposed surfaces of mining equipment, which are within an area the perimeter of which is a distance of 5 feet from the machine, when measured parallel to the floor.

(ii) *Where the distance from the floor to the roof is more than 5 feet:* the face, ribs, roof, floor, and exposed surfaces of mining equipment, which are within an area the perimeter of which from the front and sides of the machine is a distance equal to the distance from the floor to the roof and from the rear of the machine a distance of 5 feet, when measured parallel to the floor.

(6) *Other self-propelled equipment.* Unless the entire working place is illuminated by stationary lighting equipment, in working places in which self-propelled equipment is operated, other than equipment specified in paragraphs (e)(1) through (e)(5) of this section, illumination shall be provided as follows:

(i) Luminaires shall be installed on each machine operated in the working place which shall illuminate a face or rib coal surface which is within 10 feet of the front and the rear of the machine to a luminous intensity of not less than 0.06 footlamberts, and

(ii) The height and width of the area of the coal surface which shall be illuminated shall equal the height and width, respectively, of the machine on which the luminaires are installed, and

(iii) The luminaires in the direction of travel shall be operated at all times the equipment is being trammed in the working place.

(f) The Assistant Administrator, Coal Mine Health and Safety, MESA, may specify other areas in a working place to be illuminated for the protection of miners while self-propelled mining equipment is being operated in the working place.

(g) Surface brightness of floor, roof, coal and machine surfaces in the normal visual field of a miner shall not vary more than 50 percent between adjacent fields of similar surface reflectance, and the maximum surface brightness of such surface shall not exceed 120 footlamberts, when measured in accordance with § 75.1719-3.

#### § 75.1719-2 Lighting fixtures; requirements.

(a) Lighting fixtures shall be permissible.

(b) Lighting fixtures may be installed on self-propelled machines or may be stationary lighting fixtures.

(c) (1) Electrically operated lighting fixtures shall be energized by direct current, or by sinusoidal full wave alternating current not less than 50 cycles per second (100 pulses per second), or by an equivalent power source that causes no greater flicker.

(2) Alternating current circuits supplying power to stationary lighting fixtures shall contain conductors energized at voltages not greater than 70 volts to ground. Alternating current circuits, energized at 100 volts or more and used to supply power to stationary lighting fixtures,

shall originate at a transformer having a center or neutral tap grounded to earth through a proper resistor, which shall be designed to limit fault current to not more than 5 amperes. A grounding circuit in accordance with § 75.701-4 shall originate at the grounded terminal of the grounding resistor and extend along with the power conductors and serve as a grounding conductor for the frames of all equipment receiving power from the circuit. The ground fault current rating of grounding resistors shall meet the "extended time rating" set forth in the Institute of Electrical and Electronics Engineers, Inc. Standard No. 32 (IEEE Std. 32-1972) which is hereby incorporated by reference and made a part hereof. The incorporated publication is available for examination at each Coal Mine Health and Safety District and Subdistrict Office of MESA, and may be obtained from the Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10017.

(3) Machine-mounted lighting fixtures shall be electrically grounded to the machine by a separate grounding conductor in compliance with § 75.701-4.

(d) Direct current circuits in excess of a nominal voltage of 300 volts shall not be used to supply power to stationary light fixtures.

(e) Cables conducting power to stationary lighting fixtures from both alternating and direct current power sources, other than intrinsically safe devices, shall be considered trailing cables, and shall meet the requirements of Subpart G of this part. In addition, such cables shall be protected against overloads and short circuits by a suitable circuit breaker or other device approved by the Secretary. Circuit breakers or other device approved by the Secretary protecting trailing cables receiving power from resistance grounded circuits shall be equipped with a ground trip arrangement which shall be designed to de-energize the circuit at not more than 50% of the available fault current.

(f) Before shunts are removed from blasting caps, lighting fixtures and associated cables located in the same working place shall be deenergized. Furthermore, lighting fixtures shall be removed out of the line of blast and not less than 50 feet from the blasting operation unless otherwise protected against flying debris.

(g) Lighting fixtures shall be designed and installed to minimize discomfort glare.

#### § 75.1719-3 Methods of measurement; light measuring instruments.

(a) Compliance with § 75.1719-1(d) shall be determined by MESA by measuring luminous intensity (surface brightness).

(b) In measuring luminous intensity the following procedures shall be used:

(1) In areas of working places specified in §§ 75.1719.1(e)(1) through 75.1719-1(e)(3) luminous intensity measurements of the face, ribs, roof, floor, and exposed surfaces of mining equipment, shall be made with the machine idle and located in the approximate center of the working place with the cutting,



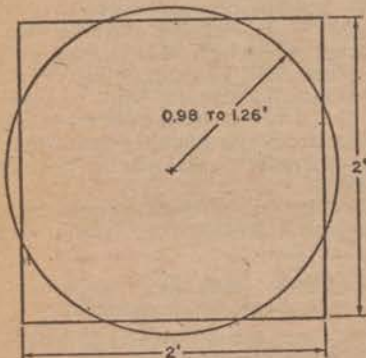
loading, or drilling head toward the face and not more than 3 feet from the face.

(2) In areas of working places specified in § 75.1719-1(e)(4) luminous intensity measurements may be made at any time longwall or shortwall mining equipment is operated except that when measurements are made in the vicinity of shearers, plows, or continuous miners, the equipment shall be idle while measurements are being made.

(3) In areas of working places specified in § 75.1719-1(e)(5) luminous intensity measurements of the face, ribs, roof, floor, and exposed surfaces of mining equipment, shall be made with the machine idle and located in the approximate center of the working place with the drilling head toward the face and a distance from the face of 5 feet, or the distance from the floor to the roof, whichever is applicable. When the machine is located in the center of the working place and the surfaces of the ribs to be illuminated are not within the perimeter of the area determined in accordance with § 75.1719-1(e)(5), the machine shall be positioned the applicable distance from the face and each rib and luminous intensity measurements made for each rib, provided, however, that luminous intensity measurements may be made of the face, roof, floor, and exposed surfaces of mining equipment with the machine so located without locating the machine in the center of the working place.

(4) In areas of working places specified in § 75.1719-1(e)(6), luminous intensity measurements of a coal surface shall be made with the machine idle and located in the approximate center of the working place with the appropriate end toward the face and not less than 9 feet nor more than 10 feet from the face.

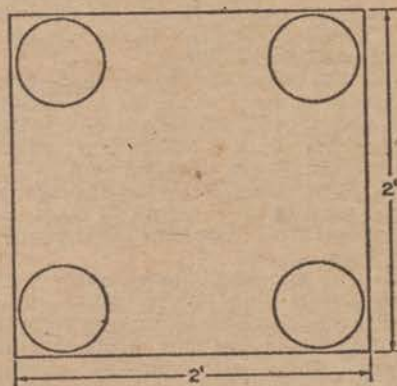
(5) The area of surfaces to be measured shall be divided into round or square fields having an area of not less than 3 nor more than 5 square feet as illustrated by the following figure:



DIRECT MEASUREMENT OF LUMINOUS INTENSITY

(6) Measurements shall be taken with the photometer held approximately perpendicular to the surface being measured and a sufficient distance from the surface to allow the light sensing element in the instrument to receive reflected light from a field of not less than 3 nor more than 5 square feet. The luminous intensity of each such field shall be not less than 0.06 footlambert.

(7) In areas of working places where clearances are restricted to the extent that the photometer cannot be held a sufficient distance from the surface to allow the light sensing element in the instrument to receive reflected light from a field having an area of at least 3 square feet, luminous intensity shall be considered as the average of four uniformly spaced readings taken at the corners and within a square field having an area of approximately 4 square feet. In such instances, the area of each of the individual readings shall not exceed 100 square inches. The average of the four readings shall be not less than 0.06 footlambert. The method of measurement is illustrated by the following figure:



DETERMINATION OF LUMINOUS INTENSITY BY AVERAGING METHOD

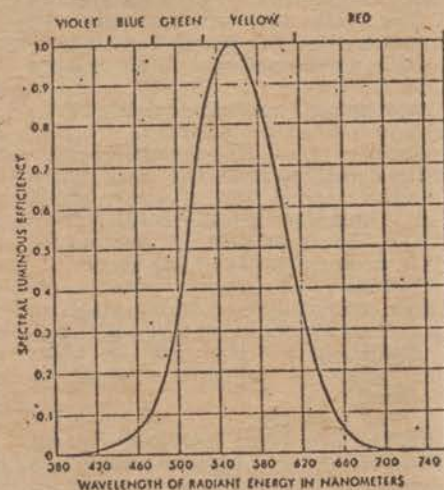
(8) Measurements shall not be made where shadows are cast by roof control posts, ventilation equipment, or other obstructions necessary to insure safe mining conditions.

(9) Where machine-mounted light fixtures are used on equipment, except self advancing roof support systems, measurements shall not be made of surfaces on or within 1 foot of a self-propelled machine.

(c) For the purpose of making illumination measurements, an authorized representative of the Secretary may require the installation of temporary roof supports or the removal of the equipment to a similar working place in which

permanent roof supports have been installed.

(d) Light measuring instruments shall be properly calibrated and maintained. Instruments shall be calibrated against standards traceable to the National Bureau of Standards and color corrected to the Commission Internationale de l'Eclairage (CIE) Spectral Luminous Curve. The CIE Spectral Luminous Curve is as follows:



#### § 75.1719-4 Mining machines, cap lamps; requirements.

(a) Paint used on exterior surfaces of mining machines shall have a minimum reflectance of 30 percent, except cab interiors and other surfaces which might adversely affect visibility.

(b) When stationary light fixtures are used, red reflectors mounted in protective frames or reflecting tape shall be installed on each end of mining machines, except that continuous mining machines, loaders, and cutters need only have such reflectors or tape on the outby end. Reflectors or reflecting tape shall have an area of not less than 10 square inches.

(c) Each person who goes underground shall be required to wear an approved personal cap lamp or an equivalent portable light.

(d) Each person who goes underground shall be required to wear a hard hat or hard cap which shall have a minimum of 6 square inches of reflecting tape or equivalent paint or material on each side and back.

(Secs. 101, 317(e) Pub. L. 91-173, 83 Stat. 745, 788 (30 U.S.C. 811, 877(e)))

[FR Doc.76-28382 Filed 9-30-76; 8:45 am]



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**FRIDAY, OCTOBER 1, 1976**



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**PART III:**

## **GENERAL SERVICES ADMINISTRATION**



### **FEDERAL PROCUREMENT REGULATIONS**

**Government-Wide Automated Data  
Processing Management**



# Title 41—Public Contracts and Property Management

## CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 170]

### Government-Wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

This amendment adds a new Subpart 1-4.11 to the Federal Procurement Regulations pertaining to procurement and contracting for Government-wide Automated Data Management Services. It replaces similar coverage appearing in Subpart 101-32.4 of the Federal Property Management Regulations (FPMR) (41 CFR 101-32). The subpart sets forth policies and procedures governing the procurement of all automatic data processing equipment (ADPE), software, maintenance services, and supplies by Federal agencies, including the Department of Defense. The amendment also adds § 1-1.009-3 in Subpart 1-1.0, Regulation System, which makes the deviation procedure set forth therein inapplicable to the provisions of the new Subpart 1-4.11. This reflects the provisions in 40 U.S.C. 759 which states that the Administrator of General Services has authority to coordinate and provide for the economic and efficient purchase, lease, and maintenance of automatic data processing equipment by Federal agencies. Subpart 1-7.1 is amended to reference standard clauses to be used pursuant to new Subpart 1-4.11.

The new Subpart 1-4.11 is to be used by Federal agencies in conjunction with Part 101-32, Government-wide Automated Data Management Services, of the Federal Property Management Regulations (FPMR), which provides policies, procedures, and guidelines pertaining to Government-wide management of automated data services. Many provisions of Subpart 1-4.11 formerly appeared as Subpart 101-32.4 of the FPMR. Proposed changes to Subpart 101-32.4 appeared in 39 F.R. 36605, October 11, 1974, for comment. This amendment has been approved by the Office of Management and Budget pursuant to 40 U.S.C. 759(g). FPMR 101-32.4 is being revised to provide Government-wide management responsibilities related to ADP procurement.

### PART 1-1—GENERAL

The table of contents is amended to add a new caption, as follows:

Sec.

1-1.009-3 Limitation on deviations.

#### Subpart 1-1.0—Regulation System

Section 1-1.009-3 is added, as follows:

#### § 1-1.009-3 Limitation on deviations.

Section 1-1.009-2, above, does not apply to the provisions of Subpart 1-4.11, Procurement and Contracting for Government-wide Automated Data Process-

ing Equipment, Software, Maintenance Services, and Supplies. Pursuant to 40 U.S.C. 759 (Section 111 of the Federal Property and Administrative Services Act of 1949, as amended; Public Law 89-306) the Administrator of General Services has authority to coordinate and provide for purchase, lease, and maintenance of equipment by Federal agencies as well as other matters relating to automated data management services. The exercise of procurement authority, including deviations, shall be accomplished as specified in Subpart 1-4.11 of the Federal Procurement Regulations (FPR). Procurement shall be accomplished as provided in Subpart 1-4.11.

#### Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.103-2 is amended to revise paragraph (a) (5), as follows:

##### § 1-1.1003-2 General requirements.

(a) \* \* \*

(5) Procurements which are made by an order placed under an existing contract except as provided in § 1-4.1107-6(a) with respect to non-mandatory schedule contracts for Automatic Data Processing Equipment;

2. Section 1-1.1005-1 is amended to update the codes by inserting Codes H, O, and X in proper alphabetical sequence and by revising Codes R, Y, and Z, as follows:

##### § 1-1.1005-1 Codes for services.

H Expert and Consultant Services.

O Funeral and Chaplain Services.

R Architect—Engineer Services.

X Miscellaneous (Includes services which do not fall within code letters—A, H, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, Y, or Z).

Y Construction; i.e., new construction and major additions to existing buildings or facilities.

Z Maintenance, Repair, and Alteration of Real Property; i.e., painting, building maintenance, alteration and repair, grounds maintenance and repair, roads maintenance and repair.

3. Section 1-1.1005-2 is amended to update the codes by inserting the number 77 in place of the number 76 in the fourth line of text to reflect the revised number of assigned commodity groups, by inserting code 70 in proper numerical sequence in the list of codes, and by revising codes 83 and 84, as follows:

##### § 1-1.1005-2 Codes for supplies.

70 General Purpose ADP Equipment, Software, Supplies, and Support Equipment.

83 Textiles, Leather, Furs, Apparel and Shoe Findings, Tents, and Flags.

84 Clothing, Individual Equipment, and Insignia.

## PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

The table of contents is amended to provide that Subpart 1-4.1 is reserved, and to add a new Subpart 1-4.11 as follows:

### Subpart 1-4.1 [Reserved]

### Subpart 1-4.11—Procurement and Contracting for Government-wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies

Sec.

1-4.1100	Scope of subpart.
1-4.1100-1	Relationship to the Federal Property Management Regulations.
1-4.1101	Applicability.
1-4.1101-1	Relationship to other procurement regulations.
1-4.1102	Definitions.
1-4.1102-1	Automatic data processing equipment.
1-4.1102-2	Software.
1-4.1102-3	Maintenance services.
1-4.1102-4	Supplies.
1-4.1102-5	Procurement.
1-4.1102-6	Agency procurement request.
1-4.1102-7	Data systems specifications.
1-4.1102-8	Equipment performance requirements.
1-4.1102-9	Federal agency.
1-4.1102-10	Selection plan.
1-4.1102-11	Systems or items life.
1-4.1102-12	Mandatory requirements.
1-4.1102-13	Desirable features.
1-4.1102-14	Lowest overall cost.
1-4.1102-15	[Reserved]
1-4.1102-16	Competitive procurement.
1-4.1102-17	[Reserved]
1-4.1102-18	Noncompetitive (sole source) procurement.
1-4.1103	Procurement authority.
1-4.1103-1	Automatic data processing equipment.
1-4.1103-2	Software.
1-4.1103-3	Maintenance services.
1-4.1103-4	Automatic Data Processing Fund.
1-4.1103-5	[Reserved]
1-4.1104	Request for procurement action.
1-4.1105	GSA action on procurement requests.
1-4.1105-1	Agency responsibilities when GSA procures ADPE or related items for that agency.
1-4.1105-2	GSA responsibilities when GSA procures ADPE or related items for another agency.
1-4.1106	Federal agency responsibilities when procurement authority is delegated by GSA.
1-4.1107	Procurement guidance.
1-4.1107-1	Procurement related directives.
1-4.1107-2	Competition.
1-4.1107-3	Publicizing procurement actions.
1-4.1107-4	[Reserved]
1-4.1107-5	Restrictions on the use of simulation in the ADPE procurement process.
1-4.1107-6	Use of schedule contracts.
1-4.1107-7	Use of requirements contracts.
1-4.1107-8	Industry review of ADP specifications.
1-4.1107-9	Handling of late bids, proposals, modifications, and withdrawals.
1-4.1107-10	Use of data systems specifications.
1-4.1107-11	Use of other types of specifications or purchase descriptions.



Sec.	
1-4.1107-12	[Reserved]
1-4.1107-13	Evaluation factors.
1-4.1107-14	Use of standard clauses.
1-4.1107-15	Conversion rental credits.
1-4.1107-16	Software procurements.
1-4.1107-17	Procurement of supplies.
1-4.1107-18	Contractor leased ADPE.
1-4.1107-19	Assistance by GSA.
1-4.1107-20	Sole source procurement documentation.
1-4.1108	Standard clauses.
1-4.1108-1	Late bids, proposals, modifications, and withdrawals.
1-4.1108-2	Limitation of Liability.
1-4.1108-3	Contractor representation.
1-4.1108-4	Fixed price options.
1-4.1108-5	Standard clauses for implementation of FIPS PUBS.
1-4.1108-6	[Reserved]
1-4.1109	[Reserved]

**Subpart 1-4.11—Procurement and Contracting for Government-Wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies**

**§ 1-4.1100 Scope of subpart.**

This subpart sets forth policies and procedures governing the procurement of all automatic data processing equipment (ADPE), software, maintenance services, and supplies by Federal agencies. (See also § 1-4.1107-1.)

**§ 1-4.1100-1 Relationship to the Federal Property Management Regulations.**

(a) Part 101-32 of the FPMR (41 CFR 101) provides policies, procedures, and guidelines pertaining to Government-wide automated data management services. These services involve such matters as (1) the revolving fund, (2) utilization of automatic data processing resources, (3) reutilization of equipment and supplies, (4) assistance to Federal agencies, (5) Federal data processing centers, (6) the ADP collocation and consolidation program, (7) ADP records management, (8) implementation of Federal Information Processing Standards Publications (FIPS PUBS) in solicitation documents, and (9) plans for ADP systems. When an agency submits matters to the Office of Management and Budget for resolution as set forth in § 101-32.001 of the FPMR and such matters relate to procurement and contracting for automated data management services, copies shall be furnished as provided in § 101-32.001 of the FPMR.

(b) The provisions of Part 101-35 of the Federal Property Management Regulations (FPMR) (41 CFR 101) are applicable to telecommunications associated with ADPE.

(c) When telecommunications are involved, regardless of the authority to procure ADPE as indicated in § 1-4.1103-1, agencies shall submit the documentation prescribed in Part 101-35 of the FPMR.

(d) Part 101-17 of the FPMR concerns the information which must be submitted to GSA relative to space requirements for ADPE.

**§ 1-4.1101 Applicability.**

The provisions of this subpart apply to all Federal agencies. These provisions

are not applicable (however, see § 1-4.1107-18) to Government contractors when the items governed by the provisions of this Subpart 1-4.11 are to be acquired by those contractors unless the equipment or system is: (1) Leased and full lease costs are paid by the Government under one or more ADP service contracts, or (2) purchased by an ADP service contractor for the account of the Government or title will pass to the Government (See also § 1-4.1103 and § 1-4.1108-5(b).)

**§ 1-4.1101-1 Relationship to other procurement regulations.**

(b) Pursuant to 40 U.S.C. 759 (Section 111 of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306) the Administrator of General Services has authority to coordinate and provide for purchase, lease, and maintenance of equipment by Federal agencies as well as other matters relating to automated data management services. The exercise of this procurement authority shall be accomplished as specified in this subpart (see § 1-4.1103). Procurement shall be accomplished in conformance with the procurement related policies, guidance, and provisions set forth in § 1-4.1107-1. Section 111(g) of the Property Act (40 U.S.C. 759, Pub. L. 89-309) provides that the Administrator's authority is subject to fiscal and policy control of the Office of Management and Budget. Federal Management Circular 74-5, management acquisition, and utilization of automated data processing (ADP), contains procurement related fiscal and policy guidance.

**§ 1-4.1102 Definitions.**

As used in this Subpart 1-4.11, the following terms shall have the meaning set forth in this § 1-4.1102.

**§ 1-4.1102-1 Automatic data processing equipment.**

"Automatic data processing equipment" (ADPE) means general purpose commercially available, mass produced automatic data processing components and the equipment systems created from them, regardless of use, size, capacity, or price, that are designed to be applied to the solution or processing of a variety of problems or applications and are not specially designed (not configured) for any specific application. It includes: (a) Digital, analog, or hybrid computer equipment; and/or

(b) Auxiliary or accessory equipment such as plotters, communications terminals, tape cleaners, tape testers, data conversion equipment, source data automation recording equipment (optical character recognition devices, paper tape typewriters, magnetic tape cartridge typewriters, and other data acquisition devices), etc., to be used in support of digital, analog, or hybrid computer equipment, either cable connected, wire connected, or self-standing and whether selected or acquired with a computer, or separately; and/or

(c) Punched card accounting machines (PCAM) used in conjunction with

or independently of digital, analog, or hybrid computers.

**§ 1-4.1102-2 Software.**

"Software" means commercially available proprietary computer programs and routines, used to extend the capabilities of ADPE. This category of software includes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

**§ 1-4.1102-3 Maintenance services.**

"Maintenance services" means those examination, testing, repair, or part replacement functions performed to: (a) reduce the probability of ADPE malfunction (commonly referred to as "Preventive Maintenance"), (b) restore a component of ADPE which is not functioning properly to its proper operating status (commonly referred to as "Remedial Maintenance"), and (c) modify the ADPE in a minor way (commonly referred to as "Field Engineering Change," or "Field Modification").

**§ 1-4.1102-4 Supplies.**

"Supplies" means consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

**§ 1-4.1102-5 Procurement.**

"Procurement" means the acquisition of ADPE, software, maintenance service, or supplies by purchase or lease.

**§ 1-4.1102-6 Agency procurement request.**

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE, software, or maintenance services or for GSA to delegate the authority to procure these items. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto, and any other pertinent information regarding the proposed procurement. When the APR for ADPE is submitted before preparation of the solicitation document, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided in lieu of the RFP, IFB, or RFQ. In such instances, the software requirements shall include the software as defined in § 1-4.1102-2 above, software in the public domain, and any additional software. However, applications programs to be developed either in-house or by contract shall not be included in the APR.

**§ 1-4.1102-7 Data systems specifications.**

"Data systems specifications" means: (a) the delineation of the objectives that the system is intended to accomplish, and (b) the data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files and record content, the volumes of data, the process-



ing frequencies, timing, and such other facts as may be necessary to provide for a full description of the system.

#### § 1-4.1102-3 Equipment performance requirements.

"Equipment performance requirements" means a statement of those hardware factors such as cycle time, computing speed, tape read or write speed, printer speed, size of memory, expandability (modularity) etc., and the related software which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications involved on that equipment.

#### § 1-4.1102-9 Federal agency.

"Federal agency" means any executive agency (executive department or independent establishment in the executive branch including any wholly owned Government corporation) or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

#### § 1-4.1102-10 Selection plan.

"Selection plan" means criteria and systematic procedures established to enable the Government to measure the proposal of an offeror/bidder against the requirements of the Government as set forth in the solicitation document. These criteria shall be based on the Government's requirements and shall not be equipment or vendor oriented.

#### § 1-4.1102-11 Systems or items life.

"Systems or items life" means a forecast or projection of the period of time which begins with the installation of the systems or items and ends when the need for those systems or items has terminated. Systems or items life is established by the Government on the basis of its requirements and is usually set forth in the RFP. Systems or items life is not synonymous with actual life of the equipment.

#### § 1-4.1102-12 Mandatory requirements.

"Mandatory requirements" means those contractual conditions and technical specifications which are established by the Government as being essential to meet the Government's needs. When set forth in a solicitation, the mandatory requirements must be met by an offer (or bid) in order for such offer (or bid) to be considered responsive to the solicitation.

#### § 1-4.1102-13 Desirable features.

"Desirable features" means those contractual conditions and technical specifications which are established by the Government but which do not have to be offered (or bid) in order to be responsive to the specific solicitation. When set forth in a solicitation, the desirable features, individually or collectively, may be offered (or bid) at the discretion of the offeror (or bidder).

#### § 1-4.1102-14 Lowest overall cost.

"Lowest overall cost" means the least expenditure of funds over the systems or items life, price and other factors considered. Lowest overall costs shall include, but shall not be limited to such elements as personnel, purchase price or rentals, maintenance, site preparation and installation, programming, training, and telecommunications as applicable.

#### § 1-4.1102-15 [Reserved]

#### § 1-4.1102-16 Competitive procurement.

A "competitive procurement" means that the Government's requirements are set forth in the form of data systems specifications or equipment performance requirements, a combination thereof, or other unrestrictive specifications which allow full competition and are devoid of bias toward either a specific product or a specific offeror.

#### § 1-4.1102-17 [Reserved]

#### § 1-4.1102-18 Noncompetitive (sole source) procurement.

A "noncompetitive procurement" ("sole source procurement") means that the Government's requirements are set forth in the form of necessary specifications which are so restrictive that there is only one known supplier capable of satisfying the Government's requirement. Procurements based on specific make and model specifications/purchase descriptions fall in this category, notwithstanding the existence of adequate price competition as defined in 1-3.807-1(b) (1).

#### § 1-4.1103 Procurement authority.

To allow for the orderly implementation of a program for the economic and efficient procurement of ADPE, software, and maintenance services, agencies are authorized to procure these items in accordance with the provisions of this § 1-4.1103 or when a specific delegation of procurement authority has been provided in accordance with the provisions of 1-4.1104 and 1-4.1105. However, the applicable provisions of FPMR 101-32 shall be complied with prior to initiating procurement action.

(a) The exercise of procurement authority shall be accomplished as specified in § 1-4.1107.

(b) Two copies of the solicitation document (RFP, IFB, or RFQ, as applicable) and any subsequent amendment thereto that changes the specifications, evaluation criteria, or installation date shall be forwarded to the General Services Administration (GSA), Washington, DC 20405, as soon as available, but in no event shall the documents arrive later than 8 workdays before the proposed date of issuance to industry. GSA will notify the agency of the date of receipt of the solicitation document as soon as it is received. However, if timely issuance of the solicitation is critical to agency mission accomplishment, copies of the solicitation document may be forwarded to GSA concurrently with issuance to industry, provided the GSA Solicitation Document for ADP Systems is used or

the specifications have been reviewed by industry in accordance with § 1-4.1107-8.

(c) Amendments to all solicitations which are clearly administrative in nature, or are for clarification purposes, need not be forwarded to GSA until the dates the amendments are sent to industry. In addition, one copy of all contracts and subsequent amendments thereto shall be forwarded to GSA when they are issued. Also, a list of commercial prices shall be forwarded for each separately identified and priced component, special feature, and software package included in the contract that is not listed on an ADP Schedule contract of the vendor selected.

#### § 1-4.1103-1 Automatic data processing equipment.

Except as indicated in § 1-4.1103-4 regarding potential use of the ADP Fund and in Subparts 101-32.3 of the FPMR with respect to the use of excess ADPE and 101-32.14 of the FPMR regarding acquisition of hardware monitors for measuring computer system performance, agencies may procure ADPE without prior approval of GSA provided:

(a) The ADPE is specially designed, as opposed to configured, for a specific application. However, commercially available general purpose ADPE shall not be acquired under this authority unless the ADPE is modified to the extent that precludes future use of the equipment for the solution of a variety of problems or the processing of other applications; or

(b) The procurement will occur by placing a purchase/delivery order against an applicable GSA requirements-type contract; or

(c) The value of the procurement does not exceed \$50,000. (However, notwithstanding the foregoing, if ADP Schedule contracts are used in consummating these procurements, the additional limitations set forth in § 1-4.1107-6 pertaining to the use of ADP Schedules also shall apply.) (The dollar limitation set forth above shall exclude attendant maintenance costs if purchase is the method of acquisition. If equipment is leased, the monthly basic rental costs multiplied by 12 shall be used to determine whether the procurement falls within the dollar limitation set forth above.)

#### § 1-4.1103-2 Software.

Except for software performance monitoring packages covered by Subpart 101-32.14 of the FPMR, agencies may procure software for use with ADPE without prior approval of GSA when:

(a) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under the terms of the contract, provided such action meets the requirements for competition set forth in § 1-4.1107-2; or

(b) The total procurement for the specific software package does not exceed \$7,500 annual lease cost, excluding maintenance, or \$10,000 purchase cost; or



(c) The software is provided by the original equipment manufacturer and is not separately priced from the ADPE.

**§ 1-4.1103-3 Maintenance services.**

When approved by GSA, the ADP Fund may be used by agencies to obtain maintenance services for ADPE leased from GSA through the ADP Fund. In addition, agencies may procure maintenance services without prior approval of GSA when:

(a) Such services are available from an ADP Schedule contract under the terms and conditions of that contract, provided the procurement meets the requirement for competition set forth in 1-4.1107-2; or

(b) The procurement does not exceed \$50,000 annually.

**§ 1-4.1103-4 Automatic data processing fund.**

When a lease/purchase evaluation indicates that it would be to the best interest of the Government to purchase rather than lease ADPE or software and funds are not readily available within the agency; e.g., when there is insufficient time to secure the necessary funds to reprogram for the required funds, the matter shall be forwarded to GSA in the manner prescribed in FPMR 101-32.407.

**§ 1-4.1103-5 [Reserved]**

**§ 1-4.1104 Request for procurement action.**

If agencies determine that the conditions of the contemplated procurement are not covered by the provisions of § 1-4.1103, or if the conditions of the contemplated procurement change during the procurement cycle in such a manner as to remove it from these provisions, four copies of the agency procurement request (APR) and such other applicable documents shall be forwarded to the General Services Administration to the General Services Administration (GSA), Washington, DC 20405. The APR shall contain the name and telephone number of an individual within the agency who shall act as the point of contact with GSA. The APR shall include:

(a) Copies of the proposed solicitation document, if available. If the solicitation document is not available, the specifications of the ADPE configuration that is to be acquired shall be included (see 1-4.1102-6). The description should reflect the estimated number of central processing units, storage devices and controllers, terminals, other peripheral devices and communications devices.

(b) Estimated dollar value of the procurement.

(c) Estimated system or item life (see § 1-4.1102-11).

(d) Location (city and state) of the data processing facilities involved.

(e) Fiscal quarter during which the solicitation is expected to be released to industry for procurement action.

(f) Unique software, maintenance, and support requirements, if any.

(g) A statement or other evidence which indicates that a performance evaluation has been made of currently installed ADP system(s), when applicable, to ensure that the proposed procurement represents the lowest overall cost alternative for meeting the agency's data processing need;

(h) Evidence that site construction/modification is, or is not, required (see FPMR 101-17.101-5). One of the following statements shall be used for this purpose:

(1) The acquisition of this equipment will not require site construction or modification by GSA; or

(2) The acquisition of this equipment will require site (construction) (modification) by GSA which must be completed by (date); and

(i) The APR shall contain a statement that the need to acquire ADPE or ADP systems has been documented as required by Federal Management Circular 74-5.

(j) The APR shall include a statement that in accordance with the requirements of Subpart 101-32.2 and Subpart 101-32.3 of the Federal Property Management Regulations, available ADP resources have been screened and no ADP resources are available to satisfy the user's requirements.

(k) A justification, if applicable, to support either a contemplated noncompetitive (sole source) procurement or use of a specific make and model purchase description. Specifically, this justification must address:

(1) The intended use or application of the equipment;

(2) The critical installation schedule(s) or unique features and/or mandatory requirements, dictated by the intended use, that limit the acquisition to a single source of supply or a specific make and model. (The overriding necessity of these competition-limiting requirements shall be clearly identified.);

(3) The fact that no other known or probable source of supply exists for the required equipment, if a sole source procurement is contemplated. (The justification also shall elaborate on the steps taken which led to this conclusion.);

(4) The existence of patent, copyright, or other limitations; and

(5) The practical factors which preclude the development of specifications and/or the requirement for competition (see 1-4.1102-16).

(l) When telecommunications are involved, see § 1-4.1100-1(c).

**§ 1-4.1105 GSA action on procurement requests.**

(a) After review of an APR and the documentation submitted pursuant to § 1-4.1104, and subject to the right of the agency to determine its individual software, maintenance, and ADPE requirements, including the development of specifications for and the selection of the types and configurations of equipment needed, the Commissioner, Automated Data and Telecommunications Service, will:

(1) Delegate to the agency the authority to conduct the procurement; or

(2) Delegate to the agency the authority to conduct the procurement and pro-

vide for participation in the procurement with the agency to the extent deemed necessary under the circumstances; or

(3) Provide for the procurement by GSA, or otherwise obtain the requirement on behalf of the agency.

(b) Action shall be taken by GSA within 20 workdays after receipt of full information from an agency involving a request for procurement as provided in § 1-4.1104. Upon expiration of this 20 workday period, plus 5 calendar days for mail lag, the agency concerned may proceed with the procurement as if a delegation of authority had, in fact, been granted. In order to establish a common understanding of the 20 workday period, GSA will provide written verification to the agency concerned which identifies the date of receipt of an APR. This 20 workday period is subject to written modification by GSA in the event that, after review, it is found that the APR does not contain the full information required, or in the event that unusual circumstances surrounding the procurement dictate that a longer period of time is required for GSA to complete its appraisal.

**§ 1-4.1105-1 Agency responsibilities when GSA procures ADPE or related items for that agency.**

When GSA procures ADPE or related items for another agency, the procurement is a joint endeavor of both the requiring agency and GSA. To preclude an overlap of functions, the responsibilities of each participant in the procurement are clearly delineated with the requiring agency's functions listed in this § 1-4.1105-1 and the functions of GSA listed in § 1-4.1105-2. The requiring agency shall:

(a) Submit the documentation required by § 1-4.1104 to GSA. Such documentation shall include the agency's requirements, systems or items life, the technical specification, and justification to support negotiated procurement;

(b) Prepare the technical portion of the solicitation document and define any unique requirements;

(c) Provide necessary technical personnel (and contracting personnel if the agency desires) as members of the contract negotiating team;

(d) Prepare the selection plan and submit it to the GSA contracting officer prior to issuance of the solicitation document;

(e) Evaluate proposals from a technical point of view and arrange for offerors' oral presentations, when appropriate;

(f) Provide copies of correspondence to the GSA contracting officer when the agency is authorized to communicate directly with offerors under the provisions of § 1-4.1105-2;

(g) Determine the technical capability of the items offered to meet the requiring agency's requirements, technical specifications, and systems or items life. This responsibility shall include determining those proposals that are technically acceptable and those proposals that are not technically acceptable. The



results of these determinations shall be transmitted to the GSA contracting officer to enable the contracting officer to take appropriate action with the offerors;

(h) Select the lowest overall cost item(s) and transmit this information with the necessary supporting documentation to the GSA contracting officer. In the event that a conclusive judgment cannot be made on the basis of lowest overall cost, a findings and determination to this effect shall be prepared before any other factor is used as a basis for selection;

(i) Provide the following administrative information to the GSA contracting officer with the data required in § 1-4.1105-1(h):

(1) Finance data (e.g., paying office, and fund citation);

(2) Contract distribution list and addresses; and

(3) Identity of assigned contracting officer within the requiring agency;

(j) Assist the GSA contracting officer in debriefing offerors, when debriefings are requested by offerors;

(k) Place the delivery order;

(l) Accomplish any other task not included above which will further the joint procurement objective or expedite completion of the procurement action at the agency's discretion and with GSA concurrence; and

(m) Administer the contract in accordance with the terms and conditions thereof.

#### § 1-4.1105-2 GSA responsibilities when GSA procures ADPE or related items for another agency.

When conducting the procurement of ADPE or related items for another agency in conjunction with the requiring agency's responsibilities in § 1-4.1105-1 above, GSA shall:

(a) Appoint the GSA contracting officer;

(b) Form the negotiating team which will be headed by the GSA contracting officer;

(c) Prepare and issue the solicitation document and all amendments thereto after concurrence of the requiring agency (The technical material shall be supplied in final form by the requiring agency.);

(d) Prepare the procurement plan (which will be coordinated with the requiring agency), the findings and determination, and any contractual material needed for the selection plan;

(e) Act as the point of contact between offerors and the Government. In this respect, the GSA contracting officer will provide the requiring agency with a copy of all correspondence between the offerors and the Government. Correspondence going to offerors will be coordinated with the requiring agency. When appropriate, the GSA contracting officer may authorize direct communication between the offerors and the requiring agency on purely technical matters. In such instances, the requiring agency shall provide copies of the correspondence to the GSA contracting officer;

(f) Receive proposals from the offerors;

(g) Provide copies of all proposals received from the offerors to the requiring agency;

(h) Review all offers from a contractual point of view;

(i) Provide personnel to be present at demonstrations, when held, to determine the technical capability of the items offered;

(j) Notify the offeror(s) concerned when a proposal is determined to be unacceptable;

(k) Conduct negotiations with all offerors whose proposals are acceptable and are within or are capable of being brought within the competitive range, price and other factors considered;

(l) Notify the offerors of the date and time that negotiations are to be terminated;

(m) Provide the requiring agency both with a report which summarizes the results of negotiations and with copies of the proposed contract negotiated with each vendor for consideration in the agency evaluation and analysis;

(n) Brief the appropriate requiring agency personnel on the results of contract negotiations when requested;

(o) Award the contract after receiving notification of the requiring agency's selection;

(p) Debrief offerors, with the assistance of requiring agency representatives when debriefings are requested by offerors; and

(q) Distribute the contract and forward all pertinent documents to the successor contracting officer appointed by the requiring agency.

#### § 1-4.1106 Federal agency responsibility when procurement authority is delegated by GSA.

When acting under a delegation of procurement authority from GSA, the agency conducting the procurement is responsible for compliance with applicable procurement policies, regulations, and, in particular, the specific terms of the delegation.

#### § 1-4.1107 Procurement guidance.

The procurement of ADPE, software, maintenance services, and supplies shall be accomplished in accordance with the policies set forth in this § 1-4.1107.

#### § 1-4.1107-1 Procurement related directives.

Procurement shall occur in conformance with the policies, guidance, and provisions set forth in:

(a) The Federal Property Management Regulations (FPMR) (41 CFR 101);

(b) Applicable directives issued by OMB and GSA;

(c) Federal Information Processing Standards Publications (FIPS PUBS) issued by the National Bureau of Standards (see § 1-4.1108-5); and

(d) Applicable procurement regulations, except as otherwise provided by this Subpart 1-4.11 of the Federal Procurement Regulations (FPR).

#### § 1-4.1107-2 Competition.

All purchases and contracts, whether by formal advertising or by negotiation, shall be made on a competitive basis to the maximum practicable extent. If at any time during a competitive procurement only one vendor remains in the competition, or despite efforts to obtain competition only one offeror is in competition, the procurement files shall be documented to reflect this condition and the reasons therefor prior to contract award.

#### § 1-4.1107-3 Publicizing procurement actions.

To ensure that appropriate competition is obtained on all ADP procurements, agencies shall publicize solicitations as set forth below:

(a) Synopses of proposed procurements for ADPE, software, and maintenance services shall be publicized in the "Commerce Business Daily" in accordance with the provisions of Subpart 1-1.10 of the Federal Procurement Regulations (FPR) or Section I, Part 10 of the Armed Services Procurement Regulation (ASPR).

(b) The GSA centralized Bidders Mailing List (BML) for Federal Supply Classification (FSC) Group 70 shall be used for all competitive ADPE and software procurements over \$50,000. Each addressee on the BML must be informed that he must request, in writing, copies of the solicitation if he desires to compete. Agencies shall obtain the GSA BML by a written request to the General Services Administration (8BL), Building 41, Denver Federal Center, Denver, Colorado 80225. The request shall include the applicable class and BML code number(s).

7010-0001	ADPE Configuration.
7020-0001	ADP Central Processing Unit (CPU, Computer), Analog.
7021-0001	ADP Central Processing Unit (CPU, Computer), Digital.
7022-0001	ADP Central Processing Unit (CPU, Computer), Hybrid.
7025-0001	Memory—Magnetic Storage.
7025-0002	Magnetic Tape Subsystems.
7025-0003	Magnetic Disk Subsystems.
7025-0004	Printers, High Speed (ADP).
7025-0005	Paper Tape Devices.
7025-0007	Interactive Display.
7025-0008	Interactive Graphics.
7025-0009	Interactive Hard Copy.
7025-0010	Other ADP Input/Output and Storage Devices.
7030-0001	Operating System.
7030-0002	Application Programs.
7030-0003	Data Base Management Programs.
7030-0004	Other Software.
7035-0001	ADP Accessorial Equipment.
7040-0001	Punched Card Equipment.
7045-0002	ADP Support Equipment.
7050-0001	ADP Components.

The GSA BML may be used for subsequent procurements for items in the class(es) and BML code(s), provided the solicitation is released to industry within 90 days following receipt of the BML in question.

(c) Section 1-4.1107-3(b) shall be cited as the authority for the request. For further information concerning the above



classes, agencies should contact General Services Administration (CDP), Washington, D.C. 20405.

(d) To procure ADP maintenance services, agencies shall use the BML for Standard Industrial Group 0739, BML Code 4. Procedures for obtaining and using this BML are the same as those outlined in (b) of this § 1-4.1107-3. Section 1-4.1107-3(d) shall be cited as the authority for requesting this BML.

(e) Copies of the complete solicitation shall be forwarded to all known active bidders and those who respond affirmatively as a result of paragraph (a), (b), and (d) of this section.

**§ 1-4.1107-4 [Reserved]**

**§ 1-4.1107-5 Restrictions on the use of simulation in the ADPE procurement process.**

This section sets forth restrictions on the use of computer system simulation for ADPE procurement.

(a) A simulation input definition format shall not be used as the only means of describing data processing requirements in solicitation documents. Any such format shall be accompanied by a narrative description of the ADP objectives and workload and any available application logic diagrams.

(b) Solicitation documents shall not be structured in such a way as to require offerors/bidders to use a specific computer system simulator in order to offer/bid, but where offerors/bidders submit computer simulation as part of the bid, they shall be required to describe clearly the simulation used and the make and model of the computer on which the simulation was run.

(c) Offers shall not be considered to be nonresponsive or unacceptable solely on the basis of simulation results.

(d) Information concerning procedures for ADP simulation and computer performance evaluation services is in Subpart 101-32.14 of the FPMR.

**§ 1-4.1107-6 Use of schedule contracts.**

(a) *Mandatory FSS Schedule Contracts.* A limited number of ADPE items are available under mandatory FSS Schedule contracts. These items shall be procured in accordance with the applicable policies and procedures for the FSS Schedule contract in question.

(b) *Nonmandatory ADP Schedule Contracts.* (1) The existence of a nonmandatory ADP Schedule contract shall not preclude or waive the requirement for full and complete competition in obtaining ADPE, software, or maintenance services. In addition, the availability of these items under an existing nonmandatory ADP Schedule shall not preclude or otherwise detract from procuring components, including peripheral equipment of a system or augmenting an existing system from a number of different sources if this action will be in the best interests of the Government. Suitable equipment must be considered whether or not such equipment is on an ADP Schedule contract.

(2) Use of nonmandatory ADP Schedule contracts for the initial acquisition of ADPE is subject to the following:

(i) A purchase/delivery order may be placed against the ADP Schedule contract under terms of the contract provided that:

(A) the ordering agency has the necessary procurement authority (see 1-4.1103 and 1-4.1105),

(B) the order is within the maximum order limitation of the applicable ADP Schedule contract, and

(C) the procurement file is documented with the results of the synopsis action required in paragraph (b) (5) of this § 1-4.1107-6 and evidence that indicates use of the ADP Schedule contract including the method of acquisition (e.g., lease, purchase) is the lowest overall cost alternative available to the ordering agency, price and other factors considered.

(ii) Requirements shall be synopsized in accordance with paragraph (b) (5) of this § 1-4.1107-6.

(3) Use of nonmandatory ADP Schedule contracts for the continued lease or rental of an installed central processing unit (CPU) is subject to the following:

(i) Requirements shall be synopsized in accordance with paragraph (b) (5) of this § 1-4.1107-6, and

(ii) A specific delegation of procurement authority pursuant to § 1-4.1105 is obtained before issuing an order to renew the lease of any CPU where the schedule purchase price exceeds \$50,000 when such CPU is available from a source other than the schedule contract.

(4) Use of nonmandatory ADP Schedule contracts for the conversion from lease to purchase of installed ADPE is subject to the following:

(i) Requirements shall be synopsized in accordance with paragraph (b) (5) of this § 1-4.1107-6.

(ii) A specific delegation of procurement authority pursuant to § 1-4.1105 is obtained before issuing an order to purchase such ADPE when identical, i.e., specific make and model, or similar, i.e., plug-to-plug compatible equipment, is available from a source other than the schedule contract.

(5) ADPE requirements referred to in paragraphs (b) (2), (b) (3) and (b) (4) of this § 1-4.1107-6 shall be synopsized in the "Commerce Business Daily" (CBD) in accordance with Subpart 1-1.10, prior to placing an order(s) under an ADP Schedule contract. This requirement shall be followed notwithstanding the exemption in § 1-1.1003-2(a) (5).

(i) Synopsis shall be published sufficiently in advance of placing the order to permit potential suppliers to demonstrate their ability to satisfy the Government's requirement (See § 1-1.1003-6). When alternate sources of supply are not expected to be available, the synopsis may be in the form of a notice of intention to procure, without establishment of a solicitation package and due date. If no affirmative responses are received from potential offerors by the due date for responses to the notice, the pro-

curement file shall be so documented and no further use of the CBD is required. If affirmative responses (other than sources available under the ADP Schedule contract) are received, or if the availability of competition is known, synopsizing of the procurement is required (see also § 1.4.1107-2).

(ii) Publication of contract award information in the CBD is not required when an order is placed against an ADP Schedule contract, whether or not after a competitive solicitation, since the scheduled contract was publicized in accordance with § 1-1.1004.

(6) If ADPE, software, or maintenance services are procured under an ADP Schedule at other than the lowest delivered price available under any ADP Schedule contract, agencies shall justify the action in conformance with §§ 101-26.408-2 and 101-26.408-3 of the FPMR and shall retain the justification and supporting data or submit it to GSA if a specific delegation of procurement authority is required.

**§ 1-4.1107-7 Use of requirements contracts.**

GSA makes selected ADPE available to agencies through requirements-type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE which will satisfy the user's requirements is available from GSA requirements-type contracts, this source shall be used by all agencies as the primary source of supply in accordance with the provisions of the contracts. Copies of the contracts (not contractor's price lists) are distributed to recipients of the schedule FSC Group 70, Part I. Additional copies are available from the General Services Administration (8BR), Building 41, Denver Federal Center, Denver, Colorado 80225. Some of these requirements contracts specify that GSA is responsible for the allocation of the ADPE. In these cases authorization shall be obtained from General Services Administration (CDP), Washington, D.C. 20405 before placing an order against the requirements contract. Prior to acquiring from another source ADPE that is functionally similar to the ADPE on a requirements contract, the agency shall (1) document the procurement case file as to why the requirements-type contract could not be used, and (2) obtain a delegation of procurement authority from GSA if the procurement falls outside the scope of § 1-4.1103-1.

**§ 1-4.1107-8 Industry review of ADP specifications.**

Maximum advantage shall be taken of the latest technological advances in the ADP field to ensure that the Government's data processing requirements are met at the lowest possible overall cost. The ADP industry can perform a useful service during the early stages of the procurement process by ensuring that the specifications are clearly stated and readily understandable and that they will permit the Government to take full advantage of current ADP technology. Accordingly, an agency, at its discretion,



may provide offerors/bidders a copy of the proposed specifications prior to release of the formal solicitation. Only those offerors/bidders who are scheduled to receive a copy of the solicitation under the provisions of § 1-4.1107-3 should be furnished a copy of the proposed specifications. These offerors/bidders should be given a minimum of 30 days in which to submit their written comments. The agency should evaluate the comments received and shall take such action as they determine to be appropriate. The Government's action on these comments shall be final.

**§ 1-4.1107-9 Handling of late bids, proposals, modifications, and withdrawals.**

(a) Late bids, modifications of bids, or withdrawals of bids shall be handled in accordance with the procedures set forth in Subpart 1-2.3 of the FPR or Section II, Part 3 of the ASPR.

(b) Late proposals and modifications shall be handled in accordance with the provisions of §§ 1-3.802-1 or 1-3.802-2 of the FPR or paragraph 3-506 of the ASPR when applicable.

(c) The records set forth in § 1-2.303-8 of the FPR or paragraph 2-303.4 of the ASPR, if available, shall be included in the purchasing office files with respect to each late bid, modification of bid, or withdrawal of bid. Similar records, if available, shall be included in the purchasing office files with respect to late proposals, modifications of proposals, or withdrawals of proposals.

**§ 1-4.1107-10 Use of data systems specifications.**

Data systems specifications are the preferred method for expressing the user's requirements in solicitation documents. The data systems specification may be augmented with equipment characteristics and elements of performance when necessary to reflect the user's needs.

**§ 1-4.1107-11 Use of other types of specifications or purchase descriptions.**

If data systems specifications cannot be used to describe the user's complete requirement, other types set forth below may be used. However, to minimize limitations on competition, other types of specifications or purchase descriptions shall be used in the order of precedence as listed:

(a) Equipment performance requirements. (Also see 1-4.1107-8.);

(b) Plug-to-plug compatible purchase descriptions;

(c) Brand name or equal purchase descriptions. (Also see 1-3.307-4 and 1-3.307-5.); or

(d) Specific make and model purchase description. (This type of purchase description limits competition to the extent that its use shall be deemed a noncompetitive procurement and must be justified.)

**§ 1-4.1107-12 [Reserved]**

**§ 1-4.1107-13 Evaluation factors.**

To enable an offeror/bidder to prepare a proposal or quotation, the solicitation shall identify all the evaluation factors that are to be considered. In addition to the mandatory requirements, desirable features shall be included where applicable. When desirable features are included in a solicitation, relative weights (expressed in dollar values, or points, or any other reasonable indicators which describe the relative importance) shall be assigned to the features.

**§ 1-4.1107-14 Use of standard clauses.**

The standard clauses in § 1-4.1108 shall be inserted in solicitation documents in accordance with the instructions set forth for each clause listed.

**§ 1-4.1107-15 Conversion rental credits.**

Conversion rental credits applicable to installed ADPE during the period of conversion to new equipment shall not be considered as an evaluation factor in the procurement of ADPE. Conversion rental credits are not the same as, and should not be confused with, purchase option credits. The latter, when applicable, are to be considered in the evaluation.

**§ 1-4.1107-16 Software procurements.**

Agencies shall strive to obtain the following objectives:

(a) Avoid restrictive clauses that limit the use of the software to a specific computer system, installation, or organization;

(b) Incorporate a clause that will permit other Government agencies to obtain the software under the contract being negotiated;

(c) Obtain additional quantity discounts, should any other Government agency acquire the same software under the contract in question; and

(d) Ensure that the vendor is contractually obligated to support and maintain the software in subsequent years.

**§ 1-4.1107-17 Procurement of supplies.**

Specific purchase programs established by GSA include electronic data processing (EDP) tape, instrumentation tape (wide and intermediate band), tabulating machine cards, and marginally punched continuous forms. Instructions for ordering EDP and instrumentation tapes are in § 101-26.508 of the FPMR; for tabulating machine cards, in § 101-26.509 of the FPMR; and for marginally punched continuous forms, in § 101-26.703 of the FPMR.

**§ 1-4.1107-18 Contractor leased ADPE.**

(a) Notwithstanding the provisions of § 1-4.1101, when leased ADPE is used on Government contract work and the total cost of leased ADPE is absorbed by the Government under a cost-reimbursement type contract, the contracting officer shall require the contractor to include a provision in the rental contract stating that the Government will have

the initial option to utilize any purchase or other benefits earned through rental payments.

(b) When leased ADPE is used on Government contract work under a cost-reimbursement type contract and less than 100 percent of the cost of the equipment is absorbed by the Government, the contracting officer should obtain for the Government, where possible, the right to accrued purchase credits, if the contractor elects not to exercise his purchase option. Accordingly, negotiation objectives for cost-reimbursement type contracts shall include the following when less than 100 percent of the cost of the equipment is absorbed by the Government.

(1) The contractor should be encouraged to incorporate in his ADP equipment lease the right to assign accrued purchase credits to the Government;

(2) The contracting officer should obtain for the Government, if possible, the right of first refusal on accrued purchase credits, if the contractor elects not to exercise his purchase option; and

(3) A 60-day advance notice should be provided to the Government when the contractor proposes to terminate his ADP equipment lease if the Government has been granted rights to accrued purchase credits.

(c) If the Government has been granted rights to purchase credits in accordance with (b) above and the contractor elects not to exercise his purchase option, the ADPE shall be reported through agency or GSA reutilization channels as set forth in Subpart 101-32.3 of the FPMR.

(d) If in accordance with (a) and (b) of this § 1-4.1107-18, the Government elects to exercise an option to purchase the leased ADPE, it is in the nature of a procurement. Accordingly, the applicable provisions of this subpart relating to the acquisition of ADPE would apply.

**§ 1-4.1107-19 Assistance by GSA.**

Assistance in any phase of the procurement process covered by this Subpart 1-4.11 shall be obtained by contacting the General Services Administration (GSA), Washington, D.C. 20405.

**§ 1-4.1107-20 Sole source procurement documentation.**

The following procurement documents, clearly marked "sole source procurement," shall be forwarded to the General Services Administration (GSA), Washington, D.C. 20405, for each sole source acquisition of ADPE if the dollar value involved is between \$10,000 and \$50,000:

(a) A copy of the contract; or

(b) A copy of the purchase/delivery order issued against a GSA ADP Schedule contract.

**§ 1-4.1108 Standard clauses.**

The following clauses shall be used as specified in solicitations and contracts for ADP.



**§ 1-4.1108-1 Late bids, proposals, modifications, and withdrawals.**

(a) The late bids, modifications of bids, or withdrawal of bids clause set forth in § 1-2.201(a)(31) of the FPR or paragraph 7-2002.2 of the ASPR shall be inserted in all invitations for bids on ADPE, software, maintenance services, or supplies.

(b) The late proposals, modifications or proposals, and withdrawals of proposals clause set forth in § 1-3.802-1(a) of the FPR or paragraph 7-2002.4 of the ASPR shall be inserted in all solicitation documents for negotiated procurements for ADPE software, maintenance services, or supplies except that the alternate clause set forth in § 1-3.802-2(b) of the FPR may be used in those instances in which overriding mitigating circumstances clearly make use of the alternate clause in the best interest of the Government; and

(1) The head of any agency or his designated representative authorizes use of the alternate clause for the individual procurement in question; and

(2) Prior specific approval is obtained from the Commissioner, Automated Data and Telecommunications Service, Washington, D.C. 20405.

**§ 1-4.1108-2 Limitation of liability.**

The following clause shall be used in all solicitations and contracts for ADPE, software, maintenance, and related supplies and services unless the contracting officer determines that a higher degree of protection is in the best interest of the Government.

**WARRANTY EXCLUSION AND LIMITATION OF DAMAGES**

Except as expressly set forth in writing in this agreement, or except as provided in the clause entitled, "Commitments, Warranties, and Representations," if applicable, and except for the implied warranty of merchantability, there are no warranties expressed or implied. In no event will the Contractor be liable to the Government for consequential damages as defined in the Uniform Commercial Code, Section 2-715, in effect in the District of Columbia as of January 1, 1973; i.e.:

Consequential damages resulting from the seller's breach include:

(a) Any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) Injury to person or property proximately resulting from any breach of warranty.

(End of Clause)

**§ 1-4.1108-3 Contractor representation.**

The following clause shall be used in all solicitations and contracts for ADPE when the Government's requirement is set forth in the form of a data system specification and the value of the contract is expected to exceed \$100,000:

**CONTRACTOR REPRESENTATION**

Unless the Contractor expressly states otherwise in his proposal, where functional requirements are expressly stated as part of the requirements of this solicitation, the Contractor, by responding, represents that in its opinion the system proposed is capable

of meeting those requirements. However, once the functions have been demonstrated or put to use on the delivered system, Contractor responsibility under this clause ceases. In the event of any inconsistency between the detailed specifications and the functional specification contained in the solicitation, the former will control.

(End of Clause)

**§ 1-4.1108-4 Fixed price options.**

When the Government has firm requirements for ADPE, software, or maintenance services which exceed the basic contract period (and/or quantity) to be awarded, but due to the unavailability of funds the option(s) cannot be exercised at the time of award of the basic contract (although there is a reasonable certainty that funds will be available thereafter to permit exercise of the options); realistic competition for the option periods (and quantity) may be impracticable once the initial contract is awarded; and it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in," the following clause shall be inserted in solicitation documents with the data required for the clause "fill-ins" suitably highlighted:

**FIXED PRICE OPTIONS**

(a) This solicitation is being conducted on the basis that the known requirements exceed the basic contract period (and/or quantity) to be awarded, but due to the unavailability of funds the option(s) cannot be exercised at the time of award of the basic contract (although there is a reasonable certainty that funds will be available thereafter to permit exercise of the options); realistic competition for the option periods (and/or quantity) is impracticable once the initial contract is awarded; and it is in the best interest of the Government to evaluate options in order to eliminate the possibility of a "buy-in." Therefore, to safeguard the integrity of the Government's evaluation and because the Government is required to procure ADPE and related items on the basis of fulfilling system specifications at the lowest overall cost, subsequent (or additional) as well as initial requirements must be satisfied on a fixed price basis. Since the systems or items to be procured under this solicitation have an expected life of \_\_\_\_\_ months (hereafter referred to as "systems life," or "items life," as appropriate), and since lowest systems (items) life costs are synonymous with lowest overall costs, the contract resulting from this solicitation must contain options for renewals for subsequent fiscal years throughout the projected systems (items) life at fixed prices, and, if applicable, at fixed prices for all stated optional quantities of supplies or services not included in the initial requirement. Despite the foregoing, offerors are reminded that although the evaluation which will lead to contract award will be based on systems (items) life costs, the exercise of the option(s) is dependent not only on the continued existence of the requirement and the availability of funds, but also on an affirmative determination that such exercise is in the best interest of the Government. Should the offeror desire, separate charges, if any, which will incur to the Government should the latter fail to exercise the option(s) may be stated separately. Options included in offers submitted in response to this solicitation will be evaluated as follows:

(1) To be considered responsive to this solicitation, vendors must offer fixed prices for the initial contract period for the initial

systems or items being procured. Fixed prices, or prices which can be finitely determined, must be quoted for each separate option renewal period and must remain in effect throughout that period. Where optional quantities are offered, prices must be fixed or finitely determinable.

(2) Offers will be evaluated for purposes of award by adding the total price of all optional periods and, if applicable, all stated optional quantities to the total price for the initial contract period, covering the initial systems or items. These prices will be adjusted by the appropriate discount factors. Separate charges, if any, which will incur to the Government should the latter fail to exercise the options, will not be considered in the evaluation, except as stated in (3) below.

(3) An offer which is unbalanced as to prices for the basic and optional quantities may be rejected. An unbalanced offer is one which is based on prices significantly less than cost for some systems and/or items and prices which are significantly overstated for the other systems and/or items. In determining whether an offer is unbalanced as to prices, the Government will evaluate separate charges, if any, which the Government will incur for failure to exercise the options.

(b) Evaluation of options will not obligate the Government to exercise the options. Offers which do not include fixed or determinable systems (items) life prices cannot be evaluated for the total requirement and will be rejected. Offers which meet the mandatory requirements will be evaluated on the basis of lowest overall cost to the Government, including all stated options. The above notwithstanding, award will be made subject to the type of funds available. Accordingly, the following applicable provisions shall be included in any contract resulting from this solicitation:

**OPTION TO EXTEND THE TERM OF THE CONTRACT**

This contract is renewable, at the option of the Government, by the Contracting Officer giving written notice of renewal to the Contractor by the first day of each fiscal year or within 30 days after funds for that fiscal year become available, whichever date is the later; provided that the Contracting Officer shall have given preliminary notice of the Government's intention to renew at least \_\_\_\_\_ days before this contract is to expire. Such a preliminary notice shall not be deemed to commit the Government to renewals. If the Government exercises this option for renewal, the contract as renewed shall be deemed to include this option provision. However, the total duration of this contract, including the exercise of any options under this clause, shall not exceed \_\_\_\_\_ months. (Optional: Should the Government fail to exercise this option to extend the term of the contract, separate charges, as set forth elsewhere in this contract, shall incur.)

**OPTION FOR INCREASED QUANTITY**

The Government may increase the quantity of items called for herein by the amount stated elsewhere in this contract and at the unit prices specified therein. The Contracting Officer may exercise this option at any time within the period specified in the contract by giving written notice to the Contractor. Delivery of items added by exercise of this option shall be in accordance with the delivery schedule set forth elsewhere in this contract. (Optional: Should the Government fail to exercise this option for increased quantity, separate charges as set forth elsewhere in this contract shall incur.)



(End of Clause)

**§ 1-4.1108-5 Standard clauses for implementation of FIPS PUBS.**

(a) *Scope.* The standard terminology as set forth in Subpart 101-32.13 of the FPMR shall be included in the solicitation for each Federal Information Processing Standards Publication (FIPS PUB) that is applicable to a procurement under this Subpart 1-4.11. Subpart 101-32.13 provides standard terminology for use in purchase agreements, solicitations, and offers for acquisitions of ADP equipment (ADPE), related software, services, and communications equipment to give effect to Federal Standards announced in FIPS PUBS. Subpart 101-32.13 is also applicable, where particular FIPS PUBS apply, to equipment acquired under Part 101-35 of the FPMR. FIPS PUBS are issued by the National Bureau of Standards and collectively constitute the Federal Information Processing Standards Register. FIPS PUBS are available as set forth in § 101-32.1302 of the FPMR.

(b) *Applicability.* The provisions of Subpart 101-32.13 are applicable to all Federal agencies unless the agencies are otherwise excepted. Waiver procedures and exceptions are prescribed in the applicable FIPS PUBS.

§ 1-4.1108-6 [Reserved]

§ 1-4.1109 [Reserved]

**PART 1-7—CONTRACT CLAUSES**

The table of contents for Part 1-7 is amended by the addition of the following new entry:

1-7.103-30 Clauses for solicitations and contracts for automatic data processing (ADP) equipment, software, maintenance services, and supplies.

**Subpart 1-7.1—Fixed-Price Supply Contracts**

Section 1-7.103-30 is added, as follows:

§ 1-7.103-30 Clauses for solicitations and contracts for automatic data processing (ADP) equipment, software, maintenance services, and supplies.

Insert the standard clauses set forth in § 1-4.1108 in solicitations and contracts for ADP under the conditions specified in § 1-4.1108. The clauses are:

(a) Warranty Exclusion and Limitation of Damages.

(b) Contractor Representation.

(c) Fixed Price Options: Option to Extend the Term of the Contract, Option for Increased Quantity.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Effective date: This amendment is effective November 30, 1976, but may be observed earlier.

Dated: September 22, 1976.

JACK ECKERD,

Administrator of General Services.

[FR Doc.76-28794 Filed 9-30-76; 8:45 am]

**CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS****SUBCHAPTER E—SUPPLY AND PROCUREMENT**

[FPMR Amdt. E-196]

**PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES****ADP Management**

This amendment revises § 101-32.000 and replaces Subpart 101-32.4 in its entirety. The Federal Procurement Regulations are amended in a separate action by adding Subpart 1-4.11, entitled Procurement and Contracting for Government-wide Automated Data Processing Equipment, Software, Maintenance Services, and Supplies. This amendment to Part 101-32 retains the information that agency officials must consider before commencing an ADP procurement action. To the extent possible, the paragraph titles and numbering used in the prior version of Subpart 101-32.4 are retained in this revised FPMR. ADP procurement procedures and the contract clauses formerly in Subpart 101-32.4 are now in FPR 1-4.11.

Part 101-32 is amended by the revision of § 101-32.000 and by the addition of revised Subpart 101-32.4, as follows:

Section 101-32.000 is revised as follows:

**§ 101-32.000 Scope of part.**

This part provides policies, procedures, and guidelines pertaining to the Government-wide management of automated data processing equipment and services, including revolving fund, resources utilization, utilization of excess, maintenance and repair, and related subjects. Policies and procedures pertaining to procurement and contracting for automated data processing equipment, software, maintenance services, and supplies are set forth in FPR 1-4.11.

**Subpart 101-32.4—Management Responsibilities Related to Procurement**

Sec.	
101-32.400	Scope of subpart.
101-32.400-1	The Automated Data and Telecommunications Service.
101-32.400-2	Assistance.
101-32.401	Applicability.
101-32.402	Definitions.
101-32.402-1	Automated data processing equipment.
101-32.402-2	Software.
101-32.402-3	Maintenance services.
101-32.402-4	Supplies.
101-32.402-5	Procurement.
101-32.402-6	Agency procurement request.
101-32.402-7	Data systems specifications.
101-32.402-8	Equipment performance requirements.
101-32.402-9	Federal agency.
101-32.402-10	Selection plan.
101-32.402-11	Systems or items life.
101-32.402-12	Mandatory requirements.
101-32.402-13	Desirable features.
101-32.402-14	Lowest overall cost.
101-32.402-15	Competitive procurement.
101-32.402-16	Noncompetitive (sole source) procurement.
101-32.403	Preprocurement considerations.

Sec.	
101-32.403-1	Use of GSA requirements-type contracts.
101-32.403-2	Software.
101-32.403-3	Maintenance services.
101-32.404	Request for procurement.
101-32.404-1	Restrictions on the use of simulation to describe data processing requirements.
101-32.405	GSA action on a requirement review.
101-32.406	Responsibilities when GSA procures ADPE or related items for an agency.
101-32.407	Use of the automatic data processing fund.
101-32.408	The Privacy Act of 1974.

AUTHORITY: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

**Subpart 101-32.4—Management Responsibilities Related to Procurement****§ 101-32.400 Scope of subpart.**

This subpart prescribes the guidance, policies, and procedures that Federal agencies must consider before initiating procurement of all automatic data processing equipment (ADPE) and related software, maintenance services, and supplies by Federal agencies. Other regulations apply as follows:

(a) The provisions of Part 101-17 relate to the information which must be submitted to GSA relative to space requirements for ADPE.

(b) The provisions of Part 101-35 are applicable to telecommunications directly or indirectly associated with ADPE.

(c) Policies and procedures relating to procurement and contracting for Government-wide automated data processing equipment, software, maintenance services, and supplies are set forth in FPR 1-4.11.

**§ 101-32.400-1 The Automated Data and Telecommunications Service.**

The Automated Data and Telecommunication Service (ADTS) of GSA has Government-wide responsibility for the development and implementation of management policies and procedures concerned with the effective and efficient acquisition and use of the ADP resources of the Federal Government. ADTS reviews ADP requirements, as stated by Federal agencies, and to the extent feasible meets these requirements through utilization of the existing inventory of Federal ADPE, by combining agency resources, or by satisfying requirements through GSA-provided systems or services. If ADTS is unable to meet agency requirements with existing or planned resources, then the requirements will be satisfied through the procurement process conducted in accordance with FPR 1-4.11, or the procurement of services from commercial sources will be authorized as set forth in Subpart 101-32.2. This Subpart 101-32.4 provides agency guidance as to what must be accomplished before commencing the procurement process for ADPE.

**§ 101-32.400-2 Assistance.**

Assistance concerning the information or procedures discussed in this subpart may be obtained from the General Serv-



ices Administration (CPS), Washington, DC 20405.

**§ 101-32.401 Applicability.**

The provisions of this subpart apply to all Federal agencies. These provisions are not applicable to Government contractors when the items governed by the provisions of this Subpart 101-32.4 are to be acquired by such contractors unless the equipment or system is (a) leased, and full lease costs are paid by the Government under one or more contracts, or (b) purchased by the contractor for the account of the Government or title will pass to the Government.

**§ 101-32.402 Definitions.**

The terms used in this Subpart 101-32.4 shall be as described below.

**§ 101-32.402-1 Automatic data processing equipment.**

"Automatic data processing equipment" (ADPE) means general purpose commercially available, mass-produced automatic data processing components and the equipment systems created from them, regardless of use, size, capacity, or price, that are designed to be applied to the solution or processing of a variety of problems or applications and are not specially designed (not configured) for any specific application. It includes:

(a) Digital, analog, or hybrid computer equipment; and/or

(b) Auxiliary or accessory equipment such as plotters, communications terminals, tape cleaners, tape testers, data conversion equipment, source data automation recording equipment (optical character recognition devices, paper tape typewriters, magnetic tape cartridge typewriters, and other data acquisition devices), etc., to be used in support of digital, analog, or hybrid computer equipment, either cable connected, wire connected, or self-standing and whether selected or acquired with a computer or separately; and/or

(c) Punched card accounting machines (PCAM) used in conjunction with or independently of digital, analog, or hybrid computers.

**§ 101-32.402-2 Software.**

"Software" means commercially available proprietary computer programs and routines used to extend the capabilities of ADPE. This category of software includes those software packages available in the commercial market through lease or purchase. Software packages provided by original equipment manufacturers which are separately priced from ADPE are included in this category.

**§ 101-32.402-3 Maintenance services.**

"Maintenance services" means those examination, testing, repair, or part replacement functions performed to: (a) Reduce the probability of ADPE malfunction (commonly referred to as "Preventive Maintenance"), (b) restore a component of ADPE which is not functioning properly to its proper operating status (commonly referred to as "Re-

medial Maintenance"), and (c) modify the ADPE in a minor way (commonly referred to as "Field Engineering Change" or "Field Modification").

**§ 101-32.402-4 Supplies.**

"Supplies" means consumable items designed specifically for use with ADPE, such as computer tape, ribbons, punch cards, and tabulating paper.

**§ 101-32.402-5 Procurement.**

"Procurement" means the acquisition of ADPE, software, maintenance services, or supplies by purchase or lease.

**§ 101-32.402-6 Agency procurement request.**

"Agency procurement request" (APR) means a request by a Federal agency for GSA to procure ADPE, software, or maintenance services or for GSA to delegate the authority to the agency to procure these items. It includes applicable requests for proposals (RFP), invitations for bids (IFB), or requests for quotations (RFQ), and amendments thereto. When the APR for ADPE is submitted before preparation of the solicitation documents, the data systems specifications and/or the equipment performance requirements, as available, and the attendant software requirements may be provided to GSA in lieu of the RFP, IFB, or RFQ. In such instances, the software requirements shall include that software as defined in § 101-32.402-2, software in the public domain, and any additional software. However, applications programs to be developed either in-house or by contract shall not be included in the APR.

**§ 101-32.402-7 Data systems specifications.**

"Data systems specifications" means: (a) The delineation of the objectives which the system is intended to accomplish and (b) the data processing requirements underlying that accomplishment. The latter includes a description of the data output and its intended uses, the data input, the data files and record content, the volumes of data, the processing frequencies, timing, and such other facts as may be necessary for a complete description of the system.

**§ 101-32.402-8 Equipment performance requirements.**

"Equipment performance requirements" means a statement of those hardware factors such as cycle time, computing speed, tape read or write speed, printer speed, size of memory, expandability (modularity), etc., and the related software which are a measure of the operating capability of equipment and which, when applied to the data systems specifications, provide a measure of the operating time required to process the applications on that equipment.

**§ 101-32.402-9 Federal agency.**

"Federal agency" means any executive agency (executive department or independent establishment in the executive branch including any wholly owned

Government corporation) or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

**§ 101-32.402-10 Selection plan.**

"Selection plan" means those criteria and systematic procedures established in order to enable the Government to measure the proposal of an offeror against the requirements of the Government as set forth in the solicitation document. These criteria shall be based on the Government's requirements and should not be equipment or vendor oriented.

**§ 101-32.402-11 Systems or items life.**

"Systems or items life" means a forecast or projection of the period of time which begins with the installation of the systems or items and ends when the need for such systems or items has terminated. Systems or items life is established by the Government on the basis of its requirements and is usually set forth in the RFP. Systems or items life is not synonymous with actual life of the equipment.

**§ 101-32.402-12 Mandatory requirements.**

"Mandatory requirements" means those contractual conditions and technical specifications which are established by the Government as being essential to meet the Government's needs. When set forth in a solicitation, the mandatory requirements must be met by an offer (or bid) in order for such offer (or bid) to be considered responsive to the solicitation.

**§ 101-32.402-13 Desirable features.**

"Desirable features" means those contractual conditions and technical specifications which are established by the Government but which do not have to be offered (or bid) in order to be responsive to the specific solicitation. When set forth in a solicitation, the desirable features, individually or collectively, may be offered at the discretion of the offeror (or bidder).

**§ 101-32.402-14 Lowest overall cost.**

"Lowest overall cost" means the least expenditure of funds over the systems or items life, price and other factors considered. Lowest overall costs shall include but shall not be limited to such elements as personnel, purchase price or rentals, maintenance, site preparation and installation, programming, training, and telecommunications as applicable.

**§ 101-32.402-15 Competitive procurement.**

"Competitive procurement" means the Government's requirement is set forth in the form of data systems specifications or equipment performance requirements, a combination thereof, or other unrestricted specifications which allow full competition and are devoid of bias toward either a specific product or a specific offeror.



### § 101-32.402-16 Noncompetitive (sole source) procurement.

"Noncompetitive (sole source) procurement" means the Government's requirements are set forth in the form of necessary specifications which are so restrictive that there is only one known supplier capable of satisfying the Government's requirement.

### § 101-32.403 Preprocurement considerations.

Before initiating the ADP procurement process, Federal agencies shall comply with the management requirements set forth in Part 101-32. The management information that ADTS needs to review agency requirements is set forth in Subpart 101-32.4. If it is determined that the agency requirement will be met by a procurement, the acquisition shall be in accordance with the provisions of FPR 1-4.11.

### § 101-32.403-1 Use of GSA requirements-type contracts.

GSA makes selected ADPE available to agencies through requirements-type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements-type contracts, this source shall be used by all agencies as the primary source to satisfy needs once it has been determined that the requirement cannot be met under Subparts 101-32.2 or 101-32.3. When such contract provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (GSA), Washington, DC 20405 before initiating the delivery/purchase order.

### § 101-32.403-2 Software.

Except for software performance monitoring packages covered by Subpart 101-32.14, and for software obtained through the Federal Software Exchange Program, Subpart 101-32.16, prior approval of GSA is required before agencies may acquire software when the proposed software exceeds the procurement authority set forth in § 1-4.1103-2 of the FPR.

### § 101-32.403-3 Maintenance services.

Agencies may procure maintenance services without prior approval of GSA in accordance with the provisions of § 1-4.1103-3 of the FPR.

### § 101-32.404 Request for procurement.

(a) Prior to commencing an ADP procurement, agencies shall ensure that the policies and guidance stated in applicable Office of Management and Budget (OMB) and GSA policy directives have been met. (These directives include OMB Circulars A-11, "Preparation and submission of budget estimates," A-71, "Responsibilities for the administration and management of automated data process-

ing activities," A-76, "Policies for acquiring commercial or industrial products and services for Government use," A-94, "Discount rates to be used in evaluating time distributed cost and benefits," and A-108, "Responsibilities for the maintenance of records about individuals by Federal agencies," 41 CFR Part 101-32, "Government-wide Automated Data Management services," and the Federal Management Circular (FMC) 74-5 entitled "Management, acquisition, and utilization of automatic data processing (ADP).")

(b) Four copies of the Agency Procurement Request (APR) and such other documents as may be applicable shall be forwarded to the General Services Administration (GSA) in accordance with § 1-4.1104 of the FPR. In addition to the FPR procedures, agencies must include with the APR a statement: In accordance with the requirements of Subparts 101-32.2 and 101-32.3, Federal ADP resources have been screened and no ADP resources are available to satisfy the user's requirements.

NOTE.—When telecommunications are involved, agencies shall submit documentation as prescribed in Part 101-35.

### § 101-32.404-1 Restrictions on the use of simulation to describe data processing requirements.

(a) The use of benchmarks is the preferred method of measuring potential ADPE performance for evaluation and selection purposes. When benchmarking is not feasible, computer system simulators can sometimes be used as an aid in measuring potential ADPE performance. However, a simulation input definition format shall not be used as the only means of describing data processing requirements. In view of the effect that use of computer system simulators may have on competition, § 1-4.1107-5 of the FPR places certain restrictions on the use of simulation in the ADPE procurement process.

(b) Information concerning policies and procedures for ADP simulation and computer performance evaluation services is in Subpart 101-32.14.

### § 101-32.405 GSA action on a requirement review.

After review of an APR and the documentation submitted with it, and subject to the authority of the agency to determine its individual ADP requirements, including the development of specifications for and the selection of the types and configuration of equipment needed, ADTS will act on the APR as set forth in § 1-4.1105 of the FPR.

### § 101-32.406 Responsibilities when GSA procures ADPE or related items for an agency.

When GSA procures ADPE or related items for another agency, the procurement is a joint endeavor of both the re-

quiring agency and GSA. To preclude an overlap of functions, the responsibilities of each participant in the procurement are clearly delineated in § 1-4.1105 of the FPR.

### § 101-32.407 Use of the automatic data processing fund.

(a) When a lease/purchase evaluation indicates that it would be to the best interest of the Government to purchase rather than lease ADPE or software and funds are not readily available within the agency; e.g., when there is insufficient time to secure the necessary funds under normal budgetary procedures or to reprogram for the required funds, the matter shall be forwarded to the General Services Administration (GSA), Washington, D.C. 20405 for determination of whether the ADP fund should be used for the purchase. In like manner, the use of long-term lease plans shall not be discarded solely on the grounds that they are barred by legal or fiscal considerations. Instead, the matter shall be forwarded to GSA for a determination of whether the ADP fund should be used.

(b) When a determination has been made to finance the acquisition of ADPE or software by means of the ADP fund, GSA will retain title to such ADPE or software which will be capitalized into the fund. In such instances, mutually satisfactory arrangements to reimburse the fund and a lease to include equipment costs, authorized personnel services, and other costs will be negotiated between the requesting agency and GSA. Reimbursements to the fund are generally on the installment basis; however, lump sum payments may be made.

(c) Agencies with installed leased ADPE shall periodically review the equipment for consideration of purchase by the ADP fund when purchase becomes justified.

(d) General guidance and information concerning the use of the ADP fund is developed by ADTS and published in the FPMR bulletin series.

### § 101-32.408 The Privacy Act of 1974.

The Privacy Act of 1974 establishes policies with respect to the design, development, operation, or maintenance of systems of records on individuals. Information concerning privacy as it relates to ADP management is contained in Subpart 101-32.17.

Effective date: This regulation is effective on October 1, 1976.

NOTE.—It is hereby certified that the impact does not meet the inflation impact criteria for major rules or regulations.

Dated: September 22, 1976.

JACK ECKERD,  
Administrator of  
General Services.

[FR Doc.76-28795 Filed 9-30-76; 8:45 am]



# **federal register**

FRIDAY, OCTOBER 1, 1976



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PART IV:

## **DEPARTMENT OF COMMERCE**

**National Oceanic and  
Atmospheric Administration**



### **TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS**

**Expedited Procedures for Consideration  
of Proposed Regulations for Calendar  
Year 1977**



## Title 50—Wildlife and Fisheries

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

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

## Appendix—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Expedited Procedures for Consideration of Proposed Regulations for Calendar Year 1977

On May 11, 1976, the U.S. District Court for the District of Columbia declared the current regulations of the National Marine Fisheries Service authorizing the taking of marine mammals incidental to yellowfin tuna purse seining activities, 50 CFR 216.24, to be void as contrary to the Marine Mammal Protection Act, 16 U.S.C. § 1361, et seq. On August 6, 1976, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the District Court's order, but stayed it until January 1, 1977, because of the disastrous effect its immediate implementation would have on commercial fishermen operating under the general permit authorized by the current regulations.

The National Marine Fisheries Service has adopted permanent regulations governing practice and procedure in hearings held under § 103(d) of the Marine Mammal Protection Act, 16 U.S.C. § 1373 (d), which concern proposed waivers of the moratorium on the taking of marine mammals imposed by the Act and regulations on, among other matters, the taking of marine mammals incidental to commercial fishing operations, 50 CFR 216.70-216.90. But the National Marine Fisheries Service would not be able to meet the Court's January 1, 1977, deadline under the existing procedures. If they were used, there would for several months be no regulations in force on the taking of marine mammals incidental to yellowfin tuna purse seining. This situation would carry the potential for great and irreparable damage to those commercial fishermen who would operate under any permit which might be authorized under the regulations which are eventually adopted.

In a good faith effort to comply with the Court's order, the National Marine Fisheries Service is issuing these expedited regulations for the conduct of proceedings on proposed regulations governing the taking of marine mammals incidental to yellowfin tuna purse seining operations during calendar year 1977. The permanent regulations contained in 50 CFR 216.70-216.90 will retain their full force with respect to proposed waivers and regulations on subjects other than the taking of marine mammals incidental to commercial fisheries; and they will regain that force even with respect to the latter subject for proceedings commenced on or after January 1, 1977.

The expedited procedure contained in these regulations, like that contained in the permanent rules, is a rulemaking on the basis of a formal record after oppor-

tunity for an agency hearing. Such a procedure is required by § 103(d) of the Act, and is conducted in accordance with 5 U.S.C. §§ 556-557. The primary difference between the permanent and expedited procedures is the reduction in the latter of the 60 day minimum period between the notice of hearing and the hearing's commencement to 30 days. This, in turn, necessitated the elimination of the procedures for prior submission of direct testimony and narrowing of the issues which are contained in the permanent regulations. In the expedited procedure, the hearing itself is envisioned as the forum for the airing of all issues which the parties wish to raise, and more detailed rules for the conduct of the hearing are provided than appear in the permanent regulations. It is anticipated that, in view of the emphasis of the expedited regulations on the opportunity of each party at the hearing to present its own evidence and to cross examine the witnesses of other parties, the elimination of the prior submission of evidence and refinement of the issues will not reduce the parties' opportunity to contribute to the final decision. Parties are still encouraged to submit their evidence to the presiding officer before the hearing. Parties who have not submitted their evidence before the hearing may be required by the presiding officer to present their evidence at the hearing before the parties who have done so. It is hoped that surprise and the offer of evidence on uncontested issues will thereby be minimized.

Other changes are the elimination of the 20-day comment period on the presiding officer's recommended decision, and the imposition of short deadlines for the filing of briefs and of the recommended decision.

Under the authority of 5 U.S.C. § 553 (d) (3), these regulations are effective on the date of publication. Postponement of their effect for 30 days would undermine their basic purposes, which are to comply with the order of the Court of Appeals and to reduce or eliminate the potential prejudice to prospective permit holders which would result from a failure to effectuate new regulations governing incidental taking of marine mammals incidental to yellowfin tuna purse seining by January 1, 1977.

1. *Basis and purpose.* (a) Section 101 (a) (2) of the Marine Mammal Protection Act, 16 U.S.C. § 1371(a) (2), and these regulations authorize the Director, National Marine Fisheries Service, to impose regulations governing the taking of marine mammals incidental to commercial fishing operations. In prescribing regulations to carry out the provisions of said sections, the Act refers the Director to § 103 (16 U.S.C. § 1373). In accordance with § 103(d), regulations must be made on the record after opportunity for an agency hearing on such regulations.

(b) The purpose of these regulations is to establish rules of practice and procedure for proceedings commenced under § 103(d) after October 1, 1976, and before January 1, 1977, concerning pro-

posed regulations on the taking of marine mammals incidental to commercial fishing operations. For all purposes of such proceedings the rules prescribed by these regulations replace those prescribed at 50 CFR 216.70-216.90.

2. *Definitions.* Definitions shall be the same as in 50 CFR 216.3, except as follows:

(a) "Party" means for purposes of these regulations:

(1) The Director or his representative;

(2) The Marine Mammal Commission or its representative;

(3) A person who has, pursuant to paragraph 5, notified the Director by the final date specified in the notice of hearing of his or her intent to participate in the hearing.

(b) "Witness" means, for the purposes of these regulations, any person who delivers testimonial evidence, or who identifies real or documentary evidence under paragraph 11 (d) and (e). A person may be both a party and a witness.

(c) "Director" means, for the purposes of these regulations, the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

3. *Scope of regulations.* These procedural regulations govern the practice and procedure in hearings described in the first sentence of paragraph 1(b). These hearings will be governed by the provisions of 5 U.S.C. §§ 556 and 557 of the Administrative Procedure Act. They shall be construed to secure the just, speedy, and inexpensive determination of all issues raised with respect to waivers and regulations proposed pursuant to § 103(d) of the Act governing the taking of marine mammals incidental to commercial fishing operations, with full protection for the rights of all persons affected thereby.

4. *Notice of hearing.* (a) A notice of hearing on any proposed regulations on the taking of marine mammals incidental to commercial fishing operations shall be published in the FEDERAL REGISTER.

(b) The notice shall state:

(1) The Director's intention to prescribe regulations under § 103(d) of the Act on the taking of marine mammals incidental to commercial fishing operations;

(2) The nature of the hearing;

(3) The place and date of the hearing. The date shall not be less than thirty (30) days after publication of notice of the hearing;

(4) The legal authority under which the hearing will be held;

(5) The proposed regulations;

(6) A summary of the statements and studies described in § 103(d) (1)-(4) of the Act. The notice shall indicate that these statements and studies have been published in full and made available to the public, and shall set forth the ways in which individual persons may have copies of these statements and studies placed at their disposal;

(7) Issues of fact which may be involved in the hearing, together with the



express statement that the hearing will not necessarily be limited to these issues and that evidence relevant to other issues may be submitted at the hearing, subject to rulings of the presiding officer on the materiality of such issues;

(8) The date of publication of the draft Environmental Impact Statement, and the place(s) where the draft and comments thereon may be viewed and copied;

(9) Any written advice received from the Marine Mammal Commission;

(10) The place(s) where records and documents submitted prior to the hearing will be kept for public inspection;

(11) A list of employees of the United States who will or may reasonably be expected to be involved in the decisional process on the regulations, including the Director and Deputy Director, to whom and by whom *ex parte* communications relevant to the merits of the proceeding by or to parties to the proceeding would be impermissible under the provisions of section 4 of the Government in the Sunshine Act of 1976, Pub. L. 94-409;

(12) The final date for filing with the Director a notice of intent to participate in the hearing pursuant to paragraph 5;

(13) The docket number assigned to the case which shall be used in all subsequent proceedings;

(14) The name of the presiding officer.

5. *Notification by interested persons.* Any person desiring to participate as a party shall notify the Director by certified mail on or before the date specified in the notice. Persons who fail so to notify the Director shall be deemed to have waived their right to participate as parties in any part of the proceeding.

6. *Presiding officer.* (a) Upon publication of the notice of hearing pursuant to paragraph 4, the Director shall appoint a presiding officer pursuant to 5 U.S.C. § 3105. No individual who has any conflict of interest, financial or otherwise, shall serve as presiding officer in such proceeding.

(b) The presiding officer, in any proceeding under this subpart, shall have power to:

(1) Adjourn the hearing, but not to change the time and place of the hearing specified in the notice of hearing without the consent of all parties;

(2) Rule upon motions, requests, and admissibility of real, documentary, and testimonial evidence;

(3) Administer oaths and affirmations, question witnesses, and direct witnesses to testify;

(4) Modify or waive any rule with the consent of all parties;

(5) Receive written arguments, comments, and briefs and hear oral argument;

(6) Render a recommended decision and certify the record of the proceeding to the Director;

(7) Do all acts and take all measures, including regulation of media coverage, for the maintenance of order at and the efficient conduct of the proceeding.

(c) In case of the absence of the original presiding officer or his inability to act, the powers and duties to be per-

formed by the original presiding officer under this part in connection with a proceeding may, without abatement of the proceeding, be assigned to any other presiding officer as ordered by the Director.

(d) The presiding officer may upon his own motion withdraw as presiding officer in a proceeding if he deems himself to be disqualified.

(e) A presiding officer may be requested to withdraw at any time prior to the recommended decision. Upon the filing in good faith of a timely and sufficient affidavit alleging the presiding officer's personal bias, malice, conflict of interest or other basis which might result in prejudice to a party, the hearing shall recess. The Director shall immediately determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

7. *Submission of evidence before the start of the hearings.* (a) All parties are encouraged, but not required, to submit to the presiding officer before the start of the hearing all real and documentary evidence which they intend to introduce. They are also encouraged, but not required, to submit at that time affidavits of the witnesses they intend to call stating the substance of the oral testimony they intend to deliver at the hearing; but the submission of any such affidavit by a witness shall not prevent that witness from testifying on matters not dealt with in the affidavit at the hearing.

(b) All evidence submitted prior to the hearing shall contain or be accompanied by a written statement signed by the submitting party or its counsel of the interest of the submitting party in the proceeding, the issue to which such evidence relates, and the submitting party's position on that particular issue.

(c) No objections or motions concerning the relevance of evidence submitted prior to the hearing or the materiality of the issues to which it relates shall be entertained by the presiding officer before such evidence is introduced into the record at the hearing.

8. *Mailing address.* Unless otherwise specified in the notice of hearing, all evidence shall be addressed to the presiding officer, c/o Director, National Marine Fisheries Service, Washington, D.C. 20235. Each item of real and documentary evidence and each affidavit shall be clearly marked with the docket number of the proceedings.

9. *Inspection and copying of evidence and other documents forming part of the record of the hearing.* Any evidence submitted by the parties at any point in a proceeding under these regulations may be inspected and, to the extent feasible, copied at such times and places as the presiding officer may designate. Other documents forming part of the record of the proceeding shall be made available for inspection and copying on the same basis. Any such documents not in the custody of the presiding officer may be inspected and copied in the Office of the Director, National Marine Fisheries Service, Page Building No. 2, 3300 White-

haven Street, NW., Washington, D.C. 20235.

10. *Ex parte communications.* The provisions of section 4 of the Government in the Sunshine Act of 1976, Pub. L. 94-409, shall be adhered to in any proceeding conducted under these regulations whether or not such provisions have entered into force at the time of the proceeding.

11. *Conduct of the hearing.* (a) The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer, with the consent of all parties, changes the time or place. If a change occurs, the presiding officer shall publish the change in the *FEDERAL REGISTER* and shall expeditiously notify all parties by telephone or by mail: But if the change in time or place of hearing is made less than five days before the date previously fixed for the hearing, the presiding officer shall also announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) At the commencement of the hearing, the presiding officer shall introduce into the record:

(1) The notice of hearing as published in the *FEDERAL REGISTER*;

(2) All subsequent notices pertaining to the proceeding published in the *FEDERAL REGISTER*;

(3) The draft Environmental Impact Statement, the comments thereon, and agency responses to the comments. If additional comments and agency responses are made at any later point in the proceeding, they shall be introduced into the record after notice to all parties by the presiding officer until he certifies the record to the Director, and thereafter by the Director;

(4) A list of all parties.

(c) Each party shall have the opportunity to introduce evidence into the record at the hearing in the order determined by the presiding officer, but the Director shall introduce his evidence before any other party. In determining the order in which other parties will introduce evidence, the presiding officer may require those parties which have not submitted evidence to him prior to the hearing to present their evidence before those parties which have previously submitted evidence. Before beginning the presentation of its evidence, each party shall make an oral statement under oath identifying itself and its interest in the proceeding.

(d) Testimonial evidence shall be presented through oral statements of witnesses under oath, whether or not such evidence has been summarized in affidavits submitted prior to the hearing. Testimonial evidence may also be introduced through direct examination of the witness under oath by the party presenting the evidence, either in person or by an authorized counsel or representative. The presiding officer may also directly examine a witness under oath, and may propound to the witness questions submitted by other parties which he determines to be suitable for direct examination.



(e) Real and documentary evidence shall be admitted into the record only if the party introducing it or another person called by the party as a witness identifies such evidence, the issue to which it relates, the introducing party's position regarding that issue, and the manner in which the evidence supports that position. This identification shall be made under oath, and shall be required whether or not such real or documentary evidence was submitted to the presiding officer prior to the hearing under paragraph 7.

(f) Any witness by whom a party introduces testimonial evidence or identifies real or documentary evidence shall:

- (1) State his or her name, address, and occupation;
- (2) State qualifications for delivering or identifying such evidence. If an expert, the witness shall briefly state the scientific or technical training by which he or she qualifies as an expert;
- (3) Submit to appropriate cross-examination in accordance with subparagraph (g).

(g) Each party shall have the opportunity, in the order determined by the presiding officer, to cross-examine any witness by whom another party has introduced testimonial evidence; and to cross-examine any other party, as well as any identifying witness, about real and documentary evidence which such other party has introduced. Such cross-examination may be conducted by a party either in person or by an authorized counsel or representative. Cross-examiners shall be assumed to be familiar with all testimony previously delivered by the witness at the hearing. The presiding officer may:

- (1) Require the cross-examiner to outline the intended scope of the cross-examination;
  - (2) Limit the number of times any party or parties may cross-examine a party or other witness on the same matter;
  - (3) Exclude cross-examination questions that are irrelevant, concern immaterial issues, or are unduly repetitious.
- (h) Scientific, technical, or commercial publications may only be used for impeaching witnesses under cross-examination unless previously introduced as evidence in accordance with these regulations.

(i) Whenever counsel conducts the direct or cross-examination of a party or other witness, such counsel shall state for the record his or her authority to act as counsel and the party granting that authority. A party shall be assumed to have waived the right to introduce evidence if such party fails to produce a

witness to present or identify such evidence under oath. Any party or party's counsel who fails to appear at the hearing to cross-examine a witness shall be assumed to have waived the right to cross-examine that witness.

(j) The hearing shall be publicly conducted and reported verbatim by an official reporter.

(k) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The ruling of the presiding officer on any objection shall be part of the record and shall be subject to review at the same time and in the same manner as the Director's final decision. Only objections made before the presiding officer may subsequently be relied upon in the proceedings.

(l) All motions and requests shall be addressed to, and ruled on by, the presiding officer if made before his certification of the record, and by the Director if made thereafter.

**12. Admissible evidence; official notice.** (a) Any evidence introduced by a party in accordance with these regulations shall be admitted into the record unless the presiding officer determines that such evidence is irrelevant to any material issue in the proceeding, or that it is unduly repetitious.

(b) Official notice may be taken of such matters as are judicially noticed by the courts of the United States.

**13. Oral and written arguments.** (a) The presiding officer shall provide for oral argument at the end of the hearing. Such argument may be limited by the presiding officer to the extent necessary for the expeditious disposition of the proceeding. The presiding officer shall close the hearing immediately after the last oral argument.

(b) For a period of ten (10) days after the close of the hearing, any party may file with the presiding officer any written comments on the proposed regulations, including proposed findings and conclusions and written arguments or briefs which are based on the record and which cite, if practicable, the relevant page or pages of the transcript. If a party filing a brief desires the presiding officer to reconsider any objection made by the presiding officer, that party shall state its arguments thereon as part of the brief.

(c) Oral or written arguments shall be limited to issues arising from evidence in the record.

**14. Recommended decision; certification of the record.** (a) Within twenty-

four (24) days after the close of the hearing, the presiding officer shall make a recommended decision based on the record and transmit the decision to the Director. The recommended decision shall include:

- (1) A description of the history of the proceedings;
- (2) Findings on the issues of fact with reasons therefore; and
- (3) Rulings on issues of law with the reasons therefore.

Copies of the recommended decision shall be sent to all parties after the close of the hearing.

(b) The presiding officer shall also transmit to the Director the entire record of the proceeding, accompanied by the presiding officer's certificate stating that, to the best of his knowledge and belief, the record is a complete and accurate compilation of all the evidence and other documents in the proceeding, except in such particulars as are specified.

(c) Immediately after receipt of the recommended decision, the Director shall give notice thereof to the Marine Mammal Commission, and offer the Commission a final opportunity to consult as provided by 16 U.S.C. § 1373(a). The recommended decision may be reviewed and copied in the Office of the Director, National Marine Fisheries Service, Page Building No. 2, 3300 Whithaven Street, N.W., Washington, D.C. 20235.

**15. Director's decision.** (a) After allowing five (5) days for consultation with the Marine Mammal Commission on the recommended decision and record, the Director shall make a final decision on the proposed regulations. The Director's decision may affirm, modify, or set aside in whole or in part the recommended findings, conclusions, and decision of the presiding officer. The Director may also remand the hearing record to the presiding officer for a fuller development of the record.

(b) The Director's decision shall include:

- (1) A description of the history of the proceeding;
- (2) Findings on the issues of fact with the reasons therefore; and
- (3) Rulings on issues of law, with the reasons therefore.

(c) The Director's decision, together with the final adopted regulations, shall be published in the *FEDERAL REGISTER*.

**16. Effective date.** These regulations become effective on October 1, 1976.

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

SEPTEMBER 29, 1976.

[FR Doc.76-29030 Filed 9-30-76;8:45 am]



# **federal register**

**FRIDAY, OCTOBER 1, 1976**



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**PART V:**

## **DEPARTMENT OF LABOR**

**Employment Standards  
Administration**



### **MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION**

**General Wage Determination Decisions;  
Index**



## DEPARTMENT OF LABOR

Employment Standards Administration  
MINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTION

## General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

## MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of 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

Florida ----- FL76-1108  
Kentucky ----- KY76-1111

## MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their date of publication

in the FEDERAL REGISTER are listed with each State.

Arkansas:  
AR76-4119 ----- July 16, 1976.  
AR76-4130 ----- July 23, 1976.  
California:  
CA76-5063; CA76-5064 --- July 16, 1976.  
Delaware:  
DE76-3212 ----- July 30, 1976.  
Kentucky:  
AQ-4122 ----- June 7, 1974.  
KY76-1078 ----- July 23, 1976.  
Louisiana:  
LA76-4131 ----- Aug. 20, 1976.  
Minnesota:  
MN76-2058 ----- May 14, 1976.  
Nevada:  
NV76-5083 ----- Sept. 10, 1976.  
New Mexico:  
NM76-4144 ----- Sept. 3, 1976.  
New York:  
NY76-3203 ----- July 23, 1976.  
NY76-3228 ----- Aug. 13, 1976.  
Oklahoma:  
OK76-4136 ----- July 30, 1976.  
Pennsylvania:  
PA76-3178; PA76-3180 --- June 11, 1976.  
PA76-3185; PA76-3186; PA76-3204 --- June 18, 1976.  
PA76-3208 ----- July 2, 1976.  
Texas:  
TX76-4048 ----- Feb. 20, 1976.  
TX76-4084 ----- May 21, 1976.  
TX76-4125 ----- July 23, 1976.  
Utah:  
UT76-5082 ----- Sept. 10, 1976.  
Virginia:  
VA76-3213; VA76-3214 --- July 30, 1976.  
VA76-3245 ----- Sept. 10, 1976.

## SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Illinois:  
IL76-2006 (IL76-2120) --- Jan. 30, 1976.  
IL76-2007 (IL76-2121) --- Jan. 20, 1976.  
IL76-2008 (IL76-2122) --- Feb. 2, 1976.  
Kentucky:  
KY76-1096 (KY76-1113) -- Sept. 26, 1975.  
KY76-1103 (KY76-1112) -- Oct. 17, 1975.  
Missouri:  
MO76-4105 (MO76-4159) -- July 2, 1976.  
Nebraska:  
NE76-4104 (NE76-4157) -- June 25, 1976.  
New Jersey:  
NJ76-3127 (NJ76-3248); NJ76-3128 (NJ76-3249) -- Feb. 27, 1976.  
Oklahoma:  
OK76-4020 (OK76-4160) -- Feb. 6, 1976.  
Ohio:  
OH76-2059 (OH76-2117) -- May 7, 1976.  
OH76-2065 (OH76-2118) -- May 28, 1976.  
Texas:  
TX76-4077 (TX76-4153); TX76-4078 (TX76-4155); TX76-4079 (TX76-4157); TX76-4112 (TX76-4154) -- July 16, 1976.

Signed at Washington, D.C., this 24th day of September 1976.

RAY J. DOLAN,  
Assistant Administrator,  
Wage and Hour Division.



STATE: Florida

COUNTY: Brevard (excludes Cape Kennedy, Patrick Air Force Base, Kennedy Space Flight Center, and Melabar Radar Site.)

DATE: Date of Publication

DESCRIPTION OF WORK: Building construction (excludes single family houses and garden type apartments up to and including 4 stories).

DECISION NUMBER: FL76-1108

STATE: Florida

## POWER EQUIPMENT OPERATORS CONT'D:

Group C - Concrete pumps, front end loader (2 cy. or less not used as a 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 plant), pavement breakers, street sweeping machines.

Group D - 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 op., oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl. 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion-type welding machine.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Bricklayers	7.00				
Carpenters	7.10	.35	.25	.05	.05
Cement masons	5.81	.20	.20		% of 1%
Electricians	8.95	.40	1%		.01
Glaziers	5.05	.10			.01
Ironworkers	6.73	.35	.25	.43	
Laborers	3.51				
Painters	6.00				
Plasterers	5.96	.35	.25		
Plumbers	7.42				
Roofers	5.50	.10	.05		
Sheet metal workers	8.44	.40	.25		06
Soft floor layers	6.35				
Tile setters	5.96	.35	.25		
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Group A	7.33	.30	.25		.05
Group B	6.29	.30	.25		.05
Group C	5.48	.30	.25		.05
Group D	4.51	.30	.25		.05

Group A - 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. LaTourneau Model L-60-2 or three 20 cu. yd. scrapers), front end loaders (over 4 cu. yd.), side boom cats, multi-drum hoist (for rigging), heavy equipment mechanic, tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), locomotive engineer, (jobs not covered by railroad unions).

Group B - Bulldozers, bridge cranes (20 tons & under), high lift or fork lift (up to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy. and up to & incl. 4 cy. cap.), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.



## NEW DECISION

STATE: Kentucky  
 DECISION NUMBER: KY76-1111  
 DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: \*See below

DATE: Date of Publication

\*Counties: Carter, Elliott, Fleming,  
 Lewis, Mason, Nicholas, Robertson,  
 and Rowan.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanics	4.00				
Bricklayers & Blocklayers	6.00				
Carpenters	4.41				
Cement masons	4.25				
Drywall finishers	4.00				
Drywall hangers	4.27				
Electricians	4.00				
Insulation installers	3.77				
Laborers:					
Laborers	3.00				
Hod carriers	3.09				
Painters	3.97				
Plumbers & Pipefitters	5.04				
Roofers	4.22				
Sheet metal workers	4.51				
Soft floor layers	4.00				
Tile setters	4.25				
Truck drivers	3.40				
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.00				
Bulldozer	4.00				



MODIFICATIONS P. 2

DECISION NO. CA76-5063 - Mod. #3 (41 FR 29619 - July 16, 1976) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: Asbestos Workers Brick Tenders Cement Masons: Cement Masons Mastic; Magnesite; All Composition Masons Men working from swinging or slip form scaffolds Drywall Installers Electricians: Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties Electricians Cable Splicers Tunnel: Electricians Cable Splicers Contra Costa County Electricians Cable Splicers Napa and Solano Counties Electricians Cable Splicers	\$12.41 9.30 10.00 10.25 10.25 11.52	.90 1.00 1.15 1.15 1.15 1.22	\$1.17 1.70 1.43 1.43 1.43 1.71	\$1.50  1.50 1.50 1.50 1.75	.06  .05 .05 .05 .07

MODIFICATIONS P. 1

DECISION NO. AR76-4119 - Mod #2 (41 FR 29617 - July 16, 1976) Pulaski County, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANGE: ELECTRICIANS: Electricians Cable splicers CARPENTERS: Carpenters Millwrights & Piledriversmen Change Decision No. for Mod. #1 dated September 17, 1976 to read "AR76-4119"	\$9.95 10.075 7.93 8.33	.40 .40 .45 .45	1% 1% .30 .30		1/4% 1/4% .04 .04
DECISION #AR76-4130 - Mod. #1 (41 FR 30509 - July 23, 1976) Conway, Faulkner and Perry Counties, Arkansas					
CHANGE: CARPENTERS: Faulkner County and the Eastern half of Conway and Perry Counties: Carpenters Millwrights & Piledriversmen ELECTRICIANS: Electricians Cable splicers ASBESTOS WORKERS ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS HELPER GLAZIERS	\$7.93 8.33 9.95 10.075 9.80 8.88 70LJR 7.30	.45 .45 .40 .40 .35 .545 .545	.30 .30 1% 1% .40 .35 .35 .25		.04 .04 1/4% 1/4% .02 .02 .02
ADD: Add to Counties: Cleburne and Van Buren Counties CARPENTERS: Cleburne & Van Buren Cos. Carpenters Millwrights & Piledriversmen	7.93 8.33	.45 .45	.30 .30		.04 .04







MODIFICATIONS P. 5

MODIFICATIONS P. 6

DECISION NO. CA76-5064 (Cont'd)

DECISION NO. CA76-5064 - Mod. #3

(41 FR 29637 - July 16, 1976)

Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo, and Yuba Counties, California

Change:

Asbestos Workers  
Brick Tenders:  
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Counties  
Cement Masons:  
Cement Masons  
Mastic; Magnesium; All Composition Masons  
Men working from swinging or slip form scaffolds  
Drywall Installers  
Electricians:  
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed  
Electricians  
Cable Splicers  
Tehama County  
Electricians (4 stories):  
Electricians  
Cable Splicers  
Contra Costa County  
Electricians  
Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$12.41	.90	\$1.17	\$1.50		.06
9.30	1.00	1.70			
10.00	1.15	1.43	1.50		.05
10.25	1.15	1.43	1.50		.05
10.25	1.15	1.43	1.50		.05
11.52	1.22	1.71	.75		.07
12.71	.73	144.75			.045
13.98	.73	144.75			.045
11.58	.87	144.605			.04
12.74	.87	144.605			.04
13.45	.70	144.00			
14.95	.70	144.00			

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.82	.68	144.85			.04
13.30	.68	144.85			.04
11.36	1.09	1.26			.025
11.43	.35	.45			
8.75	.60	.40			
9.25	.60	.40			
9.43	.80	1.40	.90		
10.94	1.17	1.10	.60		.04
11.19	1.17	1.10	.60		.04
11.94	1.17	1.10	.60		.04
11.89	.95	.40			
11.35	.60	.80			
10.32	.40	.75	.35		
10.11	1.04	1.10	1.00		.07
11.11	1.04	1.10	1.00		.07
11.13	.66	1.40			.09



Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION # AQ-4122 - Mod. # 3 (39 FR-20281 - June 7, 1974) Davless County, Kentucky  Change: Carpenters	.40	.60			
DECISION # KY76-1078 - Mod. # 1 (41 FR-30527 - July 23, 1976) Henderson County, Kentucky  Change: Carpenters Painters (Commercial): Brush Spray & sandblasting Painters (Industrial): Brush Spray & sandblasting Roofers Sheet metal workers	.40 .65 9.25 .65 9.40 10.40 8.68 10.15	.60 .30 .30 .30 .30 .30 .25 .35			

DECISION NO. CO76-5064 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Soft Floor Layers: Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties Tile Setters: Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	.60 .55	1.00 .30	b 1.00		.10
Add: Glaziers: Fresno and Remaining portions of Merced County	.81	1.04	.805		.05
DELAWARE #DE76-3212 - Mod. #3 (41 FR 32122 - July 30, 1976) State of Delaware  Change: Carpenters - Highway Construc- tion: New Castle & Kent Counties	1.64 \$ 8.80	.74			.02



MODIFICATIONS P. 10

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.05	5-3/4%	4%	11 1/4%		.25%
10.03	7%	4%	10%		1 1/4%

DECISION #N76-2058 - Mod. #1  
(41 FR 20131 - May 14, 1976)  
Aitken, Anoka, Benton, Blue  
Earth, Carlton, Carver,  
Chicago, Cook, Crow Wing,  
Dakota, Dodge, Fairbault,  
Fillmore, Freeborn, Goodhue,  
Hennepin, Houston, Isanti,  
Itasca, Jackson, Kanabec,  
Koochiching, Lake, Lesueur,  
Martin, Meeker, McLeod, Mille  
Lacs, Morrison, Mower, Nicol-  
let, Nobles, Olmsted, Pine,  
Ramsey, Rice, Rock, Scott,  
Sherburne, Sibley, Stearns,  
Steele, St. Louis, Wabasha,  
Waseca, Washington, Winona  
& Wright Counties, Minnesota

## Change:

## Linenmen:

Counties of Chicago, Dakota,  
Isanti, Ramsey, Rice &  
Washington, Remainder of  
Kanabec, Mille Lacs & Pine  
Coe; Anoka County (Entire  
County except Anoka, Fridley  
Grow & Ramsey Townships),  
Goodhue Co. (except Pine  
Island, Minneola, Roscoe &  
Zumbrota Tps.) Lesueur Co.  
(That portion East of Cleve-  
land, Sharon, Tyrone &  
Washington Tps.) Sherburne  
Co. (That portion East of  
Becker & Santiago Tps.) &  
Wabasha Co. (Entire Co.;  
Except Elgin & Plainview  
Tps.).  
Counties of Benton, Blue  
Earth, Carver, Fairbault,  
Hennepin, Jackson, McLeod,  
Martin, Meeker, Nicollet,  
Scott, Sibley, Stearns,  
Waseca, Wright & the Remain-  
der of Anoka, Lesueur &  
Sherburne Counties

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.55	.35	1%			
10.80	.35	1%			
10.55	.35	1%			
10.80	.35	1%			
50¢/hr	.35	1%			

DECISION #1A76-4131 - Mod. #2  
(41 FR 35349 - August 20, 1976)  
Statewide, Louisiana

## Change:

## Electricians:

## Zone 4

## Cable splicers:

## Zone 3

## Line Construction:

## Zone 4:

## Linenmen &amp; equipment operators

## Cable splicers

## Groundmen



DECISION NO MN76-2058 (CONT'D)

## POWER EQUIPMENT OPERATORS (CONT'D)

Counties of Anoka, Carver, Cook, Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott, & Washington, Sherburne County south of the northern boundary of T-33-N and west of the western boundary of R-27-W, Wright County east of and including Highway #25, Chicago County south of the northern boundary of T-34-N and that part consisting substantially of the Cities of Thompson, Colquet, Scanlon & Carlton

GROUP 5 Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Graveling Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launchman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven - Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over 22, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 1 1/2 and under, Concrete Op. (Malt. Blade), Gurb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Toller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar HP with power take-off)

GROUP 7 Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO MN76-2058 (CONT'D)

## POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS			Education and/or Appt. Tr.
		H & W	Pensions	Vacation	
Counties of Anoka, Carver, Cook, Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott & Washington, Sherburne County south of the northern boundary of T-33-N and east of the western boundary of R-27-W, Wright County east of and including Highway #25, Chicago County south of the northern boundary of T-34-N and that part consisting substantially of the Cities of Thompson, Colquet, Scanlon & Carlton					
GROUP 1	\$13.55	.45	.40		
GROUP 2	10.26	.45	.40		
GROUP 3	10.00	.45	.40		
GROUP 4	9.87	.45	.40		
GROUP 5	9.78	.45	.40		
GROUP 6	9.10	.45	.40		
GROUP 7	8.80	.45	.40		

GROUP 1 Helicopter Pilot  
GROUP 2 Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity  
GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 3/4E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Convey or similar type, Truck Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over  
GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Propelled. Traveling Soil Stabilizer



## 031-9-NUM

## POWER EQUIPMENT OPERATORS: (CONT'D)

Counties of Aitkin, Blus Earth, Carlton, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Isanti, Kanabec, Lenoir, Mille Lacs, Mower, Olmsted, Pine, Rice, Steele, Wabasha, Waseca, Winona & Washington; The remainder of Chisago, Sherburne, & Wright Counties; Koochiching County East of a North-South line from the Canadian Boarder to Pelland - The Western Right-of-Way of U.S. Hwy. 71 from Pelland to Big Falls & Mmm. Hwy. #6; Itaska County East of the Western Right-of-Way of Minn. Hwy. #6; Crow Wing County East of the Western Right-of-Way of U. S. Hwy. #371; Morrison County East of the Western Right-of-Way of U. S. Hwy. #371 & U.S. Hwy. #10 from Little Falls to the Morrison-Benton County lines; Benton County East of the Western Right-of-Way of U. S. Hwy. #10; and in McLeod, Martin, Meeker, Nicolllet, Sibley & Stearns Counties, East of the Western Right-of-Way of Minn. Hwy #15. In Every case the entire corporate limits of cities, towns & villages located on the boundaries described as Rightways shall be included in this area.

GROUP I Helicopter Pilot  
GROUP II Crane with over 135' boom, excluding jib, dangleline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity

**GROUP IV** Dual Tractor Op., Elevating Grader Op., Pulpore Op., Scraper Op.,  
Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP Y Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork lift of Lumber Stackers, Front End Loader Op., over 1 cu. yds. Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Baling Machine Op., Power Plant Engineer, Power actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD8 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, trenching Machine Op., (sewer

13.25	.45	.40
9.96	.45	.40
9.70	.45	.40
9.58	.45	.40
9.48	.45	.40
8.80	.45	.40
8.50	.45	.40



## MODIFICATIONS P. 16

DECISION NO. MN76-2058 (CONT'D)

## POWER EQUIPMENT OPERATORS (CONT'D)

## GROUP V (CONT'D)

water, gas), Turnapull Co., (or similar type) Well Point Installation, Dis-mantling or Repair Mechanic

GROUP VI Air compressor Op., 373 CFM or over, Bituminous Spreader and Bitumi-nous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op., 1 1/2 and under, Concrete saw op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Guniting Op., Small Lead Grader on truck or rack, Loader Op., Power Actuated Auger and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chopper Op., Tractor Op. (22, 246 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Soaker Heater, Oiler, Self-prop. Vib Packer Op., Sheep Foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO. MN76-2058 (CONT'D)

MINN-7-PEO

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
GROUP I	.45	.40		
GROUP II	.45	.40		
GROUP III	.45	.40		
GROUP IV	.45	.40		
GROUP V	.45	.40		
GROUP VI	.45	.40		
GROUP VII	.45	.40		

POWER EQUIPMENT OPERATORS:  
Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Itasca, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns

POWER EQUIPMENT OPERATORS: Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Itasca, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns

## GROUP I Helicopter Pilot

GROUP II Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3 1/2E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mile Op., incl. power supply, Mocking Mach., inc. mucking operations convey or similar type, refrigeration plant engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu yd. & over, Self Prop. Traveling Soil Stabilizer

GROUP V Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine, Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork lift or Straddle Carrier Op., Fork lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter Lumberman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" op.,



DECISION #N76-5083 - Mod. #2  
(41 FR 38725 - September 10,  
1976)  
Statewide (excluding the Ne-  
vada Test Site and Tonopah  
Test Range), Nevada

Change:  
Painters:  
Clark, Esmeralda, Lincoln,  
Nye County:  
Brush; Roller  
Paperhangers; Spray;  
Steel; Swing Stage;  
Sandblasters; Sign;  
Tapers  
Buffing Steel; Sand-  
blasters; Structural  
Steel  
Steeplejack  
Roofers:  
Remaining Counties and Nye  
County (north half)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.55	.75	.35			.05
11.90	.75	.35			.05
12.35	.75	.35			.05
13.15	.75	.35			.05
10.10	.45	.20			.02

DECISION NO N76-2058 (CONT'D)

POWER EQUIPMENT OPERATORS: (CONT'D)

Counties of Jackson, Hobles & Rock & the Remainder of Benton, Crow Wing,  
Istaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley  
& Stearns

GROUP V (CONT'D)

Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe  
Att., Sheep Foot Op., Tie Tamper & ballas Mach. Op., Tractor Op. over 12,  
TD6 or similar HP with power take-off, Tractor Op., over 50 HP without  
power take-off, Trenching Machine Op., (sewer, water, gas) Turrapull Op.,  
(or similar type) Well Point Installation, Dismantling or Repair Mechanic  
GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and  
Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op.,  
Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spry Op.,  
Concrete Mixer Op. 1/2S and under, concrete saw op. (multi. Blade),  
Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op.  
(up to & incl. 1 cu. yd.), Grader op. (Motor Patrol), Gummite op. Gummall,  
Lead Greaser on Truck or rak, Loader Op., Power Actuated Augers and  
Boring Mach. Op., Power Actuated Jacks op., Pumps op., Roller., Self-  
propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor  
Op. (12, TD6 or similar HP with power take-off)

GROUP VII Brakeman, Switchman, Conveyor op., Deckhand, Fireman, Tank  
Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech.  
Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot  
roller, tractor Op. 50 HP or less w/o Power take-off, Truck Crans Oiler



## MODIFICATIONS P. 20

DECISION NO: NY76-4144 - Mod. #2  
(41 FR 37495 - September 3, 1976)  
Statewide, New Mexico

CHANCELLER  
ELECTRICIANS:  
ZONE I - AREA I  
1-A  
1-B  
1-C  
1-D  
ZONE I - AREA II  
2-A  
2-B  
2-C  
2-D  
CABLE SPICERS:  
ZONE I - AREA I  
1-A  
1-B  
1-C  
1-D  
ZONE II - AREA II  
2-A  
2-B  
2-C  
2-D  
PLUMBERS-PIPEFITTERS:  
Area 1  
Area 2  
Area 3  
Specific Area  
Residential  
OMIT:  
ZONE III - ELECTRICIANS  
ZONE III:  
ELECTRICIANS ZONE DEFINITION  
Single or multiple, family dwellings or apartments up to & 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.



DECISION #PA76-3185 - Mod. # 3 (41 FR 24866 - June 18, 1976) Lancaster County, Pennsylvania	Fringe Benefits Payments				Basic Hourly Rates	Education and/or Appr. Tr.
	H & W	Pensions	Vocation			
Change: Asbestos Workers Electricians: W. Calico, E. Calico, Breck- nock, E. Carl, & Caernar- von Twp. Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.) Sheet Metal Workers	.52	.50			\$10.31	.01
					10.69	
	.53	1%	42%+b		10.20	.03
	.545	.35	42%+b		7.14	.02
	.545	.35	42%+b			.02
	1.17	1.03			5.10	
					9.76	.05
DECISION #PA76-3204 - Mod. # 3 (41 FR 24870 - June 18, 1976) Adams & York Counties, Pennsylvania						
Change: Asbestos Workers Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.) Sheet metal workers	.52	.50			10.31	.01
	.545	.35	42%+b		10.20	.02
	.545	.35	42%+b		7.14	.02
	1.17	1.03			5.10	
					9.76	.05
DECISION #PA76-3208 - Mod. # 1 (41 FR 27535 - July 2, 1976) Bradford, Tioga, & Union Counties, Pennsylvania						
Change: Electricians Zone 1 Zone 2 Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.) Ironworkers: Zone 1 Plasterers: Zone 2 Roofers: Composition & Kettleman	.40	12% .35	.60		\$9.23	.02
	.50	12% .50	.50		10.20	.10
	.545	.35	42%+b		10.20	.02
	.545	.35	42%+b		7.14	.02
					5.10	
	.84	1.21			10.63	.03
	.75	.70			9.60	
					9.20	

DECISION #PA76-3178 - Mod. # 3 (41 FR 23919 - June 11, 1976) Berks County, Pennsylvania	Fringe Benefits Payments				Basic Hourly Rates	Education and/or Appr. Tr.
	H & W	Pensions	Vocation			
Change: Asbestos Workers Bricklayers & Stonemasons Electricians: Berford, Longswamp & Washington Twp., portion of Maxatawny, Twp., east of Sacony Creek Remainder of County Plumbers & Steamfitters Roofers: Albany, Maxstany, and Windsor Composition & Siste Sheet metal workers	.52	.50			\$10.31	.01
	.50	.75			9.20	
	.35	12% .40			10.60	.02
	.53	1%			10.69	.03
	.67	1.45			11.01	.11
	.15	.50			10.93	
	1.17	1.03			9.76	.05
DECISION #PA76-3180 - Mod. # 4 (41 FR 23922 - June 11, 1976) Luzerne County, Pennsylvania						
Change: Electricians Hazleton Painters: Pittston Brush & Roller Structural Steel	.35	12% .25	f	k	10.57	
		1.00			8.10	
		1.00			9.10	
Footnote: k. Paid Holidays: July 4, Labor Day, Thanksgiving Day & Good Friday.						
DECISION #PA76-3185 - Mod. # 3 (41 FR 24864 - June 18, 1976) Lycoming County, Pennsylvania						
Change: Electricians Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.)	.40	12% .35	.60		9.23	.02
	.545	.35	42%+b		10.20	.02
	.545	.35	42%+b		7.14	.02
					5.10	



## MODIFICATIONS P. 24

DECISION #UT76-5082 - Mod. #3  
(41 FR 38740 - September 10,  
1976)

Statewide, Utah

Change:  
Bricklayers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.21	.45	.32 + .10			.07

## MODIFICATIONS P. 23

DECISION #TX76-4048 - Mod. #4  
(41 FR 7920 - February 20, 1976)  
Taylor County, Texas

Change:

Painters:  
Brush, tape & bedding, paper-  
hangers  
Spray

DECISION #TX76-4084 - Mod. #5  
(41 FR 21141 - May 21, 1976)

Armstrong, Carson, Castro,  
Childress, Collingsworth, Dal-  
lam, Deaf Smith, Donley, Gray,  
Hansford, Hartley, Hemphill,  
Hutchinson, Lipscomb, Moore,  
Ochiltree, Oldham, Potter,  
Randall, Roberts, Sherman,  
Swisher & Wheeler Cos., Texas

Change:

Cement masons:  
Cement masons  
Machine operators

8.30  
8.55

DECISION #TX76-4125 - Mod. #2  
(41 FR 30563 - July 23, 1976)  
Bee, Kleberg & Nueces Cos.,  
Texas

Change:

Plumbers & steamfitters

8.565

.35

.035



FEDERAL REGISTER, VOL. 41, NO. 192—FRIDAY, OCTOBER 1, 1976



## SUPERSEDES DECISION

STATE: Illinois  
 COUNTY: Adams, Brown & Pike  
 DECISION NUMBER: IL76-2120  
 DATE: Date of Publication  
 SUPERSEDES DECISION No.: IL76-2006, dated January 30, 1976 in 41 FR 4754  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. IL76-2120

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PLASTERERS	\$ 8.65		1.00			.01
PLUMBERS & STEAMFITTERS:						
Adams & Brown Counties	10.50	.35	.50			.03
Pike County	10.91	.35	.55			
ROOFERS	9.10					
SHEET METAL WORKERS:						
Adams & Pike Counties	8.70	.45	.40			.10
Brown County	10.37	.34+.40	.50			.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:

- 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.
- Six paid Holidays: A through F.
- Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled work immediately preceding and following the holiday.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$11.38	.45	.62			.03
BOILERMAKERS	10.90	.65	1.10			
BRICKLAYERS:						
Bricklayers, Stonemasons, Marble Setters, Terrazzo Workers, Tile Setters, Pointers, Caulkers & Cleaners	8.50		.20			
CARPENTERS:						
Adams County:						
Carpenters & Soft Floor Layers	8.95	.45	.25			
Millwrights & Piledrivers	9.20	.45	.25			
Brown County & Pike County:						
Carpenters & Soft Floor Layers	8.95	.45	.25			.02
Millwrights	9.20	.45	.25			.02
Piledrivers	9.45	.45	.25			.02
CEMENT MASONS	8.30		.50			
ELECTRICIANS:						
Electricians	10.50	.40	1%			.2%
Cable Splicers	10.85	.40	1%			.2%
ELEVATOR CONSTRUCTORS:						
Constructors	10.30	.545	.35	4%+4%		.02
Helpers	704JR	.545	.35	4%+4%		.02
Helpers (Prob.)	504JR					
GLAZIERS	8.80	.25	.15			
IRONWORKERS:						
Brown County, Pike County & the S. E. corner of Adams County	10.35	.55	.75			.05
Remainder of Adams County	9.45	.40	.30			
LATERS:						
Brown & Pike Counties	9.90	.35		c		.01
LEADWORKERS	9.25					
PAINTERS:						
Adams & Brown Counties:						
Brush	7.50					
Pike County:						
Commercial	10.14	.45	.15			
Industrial	10.39	.45	.15			



ILL-3-PED-1-2-3

DECISION NO. IL76-2120

DECISION NO IL76-2120

## LABORERS:

Adams County

Unskilled

Semi-skilled

Skilled

Brown and Pike Counties

Unskilled

Semi-skilled

Skilled

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 7.93	.45	.36			.035
8.13	.45	.36			.035
8.28	.45	.36			.035
8.14	.30	.30			.035
8.34	.30	.30			.035
8.49	.30	.30			.035

## CLASSIFICATIONS

**UNSKILLED:** All sewer workers plus depth pay, Asphalt Plant Laborers, Bankmen on Floating Plant, Batch Dumpers, Carpenters, Tenders, Cleaning Lumber, Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laborer, Dispatchers; Driving of stakes, Stringlines for all machinery, Fencing Laborers, Firemen or Salamander Tenders, Fireproofing Laborers, Fire Shop Laborers, Flagmen, Form Handlers, Gravel Box Men, Dumpmen and Spotters, Janitors, Laborers with De-watering systems, Landscapers, Laying of Sod, Material Checkers, Material Handlers, Pit Men, Plaster Installers, Planting of Trees, Removal of Trees, Rip Rap Men, Rod and Chairmen, Scaffold Workers, Tool Cribmen, Track Laborers, Unloading explosives, Unloading and carrying Lath, Unloading and carrying re-bars, Wrecking, Dismantling Building, Wallmen and House-movers, Wrecking Laborers, Writer or Scale Tickets.

**SEMI-SKILLED:** Asphalt Workers with machine, Asphalt Raker, and Layers, Cement Handlers, Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw, Chloride Handlers, Concrete Workers (wet); Grade Checker, Handling or material treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing, Kettle and Tar Men, Mason Tenders, Mortar Mixer Operators, Motorized Buggies or Motorized Unionused for wet concrete or handling of building materials, On concrete paving, placing, cutting and tying or reinforcing, Signal man on Crane Tank cleaning helpers in free air, Vibrator Operators

**SKILLED:** Air Tamping Hammerman, Calisson workers plus depth, Concrete Burning Machine Operator, Concrete Saw Operator, Corning Machine Operator, Gunite Nozzlemen, Jackhammer and drill Operators, Laborers handling masterplante or similar materials, Laborers Tending Masons with hot material or where foreign material are used, Laster Beam Operator, Layout Man/or tile Layer Leadman on sewer work Lutean, Multiple Concrete Duct - Leadman, Plasterer Tenders, Ready Mix Scaleman, Portable or temporary plant, Screenman on Asphalt Paver, Steel Form Setters - street and highway, Welders, Cutters, Burners, and Torchmen

## POWER EQUIPMENT OPERATORS:

CLASS I  
CLASS II  
CLASS III

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
\$ 9.75	.30	.40			.05
8.775	.30	.40			.05
8.15	.30	.40			.05

## POWER EQUIPMENT OPERATORS:

**CLASS I** - Asphalt screed man, Aspcoc concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, atthey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derricks boats, draglines, earth auger boring machines, levating graders, engleers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motor graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, Ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelborders, wheel type end loaders, winch cat, scoops, all or tournavall.

**CLASS II** - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

**CLASS III** - Air compressor\*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors\*, concrete mixers (except plant, paver, tower) firemen, generators\*, greasers, helper on single paving mixer, light plants\*, mechanic helpers, mechanical heaters\*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps\*, welding machines (one 300 amp. or over)\* welding machines\*

\*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.



PAGE 5

DECISION NO. IL76-2120

ILL-82-1D-1-2-3

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
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, hydraulic trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & wreking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee



DECISION NO. IL76-2121

STATE: Illinois  
 COUNTY: Champaign & Vermillion  
 DECISION NUMBER: IL76-2121  
 DATE: Date of Publication  
 SUPERSEDES DECISION IL76-2007 dated January 20, 1976, in 41 FR 4757  
 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	\$11.43	.50	.35		.05
BOILERMAKERS	10.95	.65	.95		.03
BRICKLAYERS:					
Champaign County:	10.62	.35			.03
Bricklayers; Stonemasons	10.85				
Marble, Tile, Terrazzo Workers					
Vermillion County:					
Bricklayers; Stonemasons;	9.35	.30	.50		
Marble, Terrazzo Workers	9.10	.30	.50		
Tile Setters					
CARPENTERS:					
Champaign County:	10.315	.35	.80		.08
Carpenters & Soft Floor Layers	10.815	.35	.80		.08
Millwrights & Piledrivermen					
Vermillion County:					
North of Roseville					
Carpenters; Soft Floor Layers;	10.50	.50	.70		.01
Millwrights & Piledrivermen					
Remainder of County					
Carpenters & Soft Floor Layers	10.02	.70	.55		.02
Millwrights & Piledrivermen	10.52	.70	.55		.02
CEMENT MASONS & PLASTERERS:					
Champaign County:	10.125	.30			.025
Cement Masons	10.365	.35			.025
Plasterers					
Vermillion County:					
Cement Masons & Plasterers	7.75				
ELECTRICIANS:					
Champaign County	10.60	.40	14+ .30		.34
Vermillion County	10.86	.40	14+ .30		.254
ELEVATOR CONSTRUCTORS	10.30	.545	.35	44+ a & b	.02
ELEVATOR CONSTRUCTORS' HELPERS	704JR	.545	.35	44+ a & b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	504JR				
GLAZIERS:					
Champaign County	8.80	.25	.15		.08
IRONWORKERS	10.05	.50	1.00		.01
LATHERS	10.14	.35	.20	c	.01
LEADWORKERS	9.25	.35			

## NOTICES

43573

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Champaign County:	\$9.97	.45	.40		.03
Brush	10.97	.45	.40		.03
Open and Erected Steel					
Vermillion County:					
Brush	9.80				
Spray	10.80				
PLUMBERS and STEAMFITTERS:					
Champaign County	9.75	.35	.80		.12
Vermillion County	10.62	.35	.25		.15
ROOFERS:					
Champaign County:					
Roofers	9.90	.35	.30		
Helpers	804JR				
Vermillion County	9.35				
SHEET METAL WORKERS	10.60	.45	.35		.12
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; 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% 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 and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.					



DECISION NO. IL76-2121

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS:						
Champaign County:						
Unskilled	\$9.05	.30	.30			.035
Semi-skilled	9.25	.30	.30			.035
Skilled	9.40	.30	.30			.035
Vermillion County:						
Unskilled	8.60	.45	.60			.035
Semi-skilled	8.80	.45	.60			.035
Skilled	8.95	.45	.60			.035

## LABORERS: Champaign and Vermillion Counties

**UNSKILLED:** All Sewer workers plus depth pay; Asphalt Plant laborers; Bank-men on floating plant; Batch dumpers; Carpenters tenders, cleaning lumber; Cofferdam workers plus depth pay, Deck hand, Dredge hand and Shore laborer; Dispatchers; driving of Stakes, Stringlines for all machinery; Fencing laborers; Firemen or Salamander tenders; Fireproofing laborers; Fire shop laborers; Flagmen; Form handlers; Gravel box men, Dumpmen and Spotters; Janitors; Laborers with de-watering systems; Landscapers; Laying of sod; Material checkers; Material handlers; Pit men; Plaster installers; Planting of trees; Removal of trees; Rip rap men; Rod and Chairmen; Scaffold workers; Tool cribmen; Track laborers; Unloading explosives; Unloading and carrying Lath; Unloading and carrying of re-bars; Wrecking, dismantling building, Wallmen and housemovers; Wrecking laborers; Writer or scale tickets

**SEMI-SKILLED:** Asphalt workers with machine, Asphalt raker and layers; Cement handlers; Cement silica, clay, fly ash, lime and plasters handler (bulk or bag) Chain saw; Chloride handlers; Concrete workers (wet); Grade checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason tenders; Mortar mixer operators; Motorized buggies or motorized unit used for wet concrete or handling of building materials; On concrete paving, placing, Cutting, and Typing or Reinforcing; Signal man on crane tank cleaning; Tunnel helpers in free air; Vibrator operators

**SKILLED:** Air tamping hammerman; Caisson workers plus depth; Concrete burning machine operator; Concrete saw operator; Corning machine operator; Gunnite nozzle men; Jackhammer and drill operators; Laborers handling masterplate or similar materials; Laborers tending masons with hot material or where foreign materials are used; Laser beam operator; Layout man and/or Tile Layer Leadman on sewer work Luteman; Multiple concrete duct - Leadman; Plasterer tenders; Ready mix scalemen, portable or temporary plant; Screenman on asphalt pavers; Steel form setters - street and highway; Welders, cutters, burners and torchmen

ILL-1-PEO-1-2-3

DECISION NO. IL76-2121

## POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
CLASS I	\$10.25	.40	.50		.05
CLASS II	10.20	.40	.50		.05
CLASS III	10.00	.40	.50		.05
CLASS IV	7.00	.40	.50		.05

## POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

**CLASS III:** Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor, highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with 3 yard bucket and/or backhoe attachment, Trench machines cutting over 24" Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinky locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 115 capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe wrapping machine, Pipe Bending Machine, Apoco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

**CLASS IV:** Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexa-plane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tauter, Seaman Tiller, Bulk Cement Plant Equipment Greaser



DECISION NO. IL76-2121

IL-82-JD-1-2-3

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
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 machines 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, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4 axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee



## SUPERSEDES DECISION

STATE: Illinois  
 DECISION NUMBER: IL76-2122  
 COUNTY: Cook  
 DATE: Date of Publication  
 Supersedes Decision No. IL76-2008, dated February 2, 1976, in 41 FR 5531  
 DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction.

DECISION NO IL76-2122

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.51	.81	.72		.12
BOILERMAKERS	10.55	.65	1.00	5%	.03
BRICKLAYERS & STONEMASONS	10.20	.65	.70		.03
CARPENTERS:					
Building, Heavy & Highway	10.55	.79	.88		.06
Carpenters & Soft Floor Layers	10.55	.78	.88		.06
Millwrights & Filledriversmen	10.05	.82	.85		.05
CEMENT MASONS:	10.05	.82	.85		.05
Building	10.75	8.36%	8.26%	.65	.96%
Heavy & Highway					
ELECTRICIANS	11.91	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS:	70%JR	.545	.35	4%+a+b	.03
Constructors	50%JR	.26	.59		.01
Helpers	8.10	.50	.575		.10
Helpers (Prob.)	11.25	1.09	1.13		.09
GLAZIERS	11.00	.65	.575		.10
IRONWORKERS:	9.20	.50	1.225		.15
Metal Fence Erector	7.95	.65	.575		.10
Structural & Reinforcing	9.81	.58	.445		.015
Ornamental	9.25	.35		c	.01
Riggers & Machinery Movers					
Red Book Fence Erector	11.30	.5%	.4%	8%	4%
LATHERS	8.80	.5%	.4%	8%	4%
LEAD BURNERS	10.52	.50		.60	
LINE CONSTRUCTION:	9.00	.62		.33	
Linenen					
Groundmen	9.15	.575	.45		.013
MARBLE SETTERS	9.60	.60	.81		.045
MARBLE SETTERS' HELPERS & POLISHERS	11.50	.70	.85		.02
PAINTERS:	11.42	.70	.60		.10
Brush, Decorators, Paperhangers & Tapers	10.60	.80	.85		
PLASTERERS					
PIPEFITTERS	11.00	.96	.80		.02
PLUMBERS	11.09	.96	.50		.02
POINTERS, CAULKERS & CLEANERS	11.45	.50	.59	.25	.05
ROOFERS:	11.10	.75	.90		.15
Composition & Waterproofers					
Slate & Tile					
SHEET METAL WORKERS					
SPRINKLER FITTERS					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
SURVEY CREW:	\$10.70	.70	.25		
Layout Technician	8.80	.70	.25		
Instrument Man	7.32	.70	.25		
Rodman	8.95	.30	.30		
TERRAZZO WORKERS	10.30	.306	.325		
TILE SETTERS	8.10	e2.45	3.40		
TILE SETTERS' HELPERS					
TRUCK DRIVERS:					
Building & Residential	7.80	d20.00	d24.00		
2-3 Axle Trucks	8.05	d20.00	d24.00		
4-Axle Trucks	8.25	d20.00	d24.00		
5-Axle Trucks	8.45	d20.00	d24.00		
6-Axle Trucks					
Heavy & Highway	7.80	.60	.50		
2-3 Axle Trucks	8.05	.50	.50		
4-Axle Trucks	8.25	.60	.50		
5-Axle Trucks	8.45	.60	.50		
6-Axle Trucks					
WELL DRILLERS:					
Driller, Pump Installer, Welder & Mechanic	8.75	.50	.50	a	
Tool Dresser, Helper	8.10	.50	.50	a	

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:

- Six Paid Holidays A. through F.
- 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% or regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- Nine Paid holidays: A through F plus Washington's Birthday, Good Friday & calendar days prior to the Holiday, and the regular scheduled work days immediately preceding and following the Holiday.
- Per Week Per Employee.
- Per Day



DECISION NO. IL76-2122

LABORERS:

CLASS 1  
Common Laborers, Plasterers, Laborers, Pumps for DeWatering & other Unclassified Laborers

CLASS 2  
Cement Gun Laborers

CLASS 3  
Scaffold Laborers & Chimney Laborers over 40'

CLASS 4  
Windlass & Cement Gun Nozzle Laborers - Gunnite

CLASS 5  
Stone Handlers & Derrickmen

CLASS 6  
Jackhammermen

CLASS 7  
Concrete Vibrator, Plumbers' Laborer & Chain Saw Operator

CLASS 8  
Firebrick & Boiler Setters' Laborers

CLASS 9  
Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men

CLASS 10  
Boiler Setter Plastic Laborers

CLASS 11  
Jackhammer on Firebrick Only

III-9-LAB-1-2-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Pensions	Vocational	
\$7.80	.57	1.10		
7.875	.57	1.10		
7.90	.57	1.10		
7.95	.57	1.10		
8.00	.57	1.10		
8.025	.57	1.10		
8.05	.57	1.10		
8.125	.57	1.10		
8.15	.57	1.10		
8.25	.57	1.10		
8.375	.57	1.10		

III-12-PEO-1

DECISION NO. IL76-2122

POWER EQUIPMENT OPERATORS:BUILDING & RESIDENTIAL CONSTRUCTION

CLASS I  
CLASS II  
CLASS III  
CLASS IV

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocational	
\$11.25	.65	.85	.40	.05
9.95	.65	.85	.40	.05
8.80	.65	.85	.40	.05
7.55	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front end-loader 2 1/2 yd. & over, hoists, one, two & three drum, hoists, two & three, drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump cures dual ram (requiring frequent lubrication & water), pumpcrete, squeeze cures - screw types pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tounapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom all power propelled, concrete mixer (2 bag & over), conveyor portable, forklift truck greaser engineer, highlift shovels or front endloaders under 2 1/2 yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft., Air compressor - large over 150, combination - small equipment opr., generators under & over 50 Kw, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, & small electric drill winches

CLASS IV: Oilers



## POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tender, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

## CLASS V Oilers

## ILL-10-PEO-2-3

Basic Hourly Rates	Fringe Benefits, Payments			App. To
	H & W	Pensions	Vacation	
\$10.90	.65	.85	.40	.05
10.35	.65	.85	.40	.05
9.60	.65	.85	.40	.05
8.50	.65	.85	.40	.05
7.50	.65	.85	.40	.05

## DECISION NO. IL76-2122

## POWER EQUIPMENT OPERATORS:

## SEWER, HEAVY &amp; HIGHWAY CONST.

CLASS I  
CLASS II  
CLASS III  
CLASS IV  
CLASS V

## POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redmix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 275 cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cotes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel excavator widener (Aysco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front end loader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver TS Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burliap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front end loader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cotes; Squeeze cotes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc, compactor, etc. tug boats



**SUPERSEDES DECISION**

Page 2

STATE: Kentucky  
 COUNTY: See below\*  
 DECISION NUMBER: KY76-1112  
 DATE: Date of Publication  
 Supersedes Decision No.: KY-75-1103 dated October 17, 1975 in 40 FR-48860  
 DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, and Wolfe.

**HEAVY AND HIGHWAY CONSTRUCTION**

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Carpenters	7.50	.30	.30	.20		
Cement masons	7.35	.30	.30	.20		
Electricians:						
Linemen (outside)	12.20	.45	1%			1/2 of 1%
Cable splicers (outside)	12.45	.45	1%			1/2 of 1%
Groundman:						
1 st 6 mos.	50%a	.45	1%			1/2 of 1%
2 nd 6 mos.	60%a	.45	1%			1/2 of 1%
3 rd 6 mos.	65%a	.45	1%			1/2 of 1%
4 th 6 mos.	70%a	.45	1%			1/2 of 1%
over 2 years	75%a	.45	1%			1/2 of 1%
Ironworkers:						
Structural	7.60	.30	.30	.20		
Reinforcing	7.40	.30	.30	.20		
Painters:						
Brush, roller, and spray	8.00	.75	.40	1.00		
Piledriver	7.15	.30	.30	.20		.02
Plumbers	11.15	.25	.70			
Welders - rate for craft.						

Footnote:  
 a. Percentage of Linemen rate.

**NOTICES**

43579

**KY76-1112 - (Cont'd)**

**LABORERS:**

**HEAVY & HIGHWAY CONSTRUCTION**

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP I	5.55	.30	.30	.20		
GROUP II	5.80	.30	.30	.20		
GROUP III	5.80	.30	.30	.20		
GROUP IV	5.90	.30	.30	.20		
GROUP V	5.55	.30	.30	.20		
GROUP VI	6.85	.30	.30	.20		
GROUP VII	6.05	.30	.30	.20		
GROUP VIII	6.10	.30	.30	.20		
GROUP IX	6.15	.30	.30	.20		
GROUP X	6.50	.30	.30	.20		
GROUP XI	7.05	.30	.30	.20		

GROUP I: Laborers & flagmen

GROUP II: Hand blade operator & batch truck dumpers

GROUP III: Deckhand or scow men

GROUP IV: Power-driver tools; wagon drills, jackhammers, chain saw, concrete saws, sewer pipe layers, bottom men, dry cement handlers, concrete rubbers, mason tenders, sandblaster and concrete chipper, vibrator operators, power wheelbarrow and power buggy, pavement breakers.

GROUP V: Asphalt lute, raker men, side rail setters

GROUP VI: Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply

GROUP VII: Gunitite nozzleman and gunitite operator

GROUP VIII: Tunnel laborers (free air)

GROUP IX: Tunnel muckers (free air)

GROUP X: Tunnel miners & blasters (free air)

GROUP XI: Caisson workers



KY76-1112 - (Cont'd)

HIGHWAY CONSTRUCTION:POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS A	8.45	.35	.35			.05
CLASS B	7.00	.35	.35			.05
CLASS C	6.41	.35	.35			.05

**CLASS A:** Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orange-peel bucket, piledriver, power blade, roller (bituminous), scripper, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hystor, pumpcrete, Ross carrier, side boom, rotary drill (5' and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader tower cranes (French, German and other types), hydrocrane, backfiller, gurrriers, subgrader, tailboom and dredge engineer.

**CLASS B:** All air compressor (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. or over), bull float, finish machine, outboard motor boat, electric vibrator compactor, self-propelled compactor, boom type tamping machine, truck crane, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5'), throttle valve man, tugger, well points, flexoplane, fireman and hoist (one drum).

**CLASS C:** Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine pump, roller (earth), tamping machine, tractors (under 50 h. p. h. vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler and hydraulic post driver.

KY76-1112 - (Cont'd)

HEAVY CONSTRUCTIONPOWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS A	9.65	.35	.35			.05
CLASS B	7.51	.35	.35			.05
CLASS C	6.89	.35	.35			.05

**CLASS A**  
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orange-peel bucket, piledriver, power blade, roller (bituminous), scripper, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist (two or more drums), hystor, pumpcrete, ross carrier, side boom, tall boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurrriers, subgrader.

**CLASS B**  
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractor and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

**CLASS C**  
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).



KY76-1112 - (Cont'd)

TRUCK DRIVERSHEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	6.13	.30	.30	.20	
GROUP II	6.34	.30	.30	.20	
GROUP III	6.00	.30	.30	.20	
GROUP IV	6.91	.30	.30	.20	
GROUP V	6.05	.30	.30	.20	
GROUP VI	6.15	.30	.30	.20	
GROUP VII	5.90	.30	.30	.20	
GROUP VIII	6.95	.30	.30	.20	
GROUP IX	5.80	.30	.30	.20	
GROUP X	6.10	.30	.30	.20	

GROUP I: Drivers, 3 tons and under, tire changer and mechanic helper

GROUP II: Driver, over 3 tons

GROUP III: Drivers, distributors; dump truck tandem axle, semi-trailer or pole trailers

GROUP IV: Drivers, euclid and other heavy earth-moving equipment and low boy

GROUP V: Drivers on mixer trucks (all types)

GROUP VI: Drivers on pavement breakers

GROUP VII: Driver, winch truck and A-Frame truck when used in transporting materials

GROUP VIII: Greaser on greasing facilities

GROUP IX: Truck helper and warehousemen

GROUP X: Truck mechanic



## SUPERSEDEAS DECISION

STATE: Kentucky  
 DECISION NUMBER: KY76-1113  
 Supersedes Decision No.: KY75-1096 dated September 26, 1975 in 40 FR-44457  
 DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See below\*

DATE: Date of Publication

Supersedes Decision No.: KY75-1096 dated September 26, 1975 in 40 FR-44457

\*Counties: Boone, Campbell, Kenton,  
 and Pendleton

KY76-1113 - (Cont'd)

## LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Carpenters	10.55	.60	.65			.075
Cement masons	9.98	.50				.02
Electricians:						% of 1%
Linemen (outside)	11.30	.50	1%+.60			% of 1%
Cable splicers (outside)	11.30	.50	1%+.60			% of 1%
Groundmen (outside)	8.48	.50	1%+.60			% of 1%
Ironworkers:						
Structural	11.08	.75	.85			.03
Reinforcing	10.43	.75	1.45			.02
Painters:						
Brush and roller	10.55		.25			
Sandblasting, hopper tender &			.25			
waterblasting	11.20		.25			
Spray	10.95		.25			
Bridges, when highest point of						
clearance is 60 ft. or more						
Sandblasting, hopper tender,						
waterblasting (bridges when						
highest point of clearance is 60 ft.						
or more)						
Piledrivermen	12.20	.60	.25			.075
Plumbers	10.55		.65			.05
	11.47	.40	1.40			
Welders - Rate for craft.						

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP 1	7.72	.55	.40			.05
GROUP 2	7.7865	.55	.40			.05
GROUP 3	7.92	.55	.40			.05
GROUP 4	8.07	.55	.40			.05
GROUP 5	8.37	.55	.40			.05

GROUP 1: Laborers (construction), plant laborers, or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector

GROUP 2: Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and aboring man, surface grinder man, power buggy or power wheelbarrow

GROUP 3: Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill

GROUP 4: Blaster and powder man, smelters, vrencher (mechanical joints and utility pipeline), yamer, top lander

GROUP 5: Curb setter and cutter, miner (without aid), concrete crew in tunnels utility pipeline tapper, gumite nozzle man, waterline caulkier



KY76-1113 - (Cont'd)

## HEAVY &amp; HIGHWAY CONSTRUCTION

## POWER EQUIPMENT OPERATORS:

CLASS A	10.29	.46	1.00			.11
CLASS B	10.17	.46	1.00			.11
CLASS C	9.13	.46	1.00			.11
CLASS D	8.70	.46	1.00			.11
CLASS E	7.44	.46	1.00			.11
Master mechanic						

CLASS A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plants (over 4 yd. capacity), concrete pumps, cranes (all types, including a-frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoers (all types), hoisting engines or shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, pile-driving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pumps tug boat, tunnel machine, wheel excavator

CLASS B - Asphalt paver, automatic subgrader machine, self-propelled (CMI type), bulldozers, end-loader, kolman loader (production type - Dirt), lead grease man, maintenance operators Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under).

CLASS C - Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than on bag capacity), mixers, one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

CLASS D - Backfillers, bar, joint and mesh installing chimes, batch plant, bull floats, burial and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheetfoot roller or grader), vibratory compactors (with integral power)

CLASS E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power-driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chainmap tire repairmen

KY76-1113 - (Cont'd)

## HEAVY &amp; HIGHWAY CONSTRUCTION

## TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Medical	
GROUP I	7.05	a	b			
GROUP II	7.16	a	b			
GROUP III	7.34	a	b			
GROUP IV	7.37	a	b			
GROUP V	7.44	a	b			

GROUP I - Truck helper and warehousemen

GROUP II - Driver, 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic, driver, over 3 tons, distributor, dump truck and tandem axle, semi-Trailer or pole trailer when used to pull building material or equipment

GROUP IV - Driver on mixer trucks (all types)

GROUP V - Driver, euclid and other heavy earth-moving equipment and low boy, fork lift truck when used to transport building materials, pavement breakers, winch truck and A-Frame truck when used in transporting materials

## FOOTNOTES:

- a. \$20.00 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.
- b. \$7.00 per week for each employee who has been employed in a minimum of twenty (20) work days within a ninety (90) consecutive day period for that employer.



## DECISION NO. M076-4159

## SUPERSEDEAS DECISION

STATE: Missouri  
 DECISION NO. M076-4159  
 Supersedes Decision No. M076-4105 dated July 2, 1976, in 41 FR 27608  
 DESCRIPTION OF WORK AND LOCATION

DATE: Date of Publication

## Highway Construction

Statewide except Jasper County  
 Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanan	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Chariton	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis and City
Clinton	McDonald	Ste. Genevieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Marion	Scott
Dade	Mercer	Scotland
Dallas	Miller	Shelby
Davies	Moniteau	Sullivan
DeKalb	Monroe	Vernon
Franklin		Warren
		Washington
		Worth

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 1				
ZONE 2				
ZONE 3				
ZONE 4				
ZONE 5				
ZONE 6				
ZONE 7				
ZONE 8				
ZONE 9				
ZONE 10				
ZONE 11				

## CARPENTERS &amp; PILEDRIVERMEN:

ZONE 1  
 ZONE 2  
 ZONE 3  
 ZONE 4  
 ZONE 5  
 ZONE 6  
 ZONE 7  
 ZONE 8  
 ZONE 9  
 ZONE 10  
 ZONE 11

## AREAS COVERED BY CARPENTERS &amp; PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.  
 ZONE 2 - Clay, Jackson, Platte and Ray Counties  
 ZONE 3 - St. Louis County & City  
 ZONE 4 - Pike, St. Francois & Washington Counties  
 ZONE 5 - Cass and Lafayette Counties  
 ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties  
 ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.  
 ZONE 8 - Boone, Cooper & Howard Counties  
 ZONE 9 - Adair, Audrain, Benton, Callaway, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties  
 ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties  
 ZONE 11 - Cole, Miller, Moniteau and Osage Counties.



DECISION NO. M076-4159

DECISION NO. M076-4159

## CEMENT MASONS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ZONE 1	9.475	.40	.50	.50	
ZONE 2	10.35				
ZONE 3	8.90	.90	.85		
ZONE 4	9.655	.40	.50	1.25	
ZONE 5	6.40	.65		.45	
ZONE 6	8.75				
ZONE 7	9.075				
ZONE 8	9.75				
ZONE 9	7.40				
ZONE 10	9.20	.40			
ZONE 11	9.75		.50		
ZONE 12	8.30		.85		
ZONE 13	9.60	.90			

## AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties  
 ZONE 2 - Dent, Phelps, Polaski and Texas Counties  
 ZONE 3 - Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren & Washington Counties on projects less than \$100,000.00.  
 ZONE 4 - Clay, Jackson, Platte and Ray Counties  
 ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties  
 ZONE 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties  
 ZONE 7 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties  
 ZONE 8 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan and Putnam Cos.  
 ZONE 9 - Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties.  
 ZONE 10 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties.  
 ZONE 11 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties  
 ZONE 12 - Clark, Knox, Lewis and Scotland Counties.  
 ZONE 13 - St. Louis City and County, Jefferson and St. Charles Counties; and Counties of Crawford, Franklin, Iron, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington on projects \$100,000.00 and over.

ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ZONE 1 Electrical contracts over \$7,500.00	9.70	.42	12	11.5%	.12	
Electrical contracts \$7,500.00 and under	8.35	.42	12	11.5%	.12	
ZONE 2	10.62	.29	12+.31	.80	.06	
ZONE 3 Electrical contracts over \$5,000.00	10.62	.29	12+.31	.80	.06	
Electrical contracts \$5,000.00 and under	10.07	.29	12+.31	.80	.06	
ZONE 4 Electrical contracts over \$5,000.00	10.62	.29	12+.31	.80	.06	
Electrical contracts over \$5,000.00	10.62	.29	12+.31	.80	.06	
Electrical contracts \$5,000.00 and under	9.46	.29	12+.31	.80	.06	
ZONE 6	10.30	.55	12+.54	154	.10	
ZONE 7 Electrical contracts over \$10,000.00	10.30	.55	12+.54	154	.10	
Electrical contracts \$10,000.00 and under	9.64	.55	12+.54	154	.10	
ZONE 9 Electrical contracts \$10,000.00 and under	7.45	.55	12+.54	154	.10	
ZONE 10 Electrical contracts \$10,000.00 and under	5.27	.55	12+.54	154	.10	



DECISION NO. M076-4159

ELECTRICIANS CONT'D:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>ZONE 11</u>	\$9.81	.37	1%	6%	.02
<u>ZONE 12</u>	10.30	.37	1%	6%	.02
<u>ZONE 13</u>	10.59	.35	1%	7%	.01
<u>ZONE 14</u>					
Electrical contracts over \$10,000.00	10.82	.35	1%	7%	.01
Electrical contracts \$10,000.00 and under	10.59	.35	1%	7%	.01
<u>ZONE 15</u>					
Electrical contracts over \$10,000.00	11.18	.35	1%	7%	.01
Electrical contracts \$10,000.00 and under	10.59	.35	1%	7%	.01
<u>ZONE 16</u>					
Electricians	9.15	.35	1%		.01
Cable splicers	9.50	.35	1%		.01
<u>ZONE 17</u>					
Electricians	10.25	.27	1%	7%+.30	1/2 of 1%
Cable splicers	10.50	.27	1%	7%+.30	1/2 of 1%

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:  
Electrical contracts over \$7,500.00

ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill

ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:  
Electrical contracts over \$5,000.00

Electrical contracts \$5,000.00 and under

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:  
Electrical contracts over \$5,000.00

Electrical contracts \$5,000.00 and under

ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:  
Electrical contracts over \$5,000.00

Electrical contracts \$5,000.00 and under

ZONE 6 - St. Charles County, St. Louis County and City  
ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Counties:  
Electrical contracts over \$10,000.00

Electrical contracts \$10,000.00 and under

ZONE 8 - Franklin, Jefferson, Lincoln and Warren Counties  
Electrical contracts \$10,000.00 and under

ZONE 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois and Ste. Genevieve Counties:  
Electrical Contracts \$10,000.00 and under

Electrical contracts \$10,000.00 and under

ZONE 10 - Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties:  
Electrical contracts \$10,000.00 and under

ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, LaClade, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster, and Wright Counties

ZONE 12 - Pulaski County

ZONE 13 - Andrew, Buchanan, Clinton and DeKalb Counties

Zone 14 - Caldwell, Davies, Gentry, Holt and Nodaway Counties:  
Electrical contracts over \$10,000.00

Electrical contracts \$10,000.00 and under

ZONE 15 - Atchinson, Grundy, Harrison, Livingston, Mercer and Worth Counties:  
Electrical contracts \$10,000.00 and under

Electrical contracts over \$10,000.00

ZONE 16 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties

ZONE 17 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Monticau, Osage, Phelps and Randolph Counties



DECISION NO. MO76-4159

## LABORERS:

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
7.98	.50	.50	.50		.10
6.58	.50	.50	.50		.10
6.58	.50	.50	.50		.10
8.75	.40	.50	.50		.10
7.85	.40	.50	.50		.10
7.85	.40	.50	.50		.10
8.13	.50	.50	.50		.10
6.73	.50	.50	.50		.10
6.73	.50	.50	.50		.10
8.90	.40	.50	.50		.10
8.00	.40	.50	.50		.10
8.00	.40	.50	.50		.10
8.28	.50	.50	.50		.10
6.88	.50	.50	.50		.10
6.88	.50	.50	.50		.10
9.05	.40	.50	.50		.10
8.15	.40	.50	.50		.10
8.15	.40	.50	.50		.10
8.48	.50	.50	.50		.10
7.08	.50	.50	.50		.10
7.08	.50	.50	.50		.10
9.25	.40	.50	.50		.10
8.35	.40	.50	.50		.10
8.35	.40	.50	.50		.10
8.73	.50	.50	.50		.10
7.33	.50	.50	.50		.10
7.33	.50	.50	.50		.10
9.50	.40	.50	.50		.10
8.60	.40	.50	.50		.10
8.60	.40	.50	.50		.10

DECISION NO. MO76-4159

## IRONWORKERS:

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
10.625	.55	.70		.05	
9.60	.70	1.00	1.00	.05	
9.475	.70	1.00	1.00	.05	
9.35	.45	.50		.10	
10.25	.50	.30			
8.71	.45	.40		.04	
9.10	.45	.65		.02	

## AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Davies, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties.

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stone Counties.

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties.

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties.



DECISION NO. M076-4159

DECISION NO. M076-4159

## CLASSIFICATION DEFINITIONS

GROUP 1 - General laborer - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers.

GROUP 2 - First Semi-Skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; geologic buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; tripple pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operators; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzle man.

GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; top of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dikes and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river.

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; Jackson or any other similar tamper; wagon drillers; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettlemans; hot tar applicators; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutman.

GROUP 5 - Fourth Semi-Skill - Manhole builders, - brick or block, dynamite and powder men; welder

## AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Putnam, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
GROUP 1	8.30	.50	.50	.75	.10
GROUP 2	8.45	.50	.50	.75	.10
GROUP 3	8.60	.50	.50	.75	.10
GROUP 4	8.80	.50	.50	.75	.10
GROUP 5	9.10	.50	.50	.75	.10

## CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; geologic buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground); tripple pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; top of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; Jackson or any other similar tamper; wagon drillers, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, gutters and etc.; hot mastic kettlemans; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels and powder men.

## AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties



DECISION NO. M076-4159

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<b>ZONE 1</b>						
Lineman	\$10.56	.38	17+15			1/2
Heavy equipment operator	9.83	.38	17+15			1/2
Groundman powderman	7.34	.38	17+15			1/2
Groundman	6.97	.38	17+15			1/2
Groundman (1st year)	5.99	.38	17+15			1/2
<b>ZONE 2</b>						
Lineman	10.09	.38	17+15			1/2
Heavy equipment operator	9.62	.38	17+15			1/2
Groundman powderman	7.01	.38	17+15			1/2
Groundman	6.48	.38	17+15			1/2
Groundman (1st year)	4.93	.38	17+15			1/2
<b>ZONE 3</b>						
Lineman & cable splicers	10.00	.40	17	12 1/2		1/2
Groundman - winch driver	7.35	.40	17	12 1/2		1/2
Groundman - driver	7.09	.40	17	12 1/2		1/2
Equipment operator	8.94	.40	17	12 1/2		1/2
Groundman - 1st 6 mos.	5.68	.40	17	12 1/2		1/2
Groundman - next 12 mos.	5.92	.40	17	12 1/2		1/2
Groundman - next 12 mos.	6.49	.40	17	12 1/2		1/2
Groundman - thereafter	7.09	.40	17	12 1/2		1/2
<b>ZONE 4</b>						
Lineman	9.77	.35	17			.25%
Groundman - Class I	8.35	.35	17			.25%
Groundman - Class II	6.83	.35	17			.25%
Groundman - Class A	6.23	.35	17			.25%
Groundman - 1st. 6 mos.	5.95	.35	17			.25%

AREAS COVERED BY LINE CONSTRUCTION

**ZONE 1** - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties.

**ZONE 2** - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

**ZONE 3** - Crawford, Franklin, Iton, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

**ZONE 4** - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties.

DECISION NO. M076-4159

**LABORERS:**

ZONE 7 - St. Louis City and

County:

General laborer

Wrecking

Plumbers laborer

Dynamiter or powderman

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
8.675	.40	.90			.03
8.55	.40	.90			.03
9.05	.40	.90			.03
9.175	.40	.90			.03



DECISION NO. M076-4159

PAINTERS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9 Brush Spray	\$8.90 9.40		.20 .20		
ZONE 10 Brush Spray	9.46 10.96	.30 .30	.30 .30		
ZONE 11 Brush, bridge & construction steel Spray	7.85 8.35				
ZONE 12 Brush Structural steel Spray	6.25 7.75 6.55				

## AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties  
 ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties  
 ZONE 3 - Lincoln and Pike Counties  
 ZONE 4 - Camden, Crawford, Dent, LaGrange, Maries, Miller, Phelps, Pulaski and Texas Counties  
 ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties  
 ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties  
 ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties  
 ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties  
 ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties  
 ZONE 10 - Jefferson, St. Charles and St. Louis & City Counties  
 ZONE 11 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Tasey, Webster and Wright Counties  
 ZONE 12 - St. Francois and Ste. Genevieve Counties

DECISION NO. M076-4159

PAINTERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 Brush & roller Spray Bridge	9.49 10.49 10.24	.55 .55 .55	.70 .70 .70		.07 .07 .07
ZONE 2 Brush Spray	6.40 7.15		.25 .25		
ZONE 3 Brush Spray	6.80 7.20				
ZONE 4 Brush and roller Spray, structural steel and sandblasting	7.75 10.50	.45 .45	.35 .35		
ZONE 5 Brush Spray, taping machine Bridges 75 ft. in height All structural steel over 50 ft. in height Sandblasting Bridge	8.50 9.50 9.50 9.25 9.50 9.25				
ZONE 6 Brush Spray Structural steel 30 ft. or more	9.20 10.20 9.60	.45 .45 .45	.35 .35 .35		
ZONE 7 Brush Spray	7.25 7.75				
ZONE 8 Brush, roller Spray	7.92 8.295		.30 .30		



DECISION NO. W076-4159

## POWER EQUIPMENT OPERATORS CONTD:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
<u>ZONE 5</u>					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.90	.50	1.00	.75	.10
GROUP III	9.70	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.85	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
<u>ZONE 6</u>					
GROUP I	9.35	.50	1.00	.75	.10
GROUP II	9.00	.50	1.00	.75	.10
GROUP III	8.80	.50	1.00	.75	.10
GROUP IV	7.60	.50	1.00	.75	.10
GROUP V	9.35	.50	1.00	.75	.10
GROUP VI	9.60	.50	1.00	.75	.10
GROUP VII	9.85	.50	1.00	.75	.10
GROUP VIII	8.10	.50	1.00	.75	.10
<u>ZONE 7</u>					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02
<u>ZONE 8</u>					
GROUP I	10.35	.50	.25		.02
GROUP II	10.00	.50	.25		.02
GROUP III	9.80	.50	.25		.02
GROUP IV	8.35	.50	.25		.02
GROUP V	10.60	.50	.25		.02
GROUP VI	10.85	.50	.25		.02
GROUP VII	11.10	.50	.25		.02
GROUP VIII	9.10	.50	.25		.02

DECISION NO. W076-4159

## POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>ZONE 1</u>					
GROUP I	10.10	.50	1.00	.75	.10
GROUP II	9.85	.50	1.00	.75	.10
GROUP III	9.60	.50	1.00	.75	.10
GROUP IV	8.60	.50	1.00	.75	.10
GROUP V	10.35	.50	1.00	.75	.10
GROUP VI	10.60	.50	1.00	.75	.10
GROUP VII	10.10	.50	1.00	.75	.10
GROUP VIII	9.10	.50	1.00	.75	.10
<u>ZONE 2</u>					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
<u>ZONE 3</u>					
GROUP I	10.25	.35	.65	.40	.02
GROUP II	10.05	.35	.65	.40	.02
GROUP III	9.85	.35	.65	.40	.02
GROUP IV	9.25	.35	.65	.40	.02
GROUP V	10.50	.35	.65	.40	.02
GROUP VI	10.75	.35	.65	.40	.02
GROUP VII	11.00	.35	.65	.40	.02
<u>ZONE 4</u>					
GROUP I	9.80	.35	.65	.40	.02
GROUP II	9.45	.35	.65	.40	.02
GROUP III	9.25	.35	.65	.40	.02
GROUP IV	8.40	.35	.65	.40	.02
GROUP V	10.05	.35	.65	.40	.02
GROUP VI	10.30	.35	.65	.40	.02
GROUP VII	10.55	.35	.65	.40	.02



DECISION NO. M076-4159

## CLASSIFICATION DEFINITIONS

## POWER EQUIPMENT OPERATORS ZONE 1

**GROUP I** - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator; central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; hoisting engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-track; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CML, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

**GROUP II** - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; Latourneau roofer; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

**GROUP III** - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator - 1

**GROUP IV** - Mechanic's helper, oiler  
**GROUP V** - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over, pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

**GROUP VI** - Crane or rigs, over 200 ft. of boom (including jib)  
**GROUP VII** - Hoist (each additional drum over 1 drum)

**GROUP VIII** - Hoist driver, all types  
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

## POWER EQUIPMENT OPERATORS ZONE 2

**GROUP I** - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline, dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer, shovel, power (steam, gas, electric, or other powers), switch boat; whirley

**GROUP II** - Air tugger 2/air compressor; anchor-placing barge; asphalt spreader; atchy force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixer/mobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-concrete machine; concrete spreader; conveyor, large (not self-propelled); hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-green); mechanic, on job site; mixer, paving; mixer/mobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie taper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

**GROUP III** - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;



## POWER EQUIPMENT OPERATORS ZONE 2 CONTD:

GROUP III CONTD: - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street, welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure, oiler engineer; operating under ten pounds

GROUP VI - Air pressure, oiler engineer; operating over ten pounds

GROUP VII - Air pressure engineer operating under ten pounds

GROUP VIII - Air pressure engineer operating over ten pounds

GROUP IX - Crane-piledriving with leads; crane using rock socket tool; drag-line - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X - Heaters

Crane with boom (including jib), over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI - Mud jack (where mud jack is used in conjunction with an air compressor, operator)

Work in tunnel or tunnel shaft, .25c above base rate.

## POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; hoisting engine - 2 active drums; launchhammer wheel; operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shovel operator

GROUP II - A-frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; power broom - self-propelled; power shield; roter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

## DECISION NO. H076-4159

## POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine; operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; Siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); ulmac, ulmic or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

## NOTICES

43593

## POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; back hoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator; all types; trenching machine operator; truck crane

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker, power broom - self-propelled; power shield; roter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck



DECISION NO. M076-4159

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD:

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator; other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulnac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City & County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gascoade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 & 8 - Christian, Greene, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon Webster and Wright Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
6.99	a	b	c&d	
7.19	a	b	c&d	
7.29	a	b	c&d	

FOOTNOTES:

a - Employer contribution of \$14.50 per week  
 b - Employer contribution of \$14.50 per week  
 c - Paid Holidays: New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas.  
 d - Paid vacation of 3 days for 600 hours of service in any one contract year;  
 4 days paid vacation for 800 hours of service in any one contract year;  
 5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity



## TRUCK DRIVERS

## ZONE 2

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
8.59	.50	1.00	.75		
8.79	.50	1.00	.75		
9.10	.50	1.00	.75		
9.25	.50	1.00	.75		
8.365	.50	1.00	.75		

CLASSIFICATION DEFINITIONS  
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle  
GROUP 2 - Two teams; material tandem; semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump, excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment  
GROUP 3 - A-frame, low boy, boom  
GROUP 4 - Mechanics & welders  
GROUP 5 - Mechanic's helpers, oilers, & greasers

## AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

## TRUCK DRIVERS

## ZONE 3

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5

## ZONE 4

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5

## ZONE 5

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5

## ZONE 6

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5

## ZONE 7

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4  
GROUP 5

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation		
10.90					
11.05					
11.12					
11.02					
10.80					
10.20					
10.35					
10.42					
10.31					
10.10					
9.69	.50	1.00			
9.84	.50	1.00			
9.91	.50	1.00			
9.80	.50	1.00			
9.59	.50	1.00			
8.83	.50	.75			
8.98	.50	.75			
9.10	.50	.75			
8.99	.50	.75			
8.73	.50	.75			
8.10	.50	1.00			
8.25	.50	1.00			
8.37	.50	1.00			
8.26	.50	1.00			
8.00	.50	1.00			



DECISION NO. M076-6159

# CLASSIFICATION DEFINITIONS TRUCK DRIVERS

- GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle, tank wagon - single axle
- GROUP 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
- GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half trucks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
- GROUP 4 - Agitator and transit mix trucks
- GROUP 5 - Warehouseman

## AREAS COVERED BY TRUCK DRIVERS ZONES

- ZONE 3 - Franklin, Jefferson and St. Charles Counties
- ZONE 4 - Lincoln and Warren Counties
- ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
- ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Davies, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Rails, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties
- ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties



SUPERSEDES DECISION

STATE: Nebraska

COUNTIES: Cass, Douglas, Sarpy, 187  
Washington and that portion of  
Saunders County East of Highway #109

DECISION NO.: NE76-4157

Supersedes Decision No. NE76-4104 dated June 25, 1976 in 41 FR 26450  
DESCRIPTION OF WORK: Heavy in all, but Washington County and Highway  
Construction (excluding bridges across navigable waterways)

DATE: Date of Publication

CLASSIFICATION DEFINITIONS

Group 1 - Oilers; Greasers; Mechanic's Helper; Spread Oiler (less than one year experience)

Group 2 - Oiler Driver

Group 3 - Tractor under 35 HP; Air Compressors; Pumps-welding machine; Spray machine; Form trenchers; Belt machine

Group 4 - Concrete Mixer; Concrete Pumps; Hydro-hammer

Group 5 - Spread Oiler (after one year experience in classification)

Group 6 - Concrete Spreader; Concrete Finishing Machines, Bulldozer; Roller; Tractor; Forklift; Winch Truck; One Drum Hoist; Oil Distributor; Asphalt Roller

Group 7 - Blade (patrol); Scraper

Group 8 - Hoist, 2 drums; trenching machine; paving mixer, piledriver; heavy crane; mechanic, welder; shovel; dragline; clamshell; orange peel; backhoe; derrick; boom cat, pug mill operator on asphalt plant; leverman on dredge; engineer on dredge; tugboat operator; gradall operator; rotary well drilling operator; hydrocrane; Cleveland type backfiller; self-propelled spreader vibrator; slip form paver.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CARPENTERS:						
Carpenters	\$ 8.26	.50	.40	.60		.05
Piledrivers	8.385	.50	.40	.60		.05
CEMENT FINISHERS	8.53	.50	.40			
IRONWORKERS: Reinforcing and Structural	8.43	.50	.40	.70		
LABORERS:						
Common Laborer	6.20	.35	.30	.15		.05
Towboat and Dredge Deckhands	6.30	.35	.30	.15		.05
Form Setter Helpers	6.40	.35	.30	.15		.05
Raker and Screedmen or Asphalt work; Mortar Mixers; Chain Saw Operator	6.38	.35	.30	.15		.05
Pipelayers; Concrete Saw Operator	6.45	.35	.30	.15		.05
Form Setters and Precast Manhole Setter, Inlet Builders and Manhole Setters	6.83	.35	.30	.15		.05
LINE CONSTRUCTION:						
Linemen	8.86	.35	1%			1/2%
Cable Splicers	9.26	.35	1%			1/2%
Truck Driver	6.42	.35	1%			1/2%
Equipment Operator	8.33	.35	1%			1/2%
GROUNDMEN:						
(Inexperienced) 1st 6 months	3.01	.35	1%			1/2%
(Inexperienced) 2nd 6 months	4.40	.35	1%			1/2%
Thereafter	5.81	.35	1%			1/2%
POWER EQUIPMENT OPERATORS						
Group 1	6.62	.50	.40			
Group 2	6.68	.50	.40			
Group 3	7.06	.50	.40			
Group 4	7.28	.50	.40			
Group 5	7.76	.50	.40			
Group 6	7.98	.50	.40			
Group 7	8.15	.50	.40			
Group 8	8.32	.50	.40			

TRUCK DRIVERS:

Group 1 - Single Axle, Tack and Spreader Truck

Group 2 - Tandem Axle Trucks, Euclid Trucks, Power Lift Form Trucks and Spreader Trucks

Group 3 - Three-Axle Tandem

Group 4 - Lowboys-Tractor Trailer, Water Pulls

Group 5 - Tandem Dump with Auxiliary End Dump Trailer

Group 6 - Lumber Carrier

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1 - Single Axle, Tack and Spreader Truck	\$ 6.83	.35	.30		
Group 2 - Tandem Axle Trucks, Euclid Trucks, Power Lift Form Trucks and Spreader Trucks	6.44	.35	.20		
Group 3 - Three-Axle Tandem	6.49	.35	.30		
Group 4 - Lowboys-Tractor Trailer, Water Pulls	6.57	.35	.30		
Group 5 - Tandem Dump with Auxiliary End Dump Trailer	6.62	.35	.30		
Group 6 - Lumber Carrier	6.74	.35	.30		



DECISION NO. NJ76-3248

Zone 2  
Bricklayers, Stonemasons,  
Marble Masons, Tile Layers  
and Terrazzo Workers  
Cement Masons  
Plasterers  
Zone 3  
Zone 4  
Zone 5

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

Zone 1 - Atlantic and Cape May Counties  
Zone 2 - Camden, Gloucester and Salem Counties  
Zone 3 - Cumberland County  
Zone 4 - Burlington and Mercer Counties  
Zone 5 - Monmouth and Ocean Counties

CARPENTERS, MILLWRIGHTS AND  
INSULATORS:  
Zone 1  
Zone 2  
Zone 3  
Zone 4

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$10.10	.95	1.00		
9.15	.55	.70		
9.27				
9.90	.50	.25		.02
10.10	.60	1.00		.03
11.02		.58		

10.65	8%	7%		1/5 of 1%
10.65	8%	7%		1/5 of 1%
10.90	8%	7%		1/5 of 1%
9.73	6%	6%		.02
9.85	.50	.55		.02

## SUPERSEDES DECISION

STATE: New Jersey

COUNTIES: Atlantic, Burlington,  
Camden, Cape May, Cumberland,  
Gloucester, Mercer, Monmouth,  
Ocean and Salem

DECISION NUMBER: NJ76-3248  
Supersedes Decision No. NJ76-3127, dated February 27, 1976, in 41 FR 8702.  
DESCRIPTION OF WORK: Building Construction (excluding single family homes  
and garden type apartments up to and including 4 stories), Heavy and Highway  
Construction

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$11.62	.70	.75		
11.10	.70	.75		.025
10.11	.81	1.01	1.11	
11.44	.55	1.00		.04
11.72	.70	.75		.06

AREA COVERED BY ASBESTOS WORKERS ZONES

Zone 1 - Atlantic, Burlington (Bass River and Washington Tps.), Cape May,  
Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach,  
Ocean, Stafford, Tuckerton and Union Tps.) Counties.

Zone 2 - Burlington (Bordentown, Burlington, Chesterfield, Easthampton,  
Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton,  
Roelins, Springfield, Wrightstown and Woodlawn Tps.), Mercer, Monmouth  
(Allentown, Blandinsburg, Brielle, Englishtown, Farmingdale, Freehold,  
Howell, Manalapan, Manasquan, Millstone, Roosevelt, Ses Girt, South Belmar,  
Spring Lake Heights, Upper Freehold, Wall and West Belmar Tps.) and Ocean  
(Remainder of County) Counties.

Zone 3 - Monmouth (remainder of County) County

Zone 4 - Salem County

Zone 5 - Burlington (remainder of County), Camden and Gloucester Counties.

9.48	8%	19%	10%	.01
8.95	8%	19%	10%	.01
9.72	.75	.80		.02
9.47	.75	.80		.02



DECISION NO. NJ76-3248

Zone 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties

Zone 2 - Burlington (except the City of Bordentown), Monmouth and Ocean Counties

Zone 3 - Mercer (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present Post Office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Baritan Canal Bridge taking the center of the road to Clarksville then south on Providence Line Road to the Pennsylvania Railroad then east to Dutch Neck North to Grover's Mills to the Middlesex County Line) County

Zone 4 - Burlington (City of Bordentown only) and Mercer (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DOCKBUILDERS & PILEDRIVERS:					
Zone 1	\$10.42	1.88	1.30	.8	.12
Zone 2	10.92	1.25	1.73	.71	.02

#### AREA COVERED BY DOCKBUILDERS & PILEDRIVERS ZONES

Zone 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trenton Area), Ocean and Salem Counties

Zone 2 - Mercer (Princeton Area) and Monmouth Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL TAPERS & FINISHERS					
ZONE 1	\$10.25	.50	.50	.85	.10
ZONE 2	9.50	.89	.50		.03

#### AREA COVERED BY DRYWALL TAPERS & FINISHERS ZONES

Zone 1 - Atlantic, Burlington, Cape May, Cumberland, Mercer, Monmouth & Ocean Counties

Zone 2 - Camden, Gloucester & Salem Counties

DECISION NO. NJ76-3248

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS & CABLE SPlicERS:					
Zone 1	\$11.70	6%	1% +.75		.01
Zone 2	12.45	6%	1% +.40		.13
Zone 3	11.45	5%	1% +.30		.05
Zone 4	10.97	5%	1% +.30		.04
Zone 5	10.80	5%	1% +.35		.02

#### ELECTRICIANS & CABLE SPlicERS:

Zone 1  
Zone 2  
Zone 3  
Zone 4  
Zone 5

#### AREA COVERED BY ELECTRICIANS & CABLE SPlicERS

Zone 1 - Monmouth & Ocean Counties

Zone 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties

Zone 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lambert, Medford, Evesham Townships in Burlington County and that portion of Shamong, Tabernacle, Woodland Townships north of the Central Railroad of New Jersey Line and that portion of Burlington, Westampton, Eastampton, South Hampton and Pemberton Townships in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad, along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Mantua, Harrison, South Harrison, Woolwich and Logan Twp. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twp. and that portion of Mannington and Pilesgrove Twp. north of a line following State Hwy. #45 northeast from Fenswick Creek to the Borough of Woodstown, around and including Woodtown to U.S. Hwy #40 and east on #40 to Upper Pittsgrove Twp. line) Counties



DECISION NO. NJ76-3248

## LABORERS, BUILDING CONSTRUCTION:

## Zone 1

Laborers, mason tenders and plasterers tenders

Air, gas, electric tool operators

Gunnite men

## Zone 2

Construction laborers

Brick tenders, motor tenders, scaffold builders (brick),

rod carriers (brick) &amp; power tool operators

Motorized buggy operators, burners, nozzle men (gunnite work)

Jackhammer operators, barko

tamper operators &amp; concrete vibrator operators (over 27 lbs)

Plasterer &amp; lather tenders

## Zone 3

Laborers

Rod carriers, mason tenders, operators of jackhammers, tampers and electric hammers

## Zone 4

Laborers

Jackhammers

## Zone 5

Laborers

Rod carriers and plasterers tenders

## Zone 6

Laborers

Rod carriers and plasterers tenders

## Zone 7

Laborers

Rod carriers and plasterers tenders

## Zone 8

Laborers

Rod carriers and plasterers tenders

## Zone 9

Laborers

Rod carriers and plasterers tenders

## Zone 10

Laborers

Rod carriers and plasterers tenders

## Zone 11

Laborers

Rod carriers and plasterers tenders

## Zone 12

Laborers

Rod carriers and plasterers tenders

## Zone 13

Laborers

Rod carriers and plasterers tenders

## Zone 14

Laborers

Rod carriers and plasterers tenders

## Zone 15

Laborers

Rod carriers and plasterers tenders

## Zone 16

Laborers

Rod carriers and plasterers tenders

## Zone 17

Laborers

Rod carriers and plasterers tenders

DECISION NO. NJ76-3248

## AREA COVERED BY ELECTRICIANS &amp; CABLE SPlicERS ZONES (CONT'D)

Zone 4 - Atlantic (that portion south and west of a line following the White Horse Pike (U.S. Hwy #30) in a southeasterly direction from Camden County to the Ways Landing - LaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Ways Landing - Tuckahoe Road, south on that road to the north limits of County Cumberland, Gloucester (remainder of county) & Salem (remainder of county) Counties

Zone 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELEVATOR CONSTRUCTORS: Mechanics Helpers Probationary Helpers	12.09	.545	.35	4 1/2%+c		.02
	8.46	.545	.35	4 1/2%+c		.02
	6.045					
GLAZIERS: Mouth and Ocean Counties Atlantic and Cape May Counties Camden, Gloucester and Salem Cos. Burlington (that portion north of a line that begins at Florence-Roebling and that extends in a southeasterly direction that includes Fort Dix to the Ocean County line) & Mercer Counties	11.00	.66	.65			.02
	7.80		.30			.01
	10.08	.45	.25			
IRONWORKERS-STRUCTURAL, ORNAMENTAL and REINFORCING: Mouth and Ocean (northern half of county) Counties Atlantic, Cape May & Ocean (remainder of county) Counties Burlington (southern portion of county up to but not including Lumberton & Chatsworth Twp), Camden, Gloucester & Salem Counties Burlington (remainder of county) & Mercer Counties	9.41	.35	.50			.02
	10.82	.72	.23	10%		.12
	11.60	.84	1.21			
	10.30	.64	1.06			.03
	10.36	.79	1.11			.05



DECISION NO. NJ76-3248

LABORERS, HEAVY & HIGHWAY  
CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
Zone 1					
Group 1	\$ 8.25	.60	.95	d	.05
Group 2	7.95	.60	.95	d	.05
Group 3	7.90	.60	.95	d	.05
Group 4	7.75	.60	.95	d	.05
Group 5	7.65	.60	.95	d	.05
Group 6	7.40	.60	.95	d	.05
Group 7	7.35	.60	.95	d	.05
Group 8	7.25	.60	.95	d	.05
Zone 2					
Group 1	8.75	.60	.95	d	.05
Group 2	8.60	.60	.95	d	.05
Group 3	8.35	.60	.95	d	.05
Group 4	8.30	.60	.95	d	.05
Group 5	8.20	.60	.95	d	.05
Group 6	8.10	.60	.95	d	.05
Group 7	7.85	.60	.95	d	.05
Group 8	7.70	.60	.95	d	.05
Group 9	7.65	.60	.95	d	.05
FREE AIR TUNNEL JOBS					
Group 1	9.12	.60	.95	d	.05
Group 2	8.72	.60	.95	d	.05
Group 3	8.56	.60	.95	d	.05
Group 4	8.05	.60	.95	d	.05

## AREA COVERED BY LABORERS, HEAVY &amp; HIGHWAY CONSTRUCTION ZONES

Zone 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer,  
Ocean & Salem Counties.

Zone 2 - Monmouth County.

DECISION NO. NJ76-3248

## AREA COVERED BY LABORERS, BUILDING ZONES

Zone 1 - Atlantic, Burlington (Tps of Washington and Bass River), Cape  
May, Cumberland (Tps of Fairfield, Millville, Maurice River, Lawrence,  
Davne and Commercial) and Ocean (that portion of the county up to and  
including Lacey Twp.) CountiesZone 2 - Burlington (Tps of Edgewater Park, Delance, Willingsboro, West  
Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morristown, Mt.  
Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong,  
Tabernacle and Woodland), Camden, Gloucester and Salem CountiesZone 3 - Mercer (Tps of Princeton, Lawrence and West Windsor and Boro of  
Princeton) CountyZone 4 - Monmouth (Tps of Metavan, Union Beach, Raritan, Keansburg, High-  
lands, Holmdel, Middletown, Fair Haven, Red Bank, Metavan Boro. and Marlboro)  
CountyZone 5 - Mercer (Tps of Washington, Highstown and East Windsor), Monmouth  
(remainder of County) and Ocean (remainder of County) CountiesZone 6 - Burlington (remainder of County) and Mercer (remainder of County)  
Counties



DECISION NO. NJ76-3248

# CLASSIFICATION DEFINITIONS LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

## Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

## Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools used to perform work usually done manually by Laborers

## Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrier and Magazine Tenders

## Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-proofing, Rakets & Tampers on Cold Patch Work

# LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

## Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

## Group 3 - Timbermen

## Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Masters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools used to perform work usually done manually by laborers

## Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

## Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-proofing, Rakets and Tampers on Cold Patch Work

DECISION NO. NJ76-3248

# LABORERS - FREE AIR TUNNEL JOBS

## Group 1 - Blasters

Group 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Biggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Dersail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

Group 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

# LABORERS, ASPHALT CONSTRUCTION:

## STREET:

Head Rakets  
Rakers & Screed Men  
Tampers, Smoothers, Kettlemen,  
Painters, Shovelers & Roller  
Boys

## PLANT:

Scale Mixer & Burner Men  
Feeders & Dust Men

## LATHERS:

Zone 1  
Zone 2

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$ 7.90	.60	.95	d	.05
	7.75	.60	.95	d	.05
	7.50	.60	.95	d	.05
	7.75	.60	.95	d	.05
	7.50	.60	.95	d	.05
	9.55	.50	.25		.02
	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

Zone 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

Zone 2 - Atlantic & Cape May Counties



## NOTICES

DECISION NO. NJ76-3248

## AREA COVERED BY LINE CONSTRUCTION ZONES

## Zone 1 - Marmouth &amp; Ocean Counties

Zone 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) & Mercer Counties

Zone 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingboro, Hainesport, Lambert, Medford, Evesham Tps. in the county and that portion of Shamong, Tabernacle, Woodland Tps north of the Central Railroad of New Jersey Line and that portion of Burlington, Westampton, Eastampton, South Hampton and Pemberton Tps. in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Manute, Harrison, South Harrison, Woolwich, and Logan Tps. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Tps. and that portion of Mannington and Pilesgrove Tps. North of a line following State Hwy. #45 northeast from Penswick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Tps. line) Counties

Zone 4 - Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Hwy. #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of Carbin City to the Tuckahoe River), Cumberland, Gloucester (remainder of county) and Salem (remainder of county) Counties

Zone 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

DECISION NO. NJ76-3248

LEADWORKERS  
LINE CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Retiremen	Vacation	
Zone 1	\$10.50	.40	.25	e	.01
Line men, Cable Splicers & Equipment Operators	11.70	4%	13+.40		$\frac{1}{2}$ of 1%
Groundmen	9.75	4%	13+.40		$\frac{1}{2}$ of 1%
Zone 2	12.45	6%	13+.40		$\frac{1}{2}$ of 1%
Line men, Cable Splicers & Equipment Operators	9.95	6%	13+.40		$\frac{1}{2}$ of 1%
Groundmen & Winch Operators	11.45	5%	13+.30		$\frac{1}{2}$ of 1%
Zone 3	9.10	5%	13+.30		$\frac{1}{2}$ of 1%
Line men	10.97	5%	13+.30		$\frac{1}{2}$ of 1%
Groundmen & Winch Operators	6.50	5%	13+.30		$\frac{1}{2}$ of 1%
Zone 4	7.65	5%	13+.30		$\frac{1}{2}$ of 1%
Line men	11.00	.25	13+.60		$\frac{1}{2}$ of 1%
Line Digger Truck Drivers	7.80	.25	13+.60		$\frac{1}{2}$ of 1%
Groundmen	7.25	.25	13+.60		$\frac{1}{2}$ of 1%
Zone 5					
Line men, Equipment Operators, Technicians & Certified Linemen Welders					
Truck Drivers					
Groundmen					



DECISION NO. NJ76-3248

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.05	.55	.50	.30		.05
<b>PAINTERS: (Cont'd)</b>					
Repaint Work as described above					
On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam-cleaning, Spraying or application of hazardous materials					
10.00	.55	.50	.30		.05
<b>Zone 3</b>					
9.75	.50	.50			.05
Commercial Brush or Roller Brushing Steel or Working Swing or Bosun Chair					
10.50	.50	.50			.05
Commercial Spray or Dipping Spraying or Rolling on Steel or Tanks, Sandblasting or Power Tools					
10.50	.50	.50			.05
10.65	.50	.50			.05
Commercial Brushing or Rolling or Spraying of Special Material					
11.25	.50	.50			.05
<b>Zone 4</b>					
10.25	.50	.50			.05
Brush or Roller, Paperhanging & Vinyl-Wall Covering Structural Steel, Tanks, Flag Poles, Spray, Swing, Sand-blasting & Stripping of Lines by Mechanical Machines & Hazardous Material					
11.25	.50	.50			.05
<b>Zone 5</b>					
New Construction & Major Alteration Work:					
Brush & Roller Rates:					
8.25	.25	.25			
Any surface except steel					
9.25	.25	.25			
Any surface except steel (exotic materials)					
8.50	.25	.25			
9.50	.25	.25			
Steel & swing (exotic material)					
8.90	.25	.25			
Steel above 70' (exotic materials)					
9.90	.25	.25			

DECISION NO. NJ76-3248

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.55		.50			
10.45		.50			
<b>PAINTERS:</b>					
<b>Zone 1</b>					
Base Rates:					
-Paperhanging, Painting & Allied Work					
Spraying & Sandblasting					
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height					
9.85		.50			
Spraying & Sandblasting under these conditions					
10.75		.50			
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures					
10.45		.50			
Spraying & Sandblasting under these conditions					
11.10		.50			
<b>Zone 2</b>					
9.40	.55	.50	.30		.05
8.90	.55	.50	.30		.05
Painters on New Construction and Major Alterations					
Painters on Repaint Work					
Spraying or application of hazardous or dangerous materials on Repaint Work					
9.50	.55	.50	.30		.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)					
9.55	.55	.50	.30		.05



DECISION NO. NJ76-3248

Page 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
<b>PAINTERS: (Cont'd)</b>					
Spray Rates:					
Any surface except steel	\$ 8.30	.25	.25		
Any surface except steel (exotic materials)	9.30	.25	.25		
Steel & Swing	8.55	.25	.25		
Steel (exotic materials)	9.55	.25	.25		
Steel above 70'	8.95	.25	.25		
Steel above 70' (exotic materials)	9.95	.25	.25		
Sandblasting Rates:					
Any surface except steel	8.30	.25	.25		
Steel & swing	8.55	.25	.25		
Steel above 70'	8.95	.25	.25		
Vacuum Blasting Rates:					
Any surface except steel	8.60	.25	.25		
Steel & swing	8.85	.25	.25		
Steel above 70'	9.25	.25	.25		
Repaint Work (except bridges, tank towers & all other open structural steel):					
Any surface	7.75	.25	.25		
Any surface (exotic materials)	8.25	.25	.25		

## AREA COVERED BY PAINTERS ZONES

Zone 1 - Monmouth &amp; Ocean (northern half of County) Counties

Zone 2 - Mercer County

Zone 3 - Burlington, Camden, Gloucester &amp; Salem (the northern portion of County north of Salem Bridge) Counties

Zone 4 - Atlantic, Cape May &amp; Ocean (remainder of County) Counties

Zone 5 - Cumberland &amp; Salem (remainder of County) Counties

Page 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
<b>PLUMBERS &amp; PIPEFITTERS</b>					
Zone 1	\$12.40	.46	.46		.025
Zone 2	11.30	.62	1.10	1.00	.05
Zone 3	10.25	1.04	.77	1.10	.09
Zone 4	11.69	.67	.90		.05
Zone 5	11.49	5%	.75		.05
Zone 6	10.96	.41	.70	1.00	.20

## AREA COVERED BY PLUMBERS &amp; PIPEFITTERS ZONES

Zone 1 - Atlantic, Burlington (that portion of the County including Atsion, Bass River Twp., Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretna, Quaker Bridge, Wading River, Washington & Woodland Twp.), Cape May, Cumberland, Gloucester (Ashbury, Blue Bell, Males & Newfield Twp. only), Ocean (southern half of the County to and including Whiting, Bambar, Varetown & Barnegat Light) & Salem (that portion of the County including Aldine, Alliance, Alloway, Brotmansville, Canton, Centerton, Friesburg, Hancock's Bridge, Lower Alloways Creek Twp., Moore's Corner, Norma, Oakwood Beach, Olivet, Penn (Beach), Pittsgrove Twp., Quinton & Shirley) Counties

Zone 2 - Burlington (that portion of the County starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park & Shore Points on the Jersey Coast. Along aforesaid Railroad to the Town of Whiting; thence diagonally across Burlington County to the junction of Burlington, Camden & Atlantic Counties), Camden, Gloucester (remainder of County) & Salem (remainder of County) Counties

Zone 3 - Mercer (Bakersville, Berrien City, Clarksville, Dutch Neck, East Windsor Twp., Edinburg, Etra, Grover's Mills, Hightstown, Locust Corner, Mount Rose, North Princeton, Penns Neck, Port Mercer, Princeton & Rosedale) County

Zone 4 - Burlington (remainder of County), Mercer (remainder of County) & Monmouth (Allentown only) Counties

Zone 5 - Monmouth (the southern half of the county to and including Manslepen, Eton, Jerseyville, West Farms, Collingwood Park & Deal) & Ocean (remainder of County) Counties

Zone 6 - Monmouth (remainder of County) County



DECISION NO. NJ76-3248

# CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

## GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types), including all combination hoe loaders; central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only); drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, raso; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broymill; pavement and concrete breaker (4.e. superhammer); pavement breaker truck mounted; piledriver; scoop (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

## GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezeconcrete & similar types; conveyors, 125' & over; econobiles (hilo, loli, hystar similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); heater planer; hoist-(Chicago Boom); Pans, LeTourneau, DM's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezeconcrete & concrete pumping; scrapers-LeTourneau, DM's Ukes; side booms; squeezeconcrete; "atraddle" carrier, Ross and similar types; winch trucks (hoisting).

DECISION NO. NJ76-3248

## POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$14.39	7%	15%	f	3%
GROUP 2	12.68	7%	15%	f	3%
GROUP 3	11.85	7%	15%	f	3%
GROUP 4	11.75	7%	15%	f	3%
GROUP 5	11.53	7%	15%	f	3%
GROUP 6	11.07	7%	15%	f	3%
GROUP 7	10.80	7%	15%	f	3%
GROUP 8	10.64	7%	15%	f	3%
GROUP 9	10.59	7%	15%	f	3%
GROUP 10	10.48	7%	15%	f	3%
GROUP 11	10.43	7%	15%	f	3%
GROUP 12	10.21	7%	15%	f	3%
GROUP 13	9.83	7%	15%	f	3%
GROUP 14	9.67	7%	15%	f	3%
GROUP 15	9.35	7%	15%	f	3%

50c per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75c per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.



DECISION NO. N76-3248

CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding systems, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propase, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

DECISION NO. N76-3248

CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CHI & similar types); autograde concrete machine (CHI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CHI & similar types); barbending machines (power); batchers, batching plant & crusher on site; belt conveyer systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-betzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; ladderwator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic.



DECISION NO. NJ76-3248

CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric converters of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

DECISION NO. NJ76-3248

CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mucking equipment; road finishing machines (small type) - highway, road, street and sewer construction rate only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS:						
STEEL ERECTION:						
GROUP 1	\$16.09	7%	15%	f		3%
GROUP 2	14.39	7%	15%	f		3%
GROUP 3	13.53	7%	15%	f		3%
GROUP 4	12.84	7%	15%	f		3%
GROUP 5	11.17	7%	15%	f		3%
GROUP 6	10.80	7%	15%	f		3%
GROUP 7	10.66	7%	15%	f		3%
GROUP 8	10.31	7%	15%	f		3%
GROUP 9	9.78	7%	15%	f		3%



DECISION NO. NJ76-3248

Page 23

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ROOFERS:						
Zone 1						
Composition, Rollermen and Kettlemen	\$ 9.90	.50	.60			
Slate, Tile and Damproofing Helpers	10.15	.50	.60			
	4.60	.50	.60			
Zone 2						
Composition	11.36	1.30	.82	g		
Mechanic II (reroofing)	5.50	1.30	.82	g		
Slate, Tile and Asbestos	10.00	1.00	.50			
Asphalt Shingle	8.54	1.00	.50			
Zone 3						
Composition, Damp and Water-proofing	10.25	.55	.50			
Slate and Tile	10.375	.55	.50			
Slate and Tile Helpers	9.25	.55	.50			
Zone 4						
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60			

## AREA COVERED BY ROOFERS ZONES

- Zone 1 - Atlantic, Cape May and Cumberland Counties
- Zone 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties
- Zone 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whittings, Wheatland and Cedar Bridge inclusive) Counties
- Zone 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

DECISION NO. NJ76-3248

Page 24

## SHEET METAL WORKERS:

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Zone 1	\$10.30	.84	.60			.02
Zone 2	10.33	6% + .37	5% + .10	8%		.07
Zone 3	10.21	.84	.60			.02
Zone 4	11.84	1.01	.65			.03

## AREA COVERED BY SHEET METAL WORKERS ZONES

- Zone 1 - Atlantic, Cape May & Cumberland Counties
- Zone 2 - Monmouth & Ocean Counties
- Zone 3 - Burlington & Mercer Counties
- Zone 4 - Camden, Gloucester & Salem Counties

## SOFT FLOOR LAYERS

Zone 1	10.65	8%	7%		
Zone 2	10.22	6%	5% + .50		1/5 of 1%

## AREA COVERED BY SOFT FLOOR LAYERS ZONES

- Zone 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester & Salem Counties

## SPRINKLER FITTERS:

Zone 1	12.04	.60	.90		.10
Zone 2	12.15	.60	.90		.08

## AREA COVERED BY SPRINKLER FITTERS ZONES

- Zone 1 - Camden, Gloucester, Mercer (Town of Trenton) & Salem (Penns Grove excluding Penns Grove Airport) Counties
- Zone 2 - Atlantic, Burlington, Cape May, Cumberland, Mercer (remainder of County), Monmouth, Ocean & Salem (remainder of County) Counties



DECISION NO. NJ76-3248

DECISION NO. NJ76-3248

# **TITLE SETTERS HELPERS:** Atlantic & Monmouth Counties **TRUCK DRIVERS:**

Zone	Group	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
			H & W	Pensions	Vacation	
Zone 1	Group 1	\$ 8.45	6%	7%		
	Group 2	5.45	8th	1	1st	
	Group 3	5.55	8th	1	1st	
	Group 4	5.70	8th	1	1st	
	Group 5	5.85	8th	1	1st	
Zone 2	Group 1	6.50	1	nfo	nfo	
	Group 2	7.20	1	nfo	nfo	
	Group 3	7.35	1	nfo	nfo	
	Group 4	7.40	1	nfo	nfo	
	Group 5	7.55	1	nfo	nfo	
	Group 6	7.75	1	nfo	nfo	
	Group 7	7.90	1	nfo	nfo	
Zone 3	Group 1	7.27	.68	.75	p4q	
	Group 2	7.50	.68	.75	p4q	
	Group 3	7.55	.68	.75	p4q	
	Group 4	7.65	.68	.75	p4q	
	Group 5	7.75	.68	.75	p4q	

## **AREA COVERED BY TRUCK DRIVERS ZONES**

Zone 1 - Atlantic & Cape May Counties

Zone 2 - Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camden, Cumberland, Gloucester & Salem Counties

Zone 3 - Burlington (remainder of County), Mercer, Monmouth & Ocean Counties

## **CLASSIFICATION DEFINITIONS**

### **TRUCK DRIVERS - ZONE 1**

Group 1 - Warehousemen and Helpers

Group 2 - Teamsters & Chauffeurs

Group 3 - Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

Group 4 - Drivers on Euclids, 10 wheel Tractors and Tractor Trailer Trucks, Low Beds and Pole Trailers

## **TRUCK DRIVERS - ZONE 2**

Group 1 - Ten wheel dump truck driver and trailer dump driver off site

Group 2 - Straight truck driver (helper)

Group 3 - Warehousemen, fork lift truck and part men

Group 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, Seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & Flat Bed trucks.

Group 5 - All truck towing

Group 6 - Winch straight tractor and trailer truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dumpcrete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, Asphalt distributor, pole trailer, winch trailer, 1 beam trucks, euclids (all), and similar type equipment

Group 7 - Mechanics

## **TRUCK DRIVERS - ZONE 3**

Group 1 - Mechanic Helper

Group 2 - Drivers on the following type vehicles: Straight dumps, Flats, Floats, Pick-ups, container haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Road, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half truck, Winch Truck, Side-O-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All dual purpose trucks, Trucks with mechanical tailgates, Asphalt distributor, batch trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intrinsit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, Asphalt distributor and spreader, Wipper, fuel trucks (drivers on fuel trucks including handling of unit), Skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), Belcrete trucks, Pumpcrete trucks, Line truck, Reel truck, Wreckers, Utility trucks, Jack trucks, Warehousemen, Warehouse Parts-men, Yardmen, Lift truck in warehouse, Helper when required on lift truck in warehouse, Warehouse clerk, Parts man, Material checkers, Receivers, Shippers, Binning men (materials), Cardex man; Helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; Drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiolok trackmaster pick-up (swamp cat pickup), Bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, Team Drivers, Vacuum or Vac-all



DECISION NO. NUTG-3248

## Trucks (entire unit)

## Group 3 - Drivers on straight 3-axle materials: Truck &amp; Floats

Group 4 - Drivers on all Euclid Type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and wagons. Dumpsters, Straight, Bottom, Rear and side dumps, Carryalls and scrapers (not self-loading - loading over the top). Water sprinkler, Irrigators, Water pulls and similar types of vehicles; Drivers on tractors and trailer type vehicles: Flat, Floats, I-beam, Low beds, Water sprinkler, Bituminous transit mix, Road Oil, Fuel, Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles

## Group 5 - Winch Trailer Drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

1. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Labor Day; Presidential Election Day, Veterans Day or Thanksgiving Day.
2. Paid Holidays: A through F
3. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
4. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

DECISION NO. NUTG-3248

## FOOTNOTES: (Cont'd)

5. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceding and following the holiday.
6. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceding the holiday and the first work day after the recognized holiday.
7. \$1.00 per week employer contribution to Life Insurance Fund per employee.
8. Employer contributes \$2.30 per day per employee to Health and Welfare Funds.
9. Employer contributes \$1.60 per day per employee to the Pension Fund.
10. One week vacation after one year's work; two weeks vacation after 3 year's work.
11. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.
12. Employer contributes \$25.50 per week per employee to the Health and Welfare Fund.
13. Employer contributes \$13.00 per week per employee to the Pension Fund.
14. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.
15. Paid Holiday: A through F, plus Washington's Birthday, Presidential Election Day, Armistice Day, 2 Personal Holidays, Good Friday, and Christmas Eve afternoon (provided the employee works that morning) on the condition that the employee works or is available for work on at least 2 days in the week in which the holiday occurs.



DECISION NO. NJ7C-3248

FOOTNOTES: (Cont'd)

- p. Employees working or receiving pay for 80 days within a year receive one week paid vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160).
- q. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.



STATE: New Jersey

COUNTIES: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren

DECISION NO.: NJ76-3249  
Supersedes Decision NJ76-3128 dated February 27, 1976, in 41 FR 8717.  
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Barry's Creek west of the Hackensack River); Essex (Except Millburn Township); Hudson (that portion west of the Hackensack River) and Union (Hillside Township).

ZONE 2 - Bergen (except Wallington, part of East Patterson, Garfield, Lodi, North Arlington, part of Lyndhurst and part of Edgewater) County.

ZONE 3 - Bergen (remainder of county); Morris (Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttle's Corner, along Route #206 to Lafayette, then along North Church Road to Route #23, then along Route #23 to Passaic County line) Counties.

ZONE 4 - Hudson (remainder of county) County.

ZONE 5 - Middlesex (except Dunellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties.

ZONE 6 - Essex (Millburn Township), Middlesex (remainder of county), Morris (Gilllette & Sterling) and Union Counties.

ZONE 7 - Hunterdon (Califon, Oldwick, Amadale, Lebanon, White House Station, Readington, Stanton and Three Bridges Townships) and Somerset (remainder of county) Counties.

ZONE 8 - Hunterdon (remainder of county), Morris, (Stephensburg, Pleasant Grove, Middle Valley and Parker Townships) Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Townships) and Warren Counties.

ZONE 9 - Morris (remainder of county) and Sussex (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS:					
ZONE 1	\$11.10	.70	.75	1.11	.025
ZONE 2	10.11	.81	1.01		.04

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Hunterdon (Alexander, Bethlehem, Bloomsbury, Clinton, Delaware, East Amwell, Flemington, Franklin, Frenchtown, Glen Gardner, Hampton, High Bridge, Holland, Kingwood, Lambertville, Lebanon, Millford, Raritan, Readington, Stockton, Union, and West Amwell Townships); Middlesex (Cranbury, East Brunswick, Helmetta, Jamesburg, Milltown, Monroe, North Brunswick, Plainsboro, South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships) and Warren (Franklin, Greenwich, Hamouy, Lopatcong, Oxford, Phillipsburg, Pohatcong, Washington and White Townships) Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (remainder of county), Middlesex (remainder of county), Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
BOILERMAKERS	9.48		19%	10%	.01
BOILERMAKERS HELPERS	8.95		19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 1	10.60	.60	.70		.02
ZONE 2	9.70	.97	.70		.02
ZONE 3	10.05	.84	.65		.02
ZONE 4	10.76	.87	.75		.05
Bricklayers & Stone Masons	9.85	.75	1.00		.02
Cement Masons	9.85	.75	1.00		.02
Plasterers	10.80	.60	.55		.02
ZONE 5	10.85	.60	.60		.01
ZONE 6	10.55	.50	.45		.02
ZONE 7	11.04	.45	.55		.02
ZONE 8	10.32				.02
ZONE 9					



DECISION NO. NJ76-3249

DECISION NO. NJ76-3249

## AREA COVERED BY CARPENTERS, ETC. ZONE

ZONE 1 - Bergen (east of the Hackensack River including but not limited to Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville) and Hudson Counties.

ZONE 2 - Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown to Croton to the City of Flemington to Flemington Junction to Three Bridges, thence following the Somerset County Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory south of a line beginning at Asveil on the County Line to Zion to Fairview to Dutchtown to Plainsville to Belle Mead to Griggstown to the Delaware and Raritan Canal) Counties.

ZONE 3 - Hunterdon (remainder of county), Middlesex, Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren Counties.

## ZONE 4 - Essex Counties

## ZONE 5 - Bergen (remainder of County)

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pensions	Vacation	
DOCK BUILDERS & FINISHERS	\$10.92	1.25	1.73	.71	.02
DETAILED TAPERS & FINISHERS	10.25	.50	.50		.10
ELECTRICIANS & CABLE SPlicERS:					
ZONE 1	12.34	8%	8%		
ZONE 2	12.15	6%	4%+.31		
ZONE 3	12.10	6%	1%+.42		.02
ZONE 4	12.15	6%	1%+.50		.02
ZONE 5	12.68	6%	6%+.58		
ZONE 6	11.30	6%	6%	10%	1/2 of 1%
ZONE 7	12.40	6%	1%+.50		
ZONE 8	11.95	6%	1%+.42		.02
ZONE 9	11.95	6%	1%+.50		.02
ZONE 10	12.20	6%	1%+.50		.02
ZONE 11	12.28	6%	1%+.42		.02
ZONE 12	12.40	5%+.1	4%		.02
ZONE 13	11.00	6%	1%+.25		.02
ZONE 14	11.00	6%	1%+.50		.02
ZONE 15					

## AREA COVERED BY ELECTRICIANS &amp; CABLE SPlicERS ZONES

## ZONE 1 - Essex County

ZONE 2 - Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 3 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave., in New Providence Boro, to the Diamond Hill Rd, south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line) County.

## ZONE 4 - Union (remainder of county) County.

## ZONE 5 - Bergen and Hudson Counties.

## ZONE 6 - Passaic County.

## ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon (except Fawcett Township and Califon Boro) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave., to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Still well Rd., and west on Hall's Bridge Rd., to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to the Burlington Rd. and west along that road and the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.



DECISION NO. NJ76-3249

## AREA COVERED BY ELSTOTHIANS &amp; CABLE SPLICERS ZONES (Cont'd)

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd. North on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Plunkemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County line) County.

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Orford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
ELEVATOR CONSTRUCTORS:				
Construction:				
Mechanics	\$10.12	.495	.32+a	b+c
Helpers	7.59	.495	.32+a	b+c
Probationary Helpers	5.06			
Modernization:				
Mechanics	9.35	.495	.32+a	b+c
Helpers	7.01	.495	.32+a	b+c
Probationary Helpers	5.06			
Contract Repair:				
Mechanics	8.50	.495	.32+a	b+d
Helpers	6.38	.495	.32+a	b+d
Probationary Helpers	5.06			
GLAZIERS:				
ZONE 1	9.77	.60	1.10	
ZONE 2	11.00	.66	.65	
ZONE 3	11.00	.70	1.00	

## AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Fords and Woodbridge) Counties.

ZONE 3 - Essex, Hudson, Morris, Somerset (remainder of county), Sussex, Union (remainder of county) and Warren Counties.

IRONWORKERS - Structural, Reinforcing & Ornamental  
Warren County

Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties

11.45	.84	1.21		
10.82	72	232	102	12



DECISION NO. NJ76-3249

## LABORERS, BUILDING CONSTRUCTION:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
LABORERS, Air Tool Ops. (jack-hammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	.65	.50		.02
ZONE 11				
LABORERS, Tenders, Scaffolds, Excavation, Bituminous Concrete & Aggregates, Pipelayers, Underpinning, Lagging, Bracing & Wrecking	.60	.55		.02
ZONE 12				
LABORERS, Tenders, Scaffolds, Excavating & Site Preparation & Clearance, Bituminous Concrete & Aggregates, Trenches Manholes, Handling & Distribution of Pipes, Underpinning, Lagging, Bracing, Propping & Shoring	.70	.60		.02
ZONE 13				
Common Laborers	.60	.55		.02
ZONE 14				
Common Laborers	.70	.70		.02
ZONE 15				
Common Laborers	.70	.70		.02
ZONE 16				
Common Laborers, Air Tool Ops., Mason Tenders, Plaster Tenders & Mortar Mixers	.70	.60		.02
ZONE 17				
Common Laborers, Hod Carriers, Power Tool Ops. & Plaster Tenders	.50	.35		.02

DECISION NO. NJ76-3249

## LABORERS, BUILDING CONSTRUCTION:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
LABORERS, Air Tool Ops. (jack-hammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	.75	.85		.02
ZONE 1				
LABORERS, Air Tool Ops. (jack-hammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	1.00	.70		.02
ZONE 2				
Regular Laborers	.70	.30		.02
Mortar Mixers, Scaffold Men & Pneumatic Hammer Ops.	.70	.30		.02
ZONE 3				
Common Laborers	.65	.40		.02
ZONE 4				
Common Laborers	.70	.60		.02
ZONE 5				
Common Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers & Pipelayers (concrete & clay)	.70	.70		.02
ZONE 6				
Common Laborers	.70	.70	.50	.02
ZONE 7				
Common Laborers	.70	.70		.02
ZONE 8				
Common Laborers	.40	.50		.02
ZONE 9				
Common Laborers	.40	.50		.02
ZONE 10				
LABORERS, Wrecking, Demolition, Concrete Mixers, W/O Hoppers, Drill Runners, Jackhammers, Mason Tenders, Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders & Grading for Concrete	.45	.15		.02
ZONE 11				



DECISION NO. NJ76-3249

## AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES

ZONE 1 - Bergen (Garfield, Passaic and Wallington Townships, Lodi, Lodi Boro. and East Patterson) and Passaic Counties.

ZONE 2 - Bergen (remainder of county) County.

ZONE 3 - Essex (City of East Orange, Townships of South Orange and Maplewood) County.

ZONE 4 - Essex (Orange and Montclair) County.

ZONE 5 - Essex (Millburn) and Union (Springfield and Union Townships) Counties.

ZONE 6 - Essex (remainder of county) and Hudson (Kearny, East Newark and Harrison) Counties.

ZONE 7 - Hudson (remainder of county) Counties.

ZONE 8 - Middlesex (Perth Amboy, Carteret, Woodbridge and Metuchen Townships) County.

ZONE 9 - Middlesex (remainder of county) and Somerset (East Millstone and Franklin Townships) Counties.

ZONE 10 - Morris (Boonton, Boonton Township, Montville, Lincoln Park Boro., Butler, Kinnelon Boro., Pin Brook, Towaco, Danville, Mountain Lakes, Pequannock, Pompton Plains and Riverdale Boro) County.

ZONE 11 - Morris (Jefferson, Rockaway, Mt. Arlington, Rockaway Boro., Wharton, Mine Hill, Dover, Netcong, Roxbury, Mt. Oliver and Randolph Townships) and Sussex Counties.

ZONE 12 - Morris (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Cedar Knolls, Whippany, Hanover Township and Long Valley) County.

ZONE 13 - Morris (remainder of county) County.

ZONE 14 - Somerset (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards and Bedminster) County.

DECISION NO. NJ76-3249

## AREA COVERED BY LABORERS, BUILDING CONSTRUCTION ZONES (cont'd)

ZONE 15 - Somerset (Townships of Bridgewater, Branchburg, Raritan, Bound Brook, Somerville, Manville, Hillsboro, Millstone, Montgomery and Rocky Hill) County.

ZONE 16 - Somerset (remainder of county) and Union (remainder of county) Counties.

ZONE 17 - Hunterdon and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Pensions	Vacation	
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP 1	\$ 8.75	.60	.95	e	.05
GROUP 2	8.60	.60	.95	e	.05
GROUP 3	8.35	.60	.95	e	.05
GROUP 4	8.30	.60	.90	e	.05
GROUP 5	8.20	.60	.90	e	.05
GROUP 6	8.10	.60	.90	e	.05
GROUP 7	7.85	.60	.90	e	.05
GROUP 8	7.70	.60	.90	e	.05
GROUP 9	7.65	.60	.90	e	.05

## CLASSIFICATION DEFINITIONS

## LABORERS, HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Blasters

GROUP 2 - Finishers, Rammers, Pavers, Gunite Nozzle Men and Stonecutters.

GROUP 3 - Timbermen

GROUP 4 - Formsetters

GROUP 5 - Wagon Drill Operators, Drill Masters, Jackhammers, Chipping Hammers, Pavement Breakers, Power Buggies, Concrete Cutters, Asphalt Cutters, Sheet Hammer and Tree Cutter Operators, Sandblasting, Cutting, Burning, and such other power tools used to perform work usually done manually by Laborers.

GROUP 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers.

GROUP 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders.

GROUP 8 - Wrapping and Coating of all pipe.

GROUP 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Pitmen and Dumpmen, Waterproofing, Rakers and Tamers on cold Patch Work.



DECISION NO. N76-3249

## LABORERS - FREE AIR TUNNEL JOBS:

GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$ 9.12	.60	.95	e	.05
8.72	.60	.95	e	.05
8.36	.60	.95	e	.05
8.05	.60	.90	e	.05

## CLASSIFICATION DEFINITIONS

## LABORERS - FREE AIR TUNNEL JOBS

## GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rodmen, Caulkers, Powder Carriers, All Other Skilled Men).

GROUP 3 - Semi-Skilled Men (including Miner's Helpers, Chuck Tenders, Trackmen, Nippers, Brakemen, Derrail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All Other Semi-Skilled Men).

GROUP 4 - All Other (including Powder Watchmen, Changehouse Attendants, Top Laborers).

## LABORERS, ASPHALT CONSTRUCTION:

## ZONE 1

## STREET:

Head Raker  
Rakers & Screen Men  
Tampers, Smoothers, Kettlemen,  
Painters, Top Shovelers &  
Roller Boys

## PLANT:

Scale Mixer & Burner Men  
Feeders & Dust Men

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
8.20	.71	.74	e	.05
8.05	.71	.74	e	.05
7.80	.71	.74	e	.05
8.05	.71	.74	e	.05
7.80	.71	.74	e	.05

DECISION NO. N76-3249

LABORERS, ASPHALT CONSTRUCTION:  
(Cont'd)

## ZONE 2

## STREET:

Head Rakers  
Rakers & Soreed Men  
Tampers, Smoothers, Kettlemen,  
Painters, Shovelers & Roller  
Boys

## PLANT:

Scale Mixer & Burner Men  
Feeders & Dust Men

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
\$ 7.90	.60	.95	e	.05
7.75	.60	.95	e	.05
7.50	.60	.95	e	.05
7.75	.60	.95	e	.05
7.50	.60	.95	e	.05

## AREA COVERED BY LABORERS, ASPHALT CONSTRUCTION ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of county), Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

ZONE 2 - Middlesex (remainder of county) County.

LABORERS  
HEAD BURNERS  
LINE CONSTRUCTION:

## ZONE 1

Linemen, Cable Splicers, Line  
Equipment Operators, Line  
Truck Operators, Groundmen &  
Welders

## ZONE 2

Linemen & Equipment Operators  
Cable Splicers  
Groundmen

Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
10.00	.60	.25	f	.02
10.50	.40	.25		.01
10.80	.62	.82	10%	$\frac{1}{2}$ of 1%
11.00	.46	.6%	10%	$\frac{1}{2}$ of 1%
11.95	.46	.6%	10%	$\frac{1}{2}$ of 1%
7.70	.46	.6%	10%	$\frac{1}{2}$ of 1%



DECISION NO. NJ76-3249

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$11.00	1%	1%-.50		1/2 of 1%
5.42	1%	1%-.50		1/2 of 1%

## LINE CONSTRUCTION: (Cont'd)

ZONE 11  
Linemen, Line Truck Operators,  
Equipment Operators & Cable  
Splicers  
Groundmen

## AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Essex County

ZONE 2 - Passaic County

ZONE 3 - Bergen and Hudson Counties

ZONE 4 - Union (that portion east and north of a line running in a southerly direction from Morris Ave. along Baltusrol Way, across Baltusrol Country Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd. to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 5 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave. in New Providence Boro. to the Diamond Hill Rd. south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and south west on the railroad to the Middlesex County Line) County.

ZONE 6 - Union (remainder of county) County.

ZONE 7 - Morris and Sussex Counties

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro.) and Somerset (that portion south of a line following Mountain Ave. from the Union County line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd., southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., north on John Kane Rd. west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U. S. Highway #206 north from Mercer County to the Harlingen Rd., and west along that road the Dutchtown - Zion Rd. to Hillsboro Township Line) Counties.

DECISION NO. NJ76-3249

## LINE CONSTRUCTION: (Cont'd)

ZONE 3  
Linemen, Cable Splicers,  
Equipment Operators & Ground-  
men

ZONE 4  
Linemen, Cable Splicers, Line  
Equipment Operators & Ground-  
men

ZONE 5  
Linemen, Cable Splicers, Line  
Equipment Operators & Ground-  
men

ZONE 6  
Linemen, Cable Splicers, Line  
Equipment Operators & Ground-  
men

ZONE 7  
Linemen & Equipment Operators  
Groundmen & Line Truck Operator

ZONE 8  
Linemen & Equipment Operators  
Groundmen & Winch Operators

ZONE 9  
Linemen & Equipment Operators  
Groundmen & Line Truck Operator

ZONE 10  
Linemen & Equipment Operators  
Groundmen & Winch Operators

ZONE 11  
Linemen & Equipment Operators  
Groundmen & Winch Operators

ZONE 12  
Linemen & Equipment Operators  
Groundmen & Winch Operators

ZONE 13  
Linemen, Line Truck Operators,  
Equipment Operators & Cable  
Splicers  
Groundmen

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$11.92	5%	6%+.58		1/2 of 1%
11.90	4% + .28	1%		1/2 of 1%
11.90	1%	1%+.42		1/2 of 1%
11.90	1%	1%+.50		1/2 of 1%
11.88	1%	1%+.50		1/2 of 1%
10.33	1%	1%+.50		1/2 of 1%
11.95	1%	1%+.42		1/2 of 1%
10.09	1%	1%+.42		1/2 of 1%
11.95	1%	1%+.50		1/2 of 1%
10.09	1%	1%+.50		1/2 of 1%
12.20	1%	1%+.50		1/2 of 1%
11.35	1%	1%+.50		1/2 of 1%
12.20	1%	1%+.42		1/2 of 1%
11.35	1%	1%+.42		1/2 of 1%
12.40	5%+.1	4%		1/2 of 1%
11.55	5%+.1	4%		1/2 of 1%
11.00	6%	1%+.25		1/2 of 1%
5.42	6%	1%+.25		1/2 of 1%



DECISION NO. NJ76-1249

## MARBLESETTERS, TERRAZZO WORKERS &amp; TILESETTERS HELPERS:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
7.33	.74	.88	8	
8.84	.76	1.95		
8.45	6%	7%		

## AREA COVERED BY MARBLESETTERS HELPERS, ETC. ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon (Westville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Reservoir, Mt. Pisah, Swartswood, Hartsburg and all cities inclusive to the Morris and Passaic County Line) and Union Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties.

## PAINTERS:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
9.55	.90	1.35		.06
10.55	.90	1.35		.06
11.55	.90	1.35		.06

ZONE 2  
Brush  
Roller (using epoxies-urethanes)  
Structural Steel, Towers, Tanks  
Steeple, Boat Swain Chairs,  
Stacks, Spraying & Sandblasting

7.15  
8.05  
8.25

.65  
.65  
.65

.50  
.50  
.50

.06  
.06  
.06

DECISION NO. NJ76-1249

## AREA COVERED BY LINE CONSTRUCTION ZONES (cont'd)

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of county) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stetson Road, south on Stetson Rd. to Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd., along Mill Rd. to the Raritan River, along the Raritan River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blainstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twp. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of county) County.

## MARBLESETTERS, TERRAZZO WORKERS &amp; TILESETTERS:

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
11.04	.45	.45		.02
7.80	.78	.94	8	
10.03	1.21	1.50		
8.50	.80	2.10		

## AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS &amp; TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twp.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twp.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Westville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.



DECISION NO. NJ76-3249

## AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

PAINTERS: (Cont'd)  
ZONE 3

Painters on new construction and major alterations  
Painters on repaint work  
Spraying or application of hazardous or dangerous materials on repaint work  
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)  
Repaint work as described above  
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steam-cleaning, spraying or application of hazardous materials  
ZONE 4  
Industrial & commercial  
Exterior scaffold work, structural steel, tanks, bridge towers, flag poles (steel & wood), sandblasting & hazardous work

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.40	.55	.50	.30		.05
8.90	.55	.50	.30		.05
9.50	.55	.50	.30		.05
9.55	.55	.50	.30		.05
9.05	.55	.50	.30		.05
10.00	.55	.50	.30		.05
6.75	.70	1.15	.30		
7.25	.70	1.15	.30		

DECISION NO. NJ76-3249

## AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

ZONE 2 - Middlesex (Elison Twp., South of Metuchen, Highland Park, New Brunswick, North Brunswick, East Brunswick and South Brunswick Twp., and Monroe Twp.) and Somerset (Franklin Twp.) Counties.

ZONE 3 - Essex, Hudson (west half of county), Rutherford, Middlesex (remainder of county), Morris, Somerset (remainder of county) Union and Warren Counties.

ZONE 4 - Hudson (remainder of county).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.40	1.10	.80	1.00		.25
10.20	.70	.75	1.00		.03
10.55	.76	.75	1.00		.02
11.65	.75	1.00	1.00		.15
10.66	.60	1.00	.85		.11
10.41	7¢	8¢	12¢		1¢

PIPE FITTERS:  
Bergen & Hudson Counties

FLUMERS:

ZONE 1

ZONE 2

ZONE 3

ZONE 4

ZONE 5

## AREA COVERED BY FLUMERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Cresskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Hackensack, Harrington Park, Hasbrouck Heights, Hawthorth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Morwood, Old Tappan, Oradell, Palisades Park, Paramus, Park Ridge, Ridgefield Park, River Edge, Riverdale, Rochelle Park, Rockleigh, Rutherford, Saddle Brook, Saddle River, South Hackensack, Teaneck, Tenafly, Teterboro, Upper Saddle River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Wood-Ridge) County.

ZONE 2 - Bergen (Cliffside Park, Edgewater, Fairview, Fort Lee, Morsemore and Ridgefield) and Hudson (Guttenberg, North Bergen, Secaucus, Weehawken and West New York) Counties.



DECISION NO. NJ76-3249

## AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES (CONT'D)

ZONE 4 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Midland Park, Holokus, Waldwick, Allendale, Upper Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahwah), Morris (Lincoln Park, Pompton Plains, Pequannock, Pequannock Twp., Riverdale, Butler, Kinneelon Boro., Jacksonville and Brook Valley) and Passaic (Paterson, West Paterson, Little Falls, Totowa Boro., Wayne, North Haledon, Haledon, Hawthorne, Pompton Lakes, West Milford Twp., Ringwood Boro., Boro of Wanaque, Bloomingdale, Mountain View, Part of Clifton and Clinton) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLUMBERS & STEAMFITTERS:					
ZONE 1					
Plumbers	\$10.615	.65	1.00	1.00	
Steamfitters	10.71	.505	1.00	1.00	.10
ZONE 2	10.77	.60	1.00	.75	
ZONE 3	11.69	.67	.90		.05
ZONE 4	10.25	1.04	.77	1.10	.09
ZONE 5	10.47	.65	1.00	1.00	.15
ZONE 6	11.42	.60	1.00		.20
ZONE 7	11.52	.60	1.00		.15
ZONE 8					
Steamfitters	10.49	7%	9%	10%	$\frac{1}{2}$ of 1%

## AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Bergen (Lodi, Garfield and Wallington and Passaic (Passaic) Counties.

ZONE 2 - Essex (Short Hills and Millburn) and Union (Ashbrook, Berkeley Heights, Great Island, Murray Hill, Springfield, Chatham Twp., Unionburg, Unionville, Vauxhall, Warners, Summit, Summit Twp., New Providence and New Providence Twp) Counties.

ZONE 3 - Hunterdon (Barbertown, Bowne, Cooperhill, Flemington, Idell, Lambertville, Larisons Corners, Linvale, Lockton, Raven Rock, Ringoes, Rocktown Rosemont, Sand Brook, Sergeantsville, Stockton and West Armwell Twp.) County.

DECISION NO. NJ76-3249

## AREA COVERED BY PLUMBERS ZONES (CONT'D)

ZONE 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

ZONE 4 - Union (Fanwood, Netherwood, Plainfield and Plainfield Twp.) County.

ZONE 5 - Union (Oranford, Cranford Twp., Garwood, Hillside, Hillside Twp., Kenilworth, Linden, Lorraine, Lyons Farms, Mountainside, Picton, Rahway, Roselle, Roselle Park, Scotch Plains, Scotch Plains Twp., South Elizabeth, Townley, Union, Union Twp., West Elizabeth, Westfield, Westfield Twp. and Winfield) County.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	\$11.475	.65	1.00		.15
PLUMBERS & PIPEFITTERS:					
ZONE 1	10.51	.65	1.00	10%	.05
ZONE 2	12.10		.70		.08
ZONE 3	10.61	6%	.8%	10%	1%
ZONE 4	10.05	.675	1.36	1.00	.04

## AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County.

ZONE 2 - Middlesex (Piscataway to Old Bridge to the County Line and North thereof) County.

ZONE 3 - Middlesex (Adams, Bertines Corners, Dayton, Deans, Helmetta, Highland Park, Kingston, Livingston Park, Jamesburg, Milltown, Monroe Twp., New Brunswick, New Durham, North Brunswick Twp., Northsteilton, Old Bridge, Piscataway, Raritan Twp., South Brunswick Twp., South River, Spotswood and Steelmanville) and Somerset (Clyde, Middlebush, South Bound Brook, South Branch, Voorhees, Warren Twp. and West New Brunswick) Counties.



DECISION NO. NJ76-3249

# CLASSIFICATION DEFINITIONS POWER EQUIPMENT OPERATORS

## GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types), including all combination hoe loaders; central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only); drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous. Brovhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; pilddriver; scoopier (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

## GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; econobiles (hilo, lull, hystor similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans. LeTourneau, DM's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DM's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

DECISION NO. NJ76-3249

## AREA COVERED BY PLUMBERS AND STEAMFITTERS ZONES (CONT'D)

ZONE 4 - Hunterdon (remainder of county), Middlesex (Cranbury, Cranbury Twp., Cranbury Station, Franklin Park, Marmouth Junction, Oakley, Plainsboro, Plainsboro Twp. and Prospect Plains) and Somerset (Griggstown, Earligen, Kingston, Skillman and Stoutsburg) Counties.

ZONE 5 - Somerset (remainder of county) and Warren (area encompassed by the Delaware River, Hunterdon and Morris County Lines including Belvidere and south thereof) Counties.

ZONE 6 - Morris (beginning at Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackensack, Columbia, Flatbrookville, Montague, Port Jervis (N.Y.), Glenwood, Stockholm, Charlottsburg and returning to Dover), Sussex and Warren (remainder of county) Counties.

ZONE 7 - Morris (remainder of county) County.

ZONE 8 - Essex (except Millburn and Short Hills), Middlesex (Middlesex Boro., South Plainfield, New Market, Dunellen, New Market, a portion of Piscataway Twp. & a portion of Edison Twp.), Somerset (North Plainfield, Warren Twp. & Greenbrook Twp.) & Union (except Springfield & a portion of Mountainside & Union Twp.) Counties.

	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP 1	\$14.39	7%	15%	h		3%
GROUP 2	12.68	7%	15%	h		3%
GROUP 3	11.85	7%	15%	h		3%
GROUP 4	11.75	7%	15%	h		3%
GROUP 5	11.53	7%	15%	h		3%
GROUP 6	11.07	7%	15%	h		3%
GROUP 7	10.80	7%	15%	h		3%
GROUP 8	10.64	7%	15%	h		3%
GROUP 9	10.59	7%	15%	h		3%
GROUP 10	10.48	7%	15%	h		3%
GROUP 11	10.43	7%	15%	h		3%
GROUP 12	10.21	7%	15%	h		3%
GROUP 13	9.83	7%	15%	h		3%
GROUP 14	9.67	7%	15%	h		3%
GROUP 15	9.35	7%	15%	h		3%

50¢ per hour on machines where "Cat Head" or Sheave Point" is at least 100 feet above ground level and less than 140 feet; 15¢ per hour on machines where "Cat Head" or Sheave Point" is 140 feet, or over above ground level.



CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CHI & similar types); autograde concrete machine (CHI & similar types); autograde curb trimmer & sidewalk shoulder slipform (CHI & similar types); bar bending machines (power); batchers, batching plant & crusher on site; belt conveyer systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-betzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill; doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propent, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).



CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mucking equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

POWER EQUIPMENT OPERATORS:

STEEL ERECTION:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$16.09	7%	15%	h	3%
GROUP 2	14.39	7%	15%	h	3%
GROUP 3	13.53	7%	15%	h	3%
GROUP 4	12.84	7%	15%	h	3%
GROUP 5	11.17	7%	15%	h	3%
GROUP 6	10.80	7%	15%	h	3%
GROUP 7	10.66	7%	15%	h	3%
GROUP 8	10.31	7%	15%	h	3%
GROUP 9	9.78	7%	15%	h	3%

CLASSIFICATIONS DEFINITIONS  
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric converters of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.



DECISION NO. NJ76-3249

## AREA COVERED BY ROOFERS ZONES

ZONE 1 - Bergen &amp; Passaic Counties

ZONE 2 - Hunterdon &amp; Somerset (Rocky Hill, Harlingen, Belle Meade, Neehanic, Clover Hill, Montgomery, Zion, Skillman, Stoutsburg, Blawenburg, Centerville &amp; Kingston) Counties.

ZONE 3 - Essex, Hudson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel &amp; Watchung), Sussex, Union (remainder of county) &amp; Warren Counties.

ZONE 4 - Bergen, Passaic &amp; Sussex Counties.

ZONE 5 - Essex, Hudson, Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel &amp; Watchung), Sussex, Union (remainder of county) &amp; Warren Counties.

ZONE 6 - Middlesex, Somerset (remainder of county) &amp; Union (Scotch Plains, Plainfield, Clark &amp; Rahway) Counties.

ZONE 7 - Hudson (remainder of county) County.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.35	.68	1.00			
10.15	.50	.60			
10.71	.70	.50			
9.45	.70	1.00			
7.70	.70	1.00			
10.40	.70	.30			
9.30	.70	.30			
10.25	.55	.50			
10.375	.55	.50			
9.25	.55	.50			
9.25	1.59	2.45	.65		

ROOFERS:

ZONE 1  
CompositionZONE 2  
Composition, Waterproofing,  
Slate & Asphalt ShingleZONE 3  
Composition, Damp & Water-  
proofingZONE 4  
Slate & Tile

Slate &amp; Tile Helpers

ZONE 5  
Slate & Tile

Slate &amp; Tile Helpers

ZONE 6

Composition, Damp & Water-  
proofing

Slate &amp; Tile

Slate &amp; Tile Helpers

ZONE 7

Composition, Damp & Water-  
proofing

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.33	6¢+1	5¢+10	8%		.07
11.00	4¢+.29	4¢+.06	8%		.03
10.17	5¢+.16+1	5¢+.10	4¢+.06		.02
10.00	.86	.50			
10.15	.91	.94	.54		.07
10.21	.50+1	.60			.02
10.22	6¢	5¢+.50			
11.73	.60	.90			.07
12.15	.60	.90			.08

SHEET METAL WORKERS:

Middlesex County

Essex &amp; Passaic Counties

Bergen &amp; Hudson Counties

Warren County

Morris, Somerset, Sussex &amp;

Union Counties

Hunterdon County

SOFT FLOOR LAYERS

SPRINKLER FITTERS:

ZONE 1

ZONE 2



AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Brownstown & North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martintown & Somerville) & Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex & Warren Counties.

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation and/or Appr. Tr.
ZONE 1				
GROUP 1	\$ 7.27	.68	.75	.82k
GROUP 2	7.50	.68	.75	.82k
GROUP 3	7.55	.68	.75	.82k
GROUP 4	7.65	.68	.75	.82k
GROUP 5	7.75	.68	.75	.82k
ZONE 2				
GROUP 1	7.27	1	.81	.82k
GROUP 2	7.50	1	.81	.82k
GROUP 3	7.55	1	.81	.82k
GROUP 4	7.65	1	.81	.82k
GROUP 5	7.75	1	.81	.82k

CLASSIFICATION DEFINITIONS  
TRUCK DRIVERS - ZONES 1 & 2

ZONE 1 - Mechanic Helper

ZONE 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcart, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, Trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (in transit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor & Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose & nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltorete Trucks, Pump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checkers, Receivers, Shippers, Binning Men (Materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck & Asphalt & Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little-Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiookol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck & any Rubber Tired Tractor used in pulling & towing Farm Wagons & Trailers of any description, similar type vehicles, Off-site & On-site Repair Shop.

ZONE 3 - Drivers on straight 3-Axle Materials: Trucks & Floats.

ZONE 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors & Wagons, Dumptrucks, Straight, Bottom, Rear & Side Dumps, Carryalls & Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls & similar types of Vehicles; Drivers on Tractors & Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles.

ZONE 5 - Winch Trailers Drivers



DECISION NO. NJ76-3249

## AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Ave. south of Cranford) & Warren Counties.

ZONE 2 - Essex, Morris, Sussex & Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- Employer contributes \$8.00 per day per employee to an Annuity Fund.
- Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.
- Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.
- Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.
- Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same Employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.
- Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceding and following the holiday.
- Paid Holiday: St. Patrick's Day

DECISION NO. NJ76-3249

## FOOTNOTES: (Cont d)

h. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceding the holiday and the first work day after the recognized holiday.

i. Employer contribution of 3% based on the basic hourly rate plus health & welfare plus pension and vacation fringes.

j. Paid Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

k. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

l. Employer contribution of \$83.00 per month per employee to Health & Welfare Funds.



STATE: Oklahoma

COUNTY: Garfield

DECISION NO.: OK76-4160

DATE: Date of Publication

Supersedes Decision No. OK76-4020 dated February 6, 1976 in 41 FR 5555

DESCRIPTION OF WORK: Building Construction (excluding single family homes

and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.20	.40	.60		.02
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS-Stonemasons	7.65				
CARPENTERS:	7.45				
Millwrights-Pile-drivers	8.00				
CEMENT MASONS	7.50				
ELECTRICIANS:					
Zone I	9.30	.50	1 1/2 .50		1/2 1/2
Zone II	9.55	.50	1 1/2 .50		1/2 1/2
Zone III	9.80	.50	1 1/2 .50		1/2 1/2
CABLE SPLICERS:					
Zone I	9.55	.50	1 1/2 .50		1/2 1/2
Zone II	9.80	.50	1 1/2 .50		1/2 1/2
Zone III	10.05	.50	1 1/2 .50		1/2 1/2
ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION					
Zone I - the area within the twelve mile radius of the main Post Office located in the City of Enid.					
Zone II - The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.					
Zone III - The area outside zone 1 and 2 within the local union area.					
ELEVATOR CONSTRUCTORS	8.855	.495	.32	2 1/2 a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.07JR	.495	.32	2 1/2 a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	5.07JR				
GLAZIERS	7.20				
IRONWORKERS	9.35	.45	.50		.10
LABORERS:					
Group I	5.20	.25	.30		
Group II	5.40	.25	.30		
Group III	6.05	.25	.30		

## LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tenders; and common laborers.

## LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe dopping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and guinte mixing machines, including placing of concrete, handling crescoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating and sand blaster, except nozzle; signal men cutting torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
Linenmen	\$9.35		1 1/2		1/2 1/2
Cable splicers	9.91		1 1/2		1/2 1/2
Hole digger operator	8.49		1 1/2		1/2 1/2
Heavy equipment operators (or pole cat equivalent)	8.49		1 1/2		1/2 1/2
Line truck driver (winch op)	7.68		1 1/2		1/2 1/2
Jack hammerman	7.00		1 1/2		1/2 1/2
Powdermen	8.49		1 1/2		1/2 1/2
Groundmen	6.24		1 1/2		1/2 1/2
Truck driver (flat bed, ton and half and under)	6.66		1 1/2		1/2 1/2
MARBLE SETTERS	9.10		.20		
PAINTERS:					
Group I	6.25				
Group II	6.75				
Group III	7.75				
Group IV	7.25				
Group V	7.60				
Group VI	8.25				
Group VII	8.60				

## PAINTERS CLASSIFICATION DEFINITIONS

GROUP I - Brush and tapers  
 GROUP II - Sandblasters  
 GROUP III - Swinging stage or chair up to 40 ft.; structural steel; tanks and towers 25 ft. and up to 40 feet (brush paid from ground)  
 GROUP IV - Sandblasters, on work over 40 ft. (paid from ground)  
 GROUP V - Spray painting  
 GROUP VI - Swinging stage or chair over 40 feet  
 GROUP VII - Spray painting, swinging stage or chair over 40 feet structural steel and over 40 feet paid from ground



## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VII - Greaser, tilt top trailer operator  
GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling.  
GROUP IX - Asphalt lay machine back end man, helpers  
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$8.40	.45	.25		.04
SHEET METAL WORKERS	9.91	.45	.40		.05
SOFT FLOOR LAYERS (RESILIENT FLOOR LAYERS & CARPET LAYERS)	8.85	.50			.08
SPRINKLER FITTERS	10.90	.60	.90		
TERRAZZO WORKERS	9.10		.20		
TERRAZZO WORKERS HELPERS, FLOOR	6.98				
MACHINE OPERATOR	7.08				
TERRAZZO WORKERS HELPER, BASE	7.28		.20		
MACHINE OPERATOR	9.10				
TILE LAYERS	6.65				
TILE AND MARBLE HELPERS (Experienced helpers)	6.65				
TRUCK DRIVERS:					
Group I	6.92				
Group II	6.92				
Group III	6.62				

## TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers for heavy equipment such as logboys, heavy winch & floats.  
GROUP II - Heavy earth moving equipment such as dump trucks and euclids.  
GROUP III - Truck drivers and swamper, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks.

WELDERS - receive rate prescribed for craft to which welding is incidental.

## FOOTNOTES:

a - 1st 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.

b - 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.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLUMBERS-PIPEFITTERS	\$9.77	.60	.75		.10
POWER EQUIPMENT OPERATORS:					
Group I	9.70	.45	.50		.12
Group II	9.45	.45	.50		.12
Group III	9.20	.45	.50		.12
Group IV	8.95	.45	.50		.12
Group V	8.70	.45	.50		.12
Group VI	8.45	.45	.50		.12
Group VII	8.05	.45	.50		.12
Group VIII	7.95	.45	.50		.12
Group IX	7.75	.45	.50		.12
Group X	7.45	.45	.50		.12

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane-type equipment with 200' of boom or over (including jib)  
GROUP II - All crane type equipment with 150-200' of boom (including jib)  
GROUP III - All crane type equipment with 100-150' of boom (including jib), all towers cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' & over), guy derrick

GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whitley, panel board batch plant operator, piledriver engineer, dragline, shovel, clam-shell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

GROUP V - Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or over), fordsen tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, teurnapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type.

GROUP VI - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of operators, engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor-with or without attachments, batch plant operator - duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines.

## NOTICES



## SUPERSEDES DECISION

STATE: Ohio  
 DECISION NUMBER: OH76-2117  
 Supersedes Decision No. OH76-2059 dated May 7, 1976, in 41 FR 19018  
 DESCRIPTION OF WORK: Building and Residential Construction

DECISION NO. OH76-2117

COUNTIES: Lucas and Fulton  
 DATE: Date of Publication

## PAID HOLIDAYS: (WHERE APPLICABLE)

A-New Year's Day; B-Memorial Day; C-Independence Day;  
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

- a. Six Paid Holidays: A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).
- b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- c. Nine Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.
- d. Per month per employee
- e. Per week per employee
- f. Five Paid Holidays: B, C, D, E, and F providing the employee worked the last scheduled work days preceding the holiday and the first scheduled work day after the holiday.
- g. Employees in service at least 1 year, 1 week paid vacation. Employees in service ten years or more, 2 weeks paid vacation.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$11.83	.50	1.00		.04	
BOILERMAKERS	11.90	.50	.60		.01	
BRICKLAYERS, STONEMASONS and MARBLE SETTERS	11.735	.65	.80		.01	
CARPENTERS, MILLWRIGHTS and PILEDRIVERS	12.05	.65	.50		.05	
CEMENT MASONS	12.64	.50	174.55		.02	
ELECTRICIANS	12.15	.50	.35	B+C+4%	.02	
ELEVATOR CONSTRUCTORS	12.15	.545	.35	B+C+4%	.02	
ELEVATOR CONSTRUCTORS' HELPERS	707JR	.545	.35			
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	507JR					
GLAZIERS	10.525	.50	.85		.01	
IRONWORKERS	11.83	.65	9%		.04	
LATHERS	11.90	.65	.10		.01	
LINEMEN:						
Linemen	12.11	.35	1%	a	.25%	
Cable Splicers	12.37	.35	1%	a	.25%	
PAINTERS:						
Brush, paperhangers, drywall taper	10.49	.65	.70			
Open structural steel, bridge, railings, Powerhouse, refinery tanks	11.04	.65	.70			
Spray, sandblasting, pressure cleaning	11.04	.65	.70			
PLASTERERS	12.20	.65			.01	
PLUMBERS and STEAMFITTERS	12.03	.80	.85		.14	
ROOFERS	11.59	.65	.85		.02	
SHEET METAL WORKERS	11.825	.65	1.00		.045	
SPRINKLER FITTERS	12.05	.60	.90		.08	
TERRAZZO WORKERS and TILE SETTERS	11.02	.65	.50	.25		
TRUCK DRIVERS:						
Single axle, tandem or semi	7.56	64.25d	14.00e	f & g		
Heavy duty 5 axle or over winch truck, carry all or low boys	7.79	64.25d	14.00e	f & g		



DECISION NO. OH76-2117

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS						
GROUP 1	\$10.61	.55	.40		.01	
GROUP 2	10.74	.55	.40		.01	
GROUP 3	10.81	.55	.40		.01	
GROUP 4	10.765	.55	.40		.01	
GROUP 5	10.865	.55	.40		.01	
GROUP 6	11.52	.55	.40		.01	

GROUP 1 - Unskilled laborers  
 GROUP 2 - Mason Tenders  
 GROUP 3 - Concrete pump nozzle men, all power driven tools and power buggies  
 GROUP 4 - Pipe layers, bellman and bottom man for fire brick work only  
 GROUP 5 - Nozzle operators for gunnite work

DECISION NO. OH76-2117

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS						
GROUP A	\$11.39	.46	1.00			.11
GROUP B	11.23	.46	1.00			.11
GROUP C	10.88	.46	1.00			.11
GROUP D	10.07	.46	1.00			.11
GROUP E	9.74	.46	1.00			.11
GROUP F	8.28	.46	1.00			.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 train (piggyback operation), boom truck (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredges (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixers paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bullfloats, burflap and curing machines, clefplanes, concrete spreading machines, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 1" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairmen, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power)

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.



STATE: Ohio  
 DECISION NUMBER: OH76-2118  
 COUNTRIES: Greene and Montgomery  
 DATE: Date of Publication  
 Supercedes Decision No. OH76-2065 dated May 28, 1976, in 41 FR 22013  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. OH76-2118

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$10.77	.50	.75			.01
BOILERMAKERS	9.25	.60	.80	1.00		.02
BRICKLAYERS and STONEMASONS	10.05	.55	.75			.01
CARPENTERS and PILEDRIVMEN	9.60	.60	1.00			.05
MILLRIGHTS	9.69	.60	.72			
CEMENT MASONS:						
Building Construction	9.28	.50	.50			.07
ELECTRICIANS:						
Communication installer and						
lineman within 11 mile radius						
from 3rd and Main Streets,						
Dayton	10.53	.45	1.4+.85			.5%
Communications installers and						
lineman beyond 11 mile radius						
of 3rd and Main Streets,						
Dayton	11.06	.45	1.4+.95			.5%
ELEVATOR CONSTRUCTORS	11.15	.545	.35	42+a+b		.02
ELEVATOR CONSTRUCTORS' HELPERS	7.805	.545	.35	42+a+b		.02
ELEVATOR CONSTRUCTORS' HELPERS						
(PROB.)	5.575					
GLAZIERS	9.48		.50			.01
IRONWORKERS, ALL:						
Within 15 mile of Dayton	10.51	.75	1.05			.04
Beyond 15 mile of Dayton	10.66	1.75	1.05			.04
LABORERS:						
Unskilled	7.94	.55	.40			.05
All machine tools and swing						
scaffold over 15 feet	8.09	.55	.40			.05
Tenders to Bricklayers	8.57	.55	.40			.05
Tenders to Plasterers and						
Lathers	8.61	.55	.40			.05
Sewer Pipe 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

## NOTICES

43633

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LATHERS	\$10.29		.20			.10
MARBLE, TILE & TERRAZZO WORKERS	9.11	.55	.10			
MARBLE, TILE & TERRAZZO WORKERS' HELPERS	8.19					
PAINTERS:						
Brush and Rollers	10.55	.40	.40			.02
Structural steel and 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 & STEAMFITTERS:						
Townships of Miami, Cedarville,						
Ross, Jefferson, Caesar Creek						
and New Jasper in Green County	10.61	.35	.60			.04
Remainder of Greene County and						
all of Montgomery County	11.01	.55	.80			.03
ROOFERS:						
Composition, damp and waterproof	10.05	.80	.50			
Slate, tile and asbestos	10.27	.80	.50			
SHEET METAL WORKERS	10.47	34+.50	.60			.15
SOFT FLOOR LAYERS:						
Resilient Floor Layers	88.85	.60	.50			.05
SPRINKLER FITTERS	12.05	.60	.90			.08
TRUCK DRIVERS:						
General	6.03	19.00c	8.00c			
WELDERS - receive rate perscribed for craft performing operation to which welding is incidental.						
PAID HOLIDAYS: (WHERE APPLICABLE)						
A-New Year's Day; B-Memorial 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 employee who has worked in business less than 5 years.						
c. Per week, per employee						
d. 1 year of employment 1 week vacation, 7 years of employment, 2 weeks vacation, providing the employee has been on payroll for 8 months during the previous 12 month period.						



DECISION NO. OH76-2118

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	\$11.11	.46	\$1.00		.11
GROUP B	10.95	.46	1.00		.11
GROUP C	10.59	.46	1.00		.11
GROUP D	9.81	.46	1.00		.11
GROUP E	9.48	.46	1.00		.11
GROUP F	8.03	.46	1.00		.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 train (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, Kohman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading machines, crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 1" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheep 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



STATE: Texas  
 COUNTY: Statewide (excluding Dallas-  
 Fort Worth Regional Airport)  
 DATE: Date of Publication  
 Supersedes Decision No. TX76-4077, dated May 7, 1976, in 41 FR 19024.  
 DESCRIPTION OF WORK: See "Area Covered By Various Zones"

DECISION NO.: TX76-4153

Supersedes Decision No. TX76-4077, dated May 7, 1976, in 41 FR 19024.

DESCRIPTION OF WORK: See "Area Covered By Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Air Tool Man	\$ -	\$2.75	\$2.75	\$ -	\$2.75
Asphalt Heaterman	3.75	3.55	3.00	3.00	3.00
Asphalt Raker	4.00	3.25	3.70	3.10	3.00
Asphalt Shoveler	-	2.75	2.75	2.30	2.30
Batching Plant Scaleman	4.90	4.00	3.40	3.55	3.60
Batterboard Setter	-	3.00	3.65	2.50	3.25
Carpenter	4.00	4.50	3.90	3.90	4.00
Carpenter Helper	3.75	3.00	2.75	3.50	2.95
Concrete Finisher (Paving)	4.30	4.00	3.65	3.55	4.25
Concrete Finisher Helper (Paving)	3.00	3.10	3.00	3.00	3.00
Concrete Finisher (Structures)	4.80	4.00	4.00	3.40	3.50
Concrete Finisher Helper (Structures)	-	-	-	-	-
Concrete Rubber	3.50	3.00	3.50	2.75	3.25
Electrician	-	6.25	-	2.75	2.85
Electrician Helper	-	3.80	-	6.60	7.00
Fitterman	-	-	-	5.00	3.60
Form Builder (Structures)	4.75	3.50	4.00	3.40	3.90
Form Builder Helper (Structures)	3.75	-	2.75	3.00	3.00
Form Liner (Paving and Curb)	4.00	-	-	2.85	-
Form Setter (Paving and Curb)	4.10	4.05	3.95	3.40	3.75
Form Setter Helper (Paving & Curb)	3.45	3.40	2.75	2.90	3.50
Form Setter (Structures)	5.05	4.05	3.85	3.65	3.90
Form Setter Helper (Structures)	4.40	3.20	2.75	2.95	3.15
Laborer, Common	3.00	2.75	2.50	2.30	2.30
Laborer, Utility Man	3.30	3.00	3.20	2.75	2.85
Machinist Builder, Brick	3.75	-	3.00	-	3.00
Mechanic	4.80	4.05	4.00	3.75	4.15
Mechanic Helper	3.50	3.55	3.00	3.00	3.60
Oil	4.10	3.80	3.00	3.00	3.25
Service Man	3.90	3.50	3.50	3.70	3.00
Painter Helper (Structures)	5.00	-	3.50	5.00	4.90
Painter Helper (Structures)	-	-	-	3.70	3.00
Pile Driverman	-	-	-	4.40	4.75
Pipelayer	3.55	3.85	3.50	3.00	3.30
Pipelayer Helper	3.00	3.50	2.90	2.30	2.50
Pneumatic Mortarman	-	-	-	-	2.65
Powerman	4.40	4.00	3.75	4.50	3.75
Powerman Helper	-	-	2.75	3.00	2.50
Reinforcing Steel Setter (Paving)	4.35	-	-	3.50	-
Reinforcing Steel Setter (Structures)	4.75	4.25	3.25	3.40	3.65

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Reinforcing Steel Setter Helper	\$3.05	\$ -	\$3.00	\$3.00	\$3.10
Steel Worker (Structural)	-	-	-	-	3.25
Sign Erector	3.25	-	-	3.50	3.35
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	4.30	3.95	3.25	3.35	3.80
Swamp	3.65	3.65	-	3.10	3.00
Power Equipment Operators:					
Asphalt Distributor	4.20	3.35	3.50	3.35	3.25
Asphalt Paving Machine	4.65	3.50	3.50	3.35	3.50
Broom or Sweeper Operator	3.55	3.45	3.25	3.30	3.00
Bulldozer, 150 HP and Less	3.70	3.75	3.50	3.50	3.75
Bulldozer, over 150 HP	4.40	4.00	4.00	3.75	4.10
Concrete Paving Curing Machine	3.75	-	-	-	-
Concrete Paving Finishing Machine	4.65	-	-	-	-
Concrete Paving Form Grader	3.75	-	-	-	4.65
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	4.75	-	-	-	3.25
Concrete Paving Saw	4.30	-	-	-	-
Concrete Paving Spreader	-	-	-	-	4.35
Paving Sub Grader	-	-	-	-	-
Crane; Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.55	4.25	4.05	3.75	3.90
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	5.05	5.05	4.55	4.75	4.50
Grusher or Screening Plant Op.	4.30	3.60	3.00	3.45	3.75
Elevating Grader	-	4.00	4.10	-	3.50
Form Loader	-	-	-	-	3.25
Foundation Drill Operator (Crawler Mounted)	5.35	3.25	-	-	6.00
Foundation Drill Operator (Truck Mounted)	5.85	4.75	4.90	-	5.50
Foundation Drill Operator Helper	3.90	-	-	-	3.75
Front End Loader (2 1/2 CY & Less)	4.00	3.80	3.50	3.75	3.25
Front End Loader (Over 2 1/2 CY)	4.50	4.10	3.95	3.80	3.90
Hoist (Double Drum and Less)	-	-	-	3.10	-



ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):									
Mixer (Over 16 CF)	\$ -	\$ -	\$ -	\$ -	\$2.75	\$2.50	\$3.30	\$3.00	\$2.75
Mixer (16 CF and Less)	5.05	5.00	4.50	4.50	3.25	3.25	2.90	3.25	-
Motor Grader Operator	4.65	4.50	4.25	4.00	3.00	3.50	3.75	3.90	4.00
Pump Crete					2.50	2.95	-	-	3.25
Roller, Steel Wheel (Plant-Mix Pavements)	3.90	3.50	3.50	3.00	3.40	3.00	3.75	4.15	4.50
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.65	3.00	3.00	3.00	-	3.68	-	-	-
Roller, Pneumatic (Self-Propelled)	3.45	3.00	3.00	3.00	3.50	4.00	4.45	4.10	4.25
Scrapers (17 CY and Less)	4.10	3.70	3.25	3.50	3.00	4.00	3.10	3.00	3.25
Scrapers (Over 17 CY)	4.20	4.00	3.75	3.50	3.75	2.50	4.50	4.25	4.50
Self-Propelled Hammer	4.00	-	-	3.00	3.50	3.25	3.40	3.00	3.00
Side Boom	3.30	3.25	3.10	3.35	-	2.70	2.75	3.35	3.50
Tractor (Crawler Type) 150 HP and Less	3.95	3.50	4.00	3.50	7.50	6.35	6.00	6.55	6.55
Tractor (Crawler Type) over 150 HP	3.75	3.00	3.10	3.25	4.00	3.15	4.00	4.00	4.00
Tractor (Pneumatic) 80 HP and Less	4.20	3.65	3.30	3.25	-	-	-	-	-
Tractor (Pneumatic) over 80 HP	4.35	3.25	2.75	4.00	4.00	4.00	4.00	4.25	4.50
Traveling Mixer	4.00	3.00	3.70	2.50	3.00	3.50	3.75	3.35	3.25
Trenching Machine, Light	4.00	-	3.60	-	2.75	2.75	4.00	3.85	3.75
Trenching Machine, Heavy	4.00	-	-	4.25	3.50	4.00	3.50	-	3.50
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50	3.60	3.50	3.50	3.75	4.00	3.00	4.25	4.25
Truck Drivers:					3.20	3.40	2.50	2.50	2.75
Single Axle, Light	3.00	3.00	3.00	3.35	3.00	2.90	3.00	3.00	3.00
Single Axle, Heavy	3.50	3.45	3.00	-	3.50	3.85	4.50	-	-
Tandem Axle or Semitrailer	3.00	3.00	3.10	-	4.10	4.25	4.50	4.45	4.45
Lowboy-Float	3.50	3.00	3.35	-	3.05	3.75	3.85	3.65	3.00
Transit-Mix	3.25	-	-	-	2.70	3.35	3.25	3.65	3.75
Winch	3.05	-	3.40	-	2.50	3.50	3.50	3.50	3.95
Vibrator Man (Hand Type)	3.00	-	-	-	-	4.00	4.25	5.25	-
Weightman (Truck Scales)	5.05	2.75	2.50	3.10	-	3.50	-	-	-
Welder	-	4.00	4.00	4.25	3.95	3.75	3.25	3.50	3.75
Welder Helper	-	-	-	-	2.75	3.50	3.00	3.25	3.30
					2.40	3.25	-	-	-
					-	-	4.40	4.00	4.50
					-	-	-	-	-
					-	-	-	-	3.30
					3.70	3.50	4.00	4.00	4.25
					2.60	3.00	3.75	2.75	2.75



ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
\$ -	\$ -	\$4.25	\$ -	\$4.15
-	-	-	-	3.75
-	-	3.25	3.25	4.00
-	-	2.95	3.00	3.90
3.55	3.60	3.00	4.00	3.75
-	-	-	3.30	-
Power Equipment Operators:				
Asphalt Distributor	3.65	3.55	3.85	3.75
Asphalt Paving Machine	4.00	4.00	4.00	4.00
Broom or Sweeper Operator	3.50	2.50	3.15	3.25
Bulldozer, 150 HP and Less	3.50	3.75	3.75	3.85
Bulldozer, over 150 HP	4.00	4.00	4.00	4.25
Concrete Paving Finishing Machine	3.50	-	3.50	4.50
Concrete Paving Form Grader	3.00	-	-	-
Concrete Paving Gang Vibrator	3.50	-	-	-
Concrete Paving Grinder	3.50	-	-	-
Concrete Paving Joint Machine	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	4.25
Concrete Paving Mixer	-	-	-	-
Concrete Paving Saw	-	-	-	4.15
Concrete Paving Spreader	-	-	3.50	3.00
Paving Sub Grader	3.50	-	-	4.10
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.90	4.00	4.00	4.25
Crusher or Screening Plant Op.	4.50	4.75	4.25	4.75
Elevating Grader	3.50	-	4.00	-
Form Loader	4.00	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	5.75	3.50	-
Foundation Drill Operator (Truck Mounted)	-	-	-	-
Foundation Drill Operator Helper	-	5.50	5.35	5.75
Front End Loader (2½ CY and Less)	-	4.00	3.00	3.50
Front End Loader (Over 2½ CY)	3.40	3.45	3.75	3.50
Hoist (Double Drum and Less)	3.50	4.00	4.00	4.50
Mixer (Over 16 CF)	-	-	-	-
Mixer (16 CF and Less)	3.00	-	-	3.75
	3.00	-	-	-

## Power Equipment Operators (Cont'd):

Motor Grader Operator, Fine Grade	\$4.50	ZONE 7	ZONE 8	ZONE 9	ZONE 10
Motor Grader Operator	3.50	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Pump Grate	-	\$4.50	\$4.50	\$5.00	\$4.50
Roller, Steel Wheel (Plant-Mix Pavements)	3.65	3.85	3.90	4.25	4.25
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	-	3.30	3.15	3.25	3.90
Roller, Pneumatic (Self-Propelled)	3.00	2.90	2.90	3.25	3.60
Scrapers (17 CY and Less)	3.00	3.00	3.00	3.20	3.00
Scrapers (Over 17 CY)	3.00	3.25	3.25	3.75	4.00
Self-Propelled Hammer	3.75	3.75	3.75	4.00	4.25
Side Boom	3.15	-	-	-	4.25
Tractor (Crawler Type) 150 HP and Less	-	-	-	-	-
Tractor (Crawler Type) over 150 HP	2.75	2.75	2.75	3.50	3.45
Tractor (Pneumatic) 80 HP and Less	3.50	3.75	3.00	4.25	4.30
Tractor (Pneumatic) over 80 HP	3.00	2.75	2.50	2.75	3.75
Traveling Mixer	3.35	3.30	3.25	3.75	4.25
Trenching Machine, Light	3.25	3.05	3.25	3.60	3.25
Trenching Machine, Heavy	3.40	3.25	3.25	3.25	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	4.00	4.00	-
Truck Drivers:	-	3.25	2.50	3.60	3.80
Single Axle, Light	2.50	3.00	3.00	3.15	3.00
Single Axle, Heavy	2.75	3.00	-	-	3.50
Tandem Axle or Semitrailer	-	3.15	3.50	-	3.50
Lobby-Float	3.50	3.50	-	3.35	4.30
Transit-Mix	-	-	-	-	3.25
Winch	1	3.00	-	-	3.25
Vibrator Man (Hand Type)	-	2.50	-	-	-
Weighman (Truck Scales)	-	-	-	2.50	3.25
Welder	3.75	4.00	4.85	4.35	4.80
Welder Helper	-	3.50	-	3.25	-

## NOTICES

43637



	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	\$2.80	\$ -	\$2.75	\$2.50	\$3.00
Asphalt Heaterman	-	3.00	3.50	-	3.75
Asphalt Raker	4.00	3.75	3.70	3.25	4.00
Asphalt Shoveler	3.15	2.50	3.10	-	3.50
Batching Plant Scaleman	3.80	3.90	2.75	2.85	4.75
Batterboard Setter	-	-	-	-	4.15
Carpenter	4.25	4.50	5.25	5.00	4.80
Carpenter Helper	3.20	3.50	3.00	3.75	3.50
Concrete Finisher (Paving)	4.50	5.00	4.50	-	5.00
Concrete Finisher Helper (Paving)	3.00	3.55	3.55	-	3.50
Concrete Finisher (Structures)	4.00	4.00	4.00	4.50	4.60
Concrete Finisher Helper (Structures)	3.50	3.50	3.50	3.30	3.75
Concrete Rubber	3.10	3.10	-	-	3.80
Electrician	5.50	5.75	5.75	6.00	6.00
Electrician Helper	3.75	-	-	3.50	4.20
Fireman	-	-	2.90	3.00	-
Form Builder (Structures)	4.10	4.15	4.25	4.25	5.00
Form Builder Helper (Structures)	3.50	3.25	3.20	3.85	3.60
Form Liner (Paving and Curb)	3.75	4.05	3.75	-	5.00
Form Setter (Paving and Curb)	4.00	3.75	3.50	-	4.50
Form Setter Helper (Paving & Curb)	3.00	3.15	3.00	-	3.50
Form Setter (Structures)	4.25	4.25	4.20	4.25	4.65
Form Setter Helper (Structures)	3.85	3.75	3.15	3.50	3.50
Laborer, Common	2.75	2.50	2.75	2.50	3.00
Laborer, Utility Man	3.10	3.30	3.00	3.00	3.50
Manhole Builder, Brick	-	-	-	-	3.90
Mechanic	4.35	4.50	4.65	4.50	5.35
Mechanic Helper	3.40	3.60	3.60	3.45	4.00
Oilier	3.00	3.75	3.75	3.25	4.25
Serviceman	3.50	3.35	3.75	2.75	3.15
Painter (Structures)	5.50	4.50	-	-	4.90
Painter Helper (Structures)	4.50	-	-	-	3.25
Piledriverman	-	5.00	-	-	5.50
Pipelayer	3.95	3.80	3.50	3.25	4.25
Pipelayer Helper	3.25	2.70	2.75	2.75	3.10
Pneumatic Mortarman	-	-	-	-	-
Powderman	4.50	4.25	-	3.40	-
Powderman Helper	-	3.25	-	-	-
Reinforcing Steel Setter (Paving)	-	3.50	-	-	4.25
Reinforcing Steel Setter (Structures)	4.00	4.20	3.80	3.25	4.65
Reinforcing Steel Setter Helper	3.50	3.00	3.00	-	3.00

Steel Worker (Structural)	\$3.75	\$4.35	\$ -	\$ -	\$4.35
Steel Worker Helper (Structural)	3.00	-	-	-	3.25
Sign Erector	4.00	-	-	-	3.25
Sign Erector Helper	-	-	-	-	-
Spreader Box Man	3.65	3.50	4.10	3.75	3.75
Swamper	3.30	3.30	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.85	3.60	4.00	3.10	4.25
Asphalt Paving Machine	4.00	4.00	3.90	3.90	4.40
Broom or Sweeper Operator	-	3.75	2.75	3.25	3.40
Bulldozer, 150 HP and Less	3.75	3.75	4.00	3.50	4.10
Bulldozer, over 150 HP	4.50	4.25	4.50	4.30	5.00
Concrete Paving Drying Machine	4.00	5.00	-	-	4.65
Concrete Paving Finishing Machine	3.00	4.50	-	-	4.65
Concrete Paving Form Grader	4.00	-	-	-	4.25
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Grinder	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	5.25
Concrete Paving Joint Sealer	4.00	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	4.50
Concrete Paving Mixer	4.00	4.50	-	-	-
Concrete Paving Saw	3.75	4.50	-	-	5.00
Concrete Paving Spreader	-	4.00	-	-	5.40
Paving Sub Grader	3.75	4.00	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.25	4.00	4.20	3.85	4.55
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)	4.50	4.50	4.95	4.50	5.00
Grusher or Screening Plant Op.	3.85	4.00	-	3.25	3.50
Elevating Grader	-	-	-	-	-
Form Loader	3.35	3.75	-	-	3.80
Foundation Drill Operator (Crawler Mounted)	-	5.80	3.50	-	6.00
Foundation Drill Operator (Truck Mounted)	4.55	5.75	6.00	-	4.50
Foundation Drill Operator Helper	3.35	4.00	-	-	-
Front End Loader (2 1/2 CY and Less)	3.75	3.75	3.75	3.25	4.10
Front End Loader (Over 2 1/2 CY)	4.45	4.50	4.50	3.90	4.60
Hoist (Double Drum and Less)	-	-	-	-	3.50
Mixer (Over 16 CF)	-	4.50	-	-	-
Mixer (16 CF and Less)	3.75	-	-	-	4.25







ZONE 16		Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
\$ -		-	-	-	-
Steel Worker (Structural)		-	-	-	-
Steel Worker Helper (Structural)		-	-	-	-
Sign Erector		-	-	-	-
Sign Erector Helper		-	-	-	-
Spreader Box Man		4.50	-	-	-
Sweeper		-	-	-	-
Power Equipment Operators:		-	-	-	-
Asphalt Distributor		5.00	-	-	-
Asphalt Paving Machine		4.60	-	-	-
Broom or Sweeper Operator		3.25	-	-	-
Bulldozer, 150 HP and Less		4.75	-	-	-
Bulldozer, over 150 HP		5.00	-	-	-
Concrete Paving Curing Machine		4.50	-	-	-
Concrete Paving Finishing Machine		4.50	-	-	-
Concrete Paving Form Grader		4.50	-	-	-
Concrete Paving Gang Vibrator		-	-	-	-
Concrete Paving Grinder		-	-	-	-
Concrete Paving Joint Machine		4.50	-	-	-
Concrete Paving Joint Sealer		-	-	-	-
Concrete Paving Longitudinal Float		4.50	-	-	-
Concrete Paving Mixer		-	-	-	-
Concrete Paving Saw		-	-	-	-
Concrete Paving Spreader		4.50	-	-	-
Paving Sub Grader		-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)		4.75	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1 1/2 CY and Over)		5.00	-	-	-
Crusher or Screening Plant Op.		-	-	-	-
Elevating Grader		-	-	-	-
Form Loader		-	-	-	-
Foundation Drill Operator (Crawler Mounted)		-	-	-	-
Foundation Drill Operator (Truck Mounted)		-	-	-	-
Foundation Drill Operator Helper		-	-	-	-
Front End Loader (2 1/2 CY and Less)		4.25	-	-	-
Front End Loader (Over 2 1/2 CY)		5.35	-	-	-
Hoist (Double Drum and Less)		-	-	-	-
Mixer (Over 16 CF)		-	-	-	-
Mixer (16 CF and Less)		-	-	-	-

ZONE 16		Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):		-	-	-	-
Motor Grader Operator, Fine Grade		\$5.00	-	-	-
Motor Grader Operator		4.50	-	-	-
Pump Crete		-	-	-	-
Roller, Steel Wheel (Plant-Mix Pavements)		4.50	-	-	-
Roller, Steel Wheel (Other-Flat Wheel or Tamping)		4.50	-	-	-
Roller, Pneumatic (Self-Propelled)		4.50	-	-	-
Scrapers (17 CY and Less)		4.35	-	-	-
Scrapers (Over 17 CY)		5.00	-	-	-
Self-Propelled Hammer		-	-	-	-
Side Boom		-	-	-	-
Tractor (Crawler Type) 150 HP and Less		-	-	-	-
Tractor (Crawler Type) over 150 HP		4.50	-	-	-
Tractor (Pneumatic) 80 HP and Less		3.50	-	-	-
Tractor (Pneumatic) over 80 HP		4.50	-	-	-
Traveling Mixer		4.50	-	-	-
Trenching Machine, Light		-	-	-	-
Trenching Machine, Heavy		-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator		-	-	-	-
Truck Drivers:		-	-	-	-
Single Axle, Light		3.00	-	-	-
Single Axle, Heavy		3.25	-	-	-
Tandem Axle or Semitrailer		3.00	-	-	-
Lowboy-Float		4.95	-	-	-
Transit-Mix		-	-	-	-
Winch		-	-	-	-
Vibrator Man (Hand Type)		-	-	-	-
Weighman (Truck Scales)		-	-	-	-
Welder		5.05	-	-	-
Welder Helper		-	-	-	-



DECISION NO. TX 76-4153

## AREA COVERED BY VARIOUS ZONES

**ZONE 1** - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 2** - Batley, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Ford, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 3** - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Eick, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upson, Ward & Winkler Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 4** - Brewster, Culberson, El Paso\*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

\*Not to be used for Utilities Incidental to General Building Construction in El Paso County

DECISION NO. TX 76-4153

**ZONE 5** - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McHullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 6** - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kinney, Starr, Webb, Willacy & Zapata Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 7** - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 8** - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

**ZONE 9** - Bell\*, Bosque, Coryell\*, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

**DESCRIPTION OF WORK:** Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

\*Not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties

DECISION NO. TX 76-4153



DECISION NO. TX76-4153

ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston\*, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

\*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island

ZONE 16 - Chambers, Hardin, Jefferson\*, Liberty & Orange\* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

\*Not to be used for Heavy Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties

DECISION NO. TX76-4153

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant\* & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

\*Not to be used for Utilities Incidental to General Building Construction in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).



DECISION NO. TX76-4154

## SUPERSEDES DECISION

COUNTIES: Anderson, Cherokee, Henderson

STATE: Texas

DECISION NO.: TX76-4154

Supersedes Decision No. TX76-4112, dated July 16, 1976, in 41 FR 29593.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
AIR CONDITIONING MECHANICS					
BRICKLAYERS	\$ 4.30				
CARPENTERS	5.00				
CEMENT MASONS	4.80				
ELECTRICIANS	3.12				1/4%
IRONWORKERS	6.35				
LABORERS	4.25				
PAINTERS:	2.30				
Brush	4.00				
Tape & bed	5.00				
PLUMBERS	5.50				
ROOFERS	3.50				
SHEET METAL WORKERS	3.00				
SOFT FLOOR LAYERS	3.50				
TRUCK DRIVERS	2.50				

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
INCIDENTAL PAVING & UTILITIES & SITE PREPARATION					
Air Tool Man	\$ 2.75				
Asphalt Westernman	3.50				
Asphalt Baker	3.70				
Asphalt Shoveler	3.10				
Batching Plant Scaleman	2.75				
Carpenter	5.25				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.55				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.50				
Electrician	5.75				
Fireman	2.90				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.20				
Form Liner (Paving and Curb)	3.75				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving & Curb)	3.00				
Form Setter (Structures)	4.20				
Form Setter Helper (Structures)	3.15				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Mechanic	4.65				
Mechanic Helper	3.60				
Oilier	3.75				
Serviceman	3.75				
Pipelayer	3.50				
Pipelayer Helper	2.75				
Reinforcing Steel Setter (Structures)	3.80				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	4.10				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	3.90				
Broom or Sweeper Operator	2.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1 1/2 CY)	4.20				



## DECISION NO. IX76-4154

INCIDENTAL PAVING & UTILITIES  
& SITE PREPARATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Cimbahell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	\$ 4.95				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	6.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	4.50				
Motor Grader Operator, Fine Grade	4.85				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				
Roller, Pneumatic (Self-Propelled)	3.65				
Scrapers (17 CY and Less)	3.85				
Scrapers (Over 17 CY)	4.50				
Side Boom	3.35				
Tractor (Crawler Type) 150 HP and Less	3.50				
Tractor (Crawler Type) over 150 HP	4.40				
Tractor (Pneumatic) 80 HP & Less	3.75				
Tractor (Pneumatic) over 80 HP	4.00				
Traveling Mixer	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.25				
Lowboy-Float	4.25				
Welder	4.50				



## SUPERSEDES DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DATE: Date of Publication

Supersedes Decision No. TX76-4078, dated May 7, 1976, in 41 FR 19032.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO.: TX76-4155

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	\$ 8.95		.30		
CARPENTERS	8.85				
CEMENT MASONS	8.30				
ELECTRICIANS	8.98	.40	1%		1 1/2%
LABORERS:					
Laborers	4.71	.34	.15		
Mason tenders	4.86	.34	.15		
PAINTERS	7.70	.30	.60		
PLUMBERS	8.56	.35	.55		.04
SHEET METAL WORKERS	5.08		.10		
TILE SETTERS	4.60				

DECISION NO. TX76-4155

## INCIDENTAL PAVING &amp; UTILITIES &amp; SITE PREPARATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	\$ 3.75				
Asphalt Baker	4.00				
Patching Plant Scaleman	4.90				
Carpenter	4.00				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.30				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	4.80				
Concrete Finisher Helper (Structures)	3.50				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	4.10				
Form Setter Helper (Paving & Curb)	3.45				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	3.00				
Laborer, Utility Man	3.30				
Manhole Builder, Brick	3.75				
Mechanic	4.80				
Mechanic Helper	3.50				
Miller	4.10				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.55				
Pipelayer Helper	3.00				
Powderman	4.40				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.05				
Sign Erector	3.25				
Spreader Box Man	4.30				
Swamper	3.65				
Power Equipment Operators:					
Asphalt Distributor	4.20				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.55				
Bulldozer, 150 HP and Less	3.70				
Bulldozer, over 150 HP	4.60				
Concrete Paving Curing Machine	3.75				



DECISION NO. TX76-4155

INCIDENTAL PAVING & UTILITIES  
& SITE PREPARATION

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):			
Concrete Paving Finishing Machine	\$ 4.65		
Concrete Paving Form Grader	3.75		
Concrete Paving Mixer	4.75		
Concrete Paving Saw	4.30		
Crane, Camshehl, Backhoe, Der- rick, Dragline, Shovel (less than 1½ CY)	4.55		
Crane, Camshehl, Backhoe, Der- rick, Dragline, Shovel (1½ CY and Over)	5.05		
Crusher or Screening Plant Op.	4.30		
Foundation Drill Op. (Crawler Mounted)	5.35		
Foundation Drill Op. (Truck Mounted)	5.85		
Foundation Drill Op. Helper	3.90		
Front End Loader (2½ CY & Less)	4.00		
Front End Loader (Over 2½ CY)	4.50		
Mixer (Over 16 CF)	4.60		
Motor Grader Op., Fine Grade	5.05		
Motor Grader Operator	4.65		
Roller, Steel Wheel (Plant-Mix Pavements)	3.90		
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.65		
Roller, Pneumatic (Self-Propelled)	3.45		
Scrapers (17 CY and Less)	4.10		
Scrapers (Over 17 CY)	4.20		
Side Boom	4.00		
Tractor (Crawler Type) 150 HP and Less	3.30		
Tractor (Crawler Type) over 150 HP	3.95		
Tractor (Pneumatic) 80 HP & Less	3.75		
Tractor (Pneumatic) over 80 HP	4.20		
Traveling Mixer	4.35		
Trenching Machine	4.00		
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50		
Truck Drivers:			
Single Axle, Light	3.00		
Single Axle, Heavy	3.50		
Tandem Axle or Semitrailer	3.00		
Lowboy-Float	3.50		
Transit-Mix	3.50		
Winch	3.25		
Vibrator Man (Hand Type)	3.05		
Weighman (Truck Scales)	3.00		
Welder	5.05		



DECISION NO. TX76-4156

## SUPERSEDES DECISION

STATE: Texas  
 COUNTIES: Camp, Delta, Fannin, Franklin, Hopkins, Lamar & Titus  
 DECISION NO. TX76-4156  
 DATE: Date of Publication  
 Supercedes Decision No. TX76-4114, dated July 16, 1976, in 41 FR 29599.  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 6.50				
4.00				
4.50				
4.30				
2.59				
3.00				
7.90				
4.00				
4.00				
7.465	.35		.50	.03
5.64				
5.00				
4.77				
5.00				
4.625				

BRICKLAYERS  
 CARPENTERS  
 CEMENT MASONS  
 ELECTRICIANS  
 LABORERS:  
 Laborers  
 Mason tenders  
 LATHERS  
 PAINTERS:  
 Brush  
 Taper  
 PLASTERERS  
 PLUMBERS  
 ROOFERS  
 SHEET METAL WORKERS  
 SOFT FLOOR LAYERS  
 TILE SETTERS

## INCIDENTAL PAVING &amp; UTILITIES &amp; SITE PREPARATION

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 3.00				
3.75				
2.50				
3.90				
4.50				
3.50				
5.00				
3.55				
4.00				
3.50				
3.10				
5.75				
4.15				
3.25				
4.05				
3.75				
3.15				
4.25				
3.75				
2.50				
3.30				
4.50				
3.60				
3.75				
3.35				
4.50				
5.00				
3.80				
2.70				
4.25				
3.25				
3.50				
4.20				
3.00				
4.35				
3.50				
3.30				
3.60				
4.00				
3.75				

Asphalt Heaterman  
 Asphalt Baker  
 Asphalt Shoveler  
 Batching Plant Scaleman  
 Carpenter  
 Carpenter Helper  
 Concrete Finisher (Paving)  
 Concrete Finisher Helper (Paving)  
 Concrete Finisher (Structures)  
 Concrete Finisher Helper (Structures)  
 Concrete Rubber  
 Electrician  
 Form Builder (Structures)  
 Form Builder Helper (Structures)  
 Form Liner (Paving and Curb)  
 Form Setter (Paving and Curb)  
 Form Setter Helper (Paving & Curb)  
 Form Setter (Structures)  
 Form Setter Helper (Structures)  
 Laborer, Common  
 Laborer, Utility Man  
 Mechanic  
 Mechanic Helper  
 Oiler  
 Serviceman  
 Painter (Structures)  
 Piledriverman  
 Pipelayer  
 Pipelayer Helper  
 Powderman  
 Powderman Helper  
 Reinforcing Steel Setter (Paving)  
 Reinforcing Steel Setter (Structures)  
 Reinforcing Steel Setter Helper  
 Steel Worker (Structural)  
 Spreader Box Man  
 Swamper  
 Power Equipment Operators:  
 Asphalt Distributor  
 Asphalt Paving Machine  
 Broom or Sweeper Operator



DECISION NO. TX76-4156

INCIDENTAL PAVING & UTILITIES  
& SITE PREPARATION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Equipment Operators (Cont'd):				
Bulldozer, 150 HP and Less	\$ 3.75			
Bulldozer, over 150 HP	4.25			
Concrete Paving Curbing Machine	5.00			
Concrete Paving Finishing Machine	4.50			
Concrete Paving Mixer	4.50			
Concrete Paving Saw	4.50			
Concrete Paving Spreader	4.00			
Paving Sub Grader	4.00			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00			
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50			
Crusher or Screening Plant Op.	4.00			
Form Loader	3.75			
Foundation Drill Op. (Crawler Mounted)	5.80			
Foundation Drill Op. (Truck Mounted)	5.75			
Foundation Drill Op. Helper	4.00			
Front End Loader (2½ CY & Less)	3.75			
Front End Loader (Over 2½ CY)	4.50			
Mixer (Over 16 CY)	4.50			
Motor Grader Op., Fine Grade	4.50			
Motor Grader Operator	4.00			
Pump Crete	3.60			
Roller, Steel Wheel (Plant-Mix Pavements)	3.65			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50			
Roller, Pneumatic (Self-Propelled)	3.15			
Scrapers (17 CY and Less)	3.75			
Scrapers (Over 17 CY)	4.00			
Tractor (Crawler Type) 150 HP and Less	3.50			
Tractor (Crawler Type) over 150 HP	4.00			
Tractor (Pneumatic) 80 HP & Less	3.35			
Tractor (Pneumatic) over 80 HP	3.50			
Traveling Mixer	4.00			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40			
Truck Drivers:				
Single Axle, Light	3.00			
Single Axle, Heavy	3.00			
Tandem Axle or Semitrailer	3.00			
Lobby-Float	3.00			
Vibrator Man (Hand Type)	2.50			
Weighman (Truck Scales)	3.00			
Welder	4.50			



## NOTICES

43649

## SUPERSEDED DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell,

Falls, Hill &amp; McLennan

DATE: Date of Publication

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DECISION NO. TX76-4157

## BUILDING CONSTRUCTION

ASBESTOS WORKERS:

ZONE 1 - Bell, Coryell &amp; Falls

COUNTIES

ZONE 2 - Bosque, Hill &amp; McLennan

COUNTIES

BOILERMAKERS

BRICKLAYERS

CARPENTERS:

ZONE 1 - Bell &amp; Coryell Counties:

Carpenters

Millwrights

ZONE 2 - Bosque, Falls, Hill &amp;

McLennan Counties:

Carpenters

Millwrights

CEMENT MASONS

ELECTRICIANS:

ZONE 1 - Bosque, Falls, Hill &amp;

McLennan Counties; Parts of

Bell &amp; Coryell Counties north

of Cowhouse Creek

ZONE 2 - Parts of Bell &amp; Coryell

Counties south of Cowhouse

Creek

ELEVATOR CONSTRUCTORS

ELEVATOR CONSTRUCTORS' HELPERS

ELEVATOR CONSTRUCTORS' HELPERS

(PRE.)

GLAZIERS

IRONWORKERS

LABORERS:

Unskilled

Mason tenders

Mortar mixers

LATHERS

LINE CONSTRUCTION:

Linemen; Linemen operators

Cable splicer

Groundman, 1st 6 months

Groundman, 2nd 6 months

Groundman, 1 year &amp; over

## BUILDING CONSTRUCTION

PAINTERS:

GROUP 1 - Brush

GROUP 2 - Boiler pipes &amp; steel,

structural steel, window jacks,

roofs, stage work, smoke

stack, water towers, boatwain

chair

GROUP 3 - Axes tools for dry

walls

GROUP 4 - Spray work &amp; self

feeding rollers

GROUP 5 - Steam cleaning, sand-

blasting &amp; hazardous work

PLASTERERS

PUMBERS &amp; PIPEFITTERS:

ZONE 1 - Area within a 35 mile

radius of Waco, including

Temple, Marlin, Clifton &amp;

Hillsboro

ZONE 2 - All other areas

ROOFERS:

GROUP 1 - Slate, tile, asbestos,

roofing &amp; siding

GROUP 2 - Composition, built-up,

damp &amp; waterproofing

GROUP 3 - Kettlemen

SHEET METAL WORKERS:

ZONE 1 - Within a radius of 20

miles from the McLennan County

Courthouse, Waco

ZONE 2 - Over 20 miles but less

than 45 miles

ZONE 3 - Over 45 miles

SPRINKLER FITTERS

TRUCK DRIVERS

WELDERS - receive rate prescribed

for craft performing operation

to which welding is incidental.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	\$ 9.88	.42	.60		.08
ZONE 2 - Bosque, Hill & McLennan Counties	9.38	.325	.685		.025
BOILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS	8.60		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:	7.74				
Carpenters	7.99				
Millwrights	7.97				
CEMENT MASONS	8.37				
ELECTRICIANS:	8.04				
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	9.25		1%		1 1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	10.30				
ELEVATOR CONSTRUCTORS	9.33		1%		.8%
ELEVATOR CONSTRUCTORS' HELPERS	702R	.545	.35	4%+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PRE.)	502JR	.545	.35	4%+4b	.02
GLAZIERS	6.60				
IRONWORKERS	8.85	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	8.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	10.96		1%		1/2%
Cable splicer	12.06		1%		1/2%
Groundman, 1st 6 months	6.58		1%		1/2%
Groundman, 2nd 6 months	7.12		1%		1/2%
Groundman, 1 year & over	7.67		1%		1/2%







DECISION NO. TX76-4157

INCIDENTAL PAVING & UTILITIES (BELL & CORVELL COUNTIES)	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
Basic Hourly Rates				
Power Equipment Operators:				
Asphalt Distributor	\$ 3.85			
Asphalt Paving Machine	4.00			
Broom or Sweeper Operator	3.15			
Bulldozer, 150 HP and Less	3.75			
Bulldozer, over 150 HP	4.00			
Concrete Paving Curing Machine	3.50			
Concrete Paving Saw	3.50			
Crane, Clamshell, Backhoe, Der- rick, Dragline, Shovel (less than 1½ CY)	4.00			
Crane, Clamshell, Backhoe, Der- rick, Dragline, Shovel (1½ CY and Over)	4.25			
Crusher or Screening Plant Op.	4.00			
Foundation Drill Op. (Crawler Mounted)	3.50			
Foundation Drill Op. (Truck Mounted)	3.35			
Foundation Drill Op. Helper	3.00			
Front End Loader (2½ CY & Less)	3.75			
Front End Loader (Over 2½ CY)	4.00			
Motor Grader Op., Fine Grade	5.00			
Motor Grader Operator	4.25			
Roller, Steel Wheel (Plant-Mix Pavements)	3.25			
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25			
Roller, Pneumatic (Self-Propelled)	3.20			
Scrapers (17 CY and Less)	3.75			
Scrapers (Over 17 CY)	4.00			
Tractor (Crawler Type) 150 HP and Less	3.50			
Tractor (Crawler Type) over 150 HP	4.25			
Tractor (Pneumatic) 80 HP & Less	2.75			
Tractor (Pneumatic) over 80 HP	3.75			
Traveling Mixer	3.60			
Trenching Machine, Light	3.25			
Trenching Machine, Heavy	4.00			
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60			
Truck Drivers:				
Single Axle, Light	3.15			
Lowboy-Float	3.35			
Weighman (Truck Scales)	2.50			
Welder	4.35			
Welder Helper	3.25			

DECISION NO. TX76-4157

INCIDENTAL PAVING & UTILITIES (BELL & CORTELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
Air Tool Man	\$ 3.00				
Asphalt Heatterman	3.25				
Asphalt Baker	3.90				
Batching Plant Scaleman	4.15				
Carpenter	4.10				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.30				
Concrete Finisher (Structures)	4.25				
Concrete Finisher Helper (Struc- tures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.35				
Form Setter (Paving and Curb)	3.85				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.45				
Mechanic Helper	3.65				
Oilier	3.65				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer (Concrete & Clay)	3.50				
Pipelayer Helper (Concrete & Clay)	3.25				
Plumbers:					
Zone 1 - 35 miles from Waco, Texas including town of Temple	8.00	.30	.30		.03
Zone 2 - all area not included in Zone 1	8.40	.30	.30		.03
Powderman	4.00				
Reinforcing Steel Setter (Struc- tures)	4.00				
Reinforcing Steel Setter Helper	2.75				
Sign Erector	3.25				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Swamper	3.30				

[FR Doc.76-28456 Filed 9-30-76;8:45 am]



## NOTICES

**Index to General Wage Determination Decisions and Modifications as of September 3, 1976**

There is set forth below an index to general wage determination decisions and modifications as published in the **FEDERAL REGISTER** pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

*Abbreviations*

- (B)—Building Construction.
- (D)—Dredging.
- (F)—Flood Control Construction.
- (H)—Heavy Construction.
- (Hw)—Highway Construction.
- (R)—Residential Construction.
- Mod.—Modification.
- (HE)—Heavy Engineering.
- (LE)—Light Engineering.
- (U)—Utility.
- (W&S)—Water and Sewer.

Signed at Washington, D.C., this 24th day of September 1976.

RAY J. DOLAN,  
*Assistant Administrator,  
Wage and Hour Division.*



## ALABAMA

## ALABAMA (Cont'd.)

STATEWIDE  
Decision #AL76-5028 (D)  
41 FR 14284 - 4/2/76  
Decision #AL76-1082 (Hw) (Excluding  
Airport Construction)  
41 FR 32108 - 7/30/76  
AUTAUGA COUNTY  
(D, Hw) - See Statewide  
BALDWIN COUNTY  
Decision #AL76-1009 (R)  
(Hw) - See Statewide  
41 FR 2540 - 1/16/76  
BARBOUR COUNTY  
(D, Hw) - See Statewide  
BIBB COUNTY  
(D, Hw) - See Statewide  
BLOUNT COUNTY  
Decision #AL75-1047 (R)  
41 FR 17474 - 4/18/75  
Mod. #1 - 41 FR 19004 - 5/7/76  
BULLOCK COUNTY  
(D, Hw) - See Statewide  
BUTLER COUNTY  
(D, Hw) - See Statewide  
CALHOUN COUNTY  
(D, Hw) - See Statewide  
CHAMBERS COUNTY  
(D, Hw) - See Statewide  
CHEROKEE COUNTY  
(D, Hw) - See Statewide  
CHILTON COUNTY  
(D, Hw) - See Statewide  
CHOCTAW COUNTY  
(D, Hw) - See Statewide  
CLARKE COUNTY  
(D, Hw) - See Statewide

CLAY COUNTY  
(D, Hw) - See Statewide  
CLEBURNE COUNTY  
(D, Hw) - See Statewide  
COFFEE COUNTY  
(D, Hw) - See Statewide  
COLBERT COUNTY  
Decision #AL75-1046 (R)  
40 FR 17451 - 4/18/75  
Decision #AL76-1011 (B)  
41 FR 4741 - 1/30/76  
Mod. #1 - 41 FR 8623 - 2/27/76  
Mod. #2 - 41 FR 18263 - 4/30/76  
Mod. #3 - 41 FR 32101 - 7/30/76  
Mod. #4 - 41 FR 40369 - 9/17/76  
CONECUH COUNTY  
(D, Hw) - See Statewide  
(D, Hw) - See Baldwin County  
COOSA COUNTY  
(D, Hw) - See Statewide  
COVINGTON COUNTY  
(D, Hw) - See Statewide  
CRENSHAW COUNTY  
(D, Hw) - See Statewide  
CULLMAN COUNTY  
(D, Hw) - See Statewide  
DALE COUNTY  
(D, Hw) - See Statewide  
DALLAS COUNTY  
(D, Hw) - See Statewide  
DE KALB COUNTY  
(D, Hw) - See Statewide  
ELMORE COUNTY  
(D, Hw) - See Statewide  
ESCAMBIA COUNTY  
(D, Hw) - See Statewide  
(R) - See Baldwin County  
ETOWAH COUNTY  
(D, Hw) - See Statewide

## ALABAMA (Cont'd.)

FAYETTE COUNTY  
(D, Hw) - See Statewide  
FRANKLIN COUNTY  
(D, Hw) - See Statewide  
(R) - See Colbert County  
GENEVA COUNTY  
(D, Hw) - See Statewide  
GREENE COUNTY  
(D, Hw) - See Statewide  
HALE COUNTY  
(D, Hw) - See Statewide  
HENRY COUNTY  
(D, Hw) - See Statewide  
HOUSTON COUNTY  
(D, Hw) - See Statewide  
JACKSON COUNTY  
(D, Hw) - See Statewide  
JEFFERSON COUNTY  
Decision #AL76-1049 (B)  
41 FR 16319 - 4/16/76  
Mod. #1 - 41 FR 19004 - 5/7/76  
Mod. #2 - 41 FR 20117 - 5/14/76  
Mod. #3 - 41 FR 21028 - 5/21/76  
(D) - See Statewide  
(R) - See Blount County  
(Hw) - See Statewide  
LAMAR COUNTY  
(D, Hw) - See Statewide  
LAUDERDALE COUNTY  
(B, R) - See Colbert County  
(D, Hw) - See Statewide  
LAWRENCE COUNTY  
Decision #AL76-1030 (B)  
41 FR 8637 - 2/27/76  
Mod. #1 - 41 FR 21028 - 5/21/76  
Mod. #2 - 41 FR 30492 - 7/23/76  
Mod. #3 - 41 FR 40369 - 9/17/76  
(D, Hw) - See Statewide  
(R) - See Colbert County  
LEE COUNTY  
(D, Hw) - See Statewide  
LIMESTONE COUNTY  
(B) - See Lawrence County  
(D, Hw) - See Statewide

## ALABAMA (Cont'd.)

LOWNDES COUNTY  
(D, Hw) - See Statewide  
MACON COUNTY  
(D, Hw) - See Statewide  
MADISON COUNTY  
Decision #AL76-1047 (B)  
41 FR 15238 - 4/9/76  
Mod. #1 - 41 FR 21028 - 5/21/76  
Mod. #2 - 41 FR 26423 - 6/25/76  
Mod. #3 - 41 FR 40369 - 9/17/76  
(D, Hw) - See Statewide  
MARENGO COUNTY  
(D, Hw) - See Statewide  
MARION COUNTY  
(R) - See Colbert County  
(D, Hw) - See Statewide  
MARSHALL COUNTY  
(D, Hw) - See Statewide  
MOBILE COUNTY  
Decision #AL76-1063 (B)  
41 FR 21043 - 5/21/76  
(D, Hw) - See Statewide  
(R) - See Baldwin County  
MONROE COUNTY  
(D, Hw) - See Statewide  
MONTGOMERY COUNTY  
Decision #AL76-1002 (R)  
41 FR 1693 - 1/9/76  
Mod. #1 - 41 FR 36365 - 8/27/76  
Decision #AL75-1073 (B)  
40 FR 33580 - 8/8/75  
Mod. #1 - 40 FR 42483 - 9/12/75  
Mod. #2 - 40 FR 52241 - 11/7/75  
Mod. #3 - 41 FR 21028 - 5/21/76  
Mod. #4 - 41 FR 38708 - 9/10/76  
MORGAN COUNTY  
(B) - See Lawrence County  
(D, Hw) - See Statewide  
PERRY COUNTY  
(D, Hw) - See Statewide  
PICKENS COUNTY  
(D, Hw) - See Statewide



ALABAMA (Cont'd)

PIKE COUNTY  
(D, Hw) - See Statewide  
RANDOLPH COUNTY  
(D, Hw) - See Statewide  
RUSSELL COUNTY  
(D, Hw) - See Statewide  
SAINT CLAIR COUNTY  
(D, Hw) - See Statewide  
(R) - See Blount County  
SHELBY COUNTY  
(B) - See Jefferson County  
(D, Hw) - See Statewide  
(R) - See Blount County  
SUMTER COUNTY  
(D, Hw) - See Statewide  
TALLADEGA COUNTY  
(D, Hw) - See Statewide  
(R) - See Blount County  
TALLAPOOSA COUNTY  
(D, Hw) - See Statewide  
TUSCALOOSA COUNTY  
Decision #AL76-1027 (B)  
41 FR 7897 - 2/20/76  
Mod. #1 - 41 FR 18263 - 4/30/76  
Mod. #2 - 41 FR 33125 - 8/6/76  
(D, Hw) - See Statewide  
WALKER COUNTY  
(D, Hw) - See Statewide  
(R) - See Blount County  
WASHINGTON COUNTY  
(D, Hw) - See Statewide  
(R) - See Baldwin County  
WILCOX COUNTY  
(D, Hw) - See Statewide  
WINSTON COUNTY  
(D, Hw) - See Statewide  
(R) - See Colbert County

ALASKA

STATEWIDE  
Decision #AK76-5068 (B, H, Hw, D, R)  
41 FR 32109 - 7/30/76

ARIZONA

STATEWIDE  
Decision #AZ76-5075 (B, H, Hw)  
41 FR 35331 - 8/20/76  
APACHE COUNTY  
Decision #AZ75-5003 (R)  
(Navajo and Hopi Indian  
Reservations in Apache,  
Coconino, Navajo Cos.)  
40 FR 3868 - 1/24/75  
(B, H, Hw) - See Statewide  
COCHISE COUNTY  
(B, H, Hw) - See Statewide  
COCONINO COUNTY  
(R) - See Apache County  
(B, H, Hw) - See Statewide  
GILA COUNTY  
(B, H, Hw) - See Statewide  
GRAHAM COUNTY  
(B, H, Hw) - See Statewide  
GREENLEE COUNTY  
(B, H, Hw) - See Statewide  
MARICOPA COUNTY  
(B, H, Hw) - See Statewide  
Decision #AZ76-5076 (R)  
41 FR 35340 - 8/20/76  
MOHAVE COUNTY  
(B, H, Hw) - See Statewide  
NAVAJO COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Apache County  
PIMA COUNTY  
(B, H, Hw) - See Statewide  
Decision #AZ76-5077 (R)  
41 FR 35345 - 8/20/76  
PINAL COUNTY  
(B, H, Hw) - See Statewide  
SANTA CRUZ COUNTY  
(B, H, Hw) - See Statewide  
YAVAPAI COUNTY  
(B, H, Hw) - See Statewide  
YUMA COUNTY  
(B, H, Hw) - See Statewide



## ARKANSAS (Cont'd.)

## ARKANSAS (Cont'd.)

## ARKANSAS (Cont'd.)

## ARKANSAS

- STATEWIDE  
Decision #AR76-4111 (Construction  
Alteration, and/or repair of  
streets, highways, runways,  
and water & sewer utilities)  
41 FR 27547 - 7/27/76  
Mod. #1 - 41 FR 29606 - 7/16/76  
Decision #AL76-5028 (D)  
41 FR 14284 - 4/2/76
- ARKANSAS COUNTY  
Decision #AR76-5041 (F)  
41 FR 19017 - 5/7/76  
Mod. #1 - 41 FR 21981 - 5/28/76
- ASHLEY COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- BAXTER COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- BENTON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- BOONE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- BRADLEY COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CALHOUN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CARROLL COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CHICOT COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CLARK COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CLAY COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CLEBURNE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CLEVELAND COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- COLUMBIA COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CONWAY COUNTY  
Decision #AR76-4130 (B)  
41 FR 30509 - 7/23/76  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CRAIGHEAD COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CRANFORD COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CRITTENDER COUNTY  
(D, H, Hw) - See Statewide  
Decision #AR76-4132 (B)  
41 FR 30511 - 7/23/76  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- CROSS COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- DALLAS COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- DESHA COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- DREW COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- FAULKNER COUNTY  
(B) - See Conway County  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- FRANKLIN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- FULTON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- GARLAND COUNTY  
Decision #AR76-4133 (B)  
41 FR 30513 - 7/23/76  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- GRANT COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- GREENE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- HEMPSTEAD COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- HOT SPRING COUNTY  
(B) - See Garland County  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- HOWARD COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- INDEPENDENCE COUNTY  
(H, Hw) (D) - See Statewide  
(F) - See Arkansas County
- IZARD COUNTY  
(D, H, Hw) (D) - See Statewide  
(F) - See Arkansas County
- JACKSON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- JEFFERSON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- JOHNSON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LAFAYETTE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LAWRENCE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LEE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LINCOLN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LITTLE RIVER COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LOGAN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- LENOKE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- MADISON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County
- MARION COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County



## ARKANSAS (Cont'd)

MILLER COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

MISSISSIPPI COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

MONROE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

MONTGOMERY COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

NEVADA COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

NEWTOWN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

QUACHITA COUNTY  
(B) - See Union County  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

PERRY COUNTY  
(B) - See Conway County  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

PHILLIPS COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

PIKE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

POINTSETT COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

POLK COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

POPE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (CONT'D)

PRAIRIE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

PULASKI COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

Decision #AR76-4119 (B)  
-41 FR 29617 - 7/16/76  
Decision #AR75-4068 (R)  
40 FR 14218 - 3/28/75

RANDOLPH COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

ST. FRANCIS COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

SALINE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

SCOTT COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

SEARCY COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

SEBASTIAN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

SEVIER COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

SHARP COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

## ARKANSAS (CONT'D)

STONE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

UNION COUNTY  
Decision #AR76-4129 (B)  
41 FR 30507 - 7/23/76

VAN BUREN COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

WASHINGTON COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

WHITE COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

WOODRUFF COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County

YELL COUNTY  
(D, H, Hw) - See Statewide  
(F) - See Arkansas County



CALIFORNIA (Cont'd.)		CALIFORNIA (Cont'd.)		CALIFORNIA (Cont'd.)	
ALAMEDA COUNTY	Decision #CA76-5063 (B,H,Hw,D)	KING COUNTY	- See Alameda County	SAN DIEGO COUNTY (Cont'd.)	
Decision #CA76-5064 (R)	Mod. #1 - 41 FR 36365 - 8/27/76	LAKE COUNTY	- See Alameda County	Decision #CA76-5062 (R)	
Decision #CA76-5064 (R)	Mod. #1 - 41 FR 36365 - 8/27/76	LASSEN COUNTY	- See Alameda County	41 FR 26436 - 6/25/76	
Decision #CA76-5064 (R)	Mod. #1 - 41 FR 36365 - 8/27/76	LOS ANGELES COUNTY	- See Alameda County	Mod. #1 - 41 FR 30500 - 7/23/76	
Decision #CA76-5064 (R)	Mod. #1 - 41 FR 36365 - 8/27/76	MADERA COUNTY	- See Imperial County	Mod. #2 - 41 FR 37473 - 9/3/76	
ALPINE COUNTY	(B,D,H,Hw,R) - See Alameda County	MARIN COUNTY	- See Alameda County	SAN FRANCISCO COUNTY	
ANADOR COUNTY	(B,D,H,Hw,R) - See Alameda County	MARIPOSA COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	MENDOCINO COUNTY	- See Alameda County	SAN JOAQUIN COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	MERCED COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	MODOC COUNTY	- See Alameda County	SAN LUIS OBISPO COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	MONO COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Imperial County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	MONTEREY COUNTY	- See Imperial County	SAN MATEO COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	NAPA COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	NEVADA COUNTY	- See Alameda County	SANTA BARBARA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	ORANGE COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Imperial County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	PLACER COUNTY	- See Imperial County	SANTA CLARA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	PLUMAS COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	RIVERSIDE COUNTY	- See Alameda County	SANTA CRUZ COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	SACRAMENTO COUNTY	- See Imperial County	(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	SAN BENITO COUNTY	- See Alameda County	SHASTA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	SAN BERNARDINO COUNTY	- See Alameda County	(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	SAN DIEGO COUNTY	- See Imperial County	SIERRA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	Decision #CA76-5061 (B,H,Hw,D)		(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	41 FR 26429 - 6/25/76		SISKIYOU COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	Mod. #1 - 41 FR 30499 - 7/23/76		(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County	Mod. #2 - 41 FR 37473 - 9/3/76		SOLANO COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			SONOMA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			STANISLAUS COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			SUTTER COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			TEHAMA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			TRINITY COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			TULARE COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			TUOLUMNE COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			VENTURA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Imperial County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			YOLO COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			YUBA COUNTY	
ARIZONA COUNTY	(B,D,H,Hw,R) - See Alameda County			(B,D,H,Hw,R) - See Alameda County	



## COLORADO

## STATEWIDE

Decision #C076-5067 (Hw)  
41 FR 32115 - 7/30/76

ADAMS COUNTY  
Decision #C076-5042 (B,H)  
41 FR 21046 - 5/21/76  
Mod. #1 - 41 FR 26424 - 6/25/76  
Decision #C075-5061 (R)  
40 FR 22744 - 5/23/75  
Mod. #1 - 41 FR 10818 - 3/12/76  
(Hw) - See Statewide

ALAMOSA COUNTY  
(Hw) - See Statewide

ARAPAHOE COUNTY  
(Hw) - See Statewide  
(B,H,R) - See Adams County

ARCHULETA COUNTY  
(Hw) - See Statewide

BACA COUNTY  
(Hw) - See Statewide

BENT COUNTY  
(Hw) - See Statewide

BOULDER COUNTY  
(B,H) - See Adams County

CHAFFEE COUNTY  
(Hw) - See Statewide

CHEYENNE COUNTY  
(Hw) - See Statewide

CLEAR CREEK COUNTY  
(B,H) - See Adams County

CONEJO COUNTY  
(Hw) - See Statewide

COSTILLA COUNTY  
(Hw) - See Statewide

CROMLEY COUNTY  
(Hw) - See Statewide

CUSTER COUNTY  
(Hw) - See Statewide

DELTA COUNTY  
Decision #C076-5045 (B,H)  
41 FR 21069 - 5/21/76  
Mod. #1 - 41 FR 26425 - 6/25/76  
Mod. #2 - 41 FR 27539 - 7/2/76  
(Hw) - See Statewide

DENVER COUNTY  
(Hw) - See Statewide

DOLORES COUNTY  
(Hw) - See Adams County

DOUGLAS COUNTY  
(Hw) - See Statewide

DOUGLAS COUNTY  
(B,H) - See Adams County

EAGLE COUNTY  
(B,H) - See Adams County

MINERAL COUNTY  
(Hw) - See Statewide

## COLORADO (Cont'd.)

ELBERT COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County

EL PASO COUNTY  
Decision #C076-5043 (B,H)  
41 FR 21055 - 5/21/76  
Mod. #1 - 41 FR 26424 - 6/25/76  
Mod. #2 - 41 FR 27539 - 7/2/76  
(Hw) - See Statewide

FREMONT COUNTY  
(Hw) - See Statewide

GARFIELD COUNTY  
(B,H) - See Delta County

GILPIN COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County

GRAND COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County

GUNNISON COUNTY  
(B,H) - See Delta County

HINDSDALE COUNTY  
(Hw) - See Statewide

HUERFANO COUNTY  
(Hw) - See Statewide

JACKSON COUNTY  
(Hw) - See Statewide

JEFFERSON COUNTY  
(Hw) - See Statewide  
(B,H,R) - See Adams County

KIOWA COUNTY  
(Hw) - See Statewide

KIT CARSON COUNTY  
(Hw) - See Statewide

LAKE COUNTY  
(B,H) - See Adams County

LA PLATA COUNTY  
(Hw) - See Statewide

LARIMER COUNTY  
(B,H) - See Adams County

LAS ANIMAS COUNTY  
Decision #C076-5044 (B,H)  
41 FR 21061 - 5/21/76  
Mod. #1 - 41 FR 26424 - 6/25/76  
Mod. #2 - 41 FR 27539 - 7/2/76  
(Hw) - See Statewide

LINCOLN COUNTY  
(Hw) - See Statewide

LOGAN COUNTY  
(Hw) - See Statewide

MESA COUNTY  
(B,H) - See Delta County

MINERAL COUNTY  
(Hw) - See Statewide

## COLORADO (Cont'd.)

MOFFAT COUNTY  
(Hw) - See Statewide

MONTIZUMA COUNTY  
(Hw) - See Statewide

MONTROSE COUNTY  
(B,H) - See Delta County

MORGAN COUNTY  
(Hw) - See Statewide  
(B,H) - See Adams County

OTERO COUNTY  
(Hw) - See Statewide  
(B,H) - See Las Animas County

OURAY COUNTY  
(Hw) - See Statewide

PARK COUNTY  
(B,H) - See Adams County

PHILLIPS COUNTY  
(Hw) - See Statewide

PITKIN COUNTY  
(Hw) - See Statewide  
(B,H) - See Delta County

PROMERS COUNTY  
(Hw) - See Statewide

PUEBLO COUNTY  
(Hw) - See Statewide  
(B,H) - See Las Animas County

RIO BLANCO COUNTY  
(Hw) - See Statewide

RIO GRANDE COUNTY  
(Hw) - See Statewide

ROUTT COUNTY  
(Hw) - See Statewide

SAGUACHE COUNTY  
(Hw) - See Statewide

SAN JUAN COUNTY  
(Hw) - See Statewide

SAN MIGUEL COUNTY  
(Hw) - See Statewide

SEDGWICK COUNTY  
(Hw) - See Statewide

SUMMIT COUNTY  
(B,H) - See Adams County

TELLER COUNTY  
(Hw) - See Statewide

WASHINGTON COUNTY  
(Hw) - See Statewide

WELD COUNTY  
(B,H) - See Adams County

YUMA COUNTY  
(Hw) - See Statewide



## NOTICES

## FLORIDA (cont'd.)

DESOTO COUNTY  
Decision #AR-4065 (R)  
39 FR 43468 - 12/13/74  
(Hw) - See Charlotte County  
DIXIE COUNTY  
(Hw) - See Alachua County  
(D) - See Brevard County  
DUVAL COUNTY  
Decision #FL76-1098 (B)  
41 FR 37469 - 9/3/76  
Decision #FL76-1069 (B)  
41 FR 21997 - 5/28/76  
(D) - See Brevard County  
(Hw) - See Baker County  
ESCAMBIA COUNTY  
Decision #FL76-1041 (B)  
41 FR 11740 - 3/19/76  
Decision #FL76-1017 (R)  
41 FR 3589 - 1/23/76  
(D,Hw) - See Bay County  
FLAGLER COUNTY  
(D) - See Brevard County  
(Hw) - See Baker County  
FRANKLIN COUNTY  
(D) - See Bay County  
(Hw) - See Alachua County  
GADSDEN COUNTY  
Decision #FL76-1018 (R)  
41 FR 3590 - 1/23/76  
(Hw) - See Alachua County  
GILCHRIST COUNTY  
(Hw) - See Alachua County  
GLADES COUNTY  
(Hw) - See Charlotte County  
GULF COUNTY  
(D) - See Bay County  
(Hw) - See Bay County  
HAMILTON COUNTY  
(Hw) - See Alachua County  
HARDEE COUNTY  
(R) - See DeSoto County  
(Hw) - See Charlotte County  
HENRY COUNTY  
(Hw) - See Charlotte County  
HERNANDO COUNTY  
(D) - See Brevard County  
(R) - See Citrus County  
(Hw) - See Alachua County

## FLORIDA (Cont'd.)

BRADFORD COUNTY  
(Hw) - See Alachua County  
(Hw) - See Alachua County  
KENNEDY COUNTY (Cape Kennedy  
Kennedy Space Flight Center &  
Patrick AFB only)  
Decision #FL76-1048 (B,H,Hw)  
41 FR 16360 - 4/16/76  
Mod. #1 - 41 FR 18264 - 4/30/76  
Mod. #2 - 41 FR 35318 - 8/20/76  
Mod. #3 - 41 FR 37474 - 9/3/76  
Decision #FL76-5024 (D)  
41 FR 12856 - 3/26/76  
(Remainder of County)  
Decision #FL75-1082 (Hw)  
40 FR 41360 - 9/5/75  
BROWARD COUNTY  
Decision #FL75-1084 (Hw)  
40 FR 41362 - 9/5/75  
Mod. #1 - 40 FR 53168 - 11/14/75  
Decision #FL76-1043 (B,H)  
41 FR 15239 - 4/9/76  
Mod. #1 - 41 FR 16306 - 4/16/76  
Mod. #2 - 41 FR 37473 - 9/3/76  
(D) - See Brevard County  
CALHOUN COUNTY  
(Hw) - See Alachua County  
CHARLOTTE COUNTY  
Decision #FL75-1083 (Hw)  
40 FR 41361 - 9/5/75  
Mod. #1 - 40 FR 53168 - 11/14/75  
(D) - See Brevard County  
CITRUS COUNTY  
Decision #FL75-1104 (R)  
40 FR 49949 - 10/24/75  
(Hw) - See Alachua County  
(D) - See Brevard County  
CLAY COUNTY  
(Hw) - See Baker County  
COLLIER COUNTY  
(D) - See Brevard County  
(Hw) - See Charlotte County  
COLUMBIA COUNTY  
(Hw) - See Alachua County  
(B) - See Alachua County  
DADE COUNTY  
Decision #FL76-1064 (B)  
41 FR 21077 - 5/21/76  
Mod. #1 - 41 FR 37474 - 9/3/76  
Decision #AR-4050 (R)  
39 FR 38077 - 10/25/74  
Mod. #1 - 39 FR 40404 - 11/15/74  
Decision #FL75-1085 (Hw)  
40 FR 41363 - 9/5/75  
Mod. #1 - 40 FR 55609 - 11/29/75  
Mod. #2 - 41 FR 27539 - 7/2/76  
(D) - See Brevard County

## DELAWARE

STATEWIDE  
Decision #CT75-5139 (D)  
40 FR 55621 - 11/28/75  
Decision #DE76-3212 (B,H,Hw)  
41 FR 32122 - 7/30/76  
Mod. #1 - 41 FR 35318 - 8/20/76  
KENT COUNTY  
(B,H,Hw,D) - See Statewide  
NEW CASTLE COUNTY  
(B,H,Hw,D) - See Statewide  
SUSSEX COUNTY  
(B,H,Hw,D) - See Statewide

## FLORIDA

ALACHUA COUNTY  
Decision #FL75-1080 (Hw)  
40 FR 41358 - 9/5/75  
Mod. #1 - 41 FR 23885 - 6/11/76  
Decision #FL75-1089 (B)  
40 FR 42489 - 9/12/75  
BAKER COUNTY  
Decision #FL75-1081 (Hw)  
40 FR 41359 - 9/5/75  
BAY COUNTY  
Decision #FL76-1059 (B)  
41 FR 20130 - 5/14/76  
Mod. #1 - 41 FR 23885 - 6/11/76  
Decision #AL76-5028 (D)  
41 FR 14284 - 4/2/76  
Decision #FL76-1021 (Hw)  
41 FR 4749 - 1/30/76  
Mod. #1 - 41 FR 23884 - 6/11/76

## CONNECTICUT

FAIRFIELD COUNTY  
Decision #CT76-2042 (B,H,Hw,R)  
41 FR 14276 - 4/2/76  
Mod. #1 - 41 FR 17287 - 4/23/76  
Mod. #2 - 41 FR 21030 - 5/21/76  
Mod. #3 - 41 FR 29607 - 7/16/76  
Mod. #4 - 41 FR 33125 - 8/6/76  
Decision #CT75-5139 (D)  
40 FR 55621 - 11/28/75  
HARTFORD COUNTY  
Decision #CT76-2043 (B,H,Hw)  
41 FR 14285 - 4/2/76  
Mod. #1 - 41 FR 17289 - 4/23/76  
Mod. #2 - 41 FR 21031 - 5/21/76  
Mod. #3 - 41 FR 29607 - 7/16/76  
Mod. #4 - 41 FR 33125 - 8/6/76  
Decision #CT75-2067 (R)  
40 FR 18304 - 4/25/75  
LITCHFIELD COUNTY  
(B,H,Hw,R) - See Fairfield County  
MIDDLESEX COUNTY  
(B,H,Hw) - See Hartford County  
(D) - See Fairfield County  
NEW HAVEN COUNTY  
(B,H,Hw) - See Hartford County  
(D) - See Fairfield County  
NEW LONDON COUNTY  
(B,H,Hw,D,R) - See Fairfield County  
TOLLAND COUNTY  
(B,H,Hw) - See Hartford County  
WINDHAM COUNTY  
(B,H,Hw,D,R) - See Fairfield County



## FLORIDA (cont'd)

HIGHLANDS COUNTY  
(Hw) - See DeSoto County  
(Hw) - See Charlotte County  
HILLSBOROUGH COUNTY  
Decision #FL76-1014 (B)  
41 FR 3587 - 1/23/76  
Mod. #1 - 41 FR 22718 - 6/4/76  
Mod. #2 - 41 FR 37473 - 9/3/76  
(Hw) - See Brevard County  
(D) - See Brevard County  
(R) - See Citrus County  
HOLMES COUNTY  
(Hw) - See Alachua County  
(Hw) - See Alachua County  
(D) - See Brevard County  
(Hw) - See Brevard Co. (Remainder of Co.)  
INDIAN RIVER COUNTY  
(Hw) - See Brevard County  
JACKSON COUNTY  
(Hw) - See Alachua County  
JEFFERSON COUNTY  
(D) - See Bay County  
(R) - See Gadsden County  
(Hw) - See Alachua County  
LAFAYETTE COUNTY  
(Hw) - See Alachua County  
LAKE COUNTY  
Decision #FL75-1066 (R)  
40 FR 28332 - 7/3/75  
(Hw) - See Alachua County  
LEE COUNTY  
(D) - See Brevard County  
(Hw) - See Charlotte County  
LEON COUNTY  
Decision #FL75-1036 (B)  
40 FR 14221 - 3/28/75  
Mod. #1 - 40 FR 32551 - 8/1/75  
(Hw) - See Alachua County  
(R) - See Gadsden County  
LEVY COUNTY  
(D) - See Brevard County  
(Hw) - See Alachua County  
LIBERTY COUNTY  
(Hw) - See Alachua County  
MADISON COUNTY  
(R) - See Gadsden County  
(Hw) - See Alachua County  
MANATEE COUNTY  
(D) - See Brevard County  
(Hw) - See Brevard Co. (Remainder of Co.)  
MARION COUNTY  
(Hw) - See Alachua County  
MARTIN COUNTY  
Decision #FL75-1033 (B)  
40 FR 14219 - 3/28/75  
Mod. #1 - 40 FR 19327 - 5/2/75  
Mod. #2 - 40 FR 25324 - 6/13/75  
Mod. #3 - 40 FR 32551 - 8/1/75  
(D) - See Brevard County  
(Hw) - See Brevard Co. (Remainder of Co.)

## FLORIDA (cont'd)

MONROE COUNTY  
(D) - See Brevard County  
(Hw) - See Charlotte County  
NASSAU COUNTY  
(D) - See Brevard County  
(Hw) - See Baker County  
OKALOOSA COUNTY  
(B) - See Escambia County  
(D, Hw) - See Bay County  
Decision #FL76-1016 (R)  
41 FR 3589 - 1/23/76  
OKEECHOBEE COUNTY  
(Hw) - See Charlotte County  
ORANGE COUNTY  
Decision #FL76-1036 (B)  
41 FR 9755 - 3/5/76  
Mod. #1 - 41 FR 15232 - 4/9/76  
Mod. #2 - 41 FR 27539 - 7/2/76  
(Hw) - See Brevard Co. (Remainder of Co.)  
(R) - See Lake County  
OSCEOLA COUNTY  
(Hw) - See Brevard Co. (Remainder of Co.)  
(R) - See Lake County  
PALM BEACH COUNTY  
(D) - See Brevard County  
(Hw) - See Martin County  
(Hw) - See Broward County  
PASCO COUNTY  
(D) - See Brevard County  
(Hw) - See Alachua County  
(R) - See Citrus County  
PINELLAS COUNTY  
Decision #FL76-1040 (B)  
41 FR 11738 - 3/19/76  
(R) - See Citrus County  
(D) - See Brevard County  
(Hw) - See Brevard Co. (Remainder of Co.)  
POLK COUNTY  
(Hw) - See Brevard Co. (Remainder of Co.)  
(R) - See DeSoto County  
PUTNAM COUNTY  
(Hw) - See Alachua County  
ST. JOHNS COUNTY  
(D) - See Brevard County  
(Hw) - See Baker County  
ST. LUCIE COUNTY  
(D) - See Brevard County  
(Hw) - See Brevard Co. (Remainder of Co.)  
SANTA ROSA COUNTY  
(B) - See Escambia County  
(D, Hw) - See Bay County  
(R) - See Okaloosa County

## FLORIDA (cont'd)

SARASOTA COUNTY  
(D) - See Brevard County  
(Hw) - See Hillsborough County  
SEMINOLE COUNTY  
(Hw) - See Brevard Co. (Remainder of Co.)  
(R) - See Lake County  
SUMTER COUNTY  
(R) - See Citrus County  
(Hw) - See Alachua County  
SUWANNEE COUNTY  
(Hw) - See Alachua County  
TAYLOR COUNTY  
(D) - See Alachua County  
(Hw) - See Alachua County  
(D) - See Gadsden County  
(R) - See Gadsden County  
UNION COUNTY  
(Hw) - See Alachua County  
VOLUSIA COUNTY (Except Cape Kennedy,  
Kennedy Space Flight Center &  
Patrick Air Force Base only and  
including Halabar Radar Site)  
Decision #FL76-1029 (B)  
41 FR 8638 - 2/27/76  
Mod. #1 - 41 FR 20117 - 5/14/76  
(Hw) - See Brevard Co. (Remainder of Co.)  
(B, Hw) - See Brevard Co. (Cape Kennedy, Etc.)  
(D) - See Brevard Co.  
WAKULLA COUNTY  
(D) - See Bay County  
(Hw) - See Alachua County  
WALTON COUNTY  
(B) - See Escambia County  
(D, Hw) - See Bay County  
(R) - See Okaloosa County  
WASHINGTON COUNTY  
(Hw) - See Alachua County

## GEORGIA (Cont'd.)

BALDWIN COUNTY  
(Hw) - See Statewide  
BANKS COUNTY  
(Hw) - See Statewide  
BARROW COUNTY  
Decision #AQ-4108 (R)  
39 FR 14841 - 4/26/74  
(Hw) - See Statewide  
BARTOW COUNTY  
(Hw) - See Statewide  
BEN HILL COUNTY  
(Hw) - See Statewide  
BERRIEN COUNTY  
(Hw) - See Statewide  
BIBB COUNTY  
(Hw) - See Statewide  
BLECKLEY COUNTY  
(Hw) - See Statewide  
BRANTLEY COUNTY  
(Hw) - See Statewide  
BROOKS COUNTY  
(Hw) - See Statewide  
BRYAN COUNTY  
Decision #GA76-1050 (R)  
41 FR 16362 - 4/16/76  
Decision #GA76-5025 (D)  
41 FR 12857 - 3/26/76  
BULLOCH COUNTY  
(R) - See Bryan County  
(Hw) - See Statewide  
BURKE COUNTY  
Decision #GA76-1015 (R)  
41 FR 3590 - 1/23/76  
(Hw) - See Statewide  
BUTTS COUNTY  
(Hw) - See Statewide  
CALHOUN COUNTY  
(Hw) - See Statewide  
CAMDEN COUNTY  
(D) - See Baker County  
(Hw) - See Bryan County  
CANDLER COUNTY  
(Hw) - See Statewide  
CARROLL COUNTY  
(Hw) - See Statewide  
CATOOSA COUNTY  
(Hw) - See Statewide  
CHARLTON COUNTY  
Decision #AR-4037 (R)  
39 FR 33919 - 9/20/74  
Mod. #1 - 40 FR 3083 - 1/17/75  
Mod. #2 - 41 FR 28461 - 7/9/76  
(Hw) - See Statewide  
CHATHAM COUNTY  
Decision #GA76-1023 (B)  
41 FR 6956 - 2/13/76  
Mod. #1 - 41 FR 12847 - 3/26/76  
Mod. #2 - 41 FR 16306 - 4/16/76  
Mod. #3 - 41 FR 20118 - 5/14/76  
Mod. #4 - 41 FR 28461 - 7/9/76  
Mod. #5 - 41 FR 37474 - 9/3/76  
(D, R) - See Bryan County  
(Hw) - See Statewide

## GEORGIA

STATEWIDE  
Decision #AR-4038 (Hw)  
39 FR 34984 - 9/27/74  
Mod. #1 - 39 FR 36711 - 10/11/74  
Mod. #2 - 40 FR 23629 - 5/30/75  
Mod. #3 - 41 FR 7888 - 2/20/76  
APPLING COUNTY  
(Hw) - See Statewide  
ATKINSON COUNTY  
(Hw) - See Statewide  
BACON COUNTY  
(Hw) - See Statewide  
BAKER COUNTY  
Decision #AQ-4089 (R)  
39 FR 10067 - 3/15/74  
Mod. #1 - 40 FR 3083 - 1/17/75  
Mod. #2 - 41 FR 28461 - 7/9/76  
(Hw) - See Statewide



## GEORGIA (Cont'd.)

CHATTahoochee County  
Decision #6A75-1039 (B)  
40 FR 16471 - 4/11/75  
Mod. #1 - 40 FR 24455 - 6/6/75  
Mod. #2 - 40 FR 49942 - 10/24/75  
Mod. #3 - 41 FR 10818 - 3/12/76  
Mod. #4 - 41 FR 15232 - 4/9/76  
Mod. #5 - 41 FR 24833 - 6/18/76  
Decision #6A76-1035 (R)  
41 FR 9758 - 3/5/76  
(Hw) - See Statewide  
CHATTOOGA County  
(Hw) - See Statewide  
CHEROKEE County  
(Hw) - See Statewide  
CLARKE County  
(Hw) - See Statewide  
(Hw) - See Barrow County  
CLAY County  
(R) - See Baker County  
(Hw) - See Statewide  
CLAYTON County  
Decision #6A76-1089 (B)  
41 FR 36378 - 8/27/76  
Decision #6A76-1033 (R)  
41 FR 8642 - 2/27/76  
Mod. #1 - 41 FR 15232 - 4/9/76  
(B) - See Fulton County  
CLINCH County  
(Hw) - See Statewide  
COBB County  
(Hw) - See Cobb County  
(Hw) - See Statewide  
COFFEE County  
(Hw) - See Statewide  
COLQUITT County  
(Hw) - See Statewide  
COLUMBIA County  
(R) - See Burke County  
(Hw) - See Statewide  
COOK County  
(Hw) - See Statewide  
COMET County  
(Hw) - See Statewide  
CRAMFORD County  
(Hw) - See Statewide  
CRISP County  
(Hw) - See Statewide  
DECATUR County  
(R) - See Baker County  
(Hw) - See Statewide

## GEORGIA (Cont'd.)

DEKALB County  
(B,R) - See Clayton County  
(Hw) - See Statewide  
DODGE County  
(Hw) - See Statewide  
DOOLY County  
(Hw) - See Statewide  
DOUGHERTY County  
(R) - See Baker County  
(Hw) - See Statewide  
DOUGLAS County  
(Hw) - See Statewide  
EARLY County  
(Hw) - See Statewide  
(Hw) - See Baker County  
ECHOLS County  
(Hw) - See Statewide  
EFFINGHAM County  
(R) - See Bryan County  
(Hw) - See Statewide  
ELBERT County  
(Hw) - See Statewide  
(Hw) - See Barrow County  
EMANUEL County  
(Hw) - See Statewide  
EVANS County  
(R) - See Bryan County  
(Hw) - See Statewide  
FANNIN County  
(Hw) - See Statewide  
FAYETTE County  
(Hw) - See Statewide  
FLOYD County  
(Hw) - See Statewide  
FORSYTH County  
(Hw) - See Statewide  
FRANKLIN County  
(Hw) - See Statewide  
FULTON County  
(B,R) - See Clayton County  
GILMER County  
(Hw) - See Statewide  
GLASCOCK County  
(Hw) - See Burke County  
(R) - See Statewide  
GLYNN County  
(D) - See Bryan County  
(Hw) - See Statewide  
GORDON County  
(Hw) - See Statewide  
GRADY County  
(Hw) - See Statewide  
(R) - See Baker County  
GREENE County  
(R) - See Barrow County  
(Hw) - See Statewide

## GEORGIA (Cont'd.)

GINNETT County  
(Hw) - See Clayton County  
(Hw) - See Statewide  
HABERSHAM County  
(Hw) - See Statewide  
HALL County  
Decision #6A75-1025 (B)  
40 FR 8691 - 2/28/75  
Mod. #1 - 40 FR 12003 - 3/14/75  
Mod. #2 - 40 FR 49942 - 10/24/75  
Mod. #3 - 41 FR 30500 - 7/23/76  
(Hw) - See Statewide  
HANCOCK County  
(Hw) - See Statewide  
(Hw) - See Burke County  
HARALSON County  
(Hw) - See Statewide  
HARRIS County  
(Hw) - See Statewide  
(Hw) - See Chattahoochee County  
HART County  
(Hw) - See Statewide  
(R) - See Barrow County  
HEARD County  
(Hw) - See Statewide  
HENRY County  
(Hw) - See Statewide  
HOUSTON County  
(Hw) - See Statewide  
IRWIN County  
(Hw) - See Statewide  
JACKSON County  
(Hw) - See Statewide  
(R) - See Barrow County  
JASPER County  
(Hw) - See Statewide  
JEFF DAVIS County  
(Hw) - See Statewide  
JEFFERSON County  
(R) - See Burke County  
(Hw) - See Statewide  
JENKINS County  
(Hw) - See Statewide  
(Hw) - See Burke County  
JOHNSON County  
(Hw) - See Statewide  
JONES County  
(Hw) - See Statewide  
LAMAR County  
(Hw) - See Statewide  
LANIER County  
(Hw) - See Statewide  
LAURENS County  
Decision #AQ-4124 (B)  
39 FR 20912 - 6/14/74  
Mod. #1 - 41 FR 11722 - 3/19/76  
(Hw) - See Statewide  
LEE County  
(Hw) - See Statewide  
(R) - See Baker County

## GEORGIA (Cont'd.)

LIBERTY County  
(D,R) - See Bryan County  
(Hw) - See Statewide  
LINCOLN County  
(Hw) - See Statewide  
(R) - See Burke County  
LONG County  
(Hw) - See Statewide  
(R) - See Bryan County  
LOWNDES County  
(Hw) - See Statewide  
LUMPKIN County  
(Hw) - See Statewide  
MCDOUFFIE County  
(Hw) - See Statewide  
(R) - See Statewide  
McINTOSH County  
(D) - See Bryan County  
(Hw) - See Statewide  
MACON County  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
MADISON County  
(Hw) - See Statewide  
(R) - See Barrow County  
MARION County  
(Hw) - See Statewide  
(R) - See Chattahoochee County  
MERIWETHER County  
(R) - See Chattahoochee County  
(Hw) - See Statewide  
MILLER County  
(Hw) - See Statewide  
(R) - See Baker County  
MITCHELL County  
(Hw) - See Statewide  
(R) - See Baker County  
MONROE County  
(Hw) - See Statewide  
MONTGOMERY County  
(Hw) - See Statewide  
MORGAN County  
(Hw) - See Statewide  
(R) - See Barrow County  
MURRAY County  
(Hw) - See Statewide  
MUSCOGEE County  
(B,R) - See Chattahoochee County  
(Hw) - See Statewide  
NEWTON County  
(Hw) - See Statewide  
(R) - See Barrow County  
OCONEE County  
(Hw) - See Statewide  
(R) - See Barrow County  
OGLETHORPE County  
(Hw) - See Statewide  
(R) - See Barrow County  
PAULDING County  
(Hw) - See Statewide



## IDAHO (Cont'd)

TERRELL COUNTY  
(Hw) - See Statewide  
(R) - See Baker County  
THOMAS COUNTY  
(Hw) - See Statewide  
TIFT COUNTY  
(Hw) - See Statewide  
TOOMBS COUNTY  
(Hw) - See Statewide  
TOWNS COUNTY  
(Hw) - See Statewide  
TREUTLEN COUNTY  
(Hw) - See Statewide  
TROUP COUNTY  
(Hw) - See Statewide  
(R) - See Chatahoochee County  
TURNER COUNTY  
(Hw) - See Statewide  
TWIGGS COUNTY  
(Hw) - See Statewide  
UNION COUNTY  
(Hw) - See Statewide  
UPSON COUNTY  
(Hw) - See Statewide  
WALKER COUNTY  
(Hw) - See Statewide  
WALTON COUNTY  
(Hw) - See Statewide  
(R) - See Barron County  
WARE COUNTY  
Decision #G475-1113 (B)  
40 FR 58034 - 12/12/75  
(R) - See Charlton County  
(Hw) - See Statewide  
WARREN COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
WASHINGTON COUNTY  
(Hw) - See Statewide  
(R) - See Burke County  
WAYNE COUNTY  
(Hw) - See Statewide  
WEBSTER COUNTY  
(Hw) - See Statewide  
(R) - See Chatahoochee County  
WHEELER COUNTY  
(Hw) - See Statewide  
WHITE COUNTY  
(Hw) - See Statewide  
WHITEFIELD COUNTY  
(Hw) - See Statewide  
WILCOX COUNTY  
(Hw) - See Statewide  
WILKES COUNTY  
(R) - See Burke County  
(Hw) - See Statewide  
WILKINSON COUNTY  
(Hw) - See Statewide  
(Hw) - See Statewide

ADAMS COUNTY  
(B.H.,Hw) - See Statewide  
BANNOCK COUNTY  
(B.H.,Hw) - See Statewide  
BEAR LAKE COUNTY  
(B.H.,Hw) - See Statewide  
BENEAH COUNTY  
(B.H.,Hw) - See Statewide  
BINGHAM COUNTY  
(B.H.,Hw) - See Statewide  
BLAINE COUNTY  
(B.H.,Hw) - See Statewide  
BOISE COUNTY  
(B.H.,Hw) - See Statewide  
BONHIER COUNTY  
(B.H.,Hw) - See Statewide  
BONNEVILLE COUNTY  
(B.H.,Hw) - See Statewide  
BOUNDARY COUNTY  
(B.H.,Hw) - See Statewide  
BUTTE COUNTY  
(B.H.,Hw) - See Statewide  
CANNAS COUNTY  
(B.H.,Hw) - See Statewide  
CANYON COUNTY  
(B.H.,Hw) - See Statewide  
CARBOU COUNTY  
(B.H.,Hw) - See Statewide  
CASSIA COUNTY  
(B.H.,Hw) - See Statewide  
CLARK COUNTY  
(B.H.,Hw) - See Statewide  
CLEARWATER COUNTY  
(B.H.,Hw) - See Statewide  
CUSTER COUNTY  
(B.H.,Hw) - See Statewide  
ELMORE COUNTY  
(B.H.,Hw) - See Statewide  
FRANKLIN COUNTY  
(B.H.,Hw) - See Statewide  
FREMONT COUNTY  
(B.H.,Hw) - See Statewide  
GEN COUNTY  
(B.H.,Hw) - See Statewide  
GOODING COUNTY  
(B.H.,Hw) - See Statewide  
IDAHO COUNTY  
(B.H.,Hw) - See Statewide  
JEFFERSON COUNTY  
(B.H.,Hw) - See Statewide  
JEROME COUNTY  
(B.H.,Hw) - See Statewide

ADAMS COUNTY  
Decision #AR-1029 (B.H.,Hw,R)  
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE  
Decision #H176-5081 (B.H.,Hw,D,R)  
41 FR 36380 - 8/27/76

IDAHO

STATEWIDE  
Decision \$ID76-5066 (B.H.,Hw)  
41 FR 30515 - 7/23/76  
Mod. #1 - 41 FR 33126 - 8/6/76  
Mod. #2 - 41 FR 34479 - 8/13/76  
Mod. #3 - 41 FR 35319 - 8/20/76  
Mod. #4 - 41 FR 36367 - 8/27/76

IDAHO COUNTY  
Decision #AQ-1029 (R)  
38 FR 24513 - 9/7/73  
Mod. #1 - 38 FR 26543 - 9/21/73  
(B.H.,Hw) - See Statewide

IDAHO

STATEWIDE

Decision ID176-5066 (B, H, Hw)

41 FR 30515 - 7/23/76

Mod. #1 - 41 FR 33126 - 8/6/76

Mod. #2 - 41 FR 34479 - 8/13/76

Mod. #3 - 41 FR 35319 - 8/20/76

Mod. #4 - 41 FR 36367 - 8/27/76

IDA COUNTY

Decision AQ-1029 (R)

38 FR 24513 - 9/7/73

Mod. #1 - 38 FR 26543 - 9/21/73

(B, H, Hw) - See Seattle



## ILLINOIS (Cont'd)

HEIDERSOHN COUNTY  
(H, Hw) - See Fulton County  
HENRY COUNTY  
(H, Hw) - See Bureau County  
ILOGOIS COUNTY  
(B, H, Hw) - See Ford County  
JACKSON COUNTY  
(B, H, Hw) - See Alexander County  
JASPER COUNTY  
(H, Hw) - See Bond County  
(H, Hw) - See Clark County  
JEFFERSON COUNTY  
(B) - See Clay County  
JERSEY COUNTY  
(H, Hw) - See Bond County  
(B) - See Alexander County  
JO DAVIES COUNTY  
(H, Hw) - See Bureau County  
JOHNSON COUNTY  
(H, Hw) - See Alexander County  
KAHNE COUNTY  
(B, R) - See Du Page County  
(H, Hw) - See Boone County  
KANKAKEE COUNTY  
(B, H, Hw) - See Ford County  
KENDALL COUNTY  
(H, Hw) - See Boone County  
KNOX COUNTY  
(H, Hw) - See Fulton County  
LAKE COUNTY  
(B, R) - See Du Page County  
(D) - See Cook County  
(H, Hw) - See Boone County  
LA SALLE COUNTY  
(B) - See Bureau County  
(H, Hw) - See Ford County  
LAWRENCE COUNTY  
(B) - See Clark County  
(H, Hw) - See Clay County  
LEE COUNTY  
(H, Hw) - See Bureau County  
LIVINGSTON COUNTY  
(B) - See Bureau County  
(H, Hw) - See Ford County  
LOGAN COUNTY  
Decision #1L76-2072 (B)  
41 FR 22715 - 6/4/76  
(H, Hw) - See Adams County  
MCDONOUGH COUNTY  
(H, Hw) - See Fulton County  
MCHEERY COUNTY  
(H, Hw) - See Fulton County  
MC LEAN COUNTY  
Decision #1L76-2067 (B)  
41 FR 21974 - 5/28/76  
(H, Hw) - See Ford County  
MACON COUNTY  
(B) - See Christian County  
(H, Hw) - See Champaign County  
MACAUPIN COUNTY  
(H, Hw) - See Bond County

## ILLINOIS

CRAMFORD COUNTY  
(B) - See Clark County  
(H, Hw) - See Clay County  
CUMBERLAND COUNTY  
(B) - See Clark County  
(H, Hw) - See Champaign County  
DEKALB COUNTY  
(H, Hw) - See Boone County  
(H, Hw) - See Boone County  
DEWITT COUNTY  
(B) - See Christian County  
(H, Hw) - See Champaign County  
DOUGLAS COUNTY  
(B) - See Clark County  
(H, Hw) - See Champaign County  
DU PAGE COUNTY  
Decision #1L76-2009 (B, R)  
41 FR 5534 - 2/6/76  
Mod. #1 - 41 FR 16308 - 4/16/76  
(H, Hw) - See Boone County  
EDGAR COUNTY  
(B) - See Clark County  
(H, Hw) - See Champaign County  
EDWARDS COUNTY  
(B) - See Clark County  
(H, Hw) - See Clay County  
EFFINGHAM COUNTY  
(B) - See Clark County  
(H, Hw) - See Clay County  
FAYETTE COUNTY  
(H, Hw) - See Clay County  
(H, Hw) - See Clay County  
FORD COUNTY  
Decision #1L76-2010 (B)  
41 FR 5537 - 2/6/76  
Decision #1L76-2022 (H, Hw)  
41 FR 9759 - 3/5/76  
Mod. #2 - 40 FR 31437 - 7/25/75  
FRANKLIN COUNTY  
(H, Hw) - See Alexander County  
FULTON COUNTY  
Decision #1L76-2068 (B)  
41 FR 21977 - 5/28/76  
Decision #1L76-2023 (H, Hw)  
41 FR 9764 - 3/5/76  
Mod. #1-41 FR 14272 - 4/2/76  
Mod. #2-41 FR 15233 - 4/9/76  
Mod. #3-41 FR 20121 - 5/14/76  
GALLATIN COUNTY  
(H, Hw) - See Alexander County  
(D) - See Alexander County  
GREENE COUNTY  
(B, H, Hw) - See Bond County  
(D) - See Alexander County  
GRUNDY COUNTY  
(H, Hw) - See Ford County  
(H, Hw) - See Clay County  
HAMILTON COUNTY  
(H, Hw) - See Clay County  
HANCOCK COUNTY  
(H, Hw) - See Fulton County  
HARDIN COUNTY  
(H, Hw) - See Alexander County

## ILLINOIS (Cont'd)

BOONE COUNTY  
Decision #1L76-2019 (B)  
41 FR 8652 - 2/27/76  
Mod. #1 - 41 FR 11722 - 3/19/76  
Decision #1L76-2020 (H, Hw)  
41 FR 8658 - 2/27/76  
Mod. #1 - 41 FR 15232 - 4/9/75  
BROWN COUNTY  
(B, H, Hw) - See Adams County  
(D) - See Alexander County  
BUREAU COUNTY  
Decision #1L76-2011 (B)  
41 FR 5541 - 2/6/76  
Decision #1L76-2021 (H, Hw)  
41 FR 8661 - 2/27/76  
Mod. #1 - 41 FR 11723 - 3/19/76  
Mod. #2 - 41 FR 14271 - 4/2/76  
Mod. #3 - 41 FR 15233 - 4/9/76  
CALHOUN COUNTY  
(B, H, Hw) - See Bond County  
(D) - See Alexander County  
CARROLL COUNTY  
(H, Hw) - See Bureau County  
CASS COUNTY  
Decision #1L76-2063 (B)  
41 FR 20123 - 5/21/76  
(H, Hw) - See Adams County  
(D) - See Alexander County  
CHAMPAIGN COUNTY  
Decision #1L76-2007 (B)  
41 FR 4757 - 1/30/76  
Decision #1L76-2024 (H, Hw)  
41 FR 9770 - 3/5/76  
Mod. #1 - 41 FR 14272 - 4/2/76  
CHRISTIAN COUNTY  
(H, Hw) - See Adams County  
Decision #1L76-2047 (B)  
41 FR 16363 - 4/16/76  
CLARKE COUNTY  
Decision #1L76-2108 (B)  
41 FR 36301 - 8/27/76  
(H, Hw) - See Champaign County  
CLAY COUNTY  
Decision #1L76-2026 (H, Hw)  
41 FR 9778 - 3/5/76  
Mod. #1 - 41 FR 14272 - 4/2/76  
(B) - See Clark County  
CLINTON COUNTY  
(B, H, Hw) - See Bond County  
COLES COUNTY  
(H, Hw) - See Champaign County  
(B) - See Clark County  
COOK COUNTY  
Decision #1L76-2008 (B, H, Hw, R)  
41 FR 5531 - 2/6/76  
Mod. #1 - 41 FR 20120 - 5/14/76  
Decision #1L76-5051 (D)  
40 FR 16529 - 4/11/75

## ILLINOIS (Cont'd)

KOOTENAI COUNTY  
(B, H, Hw) - See Statewide  
LATAH COUNTY  
(B, H, Hw) - See Statewide  
LEMMI COUNTY  
(B, H, Hw) - See Statewide  
LEMIS COUNTY  
(B, H, Hw) - See Statewide  
LINCOLN COUNTY  
(B, H, Hw) - See Statewide  
MADISON COUNTY  
(B, H, Hw) - See Statewide  
MINIDOKA COUNTY  
(B, H, Hw) - See Statewide  
NEZ PERCE COUNTY  
(B, H, Hw) - See Statewide  
ONEIDA COUNTY  
(B, H, Hw) - See Statewide  
OWYHEE COUNTY  
(B, H, Hw) - See Statewide  
PAYETTE COUNTY  
(B, H, Hw) - See Statewide  
POWER COUNTY  
(B, H, Hw) - See Statewide  
SHOSHONE COUNTY  
(B, H, Hw) - See Statewide  
TETON COUNTY  
(B, H, Hw) - See Statewide  
TWIN FALLS COUNTY  
(B, H, Hw) - See Statewide  
VALLEY COUNTY  
(B, H, Hw) - See Statewide  
WASHINGTON COUNTY  
(B, H, Hw) - See Statewide  
ADAMS COUNTY  
Decision #1L76-2006 (B)  
40 FR 4754 - 1/30/76  
Mod. #1 - 41 FR 7888 - 2/20/76  
Decision #1L76-2025 (H, Hw)  
41 FR 9774 - 3/5/76  
ALEXANDER COUNTY  
Decision #1L76-2048 (B)  
41 FR 16369 - 4/16/76  
Mod. #1 - 41 FR 20124 - 5/14/76  
Decision #1L76-2028 (H, Hw)  
41 FR 9787 - 3/5/76  
Decision #1L76-5026 (D)  
41 FR 12858 - 3/26/76  
BOND COUNTY  
Decision #1L76-2079 (H, Hw)  
41 FR 34496 - 8/13/76  
Decision #1L76-2080 (B)  
41 FR 34475 - 8/13/76



## ILLINOIS (Cont'd.)

## ILLINOIS (Cont'd)

MADISON COUNTY  
Decision #1L76-2078 (B,R)  
41 FR 34492 - 8/13/76  
(H,Hw) - See Bond County

MARION COUNTY  
(H,Hw) - See Clay County

MARSHALL COUNTY  
(H,Hw) - See Bureau County  
(B) - See Ford County

MASON COUNTY  
(H,Hw) - See Logan County  
(B) - See Adams County

MASSAC COUNTY  
(H,Hw) - See Alexander County

MENARD COUNTY  
(B) - See Logan County  
(H,Hw) - See Adams County

MERCER COUNTY  
(H,Hw) - See Fulton County

MONROE COUNTY  
(B,H,Hw) - See Bond County  
(D) - See Alexander County

MONTGOMERY COUNTY  
(B,H,Hw) - See Bond County

MORGAN COUNTY  
(B) - See Cass County  
(H,Hw) - See Adams County  
(D) - See Alexander County

MOULTRIE COUNTY  
(B) - See Christian County  
(H,Hw) - See Champaign County

OSAGE COUNTY  
(H,Hw) - See Bureau County

PEORIA COUNTY  
Decision #1L76-2015 (B,D,R)  
41 FR 8643 - 2/27/76  
Mod. #1 - 41 FR 20120 - 5/14/76  
(H,Hw) - See Fulton County

PERRY COUNTY  
(H,Hw) - See Alexander County

PIATT COUNTY  
(B) - See Christian County  
(H,Hw) - See Champaign County

PIKE COUNTY  
(B,H,Hw) - See Adams County  
(D) - See Alexander County

POPE COUNTY  
(H,Hw,D) - See Alexander County

PULASKI COUNTY  
(H,Hw,D) - See Alexander County

POTANAN COUNTY  
(B) - See Bureau County  
(H,Hw) - See Ford County

RANDOLPH COUNTY  
(D,H,Hw) - See Alexander County  
(B) - See Bond County  
(B) - See Clarke County

RICHLAND COUNTY  
(B) - See Clarke County  
(H,Hw) - See Clay County

ROCK ISLAND COUNTY  
Decision #1L76-2016 (B)  
41 FR 8647 - 2/27/76  
Mod. #1 - 41 FR 10818 - 3/12/76  
(H,Hw) - See Bureau County

SAINT CLAIR COUNTY  
(B,R) - See Madison County  
(H,Hw) - See Bond County  
(D) - See Alexander County

## INDIANA

STATEWIDE  
Decision #IN76-2084 (H,Hw)  
41 FR 27585 - 7/2/76  
Mod. #1 - 41 FR 34480 - 8/13/76  
Mod. #2 - 41 FR 35321 - 8/20/76

ADAMS COUNTY  
(H,Hw) - See Statewide

ALLEN COUNTY  
Decision #IN76-2082 (B)  
41 FR 27567 - 7/2/76  
Mod. #1 - 41 FR 34479 - 8/13/76  
Mod. #2 - 41 FR 35319 - 8/20/76  
Mod. #3 - 41 FR 37475 - 9/3/76

Decision #AQ-3000 (R)  
38 FR 22341 - 8/17/73  
(H,Hw) - See Statewide

BARTHOLOMEW COUNTY  
(B) - See Allen County  
(H,Hw) - See Statewide

BENTON COUNTY  
(B) - See Allen County  
(H,Hw) - See Statewide

BLACKFORD COUNTY  
(H,Hw) - See Statewide

BOONE COUNTY  
(H,Hw) - See Statewide

BROWN COUNTY  
(H,Hw) - See Statewide

CARROLL COUNTY  
(H,Hw) - See Statewide

CASS COUNTY  
(H,Hw) - See Statewide

CLARK COUNTY  
Decision #1L76-5026 (D)  
41 FR 12858 - 3/26/76  
(H,Hw) - See Statewide

CLAY COUNTY  
(H,Hw) - See Statewide

CLINTON COUNTY  
(H,Hw) - See Statewide

CRAWFORD COUNTY  
(H,Hw) - See Statewide  
(D) - See Clark County

DAVIESS COUNTY  
(H,Hw) - See Statewide

DEARBORN COUNTY  
(B) - See Allen County  
(H,Hw) - See Statewide



## INDIANA (Cont'd.)

DECATUR COUNTY  
(H, Hw) - See Statewide

DEKALB COUNTY  
(H, Hw) - See Statewide

DELAWARE COUNTY  
(B) - See Allen County

DUBOIS COUNTY  
(H, Hw) - See Statewide

DUBOIS COUNTY  
(H, Hw) - See Statewide

ELKHART COUNTY  
(H, Hw) - See Statewide

FAYETTE COUNTY  
(H, Hw) - See Statewide

FLOYD COUNTY  
(D) - See Clark County

FOUNTAIN COUNTY  
(H, Hw) - See Statewide

FRANKLIN COUNTY  
(H, Hw) - See Statewide

FULTON COUNTY  
(H, Hw) - See Statewide

GIBSON COUNTY  
(H, Hw) - See Statewide

GRANT COUNTY  
(B) - See Allen County

GREENE COUNTY  
(H, Hw) - See Statewide

HAMILTON COUNTY  
(H, Hw) - See Statewide

HANCOCK COUNTY  
(H, Hw) - See Statewide

HARRISON COUNTY  
(D) - See Clark County

HENDRICKS COUNTY  
(H, Hw) - See Statewide

HENRY COUNTY  
(H, Hw) - See Statewide

HONARD COUNTY  
(H, Hw) - See Statewide

HUNTINGTON COUNTY  
(H, Hw) - See Statewide

JACKSON COUNTY  
(H, Hw) - See Statewide

JASPER COUNTY  
(H, Hw) - See Statewide

JAY COUNTY  
(H, Hw) - See Statewide

## INDIANA (Cont'd.)

JEFFERSON COUNTY  
(D) - See Clark County

JENNING COUNTY  
(H, Hw) - See Statewide

JOHNSON COUNTY  
(H, Hw) - See Statewide

KNOX COUNTY  
(H, Hw) - See Statewide

KOSCIUSKO COUNTY  
(H, Hw) - See Statewide

LAGRANGE COUNTY  
(H, Hw) - See Statewide

LAKE COUNTY  
Decision #IN76-2083 (B, H, Hw)  
41 FR 27577 - 7/2/76  
Mod. #1 - 41 FR 34480 - 8/13/76  
Mod. #2 - 41 FR 35320 - 8/20/76  
Mod. #3 - 41 FR 37475 - 9/3/76  
Decision #AQ-3095 (D)  
39 FR 5982 - 2/15/74  
Mod. #1 - 39 FR 44161 - 12/20/74

LAPORTE COUNTY  
(B, H, Hw) - See Lake County

LAWRENCE COUNTY  
(H, Hw) - See Statewide

MADISON COUNTY  
(H, Hw) - See Statewide

MARION COUNTY  
Decision #IN76-2005 (R)  
41 FR 3602 - 1/23/76  
Mod. #1 - 41 FR 9720 - 3/5/76  
Mod. #2 - 41 FR 21984 - 5/28/76

MARSHALL COUNTY  
(B) - See Allen County

MARTIN COUNTY  
(H, Hw) - See Statewide

MIAMI COUNTY  
(H, Hw) - See Statewide

MOHRE COUNTY  
(B) - See Allen County

MONTGOMERY COUNTY  
(H, Hw) - See Statewide

MORGAN COUNTY  
(H, Hw) - See Statewide

NEWTON COUNTY  
(H, Hw) - See Statewide

NOBLE COUNTY  
(H, Hw) - See Statewide

## INDIANA (Cont'd.)

OHIO COUNTY  
(D) - See Clark County

ORANGE COUNTY  
(H, Hw) - See Statewide

OWEN COUNTY  
(H, Hw) - See Statewide

PARKE COUNTY  
(H, Hw) - See Statewide

PERRY COUNTY  
(D) - See Clark County

PIKE COUNTY  
(H, Hw) - See Statewide

PORTER COUNTY  
(B, H, Hw) - See Lake County

POSEY COUNTY  
(D) - See Clark County

PULASKI COUNTY  
(H, Hw) - See Statewide

POTOMAC COUNTY  
(H, Hw) - See Statewide

RANDOLPH COUNTY  
(H, Hw) - See Statewide

RIPLEY COUNTY  
(H, Hw) - See Statewide

RUSH COUNTY  
(H, Hw) - See Statewide

SAINT JOSEPH COUNTY  
(B, H, Hw) - See Lake County

SCOTT COUNTY  
(H, Hw) - See Statewide

SHELBY COUNTY  
(H, Hw) - See Statewide

SPENCER COUNTY  
(D) - See Clark County

STARKE COUNTY  
(H, Hw) - See Statewide

STEEBEN COUNTY  
(H, Hw) - See Statewide

SULLIVAN COUNTY  
(H, Hw) - See Statewide

SWITZERLAND COUNTY  
(D) - See Clark County

(H, Hw) - See Statewide



## INDIANA (Cont'd.)

TIPPECANOE COUNTY  
(B) - See Allen County  
(H, Hw) - See Statewide  
TIPTON COUNTY  
(H, Hw) - See Statewide  
UNION COUNTY  
(H, Hw) - See Statewide  
VANDERBURGH COUNTY  
Decision #1N76-2046 (R)  
41 FR 16302 - 4/16/76  
(B) - See Allen County  
(D) - See Clark County  
(H, Hw) - See Statewide  
VERMILION COUNTY  
(H, Hw) - See Statewide  
VIGO COUNTY  
(B) - See Allen County  
(H, Hw) - See Statewide  
WABASH COUNTY  
(H, Hw) - See Statewide  
WARREN COUNTY  
(H, Hw) - See Statewide  
WARRICK COUNTY  
(D) - See Clark County  
(H, Hw) - See Statewide  
WASHINGTON COUNTY  
(H, Hw) - See Statewide  
WAYNE COUNTY  
(H, Hw) - See Statewide  
WELLS COUNTY  
(H, Hw) - See Statewide  
WHITE COUNTY  
(H, Hw) - See Statewide  
WHITLEY COUNTY  
(H, Hw) - See Statewide

## IOWA

ADAIR COUNTY  
Decision #IA76-4120 (H, Hw)  
41 FR 30481 - 7/23/76  
ADAMS COUNTY  
(H, Hw) - See Adair County  
ALLAMAKEE COUNTY  
None  
APPANOOSE COUNTY  
Decision #IA75-4192 (H, Hw)  
40 FR 55629 - 11/28/75  
AUDUBON COUNTY  
None  
BENTON COUNTY  
Decision #IA75-4081 (Hw)  
40 FR 17507 - 4/18/75  
Mod. #1 - 41 FR 12847 - 3/26/76  
BLACK HAWK COUNTY  
Decision #IA76-4092 (B, H, Hw) (City of  
Waterloo & abutting Municipalities  
41 FR 21079 - 5/21/76  
Mod. #1 - 41 FR 33127 - 8/6/76  
BOONE COUNTY  
None  
BREMER COUNTY  
None  
BUCHANAN COUNTY  
Decision #IA76-4121 (H, Hw)  
41 FR 30482 - 7/23/76  
BUENA VISTA COUNTY  
None  
BUTLER COUNTY  
Decision #IA76-4122 (H, Hw)  
41 FR 30483 - 7/23/76  
CALHOUN COUNTY  
None  
CARROLL COUNTY  
Decision #IA76-4053 (H, Hw)  
41 FR 7907 - 2/20/76  
CASS COUNTY  
(H, Hw) - See Adair County  
CEDAR COUNTY  
(H, Hw) - See Buchanan County  
CERRO GORDO COUNTY (HASON CITY)  
Decision #IA76-4099 (B, H, Hw)  
41 FR 24844 - 6/18/76  
Mod. #1 - 41 FR 33127 - 8/6/76  
(H, Hw) (Excluding Mason City) - See Butler Co.  
CHEROKEE COUNTY  
None  
CHICKASAW COUNTY  
None  
CLARKE COUNTY  
(H, Hw) - See Adair County

## IOWA (Cont'd.)

CLAY COUNTY  
(H, Hw) - See Carroll County  
CLAYTON COUNTY  
None  
CLINTON COUNTY (City of Clinton and  
abutting municipalities)  
Decision #IA76-4056 (B, H, Hw)  
41 FR 8674 - 2/21/76  
Mod. #1 - 41 FR 24833 - 6/18/76  
CRAMFORD COUNTY  
(H, Hw) - See Carroll County  
DALLAS COUNTY  
None  
DAVIS COUNTY  
(H, Hw) - See Appanoose County  
DECATUR COUNTY  
(H, Hw) - See Adair County  
DELAWARE COUNTY  
(H, Hw) - See Buchanan County  
DES MOINES COUNTY (City of Burlington  
and abutting Municipalities; and  
Burlington Ordinance Plant)  
Decision #IA76-4057 (B, H, Hw)  
41 FR 8675 - 2/21/76  
DICKINSON COUNTY  
None  
DUBUQUE COUNTY (City of Dubuque and  
abutting municipalities)  
Decision #IA76-4058 (B, H, Hw)  
41 FR 8679 - 2/21/76  
Mod. #1 - 41 FR 11725 - 3/19/76  
Mod. #2 - 41 FR 15234 - 4/9/76  
EMMET COUNTY  
None  
FAYETTE COUNTY  
None  
FLOYD COUNTY  
(H, Hw) - See Butler County  
FRANKLIN COUNTY  
Decision #IA76-4123 (H, Hw)  
41 FR 30484 - 7/23/76  
FREMONT COUNTY  
Decision #IE76-4070 (Channel Stabilization)  
41 FR 14293 - 4/2/76  
(H, Hw) - See Adair County  
GREENE COUNTY  
None  
GRUNDY COUNTY  
(H, Hw) - See Butler County

## IOWA (Cont'd.)

GUTHRIE COUNTY  
None  
HAMILTON COUNTY  
(H, Hw) - See Butler County  
HANCOCK COUNTY  
(H, Hw) - See Butler County  
HARDIN COUNTY  
(H, Hw) - See Franklin County  
HARRISON COUNTY  
Decision #IA76-4124 (H, Hw)  
41 FR 30485 - 7/23/76  
(Chann. Stab.) - See Fremont Co.  
HENRY COUNTY  
None  
HOWARD COUNTY  
None  
HUMBOLDT COUNTY  
None  
IDA COUNTY  
None  
IOWA COUNTY  
(H, Hw) - See Benton County  
JACKSON COUNTY  
(H, Hw) - See Buchanan County  
JASPER COUNTY  
None  
JEFFERSON COUNTY  
(H, Hw) - See Appanoose County  
JOHNSON COUNTY (City of Iowa City and  
abutting municipalities)  
Decision #IA76-4059 (B, H, Hw)  
41 FR 8682 - 2/21/76  
Mod. #1 - 41 FR 11726 - 3/19/76  
Mod. #2 - 41 FR 15234 - 4/9/76  
Mod. #3 - 41 FR 19008 - 5/7/76  
(Hw) - See Benton County  
JONES COUNTY  
(H, Hw) - See Buchanan County  
KEOKUK COUNTY  
(H, Hw) - See Benton County  
KOSSUTH COUNTY  
None  
LEE COUNTY  
None  
LINN COUNTY  
Decision #IA76-4060 (B, H, Hw)  
41 FR 8885 - 2/21/76  
Mod. #1 - 41 FR 11726 - 3/19/76  
Mod. #2 - 41 FR 15234 - 4/9/76  
Mod. #3 - 41 FR 19008 - 5/7/76







## KANSAS (Cont'd.)

HAMILTON COUNTY  
(Hw, M&S) - See Barber County

HARPER COUNTY  
(Hw, M&S) - See Allen County

HARVEY COUNTY  
(Hw, M&S) - See Allen County

HASKELL COUNTY  
(Hw, M&S) - See Barber County

HODGEMAN COUNTY  
(Hw, M&S) - See Barber County

JACKSON COUNTY  
(Hw, M&S) - See Allen County

JEFFERSON COUNTY  
(Hw) - See Douglas County

JEWELL COUNTY  
(Hw, M&S) - See Barber County

JOHNSON COUNTY  
Decision # M076-4102 (B, H, W)  
41 FR 27597 - 7/2/76  
Decision # M076-4103 (R)  
41 FR 27602 - 7/2/76  
Mod. #1 - 41 FR 34482 - 8/13/76

KEARNY COUNTY  
(Hw, M&S) - See Barber County

KINGMAN COUNTY  
(Hw, M&S) - See Allen County

KIOWA COUNTY  
(Hw, M&S) - See Barber County

LABETTE COUNTY  
(Hw, M&S) - See Allen County

LANE COUNTY  
(Hw, M&S) - See Barber County

LEAVENWORTH COUNTY  
Decision #KS76-4098 (B)  
41 FR 23899 - 6/11/76  
(Hw) - See Douglas County  
(D) - See Atchison County

LINCOLN COUNTY  
(Hw, M&S) - See Barber County

LINN COUNTY  
(Hw, M&S) - See Allen County

LOGAN COUNTY  
(Hw, M&S) - See Barber County

## KANSAS (Cont'd.)

LYON COUNTY  
(Hw, M&S) - See Allen County

MCPHERSON COUNTY  
(Hw, M&S) - See Allen County

MARION COUNTY  
(Hw, M&S) - See Allen County

MARSHALL COUNTY  
(Hw, M&S) - See Allen County

MEADE COUNTY  
(Hw, M&S) - See Barber County

MIAMI COUNTY  
(Hw) - See Douglas County

MITCHELL COUNTY  
(Hw, M&S) - See Barber County

MONTGOMERY COUNTY  
(Hw, M&S) - See Allen County

MORRIS COUNTY  
(Hw, M&S) - See Allen County

MORTON COUNTY  
(Hw, M&S) - See Barber County

NEMAH COUNTY  
(Hw, M&S) - See Allen County

NEOSHO COUNTY  
(Hw, M&S) - See Allen County

NESS COUNTY  
(Hw, M&S) - See Barber County

NORTON COUNTY  
(Hw, M&S) - See Barber County

OSAGE COUNTY  
(Hw, M&S) - See Allen County

OSBORNE COUNTY  
(Hw, M&S) - See Barber County

OTTAWA COUNTY  
(Hw, M&S) - See Allen County

PANTEE COUNTY  
(Hw, M&S) - See Barber County

PHILLIPS COUNTY  
(Hw, M&S) - See Barber County

POTTAWATOMIE COUNTY  
(Hw, M&S) - See Allen County

PRAIRIE COUNTY  
(Hw, M&S) - See Barber County

RAMBLING COUNTY  
(Hw, M&S) - See Barber County

RAY COUNTY  
(Hw, M&S) - See Allen County

## KANSAS (Cont'd.)

RENO COUNTY  
(Hw, M&S) - See Allen County

REPUBLIC COUNTY  
(Hw, M&S) - See Allen County

RICE COUNTY  
(Hw, M&S) - See Barber County

RILEY COUNTY  
(Hw, M&S) - See Allen County  
(B) - See Geary County

ROOKS COUNTY  
(Hw, M&S) - See Barber County

RUSH COUNTY  
(Hw, M&S) - See Barber County

RUSSELL COUNTY  
(Hw, M&S) - See Barber County

SALINE COUNTY  
(Hw, M&S) - See Allen County

SCOTT COUNTY  
(Hw, M&S) - See Barber County

SEDERWICK COUNTY  
Decision #AP-533 (R)  
38 FR 16573 - 6/22/73  
Decision #KS76-4097 (B)  
41 FR 23896 - 6/11/76  
Decision #KS75-4052 (Hw, M&S)  
40 FR 6057 - 2/7/75  
Mod. #1 - 40 FR 7775 - 2/21/75

SEWARD COUNTY  
(Hw, M&S) - See Barber County

SHAMMEE COUNTY  
Decision #KS76-4096 (B)  
41 FR 23893 - 6/11/76  
Decision #KS76-4095 (R)  
41 FR 23890 - 6/11/76  
(Hw) - See Douglas County

## KANSAS (Cont'd.)

SHERIDAN COUNTY  
(Hw, M&S) - See Barber County

SHERMAN COUNTY  
(Hw, M&S) - See Barber County

SMITH COUNTY  
(Hw, M&S) - See Barber County

STAFFORD COUNTY  
(Hw, M&S) - See Barber County

STANTON COUNTY  
(Hw, M&S) - See Barber County

STEVENS COUNTY  
(Hw, M&S) - See Barber County

SUMNER COUNTY  
(Hw, M&S) - See Allen County

THOMAS COUNTY  
(Hw, M&S) - See Barber County

TREGO COUNTY  
(Hw, M&S) - See Barber County

WABANSEE COUNTY  
(Hw, M&S) - See Allen County

WALLACE COUNTY  
(Hw, M&S) - See Barber County

WASHINGTON COUNTY  
(Hw, M&S) - See Allen County

WICHITA COUNTY  
(Hw, M&S) - See Barber County

WILSON COUNTY  
(Hw, M&S) - See Allen County

WOODSON COUNTY  
(Hw, M&S) - See Allen County

WYANDOTTIE COUNTY  
(B, H, W, R) - See Johnson County  
(D) - See Atchison County



## KENTUCKY (Cont'd.)

## KENTUCKY (Cont'd.)

## KENTUCKY (Cont'd.)

HARDIN COUNTY  
(B) - See Jefferson County  
(H, Hw) - See Anderson County  
(R) - See Breckinridge County  
(D) - See Boone County  
HARLAN COUNTY  
(H, Hw) - See Adair County  
HARRISON COUNTY  
(H, Hw) - See Anderson County  
(R) - See Bath County  
HART COUNTY  
(H, Hw, R) - See Adair County  
HENDERSON COUNTY  
Decision #KY76-1078 (B)  
41 FR 30527 - 7/23/76  
(H, Hw) - See Allen County  
(D) - See Boone County  
HENRY COUNTY  
(H, Hw) - See Anderson County  
HICKMAN COUNTY  
(D) - See Ballard County  
(H, Hw) - See Allen County  
HOPKINS COUNTY  
(H, Hw) - See Allen County  
JACKSON COUNTY  
(H, Hw) - See Adair County  
JEFFERSON COUNTY  
Decision #KY76-1038 (B)  
41 FR 10828 - 3/12/76  
Mod. #1 - 41 FR 17292 - 4/23/76  
Mod. #2 - 41 FR 20119 - 5/14/76  
Mod. #3 - 41 FR 24834 - 6/18/76  
Mod. #4 - 41 FR 29611 - 7/16/76  
Mod. #5 - 41 FR 35323 - 8/20/76  
(D) - See Boone County  
(R) - See Breckinridge County  
(H, Hw) - See Anderson County  
JESSAMINE COUNTY  
(H, Hw) - See Anderson County  
(R) - See Bath County

FAYETTE COUNTY  
Decision #KY76-1079 (B)  
41 FR 30529 - 7/23/76  
Mod. #1 - 41 FR 33128 - 8/6/76  
Mod. #2 - 41 FR 30368 - 8/27/76  
(H, Hw) - See Anderson County  
(R) - See Bath County  
FLEMING COUNTY  
(D) - See Anderson County  
FLOYD COUNTY  
Decision #AR-4002 (B)  
39 FR 24777 - 7/5/74  
(H, Hw) - See Adair County  
FRANKLIN COUNTY  
Decision #KY76-1028 (B)  
41 FR 7905 - 2/20/76  
Mod. #1 - 41 FR 12048 - 3/26/76  
Mod. #2 - 41 FR 20118 - 5/14/76  
Mod. #3 - 41 FR 23887 - 6/11/76  
Mod. #4 - 41 FR 29610 - 7/16/76  
Mod. #5 - 41 FR 36368 - 8/27/76  
(H, Hw) - See Anderson County  
FULTON COUNTY  
(D) - See Ballard County  
(H, Hw) - See Allen County  
GALLATIN COUNTY  
(H, Hw) - See Anderson County  
(D, R) - See Boone County  
GARRARD COUNTY  
(H, Hw) - See Adair County  
GRANT COUNTY  
(H, Hw) - See Anderson County  
(R) - See Boone County  
GRAVES COUNTY  
(H, Hw) - See Allen County  
GRAYSON COUNTY  
(H, Hw) - See Anderson County  
GREENE COUNTY  
(H, Hw, R) - See Adair County  
GREENUP COUNTY  
(H, Hw) - See Anderson County  
(D) - See Boone County  
HANCOCK COUNTY  
(H, Hw) - See Allen County  
(D) - See Boone County

34  
BRECKINRIDGE COUNTY  
Decision #KY76-1080 (R)  
41 FR 30532 - 7/23/76  
(H, Hw) - See Anderson County  
(D) - See Boone County  
BULLITT COUNTY  
(D) - See Boone County  
(H, Hw) - See Anderson County  
(R) - See Breckinridge County  
BUTLER COUNTY  
(H, Hw) - See Allen County  
CALDWELL COUNTY  
(H, Hw) - See Allen County  
CALLOWAY COUNTY  
(H, Hw) - See Allen County  
CAMPBELL COUNTY  
(D, H, Hw, D, R) - See Boone County  
CARLISLE COUNTY  
(D) - See Ballard County  
(H, Hw) - See Allen County  
CARROLL COUNTY  
(H, Hw) - See Anderson County  
(D, R) - See Boone County  
CARTER COUNTY  
(H, Hw) - See Anderson County  
CASEY COUNTY  
(H, Hw) - See Adair County  
CHRISTIAN COUNTY  
Decision #KY76-1091 (B)  
41 FR 37470 - 9/3/76  
(H, Hw) - See Allen County  
CLARK COUNTY  
(H, Hw) - See Anderson County  
(R) - See Bath County  
CLAY COUNTY  
(H, Hw) - See Adair County  
CLINTON COUNTY  
(H, Hw) - See Adair County  
CRITTENDEN COUNTY  
(H, Hw) - See Allen County  
CUMBERLAND COUNTY  
(H, Hw, R) - See Adair County  
DAVIESS COUNTY  
Decision #AQ-4122 (B)  
39 FR 20281 - 6/7/74  
Mod. #1 - 41 FR 19008 - 5/7/76  
Mod. #2 - 41 FR 21987 - 5/28/76  
(H, Hw) - See Allen County  
EDMONSON COUNTY  
(H, Hw) - See Allen County  
ELLIOTT COUNTY  
(H, Hw) - See Anderson County  
ESTILL COUNTY  
(H, Hw) - See Adair County

## KENTUCKY

ADAIR COUNTY  
Decision #KY76-1093 (R)  
41 FR 37472 - 9/3/76  
Decision #KY76-1103 (H, Hw)  
40 FR 48860 - 10/17/75  
Mod. #1 - 40 FR 55609 - 11/28/75  
Mod. #2 - 41 FR 29610 - 7/16/76  
ALLEN COUNTY  
Decision #KY75-1093 (H, Hw)  
40 FR 43456 - 9/19/75  
Mod. #1 - 41 FR 29609 - 7/16/76  
ANDERSON COUNTY  
Decision #KY75-1095 (H, Hw)  
40 FR 43459 - 9/19/75  
Mod. #1 - 41 FR 29609 - 7/16/76  
BALLARD COUNTY  
Decision #AL76-5028 (D)  
41 FR 14284 - 4/2/76  
(H, Hw) - See Allen County  
BARREN COUNTY  
(H, Hw) - See Adair County  
BATH COUNTY  
(H, Hw) - See Anderson County  
Decision #AL75-1095 (R)  
40 FR 49950 - 10/24/75  
BELL COUNTY  
(H, Hw) - See Adair County  
Decision #AQ-4126 (B)  
39 FR 22359 - 6/21/74  
BOONE COUNTY  
Decision #KY76-1092 (R)  
41 FR 37471 - 9/3/76  
Decision #KY75-1096 (H, Hw)  
40 FR 44457 - 9/26/75  
Mod. #1 - 40 FR 49943 - 10/24/75  
Decision #KY76-1086 (B)  
41 FR 36384 - 8/27/76  
Decision #IL76-5026 (D)  
41 FR 12858 - 3/26/76  
BOURBON COUNTY  
(H, Hw) - See Anderson County  
BOYD COUNTY  
(R) - See Bath County  
Decision #KY75-1100 (B)  
40 FR 44454 - 9/26/75  
Mod. #1 - 41 FR 10820 - 3/12/76  
Mod. #2 - 41 FR 11727 - 3/19/76  
Mod. #3 - 41 FR 20119 - 5/14/76  
Mod. #4 - 41 FR 24834 - 6/18/76  
Mod. #5 - 41 FR 37476 - 9/3/76  
(D) - See Boone County  
(H, Hw) - See Anderson County  
BOYLE COUNTY  
(H, Hw) - See Anderson County  
BRACKEN COUNTY  
(R) - See Boone County  
(H, Hw) - See Anderson County  
(D) - See Boone County  
BREATHITT COUNTY  
(H, Hw) - See Adair County



## KENTUCKY (Cont'd)

JOHNSON COUNTY  
(H, Hw) - See Anderson County

KENTON COUNTY  
(B, H, Hw, D) - See Boone County

KNOTT COUNTY  
(H, Hw) - See Adair County

KNOX COUNTY  
(H, Hw) - See Adair County

LARUE COUNTY  
(H, Hw) - See Anderson County

LAUREL COUNTY  
(H, Hw) - See Adair County

LAWRENCE COUNTY  
(H, Hw) - See Anderson County

LEE COUNTY  
(H, Hw) - See Adair County

LESLIE COUNTY  
(H, Hw) - See Adair County

LETCHER COUNTY  
(H, Hw) - See Adair County

LENIS COUNTY  
(H, Hw) - See Anderson County

LINCOLN COUNTY  
(H, Hw) - See Adair County

LIVINGSTON COUNTY  
(H, Hw) - See Adair County

LOGAN COUNTY  
(H, Hw) - See Adair County

LYON COUNTY  
(H, Hw) - See Adair County

MCCRACKEN COUNTY  
Decision #KY76-1058 (B)  
41 FR 21082 - 5/21/76  
Mod. #1 - 41 FR 29612 - 7/16/76  
(D) - See Boone County

MUHLBERG COUNTY  
(H, Hw) - See Adair County

## KENTUCKY (Cont'd)

MCCRARY COUNTY  
(H, Hw) - See Adair County

MCLEAN COUNTY  
(H, Hw) - See Adair County

MADISON COUNTY  
(H, Hw) - See Anderson County

MAGOFFIN COUNTY  
(H, Hw) - See Adair County

MARION COUNTY  
(H, Hw) - See Anderson County

MARSHALL COUNTY  
(H, Hw) - See Adair County

MARTIN COUNTY  
(H, Hw) - See Adair County

MASON COUNTY  
(H, Hw) - See Anderson County

MEADE COUNTY  
(H, Hw) - See Anderson County

MENIFFE COUNTY  
(H, Hw) - See Adair County

MERCER COUNTY  
(H, Hw) - See Anderson County

METCALFE COUNTY  
(H, Hw, R) - See Adair County

MONROE COUNTY  
(H, Hw, R) - See Adair County

MONTGOMERY COUNTY  
(H, Hw) - See Anderson County

MORGAN COUNTY  
(H, Hw) - See Anderson County

MUHLBERG COUNTY  
(H, Hw) - See Adair County

## KENTUCKY (Cont'd)

NELSON COUNTY  
(H, Hw) - See Anderson County

NICHOLAS COUNTY  
(H, Hw) - See Anderson County

OHIO COUNTY  
(H, Hw) - See Adair County

OLDHAM COUNTY  
(H, Hw) - See Anderson County

ONEA COUNTY  
(H, Hw) - See Anderson County

ONTSLEY COUNTY  
(H, Hw) - See Adair County

PENDLETON COUNTY  
(B, R) - See Boone County

PERRY COUNTY  
(D) - See Boone County

PIKE COUNTY  
(H, Hw) - See Adair County

POWELL COUNTY  
(H, Hw) - See Adair County

PULASKI COUNTY  
(H, Hw) - See Adair County

ROBERTSON COUNTY  
(H, Hw) - See Anderson County

ROCKCASTLE COUNTY  
(H, Hw) - See Adair County

ROWAN COUNTY  
(H, Hw) - See Anderson County

RUSSELL COUNTY  
(H, Hw) - See Adair County

SCOTT COUNTY  
(H, Hw) - See Anderson County

SHELBY COUNTY  
(H, Hw) - See Breckinridge County

## KENTUCKY (Cont'd)

SIMPSON COUNTY  
(H, Hw) - See Adair County

SPENCER COUNTY  
(H, Hw) - See Anderson County

TAYLOR COUNTY  
(R) - See Breckinridge County

TODD COUNTY  
(H, Hw) - See Adair County

TRIGG COUNTY  
(H, Hw) - See Adair County

TRIMBLE COUNTY  
(H, Hw) - See Anderson County

UNION COUNTY  
(H, Hw) - See Boone County

WARREN COUNTY  
Decision #KY76-1077 (B)  
41 FR 30525 - 7/23/76  
Mod. #1 - 41 FR 35323 - 8/20/76  
(H, Hw) - See Adair County

WASHINGTON COUNTY  
(H, Hw) - See Anderson County

WAYNE COUNTY  
(H, Hw) - See Adair County

WEBSTER COUNTY  
(H, Hw) - See Adair County

WHITLEY COUNTY  
(H, Hw) - See Adair County

WOLFE COUNTY  
(H, Hw) - See Adair County

WOODFORD COUNTY  
(H, Hw) - See Anderson County

(R) - See Bath County



## LOUISIANA (Cont'd)

## LOUISIANA (Cont'd)

## LOUISIANA (Cont'd)

## STATEWIDE

Decision #AL76-5028 (0)  
41 FR 14284 - 4/2/76  
Decision #LA76-4143 (B, Hw, R)  
41 FR 35349 - 8/20/76

## ACADIA PARISH

Decision #AR76-5041 (F)  
41 FR 19017 - 5/7/76  
Mod. #1 - 41 FR 21981 - 5/28/76

## ALLEN PARISH

(F) - See Statewide  
(D, B, Hw) - See Acadia Parish

## ASCENSION PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ASSUMPTION PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## AYOUELLES PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## BEAUREGARD PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## BIENVILLE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## BOSSIER PARISH

(F) - See Acadia Parish  
(B, D, Hw, R) - See Statewide

## CADDO PARISH

(B, D, Hw, R) - See Statewide  
CALCASIEU PARISH

(F) - See Acadia Parish  
(B, D, Hw, R) - See Statewide

## CALDWELL PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## CAMERON PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## CATAHOULE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## CLAIBORNE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## CONCORDIA PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## DE SOTO PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## EAST BATON ROUGE PARISH

(B, D, Hw) - See Statewide  
EAST CARROLL PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## EAST FELICIANA PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## EVANGELINE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## FRANKLIN PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## GRANT PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## IBERIA PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## IBERVILLE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## JACKSON PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## JEFFERSON PARISH

Decision #AR-3 (R)  
39 FR 25777 - 7/12/74

## JEFFERSON DAVIS PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## LAFAYETTE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## LAFORCHE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## LA SALLE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## LINCOLN PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## LIVINGSTON PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## MADISON PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## MOREHOUSE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## NATCHITOCHES PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ORLEANS PARISH

(B, D, Hw) - See Statewide  
(F) - See Acadia Parish

## QUACHITA PARISH

Decision #AQ-116 (R)  
39 FR 22397 - 6/21/74

## QUACHITA PARISH

(B, D, Hw) - See Statewide

## PLAQUEMINES PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## POINTE COUPEE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## RAPIDES PARISH

(B, D, Hw) - See Statewide  
(F) - See Acadia Parish

## RED RIVER PARISH

(B, D, Hw) - See Statewide  
(F) - See Acadia Parish

## RICHLAND PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## SABINE PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. BERNARD PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. CHARLES PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. HELENA PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. JOHN THE BAPTIST PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. LANDRY PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. MARTIN PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. MARY PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide

## ST. MARY PARISH

(F) - See Acadia Parish  
(B, D, Hw) - See Statewide



## LOUISIANA (Cont'd.)

ST. TAMMANY PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
TANGIPAHOA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
TENSAS PARISH  
(F) - See Acadia Parish  
(B,Hw,D) - See Statewide  
TERREBONNE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
UNION PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
VERMILION PARISH  
(F) - See Acadia Parish  
(D,B,Hw) - See Statewide  
VERNON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WASHINGTON PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEBSTER PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEST BATON ROUGE PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEST CARROLL PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
WEST FELICIANA PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide  
MINN PARISH  
(F) - See Acadia Parish  
(B,D,Hw) - See Statewide

## MAINE

ANDROSCOGGIN COUNTY  
None  
AROSTOOK COUNTY  
None  
CUMBERLAND COUNTY  
Decision #C175-5139 (D)  
40 FR 55621 - 11/28/75  
FRANKLIN COUNTY  
None  
HANCOCK COUNTY  
(D) - See Cumberland County  
KENNEBEC COUNTY  
None  
KNOX COUNTY  
(D) - See Cumberland County  
LINCOLN COUNTY  
(D) - See Cumberland County  
OXFORD COUNTY  
None  
PENOBSCOT COUNTY  
None  
PISCATAQUIS COUNTY  
None  
SAGadahoc COUNTY  
(D) - See Cumberland County  
SOMERSET COUNTY  
None  
WALDO COUNTY  
(D) - See Cumberland County  
WASHINGTON COUNTY  
(D) - See Cumberland County  
YORK COUNTY  
(D) - See Cumberland County

## MARYLAND (Cont'd.)

ALLEGANY COUNTY  
Decision #MD76-3216 (B)  
41 FR 32132 - 7/30/76  
Decision #MD76-3217 - (H,Hw)  
41 FR 32134 - 7/30/76  
ANNE ARUNDEL COUNTY  
Decision #SA76-5025 (D)  
41 FR 12857 - 3/26/76  
Decision #MD76-3227 (B,H)  
41 FR 32146 - 7/30/76  
Decision #MD76-3151 (Hw)  
41 FR 11742 - 3/19/76  
BALTIMORE CITY  
Decision #MD76-3219 (Hw)  
41 FR 32139 - 7/30/76  
Decision #MD76-3218 (B,H)  
41 FR 32136 - 7/30/76  
Decision #C175-5139 (D)  
40 FR 55621 - 11/28/75  
BALTIMORE COUNTY  
Decision #MD76-3153 (Hw)  
41 FR 11744 - 3/19/76  
Mod. #1 - 41 FR 14273 - 4/2/76  
(B,H) - See Baltimore City  
CALVERT COUNTY  
(D,Hw) - See Anne Arundel County  
CAROLINE COUNTY  
Decision #MD76-3152 (Hw)  
41 FR 11743 - 3/19/76  
Mod. #1 - 41 FR 14273 - 4/2/76  
(H) - See Anne Arundel County  
CARROLL COUNTY  
(Hw) - See Anne Arundel County  
CECIL COUNTY  
(Hw) - See Caroline County  
CHARLES COUNTY  
(D,Hw) - See Anne Arundel County  
DORCHESTER COUNTY  
(Hw) - See Caroline County  
(D) - See Anne Arundel County  
FREDERICK COUNTY  
Decision #AQ-2076 (R)  
41 FR 10069 - 3/15/74  
Mod. #1 - 41 FR 15272 - 4/4/75  
(Hw) - See Anne Arundel County  
GARRETT COUNTY  
(B,H,Hw) - See Allegany County

## MARYLAND (Cont'd.)

HARFORD COUNTY  
(B,H) - See Baltimore County  
(Hw) - See Anne Arundel County  
HOWARD COUNTY  
(B,H) - See Baltimore City  
(R) - See Baltimore City  
(Hw) - See Anne Arundel County  
KENT COUNTY  
(Hw) - See Caroline County  
(D) - See Arundel County  
MONTGOMERY COUNTY  
Decision #MD76-3140 (B)  
41 FR 3603 - 1/23/76  
(Hw) - See Anne Arundel County  
PRINCE GEORGES COUNTY  
(B) - See Montgomery County  
(D,Hw) - See Anne Arundel County  
QUEEN ANNES COUNTY  
(Hw) - See Caroline County  
(D) - See Anne Arundel County  
ST. MARYS COUNTY  
(D,Hw) - See Anne Arundel County  
SOMERSET COUNTY  
(Hw) - See Caroline County  
(D) - See Anne Arundel County  
TALBOT COUNTY  
(Hw) - See Caroline County  
(D) - See Anne Arundel County  
WASHINGTON COUNTY  
(Hw) - See Anne Arundel County  
WICOMICO COUNTY  
Decision #AQ-2075 (R)  
39 FR 10068 - 3/15/74  
Mod. #1 - 39 FR 14849 - 4/26/74  
(D) - See Anne Arundel County  
(Hw) - See Caroline County  
WORCESTER COUNTY  
(D) - See Baltimore City  
(Hw) - See Caroline County  
Decision #AR-2012 (B)  
39 FR 27951 - 8/2/74



## MASSACHUSETTS

BARNSTABLE COUNTY  
Decision #MA76-2095 (B.H.,Hw., & Marine)  
41 FR 34501 - 8/13/76  
Decision #CT75-5139 (D)  
40 FR 55621 - 11/28/75

BERKSHIRE COUNTY  
Decision #MA76-2096 (B.H.,Hw.)  
41 FR 34505 - 8/13/76

BRISTOL COUNTY  
Decision #MA76-2097 (B.H.,Hw.,R., & Marine)  
41 FR 34509 - 8/13/76  
(D) - See Barnstable County

DUKES COUNTY  
(D) - See Barnstable County

ESSEX COUNTY  
Decision #MA76-2098 (B.H.,Hw., & Marine)  
41 FR 34514 - 8/13/76  
(D) - See Barnstable County

FRANKLIN COUNTY  
Decision #MA76-2099 (B.H.,Hw.)  
41 FR 34519 - 8/13/76

HAMPDEN COUNTY  
Decision #MA76-2100 (B.H.,Hw.)  
41 FR 34522 - 8/13/76  
Decision #MA75-2134 (R)  
40 FR 59166 - 12/19/75

HAMPSHIRE COUNTY  
Decision #MA76-2101 (B.H.,Hw.)  
41 FR 35369 - 8/20/76

MIDDLESEX COUNTY  
Decision #MA76-2102 (B.H.,Hw.,R., & Marine)  
41 FR 37479 - 9/3/76  
(D) - See Barnstable County

NANTUCKET COUNTY  
(D) - See Barnstable County

NORFOLK COUNTY  
Decision #MA76-2103 (B.H.,Hw.,R.)  
41 FR 35373 - 8/20/76  
(D) - See Barnstable County

PLYMOUTH COUNTY  
Decision #MA76-2104 (B.H.,Hw.,R.)  
41 FR 37485 - 9/3/76

SUFFOLK COUNTY  
Decision #MA76-2105 (B.H.,Hw.,D.R., & Marine)  
41 FR 35377 - 8/20/76

WORCESTER COUNTY  
Decision #MA76-2106 (B.H.,Hw.,R.)  
41 FR 37490 - 9/3/76

## MICHIGAN

STATEWIDE  
Decision #MI76-2036 (Hw., W&S)  
41 FR 11763 - 3/19/76  
Mod. #1 - 41 FR 22719 - 6/4/76

ALCONA COUNTY  
Decision #MI76-2031 (B.H.)  
41 FR 10831 - 3/12/76  
Mod. #1 - 41 FR 17292 - 4/23/76  
Decision #IL76-5038 (D)  
41 FR 16373 - 4/16/76  
Mod. #1 - 41 FR 19007 - 5/7/76  
(Hw., W&S) - See Statewide

ALGER COUNTY  
Decision #MI76-2050 (B.H.)  
41 FR 16393 - 4/19/76  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

ALLEGAN COUNTY  
Decision #MI76-2033 (B.H.)  
41 FR 11748 - 3/19/76  
Decision #AM-398 (R)  
36 FR 15891 - 8/18/71  
(Hw., W&S) - See Statewide  
(D) - See Alcona County

ALPENA COUNTY  
(B.H.) - See Alcona County  
(Hw., W&S) - See Statewide

ANTRIM COUNTY  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

ARENAC COUNTY  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

BARAGA COUNTY  
(B.H.) - See Alger County  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

BARRY COUNTY  
(Hw., W&S) - See Statewide

BAY COUNTY  
Decision #MI76-2051 (B.H.)  
41 FR 16396 - 4/16/76  
Mod. #1 - 41 FR 24836 - 6/18/76  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

BENZIE COUNTY  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

## MICHIGAN (Cont'd.)

BERRIEN COUNTY  
(B.H.) - See Allegan County  
Decision #AM-399 (R)  
36 FR 15892 - 8/18/71  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

BRANCH COUNTY  
Decision #AM-401 (R)  
36 FR 15894 - 8/18/71  
(Hw., W&S) - See Statewide

CALHOUN COUNTY  
(B.H.) - See Allegan County  
Decision #MI76-2107 (R)  
41 FR 35381 - 8/20/76  
(Hw., W&S) - See Statewide

CASS COUNTY  
(Hw., W&S) - See Statewide  
(R) - See Branch County

CHARLEVOIX COUNTY  
(B.H.) - See Allegan County  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

CHEBOYGAN COUNTY  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

CHIPPENAW COUNTY  
(B.H.) - See Alger County  
(D) - See Alcona County  
(Hw., W&S) - See Statewide

CLARE COUNTY  
(Hw., W&S) - See Statewide

CLINTON COUNTY  
(B.H.) - See Allegan County  
(Hw., W&S) - See Statewide

CRANFORD COUNTY  
(Hw., W&S) - See Statewide



## MICHIGAN (Cont'd.)

DELTA COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

DICKINSON COUNTY  
(H, M&S) - See Statewide

EATON COUNTY  
(H, M&S) - See Statewide

Decision #M-8041 (R)  
36 FR 24027 - 12/17/71

(B, H) - See Allegan County  
(H, M&S) - See Statewide

EMMET COUNTY  
(B, H) - See Charlevoix County  
(D) - See Alcona County  
(H, M&S) - See Statewide

GENESEE COUNTY  
(B, H) - See Bay County  
(H, M&S) - See Statewide

Decision #M176-2001 (R)  
41 FR 26448 - 6/25/76

(H, M&S) - See Statewide

GLADWIN COUNTY  
(H, M&S) - See Statewide

BOGEBIC COUNTY  
(B, H) - See Alger County  
(D) - See Alcona County  
(H, M&S) - See Statewide

GRAND TRAVERSE COUNTY  
(B, H) - See Alcona County  
(D) - See Alcona County  
(H, M&S) - See Statewide

GRATIOT COUNTY  
(H, M&S) - See Statewide

HILLSDALE COUNTY  
(H, M&S) - See Statewide

HOUGHTON COUNTY  
(B, H) - See Alger County  
(D) - See Alcona County  
(H, M&S) - See Statewide

HURON COUNTY  
(D) - See Alcona County  
(H, M&S) - See Allegan County

INGHAM COUNTY  
(B, H) - See Allegan County  
(R) - See Eaton County  
(H, M&S) - See Statewide

## MICHIGAN (Cont'd.)

IONIA COUNTY  
(H, M&S) - See Statewide

IOSCO COUNTY  
(H, M&S) - See Statewide

(D) - See Alcona County

IRON COUNTY  
(H, M&S) - See Statewide

ISABELLA COUNTY  
(H, M&S) - See Statewide

JACKSON COUNTY  
(B, H) - See Allegan County  
(H, M&S) - See Statewide

KALAMAZOO COUNTY  
(B, H) - See Allegan County  
(H, M&S) - See Statewide

(R) - See Branch County

KALKASKA COUNTY  
(H, M&S) - See Statewide

KENT COUNTY  
Decision #M176-2049 (B, H)  
41 FR 16390 - 4/16/76

Mod. #4 - 40 FR 59653 - 12/29/75

Decision #M-402 (R)  
36 FR 15895 - 8/18/71

(H, M&S) - See Statewide

KENEENAW COUNTY  
(B, H) - See Alger County  
(H, M&S) - See Statewide

LAKE COUNTY  
(R) - See Genesee County

LAPEER COUNTY  
(R) - See Genesee County  
(B, H) - See Bay County  
(H, M&S) - See Statewide

LEELANAU COUNTY  
(B, H) - See Grand Traverse County  
(H, M&S) - See Statewide

LANAEE COUNTY  
(H, M&S) - See Statewide

LIVINGSTON COUNTY  
(H, M&S) - See Statewide

LUCE COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

MACKINAC COUNTY  
(B, H) - See Alger County  
(H, M&S) - See Statewide

MACOMB COUNTY  
Decision #M176-2052 (B, H, R)  
41 FR 16401 - 4/16/76

(D) - See Alcona County  
(H, M&S) - See Statewide

## MICHIGAN (Cont'd.)

MANISTEE COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

MARQUETTE COUNTY  
Decision #AR-3178 (R)  
39 FR 44166 - 12/20/74

Mod. #1 - 40 FR 22734 - 5/23/75

(B, H) - See Alger County  
(D) - See Alcona County  
(H, M&S) - See Statewide

MASON COUNTY  
(B, H) - See Charlevoix County  
(D) - See Alcona County  
(H, M&S) - See Statewide

MCCOSTA COUNTY  
(H, M&S) - See Statewide

MENOMINEE COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

MIDLAND COUNTY  
(H, M&S) - See Statewide

MISSAUKEE COUNTY  
(H, M&S) - See Statewide

MONROE COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

MONTCALM COUNTY  
(H, M&S) - See Statewide  
(R) - See Kent County

MONTMORENCY COUNTY  
(B, H) - See Alcona County  
(H, M&S) - See Statewide

MUSKEGON COUNTY  
Decision #M175-2120 (R)  
40 FR 49955 - 10/24/75

(B, H) - See Alcona County  
(D) - See Alcona County  
(H, M&S) - See Statewide

NEMAYGO COUNTY  
(H, M&S) - See Statewide

OAKLAND COUNTY  
(B, H, R) - See Macomb County  
(D) - See Alcona County  
(H, M&S) - See Statewide

OCEANA COUNTY  
(B, H, R) - See Alcona County  
(D) - See Alcona County  
(H, M&S) - See Statewide

OSHEAW COUNTY  
(H, M&S) - See Statewide

ONTONAGON COUNTY  
(B, H) - See Alger County  
(D) - See Alcona County  
(H, M&S) - See Statewide

OSCEOLA COUNTY  
(H, M&S) - See Statewide

OSCODA COUNTY  
(B, H) - See Alcona County  
(H, M&S) - See Statewide

OTSEGO COUNTY  
(H, M&S) - See Statewide

OTTAWA COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide  
(R) - See Allegan County

PRESQUE ISLE COUNTY  
(B, H) - See Alcona County  
(D) - See Alcona County  
(H, M&S) - See Statewide

ROSACOMMON COUNTY  
(H, M&S) - See Statewide

SAGINAW COUNTY  
(B, H) - See Bay County  
(R) - See Genesee County  
(H, M&S) - See Statewide

SAINT CLAIR COUNTY  
(B, H) - See Bay County  
(R) - See Genesee County  
(H, M&S) - See Statewide

SAINT JOSEPH COUNTY  
(H, M&S) - See Statewide  
(R) - See Branch County

SANTLAC COUNTY  
(B, H) - See Bay County  
(D) - See Alcona County  
(H, M&S) - See Statewide

SCHOOLCRAFT COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

SHIAMSSEE COUNTY  
(B, H) - See Bay County  
(R) - See Genesee County  
(H, M&S) - See Statewide

TUSCOLA COUNTY  
(B, H) - See Bay County  
(D) - See Alcona County  
(H, M&S) - See Statewide

VAN BUREN COUNTY  
(D) - See Alcona County  
(H, M&S) - See Statewide

WASHTENAW COUNTY  
(B, H, R) - See Macomb County  
(H, M&S) - See Statewide  
(D) - See Alcona County

WAYNE COUNTY  
(B, H, R) - See Macomb County  
(D) - See Alcona County  
(H, M&S) - See Statewide

WEXFORD COUNTY  
(H, M&S) - See Statewide



## MINNESOTA (Cont'd.)

## MINNESOTA (Cont'd.)

## MINNESOTA (Cont'd.)

## MINNESOTA

- AITKIN COUNTY  
Decision #MN76-2013 (H,Hw)  
41 FR 20131 - 5/14/76
- ANOKA COUNTY  
Decision #MN76-2001 (B,R)  
41 FR 2551 - 1/16/76  
Mod. #1 - 41 FR 5521 - 2/6/76  
Mod. #2 - 41 FR 6953 - 2/13/76  
Mod. #3 - 41 FR 20124 - 5/14/76  
(H,Hw) - See Aitkin County
- BECKER COUNTY  
Decision #AQ-3104 (H,Hw)  
39 FR 9369 - 3/8/74
- BELTRAMI COUNTY  
Decision #AR-3147 (H,Hw)  
39 FR 36704 - 10/11/74
- BENTON COUNTY  
(H,Hw) - See Aitkin County
- BIG STONE COUNTY  
Decision #AQ-3105 (H,Hw)  
39 FR 9370 - 3/8/74
- BLUE EARTH COUNTY  
Decision #MN76-2064 (B)  
41 FR 21025 - 5/21/76  
(H,Hw) - See Aitkin County
- BROWN COUNTY  
None
- CARLTON COUNTY  
(H,Hw) - See Aitkin County
- CARVER COUNTY  
(B,R) - See Anoka County  
(H,Hw) - See Aitkin County
- CASS COUNTY  
(Hw) - See Becker County
- CHIPPENAW COUNTY  
(Hw) - See Big Stone County
- CHISAGO COUNTY  
(H,Hw) - See Aitkin County
- CLAY COUNTY  
(Hw) - See Becker County
- CLEAR WATER COUNTY  
(H,Hw) - See Beltrami County
- COOK COUNTY  
Decision #IL76-5038 (D)  
41 FR 16373 - 4/16/76  
Mod. #1 - 41 FR 19007 - 5/7/76  
(H,Hw) - See Aitkin County
- COTTONWOOD COUNTY  
Decision #AQ-3124 (H,Hw)  
39 FR 93583 - 3/8/74
- CROW WING COUNTY  
(H,Hw) - See Aitkin County
- DAKOTA COUNTY  
(B,R) - See Anoka County  
(H,Hw) - See Aitkin County
- DODGE COUNTY  
(H,Hw) - See Aitkin County
- DOUGLAS COUNTY  
(H,Hw) - See Big Stone County
- FAIRBAULT COUNTY  
(B) - See Blue Earth County  
(H,Hw) - See Aitkin County
- FILLMORE COUNTY  
(H,Hw) - See Aitkin County
- FREEBORN COUNTY  
(B) - See Blue Earth County  
(H,Hw) - See Aitkin County
- GOODHUE COUNTY  
(H,Hw) - See Aitkin County
- GRANT COUNTY  
(H,Hw) - See Big Stone County
- HENNEPIN COUNTY  
(B,R) - See Anoka County  
(H,Hw) - See Aitkin County
- HOUSTON COUNTY  
(H,Hw) - See Aitkin County
- HUBBARD COUNTY  
(H,Hw) - See Becker County
- ISANTI COUNTY  
(H,Hw) - See Aitkin County
- ITASKA COUNTY  
(H,Hw) - See Aitkin County
- JACKSON COUNTY  
(H,Hw) - See Aitkin County
- KANABEC COUNTY  
(H,Hw) - See Aitkin County
- KANDIYOHKI COUNTY  
(H,Hw) - See Big Stone County
- KITSON COUNTY  
(H,Hw) - See Beltrami County
- KOOCHICHING COUNTY  
(H,Hw) - See Aitkin County
- LAC QUI PARLE COUNTY  
(H,Hw) - See Big Stone County
- LAKE COUNTY  
(H,Hw) - See Aitkin County  
(D) - See Cook County
- LAKE OF THE WOODS COUNTY  
(H,Hw) - See Beltrami County
- LE SUEUR COUNTY  
(H,Hw) - See Aitkin County
- LINCOLN COUNTY  
(H,Hw) - See Cottonwood County
- LYON COUNTY  
(H,Hw) - See Cottonwood County
- MCLEOD COUNTY  
(H,Hw) - See Aitkin County
- MAHONEN COUNTY  
(H,Hw) - See Beltrami County
- MARSHALL COUNTY  
(H,Hw) - See Beltrami County
- MARTIN COUNTY  
(H,Hw) - See Aitkin County
- MEeker COUNTY  
(H,Hw) - See Aitkin County
- MILLE LACS COUNTY  
(H,Hw) - See Aitkin County
- MORRISON COUNTY  
(H,Hw) - See Aitkin County
- MOWER COUNTY  
(B) - See Blue Earth County  
(H,Hw) - See Aitkin County
- MURRAY COUNTY  
(H,Hw) - See Cottonwood County
- NICOLLET COUNTY  
(H,Hw) - See Aitkin County
- NOBLES COUNTY  
(H,Hw) - See Aitkin County
- NORMAN COUNTY  
(H,Hw) - See Beltrami County
- OLMSTEAD COUNTY  
Decision #MN76-2002 (B,R)  
41 FR 3607 - 1/23/76  
Mod. #1 - 41 FR 20125 - 5/14/76  
(H,Hw) - See Aitkin County
- OTTAWA COUNTY  
(H,Hw) - See Becker County
- PENNINGTON COUNTY  
(H,Hw) - See Beltrami County
- PINE COUNTY  
(H,Hw) - See Aitkin County
- PIPESTONE COUNTY  
(H,Hw) - See Cottonwood County
- POLK COUNTY  
(H,Hw) - See Beltrami County
- POPE COUNTY  
(H,Hw) - See Big Stone County
- RANSEY COUNTY  
(B,R) - See Anoka County  
(H,Hw) - See Aitkin County
- RED LAKE COUNTY  
(H,Hw) - See Beltrami County
- REDWOOD COUNTY  
(H,Hw) - See Cottonwood County
- RENNVILLE COUNTY  
None
- RICE COUNTY  
(H,Hw) - See Aitkin County
- ROCK COUNTY  
(H,Hw) - See Aitkin County
- ROSEAU COUNTY  
(H,Hw) - See Beltrami County
- SAINT LOUIS COUNTY  
(D) - See Cook County  
(H,Hw) - See Aitkin County  
Decision #MN76-2004 (B,R)  
41 FR 3615 - 1/23/76  
Mod. #1 - 41 FR 11727 - 3/19/76  
Mod. #2 - 41 FR 20127 - 5/14/76
- SCOTT COUNTY  
(H,Hw) - See Aitkin County  
(B,R) - See Anoka County
- SHERBURNE COUNTY  
(H,Hw) - See Aitkin County
- SIBLEY COUNTY  
(H,Hw) - See Aitkin County
- STEARNS COUNTY  
Decision #MN76-2003 (B,R)  
41 FR 3610 - 1/23/76  
Mod. #1 - 41 FR 20126 - 5/14/76  
Mod. #2 - 41 FR 23887 - 6/11/76  
(H,Hw) - See Aitkin County
- STEELE COUNTY  
(H,Hw) - See Aitkin County
- STEVENS COUNTY  
(H,Hw) - See Big Stone County
- SWIFT COUNTY  
(H,Hw) - See Big Stone County
- TODD COUNTY  
(Hw) - See Becker County
- TRAVERSE COUNTY  
(H,Hw) - See Big Stone County
- WABASHA COUNTY  
(H,Hw) - See Aitkin County
- MADENA COUNTY  
(H,Hw) - See Becker County
- WASECA COUNTY  
(H,Hw) - See Aitkin County
- WASHINGTON COUNTY  
(B,R) - See Anoka County  
(H,Hw) - See Aitkin County
- WATONWAN COUNTY  
None
- MILKIN COUNTY  
(H,Hw) - See Becker County
- WINONA COUNTY  
(H,Hw) - See Aitkin County
- WRIGHT COUNTY  
(H,Hw) - See Aitkin County
- YELLOW MEDICINE COUNTY  
(H,Hw) - See Cottonwood County



## MISSISSIPPI

STATEWIDE  
Decision #AL76-5028 (D)  
41 FR 14284 - 4/2/76  
Decision #AR76-5041 (F)  
41 FR 19017 - 5/7/76  
Mod. #1 - 41 FR 21981 - 5/28/76  
Decision #MS75-1114 (Hw, M&S)  
40 FR 58046 - 12/12/75  
Mod. #1 - 40 FR 59653 - 12/29/75

ADAMS COUNTY  
(D, F, Hw, M&S) - See Statewide

ALCOUH COUNTY  
(D, F, Hw, M&S) - See Statewide

ANITE COUNTY  
(D, F, Hw, M&S) - See Statewide

ATTALA COUNTY  
(D, F, Hw, M&S) - See Statewide

BENTON COUNTY  
(D, F, Hw, M&S) - See Statewide

BOLIVAR COUNTY  
(D, F, Hw, M&S) - See Statewide

CALHOUN COUNTY  
(D, F, Hw, M&S) - See Statewide

CARROLL COUNTY  
(D, F, Hw, M&S) - See Statewide

CHICKASAW COUNTY  
(D, F, Hw, M&S) - See Statewide

CHOCTAW COUNTY  
(Hw, M&S) - See Statewide

CLAIBORNE COUNTY  
(D, Hw, F, M&S) - See Statewide

CLARK COUNTY  
(D, F, Hw, M&S) - See Statewide

CLAY COUNTY  
(Hw, M&S) - See Statewide

COAHOMA COUNTY  
Decision #MS76-1004 (R)  
41 FR 1695 - 1/9/76

COPIAH COUNTY  
Decision #MS76-1074 (R)  
41 FR 29650 - 7/16/76

COVINGTON COUNTY  
(D, F, Hw, M&S) - See Statewide

(D, Hw, F, M&S) - See Statewide

## MISSISSIPPI (Cont'd.)

DE SOTO COUNTY  
(D, F, Hw, M&S) - See Statewide

FORREST COUNTY  
Decision #MS75-1076 (R)  
40 FR 36935 - 8/22/75  
Mod. #1 - 40 FR 55609 - 11/28/75  
Decision #MS75-1020 (B)  
40 FR 5966 - 2/7/76  
Mod. #1 - 40 FR 7798 - 2/21/75

FRANKLIN COUNTY  
(D, F, Hw, M&S) - See Statewide

GEORGE COUNTY  
(D, F, Hw, M&S) - See Statewide

Decision #MS75-1077 (R)  
40 FR 36935 - 8/22/75

GREENE COUNTY  
(D, F, Hw, M&S) - See Statewide

GRENADA COUNTY  
(D, F, Hw, M&S) - See Statewide

HAMMOCK COUNTY  
Decision #MS76-1020 (B, H)  
41 FR 4780 - 1/30/76  
Mod. #1-41 FR 16308 - 4/16/76  
Mod. #2-41 FR 19009 - 5/7/76

HARRISON COUNTY  
(D, F) - See Statewide

(R) - See George County

(B, H, ) - See Hancock County

(R) - See George County

(D, F, Hw, M&S) - See Statewide

HINDS COUNTY  
Decision #MS76-1084 (B)  
41 FR 35382 - 8/20/76  
Mod. #1 - 41 FR 36388 - 8/27/76  
Mod. #2 - 41 FR 37476 - 9/3/76

HOLMES COUNTY  
(D, F, Hw, M&S) - See Statewide

HUMPHREYS COUNTY  
(D, F, Hw, M&S) - See Statewide

ISSAQUENA COUNTY  
Decision #MS76-1076 (B)  
41 FR 29651 - 7/16/76

ITAMAMBA COUNTY  
(D, F, Hw, M&S) - See Statewide

JACKSON COUNTY  
(D, F, Hw, M&S) - See Statewide

(B, H) - See Hancock County

(R) - See George County

## MISSISSIPPI (Cont'd.)

JASPER COUNTY  
(D, F, Hw, M&S) - See Statewide

JEFFERSON COUNTY  
(D, F, Hw, M&S) - See Statewide

JEFFERSON DAVIS COUNTY  
(D, F, Hw, M&S) - See Statewide

JONES COUNTY  
(D, F, Hw, M&S) - See Statewide

KEMPER COUNTY  
(D, F, Hw, M&S) - See Statewide

LAFAYETTE COUNTY  
(D, F, Hw, M&S) - See Statewide

LAWAR COUNTY  
(D, F, Hw, M&S) - See Statewide

LAUDERDALE COUNTY  
(D, F, Hw, M&S) - See Statewide

LAWRENCE COUNTY  
(D, F, Hw, M&S) - See Statewide

LEAKE COUNTY  
(D, F, Hw, M&S) - See Statewide

LEE COUNTY  
(D, F, Hw, M&S) - See Statewide

LEFLORE COUNTY  
(D, F, Hw, M&S) - See Statewide

LINCOLN COUNTY  
(D, F, Hw, M&S) - See Statewide

LOWNDES COUNTY  
(D, F, Hw, M&S) - See Statewide

MADISON COUNTY  
(D, F, Hw, M&S) - See Statewide

MARION COUNTY  
(R) - See Copiah County

MARSHALL COUNTY  
(D, F, Hw, M&S) - See Statewide

MONROE COUNTY  
(D, F, Hw, M&S) - See Statewide

MONTGOMERY COUNTY  
(D, F, Hw, M&S) - See Statewide

NESHUBA COUNTY  
(D, F, Hw, M&S) - See Statewide

NEMTON COUNTY  
(D, F, Hw, M&S) - See Statewide

NOXUBEE COUNTY  
(D, F, Hw, M&S) - See Statewide

OKTIBBEHA COUNTY  
(D, F, Hw, M&S) - See Statewide

PANOLA COUNTY  
(D, F, Hw, M&S) - See Statewide

PEARL RIVER COUNTY  
(D, F, Hw, M&S) - See Statewide

(B, H) - See Hancock County

(R) - See George County

## MISSISSIPPI (Cont'd.)

PERRY COUNTY  
(D, F, Hw, M&S) - See Statewide

PIKE COUNTY  
(D, F, Hw, M&S) - See Statewide

PONTOTOC COUNTY  
(D, F, Hw, M&S) - See Statewide

PRENTISS COUNTY  
(D, F, Hw, M&S) - See Statewide

QUITMAN COUNTY  
(D, F, Hw, M&S) - See Statewide

RANKIN COUNTY  
(D, F, Hw, M&S) - See Statewide

SCOTT COUNTY  
(D, F, Hw, M&S) - See Statewide

SHARKEY COUNTY  
(R) - See Copiah County

(B) - See Issaquena County

SIMPSON COUNTY  
(D, F, Hw, M&S) - See Statewide

(D, F, Hw, M&S) - See Statewide

(R) - See Copiah County

SMITH COUNTY  
(D, F, Hw, M&S) - See Statewide

STONE COUNTY  
(R) - See Copiah County

(D, F, Hw, M&S) - See Statewide

SUNFLOWER COUNTY  
(B) - See Issaquena County

(D, F, Hw, M&S) - See Statewide

(R) - See Coahoma County

TALLAHATCHIE COUNTY  
(D, F, Hw, M&S) - See Statewide

TATE COUNTY  
(D, F, Hw, M&S) - See Statewide

TIPPAAH COUNTY  
(D, F, Hw, M&S) - See Statewide

TISHOMINGO COUNTY  
(D, F, Hw, M&S) - See Statewide

TUNICA COUNTY  
(D, F, Hw, M&S) - See Statewide

UNION COUNTY  
(D, F, Hw, M&S) - See Statewide

WALTHALL COUNTY  
(D, F, Hw, M&S) - See Statewide

WARREN COUNTY  
Decision #MS75-1109 (B)  
40 FR 53208 - 11/14/75  
Mod. #1 - 41 FR 4737 - 1/30/76  
Mod. #2 - 41 FR 16309 - 4/16/76  
Mod. #3 - 41 FR 18266 - 4/30/76  
Mod. #4 - 41 FR 30502 - 7/23/76

(D, F, Hw, M&S) - See Statewide

(R) - See Coahoma County



## MISSISSIPPI (Cont'd.)

WASHINGTON COUNTY  
(B) - See Issaquena County  
(D, F, Hw, M&S) - See Statewide  
(R) - See Coahoma County  
WAYNE COUNTY  
(D, F, Hw, M&S) - See Statewide  
WEBSTER COUNTY  
(D, F, Hw, M&S) - See Statewide  
WILKINSON COUNTY  
(D, F, Hw, M&S) - See Statewide  
WINSTON COUNTY  
(D, F, Hw, M&S) - See Statewide  
VALOUBUSHA COUNTY  
(D, F, Hw, M&S) - See Statewide  
YAZOO COUNTY  
(D, F, Hw, M&S) - See Statewide  
(R) - See Copiah County

## MISSOURI

STATEWIDE  
Decision #N076-4105 (H, Hw)  
41 FR 27608 - 7/2/76  
ADAIR COUNTY  
(H, Hw) - See Statewide  
ANDREW COUNTY  
Decision #N075-4070 (D)  
40 FR 14225 - 3/28/75  
(H, Hw) - See Statewide  
ATCHISON COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
AUDRAIN COUNTY  
(H, Hw) - See Statewide  
BARRY COUNTY  
(Hw) - See Statewide  
BARTON COUNTY  
(H, Hw) - See Statewide  
BATES COUNTY  
(H, Hw) - See Statewide  
BENTON COUNTY  
(H, Hw) - See Statewide  
BOLLINGER COUNTY  
(H, Hw) - See Statewide  
BOONE COUNTY  
(H, Hw) - See Statewide  
(D) - See Andrew County  
BUCHANAN COUNTY  
(D) - See Andrew County  
BUTLER COUNTY  
(Hw) - See Statewide  
CALDWELL COUNTY  
(H, Hw) - See Statewide  
CALLAWAY COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CAMDEN COUNTY  
(H, Hw) - See Statewide  
CAPE GIRARDEAU COUNTY  
Decision #1176-5026 (D)  
41 FR 12858 - 3/26/76  
(H, Hw) - See Statewide  
CARROLL COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
CARTER COUNTY  
(Hw) - See Statewide

## MISSOURI (Cont'd.)

MARION COUNTY  
(H, Hw) - See Statewide  
MERCER COUNTY  
(H, Hw) - See Statewide  
MILLER COUNTY  
(H, Hw) - See Statewide  
MISSISSIPPI COUNTY  
(D) - See Cape Girardeau County  
(Hw) - See Statewide  
MONITEAU COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
MONROE COUNTY  
(H, Hw) - See Statewide  
MONTGOMERY COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
MORGAN COUNTY  
(H, Hw) - See Statewide  
NEW MADRID COUNTY  
(Hw) - See Statewide  
NEWTON COUNTY  
(H, Hw) - See Statewide  
NODAWAY COUNTY  
(H, Hw) - See Statewide  
OREGON COUNTY  
(Hw) - See Statewide  
OSAGE COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
OZARK COUNTY  
(Hw) - See Statewide  
PENISCOLT COUNTY  
(Hw) - See Statewide  
PERRY COUNTY  
(D) - See Cape Girardeau County  
(H, Hw) - See Statewide  
PETTIS COUNTY  
(H, Hw) - See Statewide  
PHELPS COUNTY  
(H, Hw) - See Statewide  
PIKE COUNTY  
(H, Hw) - See Statewide  
PLATTE COUNTY  
(B, R, H, Hw) - See Cass County  
(D) - See Andrew County  
POLK COUNTY  
(H, Hw) - See Statewide

## MISSOURI (Cont'd.)

PULASKI COUNTY  
(H, Hw) - See Statewide  
PUTNAM COUNTY  
(H, Hw) - See Statewide  
RALLS COUNTY  
(H, Hw) - See Statewide  
RANDOLPH COUNTY  
(H, Hw) - See Statewide  
RAY COUNTY  
(B, R) - See Cass County  
(H, Hw) - See Statewide  
REYNOLDS COUNTY  
(Hw) - See Statewide  
RIPLEY COUNTY  
(Hw) - See Statewide  
ST. CHARLES COUNTY  
(B, R) - See Franklin County  
(D) - See Andrew County  
(D) - See Cape Girardeau County  
ST. CLAIR COUNTY  
(H, Hw) - See Statewide  
ST. FRANCOIS COUNTY  
(H, Hw) - See Statewide  
ST. LOUIS COUNTY  
(B, R) - See Franklin County  
(D) - See Cape Girardeau County  
(D) - See Andrew County  
(H, Hw) - See Statewide  
STE. GENEVIEVE COUNTY  
(D) - See Cape Girardeau County  
(H, Hw) - See Statewide  
SALINE COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
SCHUYLER COUNTY  
(H, Hw) - See Statewide  
SCOTLAND COUNTY  
(H, Hw) - See Statewide  
SCOTT COUNTY  
(D) - See Cape Girardeau County  
(H, Hw) - See Statewide  
SHANNON COUNTY  
(Hw) - See Statewide  
SHELBY COUNTY  
(H, Hw) - See Statewide  
STODDARD COUNTY  
(Hw) - See Statewide



## MISSOURI (Cont'd)

STONE COUNTY  
(Hw) - See Statewide  
SULLIVAN COUNTY  
(H, Hw) - See Statewide  
TANEY COUNTY  
(Hw) - See Statewide  
TEXAS COUNTY  
(Hw) - See Statewide  
VERNON COUNTY  
(H, Hw) - See Statewide  
WARREN COUNTY  
(D) - See Andrew County  
(H, Hw) - See Statewide  
WASHINGTON COUNTY  
(H, Hw) - See Statewide  
WAYNE COUNTY  
(Hw) - See Statewide  
WEBSTER COUNTY  
(Hw) - See Statewide  
WORTH COUNTY  
(H, Hw) - See Statewide  
WRIGHT COUNTY  
(Hw) - See Statewide

## MONTANA

STATEWIDE  
Decision #MT76-5071 (B)  
41 FR 33130 - 8/6/76  
Decision #MT76-5072 (H, Hw)  
41 FR 33148 - 8/6/76  
Mod. #1 - 41 FR 36368 - 8/27/76  
BEAVERHEAD COUNTY  
(B, H, Hw) - See Statewide  
BIG HORN COUNTY  
(B, H, Hw) - See Statewide  
BLAINE COUNTY  
(B, H, Hw) - See Statewide  
BROADWATER COUNTY  
(B, H, Hw) - See Statewide  
CARBON COUNTY  
(B, H, Hw) - See Statewide  
CARTER COUNTY  
(B, H, Hw) - See Statewide  
CASCADE COUNTY  
Decision #MT76-5027 (R)  
41 FR 15250 - 4/9/76  
CHOUTEAU COUNTY  
(B, H, Hw) - See Statewide  
CUSTER COUNTY  
(B, H, Hw) - See Statewide  
DANIELS COUNTY  
(B, H, Hw) - See Statewide  
DANSON COUNTY  
(B, H, Hw) - See Statewide  
DEER LODGE COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
FALLON COUNTY  
(B, H, Hw) - See Statewide  
FERGUS COUNTY  
(B, H, Hw) - See Statewide  
FLATHEAD COUNTY  
(B, H, Hw) - See Statewide

## MONTANA (Cont'd)

GALLATIN COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
GARFIELD COUNTY  
(B, H, Hw) - See Statewide  
GLACIER COUNTY  
(R) - See Cascade County  
(B, H, Hw) - See Statewide  
GOLDEN VALLEY COUNTY  
(B, H, Hw) - See Statewide  
GRANITE COUNTY  
(B, H, Hw) - See Statewide  
HILL COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
JEFFERSON COUNTY  
(B, H, Hw) - See Statewide  
JUDITH BASIN COUNTY  
(B, H, Hw) - See Statewide  
LAKE COUNTY  
(B, H, Hw) - See Statewide  
LEWIS & CLARK COUNTY  
(B, H, Hw) - See Statewide  
LIBERTY COUNTY  
(B, H, Hw) - See Statewide  
LINCOLN COUNTY  
(B, H, Hw) - See Statewide  
MC CONE COUNTY  
(B, H, Hw) - See Statewide  
MADISON COUNTY  
(B, H, Hw) - See Statewide  
MEAGHER COUNTY  
(B, H, Hw) - See Statewide  
MINERAL COUNTY  
(B, H, Hw) - See Statewide  
MISSOULA COUNTY  
(R) - See Cascade County  
(B, H, Hw) - See Statewide  
MUSSELSHELL COUNTY  
(B, H, Hw) - See Statewide  
PARK COUNTY  
(B, H, Hw) - See Statewide  
PETROLEUM COUNTY  
(B, H, Hw) - See Statewide  
PHILLIPS COUNTY  
(B, H, Hw) - See Statewide  
PONDERA COUNTY  
(B, H, Hw) - See Statewide  
POWDER RIVER COUNTY  
(B, H, Hw) - See Statewide  
POWELL COUNTY  
(B, H, Hw) - See Statewide  
PRAIRIE COUNTY  
(B, H, Hw) - See Statewide  
RAVALLI COUNTY  
(B, H, Hw) - See Statewide

## MONTANA (Cont'd)

RICHLAND COUNTY  
(B, H, Hw) - See Statewide  
ROOSEVELT COUNTY  
(B, H, Hw) - See Statewide  
ROSEBUD COUNTY  
(B, H, Hw) - See Statewide  
SANDERS COUNTY  
(B, H, Hw) - See Statewide  
SHERIDAN COUNTY  
(B, H, Hw) - See Statewide  
SILVER BOW COUNTY  
(R) - See Cascade County  
(B, H, Hw) - See Statewide  
STILLWATER COUNTY  
(B, H, Hw) - See Statewide  
SWEET GRASS COUNTY  
(B, H, Hw) - See Statewide  
TETON COUNTY  
(B, H, Hw) - See Statewide  
TOOLE COUNTY  
(B, H, Hw) - See Statewide  
TREASURE COUNTY  
(B, H, Hw) - See Statewide  
VALLEY COUNTY  
(B, H, Hw) - See Statewide  
(R) - See Cascade County  
WHEATLAND COUNTY  
(B, H, Hw) - See Statewide  
WIBAUX COUNTY  
(B, H, Hw) - See Statewide  
YELLOWSTONE COUNTY  
(B, H, Hw) - See Statewide



## NEBRASKA (Cont'd.)

- ADAMS COUNTY  
Decision #NE76-4076 (H,Hw)  
41 FR 18273 - 4/30/76
- ANTELOPE COUNTY  
(H,Hw) - See Adams County
- ARTHUR COUNTY  
(H,Hw) - See Adams County
- BANNER COUNTY  
Decision #NE75-4113 (B)  
40 FR 26218 - 6/20/75
- BLAINE COUNTY  
(H,Hw) - See Adams County
- BOONE COUNTY  
(H,Hw) - See Adams County
- BOX BUTTE COUNTY  
(B) - See Banner County
- BOYD COUNTY  
(H,Hw) - See Adams County
- BROWN COUNTY  
Decision #NE76-4070 (Channel Stabilization) (H,Hw)  
41 FR 14293 - 4/2/76
- BUFFALO COUNTY  
(H,Hw) - See Adams County
- BURT COUNTY  
(H,Hw) - See Adams County
- BUTLER COUNTY  
(Chann. Stab.) - See Boyd County
- CASS COUNTY  
(H,Hw) - See Adams County
- CEDAR COUNTY  
(Chann. Stab.) - See Boyd County  
Decision NE76-4104 (H,Hw)  
41 FR 26450 - 6/25/76  
Mod. #1 - 41 FR 34483 - 8/13/76
- CHASE COUNTY  
Decision #NE75-4202 (B)  
40 FR 58047 - 12/12/75
- CHERRY COUNTY  
(H,Hw) - See Adams County
- CHEYENNE COUNTY  
(H,Hw) - See Adams County
- CLAY COUNTY  
(B) - See Banner County
- COLFAX COUNTY  
(H,Hw) - See Adams County
- CUMING COUNTY  
(B) - See Cedar County
- CUSTER COUNTY  
(H,Hw) - See Adams County
- DAKOTA COUNTY  
(Chann. Stab.) - See Boyd County
- DAMES COUNTY  
(B) - See Banner County
- DANSON COUNTY  
(H,Hw) - See Adams County
- DEUEL COUNTY  
(H,Hw) - See Adams County
- DIXON COUNTY  
(B) - See Banner County
- DODGE COUNTY  
(Chann. Stab.) - See Boyd County
- DOUGLAS COUNTY  
Decision #NE76-4100 (B,R)  
41 FR 24847 - 6/18/76  
Mod. #1 - 41 FR 28464 - 7/9/76
- DUNDY COUNTY  
(H,Hw) - See Adams County
- FILLMORE COUNTY  
(H,Hw) - See Adams County
- FRANKLIN COUNTY  
(H,Hw) - See Adams County
- FRONTIER COUNTY  
(H,Hw) - See Adams County
- FURNAS COUNTY  
(H,Hw) - See Adams County
- GAGE COUNTY  
(H,Hw) - See Adams County
- GARDEN COUNTY  
(B) - See Banner County
- GARFIELD COUNTY  
(H,Hw) - See Adams County
- GOSPER COUNTY  
(H,Hw) - See Adams County
- GRANT COUNTY  
(H,Hw) - See Adams County
- GREELEY COUNTY  
(H,Hw) - See Adams County
- HALL COUNTY  
Decision #NE76-4107 (B)  
41 FR 33158 - 8/6/76
- HAMILTON COUNTY  
(B) - See Hall County
- HARLAN COUNTY  
(H,Hw) - See Adams County
- HAYES COUNTY  
(H,Hw) - See Adams County
- HITCHCOCK COUNTY  
(H,Hw) - See Adams County
- HOLT COUNTY  
(H,Hw) - See Adams County
- HOOVER COUNTY  
(H,Hw) - See Adams County
- HOWARD COUNTY  
(B) - See Hall County
- JEFFERSON COUNTY  
(H,Hw) - See Adams County
- JOHNSON COUNTY  
(H,Hw) - See Adams County
- KEARNEY COUNTY  
(H,Hw) - See Adams County
- KEITH COUNTY  
(H,Hw) - See Adams County
- KEYAPAH COUNTY  
(H,Hw) - See Adams County
- KIMBALL COUNTY  
(B) - See Banner County
- KNOX COUNTY  
(H,Hw) - See Adams County
- LANCASTER COUNTY  
(H,Hw) - See Adams County
- LANCASTER COUNTY  
Decision #NE76-4205 (B)  
41 FR 23903 - 6/11/76  
Mod. #1 - 41 FR 27543 - 7/2/76
- LANCASTER COUNTY  
Decision #NE75-4157 (R)  
40 FR 42502 - 9/12/75
- LINCOLN COUNTY  
(H,Hw) - See Adams County
- LOGAN COUNTY  
(H,Hw) - See Adams County
- LOUP COUNTY  
(H,Hw) - See Adams County
- MC PHERSON COUNTY  
(H,Hw) - See Adams County
- MADISON COUNTY  
(H,Hw) - See Adams County
- MERRICK COUNTY  
(H,Hw) - See Adams County
- MORRILL COUNTY  
(B) - See Banner County
- MORRILL COUNTY  
(H,Hw) - See Adams County

## NEBRASKA (Cont'd.)

- NANCE COUNTY  
(H,Hw) - See Adams County
- NEMAHA COUNTY  
Decision #NE75-4070 (D)  
40 FR 14225 - 3/28/75
- NICHOLS COUNTY  
(H,Hw) - See Adams County
- OTIE COUNTY  
(Chann. Stab.) - See Boyd County
- PANNEE COUNTY  
(H,Hw) - See Adams County
- PERKINS COUNTY  
(H,Hw) - See Adams County
- PHILIPS COUNTY  
(H,Hw) - See Adams County
- PIERCE COUNTY  
(B) - See Cedar County
- PLATTE COUNTY  
(H,Hw) - See Adams County
- POLK COUNTY  
(H,Hw) - See Adams County
- RED HILL COUNTY  
(H,Hw) - See Adams County
- RICHARDSON COUNTY  
(Chann. Stab.) - See Boyd County
- ROCK COUNTY  
(H,Hw) - See Adams County
- SALINE COUNTY  
(H,Hw) - See Adams County
- SARPY COUNTY  
(Chann. Stab.) - See Boyd County
- SAUNDERS COUNTY  
(H,Hw) - See Adams County
- SCOTT BLUFF COUNTY  
(B) - See Banner County
- SEWARD COUNTY  
(H,Hw) - See Adams County
- SHERIDAN COUNTY  
(B) - See Banner County
- SHERMAN COUNTY  
(H,Hw) - See Adams County
- SIOUX COUNTY  
(B) - See Banner County
- SIOUX COUNTY  
(H,Hw) - See Adams County



## NEW JERSEY

## ATLANTIC COUNTY

Decision #NJ76-3127 (B, H, Hw)  
 41 FR 8702 - 2/27/76  
 Mod. #1 - 41 FR 11728 - 3/19/76  
 Mod. #2 - 41 FR 14273 - 4/2/76  
 Mod. #3 - 41 FR 16311 - 4/16/76  
 Decision #CT75-5139 (D)  
 40 FR 55621 - 11/28/75  
 BERGEN COUNTY  
 Decision #NJ75-3098 (R)  
 40 FR 44433 - 9/26/75  
 Mod. #1 - 40 FR 48844 - 10/17/75  
 Mod. #2 - 40 FR 55610 - 11/28/75  
 Mod. #3 - 40 FR 59661 - 12/29/75  
 Mod. #4 - 41 FR 8628 - 2/27/76  
 Decision #NJ76-3128 (B, H, Hw)  
 41 FR 8717 - 2/27/76  
 Mod. #1 - 41 FR 11728 - 3/19/76  
 Mod. #2 - 41 FR 16311 - 4/16/76  
 Mod. #3 - 41 FR 34486 - 8/13/76  
 (D) - See Atlantic County

## NEW HAMPSHIRE

## BELKNAP COUNTY

None  
 CARROLL COUNTY  
 None  
 CHESHIRE COUNTY  
 None  
 COOS COUNTY  
 None  
 GRAFTON COUNTY  
 None  
 HILLSBORO COUNTY  
 Decision #NH76-2093 (B, H, Hw, R)  
 41 FR 32162 - 7/30/76  
 MERRIMACK COUNTY  
 Decision #NH75-2097 (B, H, Hw, & Marine)  
 40 FR 30422 - 7/18/75  
 Mod. #1 - 40 FR 36898 - 8/22/75  
 Mod. #2 - 41 FR 2534 - 1/16/76  
 Mod. #3 - 41 FR 21034 - 5/21/76  
 ROCKINGHAM COUNTY  
 Decision #CT75-5139 (D)  
 40 FR 55621 - 11/28/75  
 Decision #NH76-2095 (B, H, Hw, R, & Marine)  
 41 FR 32165 - 7/30/76  
 STRAFFORD COUNTY  
 Decision #NH75-2099 (B, H, Hw, & Marine)  
 40 FR 30430 - 7/18/75  
 Mod. #1 - 40 FR 36899 - 8/22/75  
 Mod. #2 - 41 FR 2535 - 1/16/76  
 Mod. #3 - 41 FR 21034 - 5/21/76  
 SULLIVAN COUNTY  
 None

## NEVADA

## STATEWIDE (Excluding the Nevada Test Site &amp; Tonopah Test Range)

Decision #NV76-5069 (B, H, Hw)  
 41 FR 32150 - 7/30/76  
 Mod. #1 - 41 FR 34484 - 8/13/76  
 Mod. #2 - 41 FR 35325 - 8/20/76  
 Mod. #3 - 41 FR 36375 - 8/27/76  
 Mod. #4 - 41 FR 37476 - 9/3/76  
 CARSON CITY COUNTY  
 (B, H, Hw) - See Statewide  
 CHURCHILL COUNTY  
 (B, H, Hw) - See Statewide  
 CLARK COUNTY  
 Decision #NV76-5074 (R) (Excluding the Nevada Test Site)  
 41 FR 33162 - 8/6/76  
 Mod. #1 - 41 FR 35327 - 8/20/76  
 Mod. #2 - 41 FR 36375 - 8/27/76  
 Mod. #3 - 41 FR 37476 - 9/3/76  
 (B, H, Hw) - See Statewide  
 Decision #NV76-5080 (B, H, Hw) (Nevada Test Site including the Tonopah Test Range)  
 41 FR 35384 - 8/20/76  
 DOUGLAS COUNTY  
 (B, H, Hw) - See Statewide  
 ELKO COUNTY  
 (B, H, Hw) - See Statewide  
 ESMERALDA COUNTY  
 (B, H, Hw) - See Statewide  
 EUREKA COUNTY  
 (B, H, Hw) - See Statewide  
 HUMBOLDT COUNTY  
 (B, H, Hw) - See Statewide  
 LANDER COUNTY  
 (B, H, Hw) - See Statewide  
 LINCOLN COUNTY  
 (B, H, Hw) - See Statewide  
 LYON COUNTY  
 (B, H, Hw) - See Statewide  
 MINERAL COUNTY  
 (B, H, Hw) - See Statewide  
 NYE COUNTY  
 (B, H, Hw) - See Statewide  
 (B, H, Hw) - See Clark Co. (Nevada Test Site)  
 (B, H, Hw) - See Statewide  
 PERSHING COUNTY  
 (B, H, Hw) - See Statewide  
 STOREY COUNTY  
 (B, H, Hw) - See Statewide  
 WASHOE COUNTY  
 Decision #NV76-5065 (R)  
 41 FR 27628 - 7/2/76  
 Mod. #1 - 41 FR 30502 - 7/23/76  
 Mod. #2 - 41 FR 33128 - 8/6/76  
 Mod. #3 - 41 FR 35325 - 8/20/76  
 Mod. #4 - 41 FR 36374 - 8/27/76  
 (B, H, Hw) - See Statewide  
 WHITE PINE COUNTY  
 (B, H, Hw) - See Statewide

## NEBRASKA (Cont'd.)

STANTON COUNTY  
 (B) - See Cedar County  
 (H, Hw) - See Adams County  
 THAYER COUNTY  
 (H, Hw) - See Adams County  
 THOMAS COUNTY  
 (H, Hw) - See Adams County  
 THURSTON COUNTY  
 (Chann. Stab.) - See Boyd County  
 (H, Hw) - See Adams County  
 VALLEY COUNTY  
 (H, Hw) - See Adams County  
 WASHINGTON COUNTY  
 (H, Hw) - See Cass County  
 (Chann. Stab.) - See Boyd County  
 WAYNE COUNTY  
 (B) - See Cedar County  
 (H, Hw) - See Adams County  
 WEBSTER COUNTY  
 (H, Hw) - See Adams County  
 WHEELER COUNTY  
 (H, Hw) - See Adams County  
 YORK COUNTY  
 (H, Hw) - See Adams County



## NEW MEXICO (Cont'd.)

MORA COUNTY  
(B, H, Hw) - See Statewide  
OTERO COUNTY  
(R) - See Dona Ana County  
(B, H, Hw) - See Statewide  
QUAY COUNTY  
(B, H, Hw) - See Statewide  
RIO ARriba COUNTY  
(B, H, Hw) - See Statewide  
ROOSEVELT COUNTY  
(B, H, Hw) - See Statewide  
SANDOVAL COUNTY  
(B, H, Hw) - See Statewide  
SAN JUAN COUNTY  
Decision #NM75-5004 (R) (Navajo Indian Reservation)  
40 FR 3921 - 1/24/75  
(B, H, Hw, R) - See Statewide  
SAN MIGUEL COUNTY  
(B, H, Hw) - See Statewide  
SANTA FE COUNTY  
(B, H, Hw, R) - See Statewide  
SIERRA COUNTY  
(B, H, Hw) - See Statewide  
SOCORRO COUNTY  
(B, H, Hw) - See Statewide  
TAOS COUNTY  
(B, H, Hw) - See Statewide  
TORRANCE COUNTY  
(B, H, Hw) - See Statewide  
UNION COUNTY  
(B, H, Hw) - See Statewide  
VALENCIA COUNTY  
(B, H, Hw) - See Statewide

## NEW MEXICO

STATEWIDE  
Decision #NM76-4141 (Streets, Highways, Utilities and Light Engineering Construction)  
41 FR 33166 - 8/6/76  
Decision #NM76-4144 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction)  
41 FR 37495 - 9/3/76  
BERNALILLO COUNTY  
(B, H, Hw, R) - See Statewide  
CATRON COUNTY  
(B, H, Hw) - See Statewide  
CHAVES COUNTY  
(B, H, Hw) - See Statewide  
COLFAX COUNTY  
(B, H, Hw) - See Statewide  
CURRY COUNTY  
(B, H, Hw) - See Statewide  
DE BACA COUNTY  
(B, H, Hw) - See Statewide  
DONA ANA COUNTY  
(B, H, Hw) - See Statewide  
Decision #NM75-4014 (R)  
40 FR 3148 - 1/17/75  
EDDY COUNTY  
(B, H, Hw) - See Statewide  
GRANT COUNTY  
(B, H, Hw) - See Statewide  
GUADALUPE COUNTY  
(B, H, Hw) - See Statewide  
HARDING COUNTY  
(B, H, Hw) - See Statewide  
HIDALGO COUNTY  
(B, H, Hw) - See Statewide  
LEA COUNTY  
(B, H, Hw) - See Statewide  
LINCOLN COUNTY  
(B, H, Hw) - See Statewide  
LOS ALAMOS COUNTY  
(B, H, Hw) - See Statewide  
LUNA COUNTY  
(B, H, Hw) - See Statewide  
MCKINLEY COUNTY  
(R) - See San Juan County  
(B, H, Hw, R) - See Statewide  
MORA COUNTY

## NEW JERSEY (Cont'd.)

MORRIS COUNTY  
(B, H, Hw) - See Bergen County  
(D) - See Atlantic County  
OCEAN COUNTY  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County  
PASSAIC COUNTY  
(B, H, Hw, R) - See Bergen County  
(D) - See Atlantic County  
SALEM COUNTY  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County  
SOMERSET COUNTY  
(B, H, Hw) - See Bergen County  
(D) - See Atlantic County  
SUSSEX COUNTY  
(B, H, Hw) - See Bergen County  
(D) - See Atlantic County  
UNION COUNTY  
Decision #NJ75-3097 (R)  
40 FR 43414 - 9/19/75  
(B, H, Hw) - See Bergen County  
(D) - See Atlantic County  
WARREN COUNTY  
(B, H, Hw) - See Bergen County  
BURLINGTON COUNTY  
Decision #NJ75-3096 (R)  
40 FR 43413 - 9/19/75  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County  
CAMDEN COUNTY  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County  
CAPE MAY COUNTY  
Decision #NJ75-3068 (R)  
40 FR 29437 - 7/11/75  
(B, H, Hw, D) - See Atlantic County  
CUMBERLAND COUNTY  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County  
ESSEX COUNTY  
(B, H, Hw, R) - See Bergen County  
(D) - See Atlantic County  
GLOUCESTER COUNTY  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County  
HUDSON COUNTY  
(B, H, Hw, R) - See Bergen County  
(D) - See Atlantic County  
HUNTERDON COUNTY  
(B, H, Hw) - See Bergen County  
(D) - See Atlantic County  
MERCER COUNTY  
(B, H, Hw) - See Atlantic County  
MIDDLESEX COUNTY  
(B, H, Hw) - See Bergen County  
(D) - See Atlantic County  
MONMOUTH COUNTY  
(B, H, Hw) - See Atlantic County  
(D) - See Atlantic County



NEW YORK	NEW YORK (Cont'd)	NEW YORK (Cont'd)	NEW YORK (Cont'd)
ALBANY COUNTY Decision #NY76-3197 (B,H,Hw) 41 FR 26497 - 6/25/76	MONROE COUNTY Decision #NY76-3238 (B,H,Hw) 41 FR 36393 - 8/27/76 (D) - See Cayuga County	MONROE COUNTY Decision #NY76-3238 (B,H,Hw) 41 FR 36393 - 8/27/76 (D) - See Cayuga County	RENSSELAER COUNTY (B,H,Hw) - See Albany County
ALLEGANY COUNTY None	MONTGOMERY COUNTY None	MONTGOMERY COUNTY None	RICHMOND COUNTY (B,H,Hw,R,D) - See Bronx County
BRONX COUNTY Decision #NY76-3203 (B,H,Hw) 41 FR 30553 - 7/23/76 Mod. #1 - 41 FR 35328 - 8/20/76	NASSAU COUNTY Decision #NY76-3224 (B,H,Hw) 41 FR 35387 - 8/20/76 (D) - See Bronx County	NASSAU COUNTY Decision #NY76-3224 (B,H,Hw) 41 FR 35387 - 8/20/76 (D) - See Bronx County	ROCKLAND COUNTY (D) - See Bronx County
Decision #NY76-3228 (R) 41 FR 34526 - 8/13/76	NEW YORK COUNTY (B,H,Hw,R,D) - See Bronx County	NEW YORK COUNTY (B,H,Hw,R,D) - See Bronx County	ST LAWRENCE COUNTY (D) - See Cayuga County
Decision #C775-5139 (D) 40 FR 55621 - 11/28/75	NIAGARA COUNTY Decision #NY76-3241 (B,H,Hw) 41 FR 35443 - 8/20/76 (D) - See Cayuga County	NIAGARA COUNTY Decision #NY76-3241 (B,H,Hw) 41 FR 35443 - 8/20/76 (D) - See Cayuga County	SARATOGA COUNTY (B,H,Hw) - See Albany County
BROOME COUNTY Decision #NY76-3240 (B,H,Hw) 41 FR 35439 - 8/20/76	ONEIDA COUNTY Decision #NY76-3229 (B,H,Hw) 41 FR 35392 - 8/20/76	ONEIDA COUNTY Decision #NY76-3229 (B,H,Hw) 41 FR 35392 - 8/20/76	SCHENECTADY COUNTY (B,H,Hw) - See Albany County
CATTARAUGUS COUNTY None	ONONDAGA COUNTY Decision #NY76-3230 (B,H,Hw) 41 FR 35398 - 8/20/76	ONONDAGA COUNTY Decision #NY76-3230 (B,H,Hw) 41 FR 35398 - 8/20/76	SCHOHARIE COUNTY None
CAYUGA COUNTY Decision #1176-5038 (D) 41 FR 16373 - 4/16/76 Mod. #1 - 41 FR 19007 - 5/7/76	ONTARIO COUNTY None	ONTARIO COUNTY None	SCHUYLER COUNTY None
CHAUTAUQUA COUNTY Decision #NY76-3239 (B,H,Hw) 41 FR 35434 - 8/20/76 (D) - See Cayuga County	ORANGE COUNTY Decision #NY76-3232 (B,H,Hw) 41 FR 35409 - 8/20/76 (D) - See Bronx County	ORANGE COUNTY Decision #NY76-3232 (B,H,Hw) 41 FR 35409 - 8/20/76 (D) - See Bronx County	SENECA COUNTY None
CHEMUNG COUNTY Decision #NY76-3243 (B,H,Hw) 41 FR 35453 - 8/20/76	ORLEANS COUNTY (D) - See Cayuga County	ORLEANS COUNTY (D) - See Cayuga County	STEUBEN COUNTY Decision #NY76-3242 (B,H,Hw) 41 FR 35447 - 8/20/76
CHENANGO COUNTY None	OSWEGO COUNTY (D) - Cayuga County	OSWEGO COUNTY (D) - Cayuga County	SUFFOLK COUNTY (B,H,Hw) - See Nassau County
CLINTON COUNTY None	OTSEGO COUNTY None	OTSEGO COUNTY None	SULLIVAN COUNTY (D) - See Bronx County
COLUMBIA COUNTY None	PUTNAM COUNTY None	PUTNAM COUNTY None	TIOGA COUNTY None
CORTLAND COUNTY None	QUEENS COUNTY (B,H,Hw,R) - See Bronx County	QUEENS COUNTY (B,H,Hw,R) - See Bronx County	
DELAWARE COUNTY None			



## NEW YORK (Cont'd.)

## TOMPKINS COUNTY

None

## ULSTER COUNTY

None

## WARREN COUNTY

None

## WASHINGTON COUNTY

None

## WAYNE COUNTY

Decision #N76-3231 (B, H, Hw)

41 FR 35403 - 8/20/76

(D) - See Cayuga County

## WESTCHESTER COUNTY

Decision #N76-3235 (B, H, Hw)

41 FR 35424 - 8/20/76

(D) - See Bronx County

## WYOMING COUNTY

None

## YATES COUNTY

None

## NORTH CAROLINA

## STATEWIDE

Decision #N75-1015 (Hw)

40 FR 4857 - 1/31/75

Mod. #1 - 40 FR 41351 - 9/5/75

Decision #N75-1078 (Sewer &amp; Water, H)

40 FR 41367 - 9/5/75

## ALAMANCE COUNTY

Decision #N76-3235 (B, H, Hw)

41 FR 35424 - 8/20/76

Decision #N76-1095 (R)

41 FR 37507 - 9/3/76

(Sewer &amp; Water, H, Hw) - See Statewide

## ALEXANDER COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## ALLEGANY COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## ANSON COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## ASHE COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## AVERY COUNTY

Decision #A8-4017 (B)

39 FR 28739 - 8/9/74

Mod. #1 - 39 FR 43466 - 12/13/74

(Sewer &amp; Water, H, Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

## BEAUFORT COUNTY

Decision #A76-5025 (D)

41 FR 28597 - 3/26/76

(Sewer &amp; Water, H, Hw) - See Statewide

## BERTIE COUNTY

Decision #N76-1006 (R)

41 FR 6897 - 1/9/76

(D) - See Beaufort County

## BLADEN COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## BRUNSWICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## BUNCOMBE COUNTY

Decision #A8-4031 (R)

39 FR 32441 - 9/6/74

Mod. #1 - 41 FR 28464 - 7/9/76

## BUNCOMBE COUNTY

Decision #N76-1062 (B)

41 FR 21119 - 5/21/76

Mod. #1 - 41 FR 29614 - 7/16/76

Mod. #2 - 41 FR 34486 - 8/13/76

Decision #N75-1014 (R)

40 FR 6111 - 2/7/75

(Sewer &amp; Water, H, Hw) - See Statewide

## BURKE COUNTY

Decision #A8-4105 (B)

39 FR 14842 - 4/26/74

Decision #A8-4117 (R)

39 FR 18397 - 5/24/74

(Sewer &amp; Water, H, Hw) - See Statewide

## CABARRUS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CALDWELL COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CAMDEN COUNTY

Decision #N76-1042 (B)

41 FR 11721 - 3/19/76

(Sewer &amp; Water, H, Hw) - See Statewide

## CARTERET COUNTY

Decision #N76-1019 (B)

41 FR 4796 - 1/30/76

Mod. #1 - 41 FR 21995 - 5/28/76

Decision #N76-1073 (R)

41 FR 28469 - 7/9/76

(D) - See Beaufort County

## CASHELL COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CATAMBA COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CHATHAM COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CHATHAM COUNTY

Decision #N75-1049 (B)

40 FR 18273 - 4/25/75

Mod. #1 - 41 FR 20128 - 5/14/76

Decision #N76-1094 (R)

41 FR 37506 - 9/3/76

(Sewer &amp; Water, H, Hw) - See Statewide

## CHEROKEE COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

## CHIMAN COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

(D) - See Beaufort County

## CLAY COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CLEVELAND COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## COLUMBUS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CRAVEN COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## CUMBERLAND COUNTY

Decision #N76-1024 (B)

41 FR 6945 - 2/13/76

(R) - See Chatham County

## CURRITUCK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## DARE COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## DAVISON COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## DAYTON COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## DELRAND COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## DUPLIN COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## DURHAM COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## EDGEcombe COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## FORSYTH COUNTY

Decision #N76-1046 (B)

41 FR 15231 - 4/9/76

## FRANKLIN COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## GASTON COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## GATES COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## GRAHAM COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## GRANVILLE COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## GREENE COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## GREENE COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARRIS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARRIS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARRIS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARRIS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARRIS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARRIS COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## NORTH CAROLINA (Cont'd.)

## GUILFORD COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

(R) - See Alamance County

## HALIFAX COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HARNETT COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HAYWOOD COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENRIERSON COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDERSON COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide

## HENDRICK COUNTY

(Sewer &amp; Water, H, Hw) - See Statewide



## NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY  
(B) - See Avery County  
(Sewer & Water, H, Hw) - See Statewide

MONTGOMERY COUNTY  
(Sewer & Water, H, Hw) - See Statewide

MORE COUNTY  
(B, R) - See Chatham County  
(Sewer & Water, H, Hw) - See Statewide

NASH COUNTY  
(B) - See Edgecombe County  
(Sewer & Water, H, Hw) - See Statewide

NEW HAMOVER COUNTY  
Decision #NC75-1054 (B)  
40 FR 22723 - 5/23/75  
Mod. #1 - 40 FR 43420 - 9/19/75  
Mod. #2 - 41 FR 20128 - 5/14/76  
(R) - See Brunswick County  
(D) - See Beaufort County

NORTHAMPTON COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County

ONKLOW COUNTY  
(B, R) - See Carteret County  
(S, W, H, Hw) - See Statewide

ORANGE COUNTY  
(B) - See Durham County  
(Sewer & Water, H, Hw) - See Statewide

PAMLICO COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide

PASQUOTANK COUNTY  
(B, R) - See Carteret County  
(D) - See Camden County  
(B) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide

PENDER COUNTY  
(R) - See Brunswick County  
(D) - See Beaufort County  
(B) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide

PERQUIMANS COUNTY  
(R) - See Camden County  
(D) - See Beaufort County  
(Sewer & Water, H, Hw) - See Statewide

PERSONS COUNTY  
(Sewer & Water, H, Hw) - See Statewide

PITT COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Bertie County

POLK COUNTY  
(R) - See Burke County  
(Sewer & Water, H, Hw) - See Statewide

RANDOLPH COUNTY  
(R) - See Alamance County  
(Sewer & Water, H, Hw) - See Statewide

RICHMOND COUNTY  
(Sewer & Water, H, Hw) - See Statewide

ROBESON COUNTY  
(Sewer & Water, H, Hw) - See Statewide

ROCKINGHAM COUNTY  
(Sewer & Water, H, Hw) - See Statewide  
(R) - See Alamance County

ROMAN COUNTY  
(Sewer & Water, H, Hw) - See Statewide

## NORTH DAKOTA

STATEWIDE  
Decision #ND75-5109 (Hw)  
40 FR 40022 - 8/29/75

ADAMS COUNTY  
(Hw) - See Statewide

BARNES COUNTY  
(Hw) - See Statewide

BENSON COUNTY  
(Hw) - See Statewide

BILLINGS COUNTY  
(Hw) - See Statewide

BOTTINEAU COUNTY  
(Hw) - See Statewide

BOWMAN COUNTY  
(Hw) - See Statewide

BURKE COUNTY  
(Hw) - See Statewide

BURLEIGH COUNTY  
Decision #ND76-5037 (B)  
41 FR 16416 - 4/16/76  
Mod. #1 - 41 FR 21995 - 5/28/76  
(Hw) - See Statewide

CASS COUNTY  
(Hw) - See Statewide

CAVALIER COUNTY  
(Hw) - See Statewide

DICKEN COUNTY  
(Hw) - See Statewide

DIVIDE COUNTY  
(Hw) - See Statewide

DUNN COUNTY  
(Hw) - See Statewide

EDDY COUNTY  
(Hw) - See Statewide

EMMONS COUNTY  
(Hw) - See Statewide

FOSTER COUNTY  
(Hw) - See Statewide

GOLDEN VALLEY COUNTY  
(Hw) - See Statewide

## NORTH DAKOTA (Cont'd.)

GRAND FORKS COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County

GRANT COUNTY  
(Hw) - See Statewide

GRIGGS COUNTY  
(Hw) - See Statewide

HETTINGER COUNTY  
(Hw) - See Statewide

KIDDER COUNTY  
(Hw) - See Statewide

LA MOURE COUNTY  
(Hw) - See Statewide

LOGAN COUNTY  
(Hw) - See Statewide

MCHEENRY COUNTY  
(Hw) - See Statewide

MCINTOSH COUNTY  
(Hw) - See Statewide

MCKENZIE COUNTY  
(Hw) - See Statewide

MCLEAN COUNTY  
(Hw) - See Statewide

MERCER COUNTY  
(Hw) - See Statewide

MORTON COUNTY  
(Hw) - See Statewide

MOUNTAIN COUNTY  
(Hw) - See Statewide

NELSON COUNTY  
(Hw) - See Statewide

OLIVER COUNTY  
(Hw) - See Statewide

PENNINGTON COUNTY  
(Hw) - See Statewide

PIERCE COUNTY  
(Hw) - See Statewide

RAMSEY COUNTY  
(Hw) - See Statewide

RANSOM COUNTY  
(Hw) - See Statewide

RENNVILLE COUNTY  
(Hw) - See Statewide

RICHLAND COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County



## NORTH DAKOTA (Cont'd)

ROLETTE COUNTY  
(Hw) - See Statewide  
SARGENT COUNTY  
(Hw) - See Statewide  
SHERIDAN COUNTY  
(Hw) - See Statewide  
STOUX COUNTY  
(Hw) - See Statewide  
SLOPE COUNTY  
(Hw) - See Statewide  
STARK COUNTY  
(Hw) - See Statewide  
STEELE COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County  
STUTSMAN COUNTY  
(Hw) - See Statewide  
TOWNER COUNTY  
(Hw) - See Statewide  
TRAILL COUNTY  
(Hw) - See Statewide  
WALSH COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County  
WARD COUNTY  
(Hw) - See Statewide  
(B) - See Burleigh County  
WELLS COUNTY  
(Hw) - See Statewide  
WILLIAMS COUNTY  
(Hw) - See Statewide

## OHIO (Cont'd)

ASHTABULA COUNTY  
Decision #OH76-2074 (B,R)  
41 FR 23911 - 6/11/76  
Decision #IL76-5038 (D)  
41 FR 16373 - 4/16/76  
Mod. #1 - 41 FR 19007  
(H,Hw) - See Statewide  
ATHENS COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide  
AUGLAIZE COUNTY  
(B) - See Allen County  
(H,Hw) - See Statewide  
BELMONT COUNTY  
(H,Hw) - See Statewide  
BROWN COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide  
BUTLER COUNTY  
Decision #OH76-2062 (B)  
41 FR 21120 - 5/21/76  
Decision #OH76-2030 (R)  
41 FR 9800 - 3/5/76  
(H,Hw) - See Statewide  
CARROLL COUNTY  
(H,Hw) - See Statewide  
CHAMPAIGN COUNTY  
(H,Hw) - See Statewide  
CLARK COUNTY  
Decision #OH76-2070 (B)  
41 FR 22751 - 6/4/76  
Decision #AP-684 (R)  
38 FR 14049 - 5/25/73  
(H,Hw) - See Statewide  
CLERMONT COUNTY  
Decision #OH76-2029 (R)  
41 FR 8739 - 2/27/76  
(B) - See Hamilton County  
(D) - See Adams County  
(H,Hw) - See Statewide  
CLINTON COUNTY  
(H,Hw) - See Statewide  
COLUMBIANA COUNTY  
Decision #OH76-2060 (B)  
41 FR 19001 - 5/7/76  
(H,Hw) - See Statewide  
COSHOCTON COUNTY  
(H,Hw) - See Statewide  
CRANFORD COUNTY  
(H,Hw) - See Statewide  
CUYAHOGA COUNTY  
Decision #OH76-2069 (B,R)  
41 FR 23909 - 6/11/76  
(H,Hw) - See Statewide

## OHIO (Cont'd)

(H,Hw) - See Statewide  
DARKE COUNTY  
(H,Hw) - See Statewide  
DEFIANCE COUNTY  
(H,Hw) - See Statewide  
DELAWARE COUNTY  
Decision #AM-420 (R)  
36 FR 15963 - 8/18/71  
Mod. #1 - 38 FR 4630 - 2/16/73  
(H,Hw) - See Statewide  
ERIE COUNTY  
Decision #OH76-2075 (B)  
41 FR 23913 - 6/11/76  
(D) - See Ashtabula County  
(H,Hw) - See Statewide  
FAIRFIELD COUNTY  
(R) - See Delaware County  
(H,Hw) - See Statewide  
FAYETTE COUNTY  
(H,Hw) - See Statewide  
FRANKLIN COUNTY  
Decision #OH76-2044 (B)  
41 FR 15313 - 4/9/76  
(R) - See Delaware County  
(H,Hw) - See Statewide  
FULTON COUNTY  
(B) - See Lucas County  
(H,Hw) - See Statewide  
GALLIA COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide  
GEAUGA COUNTY  
(H,Hw) - See Statewide  
GREENE COUNTY  
Decision #AR-3037 (B)  
39 FR 30782 - 8/23/74  
Mod. #1 - 40 FR 15275 - 4/4/75  
Decision #OH75-2109 (R)  
40 FR 42498 - 9/12/75  
(H,Hw) - See Statewide  
GUERNSEY COUNTY  
(H,Hw) - See Statewide  
HAMILTON COUNTY  
Decision #AR-3038 (B)  
39 FR 30784 - 8/23/74  
Mod. #1 - 40 FR 15275 - 4/4/75  
Mod. #2 - 41 FR 3564 - 1/23/76  
(D) - See Adams County  
(R) - See Clermont County  
(H,Hw) - See Statewide

## OHIO (Cont'd)

HAMCOCK COUNTY  
Decision #OH76-2076 (B)  
41 FR 24851 - 6/18/76  
Mod. #1 - 41 FR 37477 - 9/3/76  
(H,Hw) - See Statewide  
HARDIN COUNTY  
(H,Hw) - See Statewide  
HARRISON COUNTY  
(H,Hw) - See Statewide  
HENRY COUNTY  
(H,Hw) - See Statewide  
HIGHLAND COUNTY  
(H,Hw) - See Statewide  
HOCKING COUNTY  
(H,Hw) - See Statewide  
HOLMES COUNTY  
(H,Hw) - See Statewide  
HURON COUNTY  
(B) - See Erie County  
(H,Hw) - See Statewide  
JACKSON COUNTY  
(H,Hw) - See Statewide  
JEFFERSON COUNTY  
(H,Hw) - See Statewide  
KNOX COUNTY  
(H,Hw) - See Statewide  
LAKE COUNTY  
(B,R) - See Cuyahoga County  
(D) - See Ashtabula County  
(H,Hw) - See Statewide  
LAWRENCE COUNTY  
Decision #OH76-2088 (B)  
41 FR 32089 - 7/30/76  
(D) - See Adams County  
(H,Hw) - See Statewide  
LICKING COUNTY  
Decision #OH76-2088 (B)  
41 FR 24849 - 6/18/76  
(H,Hw) - See Statewide  
(R) - See Delaware County  
LOGAN COUNTY  
(H,Hw) - See Statewide  
LORAIN COUNTY  
Decision #OH76-2073 (B,R)  
41 FR 22754 - 6/4/76  
(D) - See Ashtabula County  
(H,Hw) - See Statewide  
LUCAS COUNTY  
Decision #OH76-2059 (B)  
41 FR 19018 - 5/7/76  
(H,Hw) - See Statewide  
MADISON COUNTY  
(B) - See Franklin County  
(R) - See Delaware County  
(H,Hw) - See Statewide  
MAHONING COUNTY  
Decision #OH76-2085 (B,R)  
41 FR 30557 - 7/23/76  
(H,Hw) - See Statewide

## OHIO

STATENIDE  
Decision #OH76-2041 (H,Hw)  
41 FR 15300 - 4/9/76  
Mod. #1 - 41 FR 32101 - 7/30/76  
ADAMS COUNTY  
Decision #IL76-5026 (D)  
41 FR 12858 - 3/26/76  
Mod. #1 - 41 FR 34486 - 8/13/76  
Mod. #2 - 41 FR 37477 - 9/3/76  
(H,Hw) - See Statewide  
ALLEN COUNTY  
Decision #OH76-2071 (B)  
41 FR 22752 - 6/4/76  
(H,Hw) - See Statewide  
ASHLAND COUNTY  
(H,Hw) - See Statewide



OHIO (Cont'd)

MARION COUNTY  
(H,Hw) - See Statewide  
MEDINA COUNTY  
(H,Hw) - See Statewide  
MEIGS COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide  
MERCER COUNTY  
(B) - See Allen County  
(H,Hw) - See Statewide  
MIAMI COUNTY  
(R) - See Greene County  
(H,Hw) - See Statewide  
MONROE COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide  
MONTGOMERY COUNTY  
(B) - See Greene County  
(R) - See Greene County  
(H,Hw) - See Statewide  
MORGAN COUNTY  
(H,Hw) - See Statewide  
MORROW COUNTY  
(H,Hw) - See Statewide  
MUSKINGUM COUNTY  
Decision #OH76-2086 (B)  
41 FR 32169 - 7/30/76  
(H,Hw) - See Statewide  
NOBLE COUNTY  
(H,Hw) - See Statewide  
OTTAWA COUNTY  
(R) - See Erie County  
(D) - See Ashtabula County  
(H,Hw) - See Statewide  
PAULDING COUNTY  
(H,Hw) - See Statewide  
PERRY COUNTY  
(H,Hw) - See Statewide  
PICKAWAY COUNTY  
(B) - See Franklin County  
(R) - See Delaware County  
(H,Hw) - See Statewide  
PIKE COUNTY  
Decision #OH76-2087 (B)  
41 FR 30559 - 7/23/76  
(H,Hw) - See Statewide  
PORTAGE COUNTY  
Decision #OH76-2089 (B,R)  
41 FR 30561 - 7/23/76  
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY  
(R) - See Greene County  
(H,Hw) - See Statewide  
PUTNAM COUNTY  
(H,Hw) - See Statewide  
RICHLAND COUNTY  
Decision #OH76-2053 (B)  
41 FR 16303 - 4/16/76  
(H,Hw) - See Statewide  
ROSS COUNTY  
(B) - See Pike County  
(H,Hw) - See Statewide  
SANDUSKY COUNTY  
(B) - See Erie County  
(D) - See Ashtabula County  
(H,Hw) - See Statewide  
SCIOTO COUNTY  
(B) - See Pike County  
(D) - See Adams County  
(H,Hw) - See Statewide  
SENECA COUNTY  
(H,Hw) - See Statewide  
SHELBY COUNTY  
(H,Hw) - See Statewide  
STARK COUNTY  
Decision #OH76-2090 (B,R)  
41 FR 32171 - 7/30/76  
(H,Hw) - See Statewide  
SUMMIT COUNTY  
Decision #OH76-2091 (B,R)  
41 FR 32173 - 7/30/76  
(H,Hw) - See Statewide  
TRUMBULL COUNTY  
Decision #OH76-2092 (B,R)  
41 FR 34528 - 8/13/76  
(H,Hw) - See Statewide  
TUSCARAWAS COUNTY  
Decision #OH76-2054 (B)  
41 FR 17285 - 4/23/76  
(H,Hw) - See Statewide  
UNION COUNTY  
(H,Hw) - See Statewide  
VAN WERT COUNTY  
(B) - See Allen County  
(H,Hw) - See Statewide  
VINTON COUNTY  
(H,Hw) - See Statewide

OHIO (Cont'd.)

WARREN COUNTY  
(R) - See Butler County  
(H,Hw) - See Statewide  
WASHINGTON COUNTY  
(D) - See Adams County  
(H,Hw) - See Statewide  
WAYNE COUNTY  
(H,Hw) - See Statewide  
WILLIAMS COUNTY  
(H,Hw) - See Statewide  
WOOD COUNTY  
Decision #OH76-2055 (B)  
41 FR 18261 - 4/30/76  
(H,Hw) - See Statewide  
WYANDOT COUNTY  
(H,Hw) - See Statewide



## OKLAHOMA

STATEWIDE (Except the City of Muskogee)  
Decision #OK76-4073 (Constr., Alteration,  
and/or repair of streets, highways,  
runways, erosion control structures,  
well drilling, and water, and sewer  
utilities)  
41 FR 16422 - 4/16/76

## ADAIR COUNTY

(B) - See Muskogee County

## ALFALFA COUNTY

(H,Hw) - See Statewide

## ATOKA COUNTY

(H,Hw) - See Statewide

## BEAVER COUNTY

(H,Hw) - See Statewide

## BECKHAM COUNTY

(H,Hw) - See Statewide

## BLAINE COUNTY

(H,Hw) - See Statewide

## BRYAN COUNTY

(H,Hw) - See Statewide

## CADDO COUNTY

(B) - See Canadian County

## CANADIAN COUNTY

(H,Hw) - See Statewide

## CARTER COUNTY

(H,Hw) - See Statewide

## CHEROKEE COUNTY

(B) - See Muskogee County

## CHOCTAW COUNTY

(H,Hw) - See Statewide

## CIMARRON COUNTY

(H,Hw) - See Statewide

## CLEVELAND COUNTY

(H,Hw) - See Statewide

## COAL COUNTY

(B,R) - See Canadian County

## COMANCHE COUNTY

(H,Hw) - See Statewide

## CONCHO COUNTY

(H,Hw) - See Statewide

## COTTON COUNTY

(H,Hw) - See Statewide

## CRAIG COUNTY

(H,Hw) - See Statewide

## CREEK COUNTY

(B) - See Tulsa County

## CUSTER COUNTY

(H,Hw) - See Statewide

## DELAWARE COUNTY

(H,Hw) - See Statewide

## OKLAHOMA (cont'd.)

## DEWEY COUNTY

(H,Hw) - See Statewide

## ELLIS COUNTY

(H,Hw) - See Statewide

## GARFIELD COUNTY

(H,Hw) - See Statewide

## GRANT COUNTY

(H,Hw) - See Statewide

## GREEN COUNTY

(H,Hw) - See Statewide

## HARRISON COUNTY

(H,Hw) - See Statewide

## HARPER COUNTY

(H,Hw) - See Statewide

## HASKELL COUNTY

(H,Hw) - See Statewide

## HUGHES COUNTY

(H,Hw) - See Statewide

## JACKSON COUNTY

(H,Hw) - See Statewide

## JEFFERSON COUNTY

(H,Hw) - See Statewide

## JOHNSTON COUNTY

(H,Hw) - See Statewide

## KAY COUNTY

(H,Hw) - See Statewide

## KINGFISHER COUNTY

(B) - See Canadian County

## KNOX COUNTY

(H,Hw) - See Statewide

## LABETTE COUNTY

(H,Hw) - See Statewide

## LEFLORE COUNTY

(H,Hw) - See Statewide

## LINCOLN COUNTY

(H,Hw) - See Statewide

## LOGAN COUNTY

(B) - See Canadian County

## LOVE COUNTY

(H,Hw) - See Statewide

## MCCLAIN COUNTY

(H,Hw) - See Statewide

## MCGUIRE COUNTY

(B) - See Canadian County

## MCINTOSH COUNTY

(H,Hw) - See Statewide

## MAJOR COUNTY

(H,Hw) - See Statewide

## OKLAHOMA (Cont'd.)

## MARSHALL COUNTY

(H,Hw) - See Statewide

## MAVES COUNTY

(H,Hw) - See Statewide

## MURRAY COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

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## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## MUSKOGEE COUNTY

(H,Hw) - See Statewide

## OKLAHOMA (Cont'd.)

## PAYNE COUNTY

(H,Hw) - See Statewide

## PITTSBURG COUNTY

(H,Hw) - See Statewide

## POTOMAC COUNTY

(H,Hw) - See Statewide

## POTOMAC COUNTY

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## POTOMAC COUNTY

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## POTOMAC COUNTY

(H,Hw) - See Statewide

## POTOMAC COUNTY

(H,Hw) - See Statewide

## POTOMAC COUNTY

(H,Hw) - See Statewide



## OREGON

## OREGON (Cont'd.)

STATEWIDE  
Decision #0R76-5057 (B,H,Hw,D)  
41 FR 26520 - 6/25/76

BAKER COUNTY  
(B,H,Hw,D) - See Statewide

BENTON COUNTY  
(B,H,Hw,D) - See Statewide

CLACKAMAS COUNTY  
Decision #0R75-5042 (R)  
40 FR 15312 - 4/4/75  
Mod. #1 - 40 FR 48001 - 10/10/75  
Mod. #2 - 40 FR 52244 - 11/7/75

CLATSOP COUNTY  
(B,H,Hw,D) - See Statewide

COLUMBIA COUNTY  
(B,H,Hw,D) - See Statewide

COOS COUNTY  
(B,H,Hw,D) - See Statewide

CROOK COUNTY  
(B,H,Hw,D) - See Statewide

CURRY COUNTY  
(B,H,Hw,D) - See Statewide

DESCHUTES COUNTY  
(B,H,Hw,D) - See Statewide

DOUGLAS COUNTY  
(B,H,Hw,D) - See Statewide

GILLIAM COUNTY  
(B,H,Hw,D) - See Statewide

GRANT COUNTY  
(B,H,Hw,D) - See Statewide

HARNEY COUNTY  
(B,H,Hw,D) - See Statewide

HOOD RIVER COUNTY  
(B,H,Hw,D) - See Statewide

JACKSON COUNTY  
(B,H,Hw,D) - See Statewide

JEFFERSON COUNTY  
(B,H,Hw,D) - See Statewide

JOSEPHINE COUNTY  
(B,H,Hw,D) - See Statewide

KLAMATH COUNTY  
(B,H,Hw,D) - See Statewide

LAKE COUNTY  
(B,H,Hw,D) - See Statewide

LANE COUNTY  
(B,H,Hw,D) - See Statewide

Decision #0R75-5122 (R)  
40 FR 45989 - 10/3/75  
Mod. #1 - 40 FR 52244 - 11/7/75

LINCOLN COUNTY  
(B,H,Hw,D) - See Statewide

LINN COUNTY  
(B,H,Hw,D) - See Statewide

(R) - See Lane County

## PENNSYLVANIA

## PENNSYLVANIA (Cont'd.)

ADAMS COUNTY  
Decision #PA76-3163 (H,Hw)  
41 FR 19020 - 5/7/76  
Decision #PA76-3204 (B)  
41 FR 24870 - 6/18/76  
Mod. #1 - 41 FR 28467 - 7/9/76  
Mod. #2 - 41 FR 32105 - 7/30/76

ALLEGHENY COUNTY  
(H,Hw) - See Beaver County  
Decision #PA76-3206 (B)  
41 FR 26529 - 6/25/76  
Decision #PA76-3070 (B)  
40 FR 30833 - 7/18/75  
Mod. #1 - 40 FR 34535 - 8/15/75  
Mod. #2 - 41 FR 4738 - 1/30/76  
Mod. #3 - 41 FR 26428 - 6/25/76

ARMSTRONG COUNTY  
(H,Hw) - See Butler County  
(B) - See Allegheny County

BEAVER COUNTY  
(H,Hw) - See Butler County  
(B) - See Armstrong County

BEDFORD COUNTY  
Decision #PA76-3168 (B)  
41 FR 21122 - 5/21/76  
Mod. #1 - 41 FR 24841 - 6/18/76  
Mod. #2 - 41 FR 28465 - 7/9/76  
(H,Hw) - See Butler County

BERKS COUNTY  
Decision #PA76-3178 (B)  
41 FR 23919 - 7/9/76  
Mod. #1 - 41 FR 28465 - 7/9/76  
Mod. #2 - 41 FR 32104 - 7/30/76  
(H,Hw) - See Adams County

BLAIR COUNTY  
Decision #PA76-3165 (B)  
41 FR 18274 - 4/30/76  
(Hw) - See Armstrong County

BRADFORD COUNTY  
Decision #PA76-3208 (B)  
41 FR 27535 - 7/2/76  
(H,Hw) - See Adams County

BUCKS COUNTY  
Decision #PA76-3172 (B)  
41 FR 22016 - 5/28/76  
Decision #PA76-3169 (H,Hw)  
41 FR 21133 - 5/21/76  
Mod. #1 - 41 FR 26427 - 6/25/76

BUTLER COUNTY  
(B) - See Allegheny County  
Decision #PA76-3158 (H,Hw)  
41 FR 15315 - 4/9/76  
Mod. #1 - 41 FR 20129 - 5/14/76

CAMBRIA COUNTY  
(H,Hw) - See Bedford County  
(B) - See Bedford County

CAMERON COUNTY  
(H,Hw) - See Armstrong County

CARBON COUNTY  
(H,Hw) - See Adams County

CENTRE COUNTY  
(H,Hw) - See Armstrong County

CHESTER COUNTY  
(B,H,Hw,R) - See Bucks County

CLARION COUNTY  
(B) - See Cameron County  
(H,Hw) - See Armstrong County

CLEARFIELD COUNTY  
(B) - See Cameron County  
(H,Hw) - See Armstrong County



## PENNSYLVANIA (Cont'd.)

CLINTON COUNTY  
(H, Hw) - See Bedford County  
COLUMBIA COUNTY  
Decision #PA76-3210 (B)  
41 FR 30486 - 7/23/76  
(H, Hw) - See Adams County  
CRAWFORD COUNTY  
(B) - See Bedford County  
(H, Hw) - See Armstrong County  
CUMBERLAND COUNTY  
Decision #PA76-3175 (B)  
41 FR 21137 - 5/21/76  
Mod. #1 - 41 FR 24840 - 6/18/76  
Mod. #2 - 41 FR 28465 - 7/9/76  
(H, Hw) - See Adams County  
DAUPHIN COUNTY  
(B) - See Cumberland County  
(H, Hw) - See Adams County  
DELAWARE COUNTY  
(B, H, Hw, R) - See Bucks County  
ELK COUNTY  
Decision #PA76-3155 (B)  
41 FR 12862 - 3/26/76  
Mod. #1 - 41 FR 17295 - 4/23/76  
Mod. #2 - 41 FR 18266 - 4/30/76  
Mod. #3 - 41 FR 20129 - 5/14/76  
Mod. #4 - 41 FR 26427 - 6/25/76  
Mod. #5 - 41 FR 28464 - 7/9/76  
(H, Hw) - See Bedford County  
ERIE COUNTY  
Decision #PA76-3177 (B)  
41 FR 23916 - 7/9/76  
Mod. #1 - 41 FR 26428 - 6/25/76  
Decision #IL76-5038 (D)  
41 FR 16373 - 4/16/76  
Mod. #1 - 41 FR 19007 - 5/7/76  
(H, Hw) - See Butler County

## PENNSYLVANIA (Cont'd.)

FAYETTE COUNTY  
(B) - See Butler County  
FOREST COUNTY  
Decision #PA75-3060 (B)  
40 FR 54412 - 11/21/75  
Mod. #1 - 41 FR 12850 - 3/26/76  
Mod. #2 - 41 FR 16312 - 4/16/76  
Mod. #3 - 41 FR 18266 - 4/30/76  
(H, Hw) - See Bedford County  
FRANKLIN COUNTY  
Decision #PA75-3060 (B)  
40 FR 54412 - 11/21/75  
Mod. #1 - 41 FR 12850 - 3/26/76  
Mod. #2 - 41 FR 16312 - 4/16/76  
Mod. #3 - 41 FR 18266 - 4/30/76  
(H, Hw) - See Bedford County  
FULTON COUNTY  
(H, Hw) - See Bedford County  
GREENE COUNTY  
Decision #PA76-3211 (B)  
41 FR 32091 - 7/30/76  
(H, Hw) - See Armstrong County  
HUNTINGDON COUNTY  
(H, Hw) - See Bedford County  
INDIANA COUNTY  
(H, Hw) - See Armstrong County  
(B) - See Allegheny County  
JEFFERSON COUNTY  
(B) - See Cameron County  
(H, Hw) - See Bedford County  
JUNIATA COUNTY  
(B) - See Cumberland County  
(H, Hw) - See Adams County  
LANCASTER COUNTY  
Decision #PA76-3186 (B)  
41 FR 24866 - 6/18/76  
Mod. #1 - 41 FR 28466 - 7/9/76  
Mod. #2 - 41 FR 32105 - 7/30/76  
(H, Hw) - See Adams County  
LANRENCE COUNTY  
Decision #PA76-3156 (B)  
41 FR 12868 - 3/26/76  
Mod. #1 - 41 FR 18266 - 4/30/76  
Mod. #2 - 41 FR 24840 - 6/18/76  
Mod. #3 - 41 FR 26427 - 6/25/76  
Mod. #4 - 41 FR 28464 - 7/9/76  
Mod. #5 - 41 FR 32104 - 7/30/76

## PENNSYLVANIA (Cont'd.)

LEBANON COUNTY  
Decision #PA76-3176 (B)  
41 FR 24853 - 6/18/76  
Mod. #1 - 41 FR 28456 - 7/9/76  
Mod. #2 - 41 FR 32104 - 7/30/76  
(H, Hw) - See Adams County  
LEHIGH COUNTY  
Decision #PA76-3183 (B)  
41 FR 24862 - 6/18/76  
Mod. #1 - 41 FR 28466 - 7/9/76  
Mod. #2 - 41 FR 32104 - 7/30/76  
(H, Hw) - See Adams County  
LUZERNE COUNTY  
Decision #PA76-3180 (B)  
41 FR 23922 - 6/11/76  
Mod. #1 - 41 FR 26429 - 6/25/76  
Mod. #2 - 41 FR 32105 - 7/30/76  
(H, Hw) - See Adams County  
LYCOMING COUNTY  
Decision #PA76-3180 (B)  
41 FR 24864 - 6/18/76  
Mod. #1 - 41 FR 28466 - 7/9/76  
Mod. #2 - 41 FR 32105 - 7/30/76  
(H, Hw) - See Adams County  
MC KEAN COUNTY  
(B) - See Forest County  
(H, Hw) - See Armstrong County  
MERCER COUNTY  
Decision #AR-2046 (B)  
39 FR 37349 - 10/18/74  
Mod. #1 - 39 FR 44913 - 12/21/74  
Mod. #2 - 40 FR 15281 - 4/4/75  
Mod. #3 - 40 FR 28310 - 7/3/75  
Mod. #4 - 40 FR 31442 - 7/25/75  
Mod. #5 - 40 FR 45959 - 10/3/75  
Mod. #6 - 40 FR 54388 - 11/21/75  
Mod. #7 - 41 FR 4738 - 1/20/76  
Mod. #8 - 41 FR 5522 - 2/6/76  
(H, Hw) - See Butler County  
MIFFLIN COUNTY  
(H, Hw) - See Bedford County  
MONROE COUNTY  
(H, Hw) - See Adams County

## PENNSYLVANIA (Cont'd.)

MONTGOMERY COUNTY  
(B, H, Hw, R) - See Bucks County  
MONTGOMERY COUNTY  
(B) - See Columbia County  
(H, Hw) - See Adams County  
NORTHAMPTON COUNTY  
Decision #PA76-3187 (B)  
41 FR 24868 - 6/18/76  
Mod. #1 - 41 FR 28466 - 7/9/76  
Mod. #2 - 41 FR 32105 - 7/30/76  
(H, Hw) - See Adams County  
NORTHUMBERLAND COUNTY  
Decision #PA76-3182 (B)  
41 FR 24860 - 6/18/76  
Mod. #1 - 41 FR 28466 - 7/9/76  
Mod. #2 - 41 FR 32105 - 7/30/76  
Mod. #7 - 41 FR 11729 - 3/19/76  
(H, Hw) - See Adams County  
PERRY COUNTY  
(B) - See Cumberland County  
(H, Hw) - See Adams County  
PHILADELPHIA COUNTY  
Decision #CT75-5139 (D)  
40 FR 55621 - 11/28/75  
(B, H, Hw, R) - See Bucks County  
PIKE COUNTY  
(H, Hw) - See Adams County  
POTTER COUNTY  
(B) - See Greene County  
(H, Hw) - See Bedford County  
SCHUYLKILL COUNTY  
Decision #PA76-3181 (B)  
41 FR 24858 - 6/18/76  
Mod. #1 - 41 FR 28466 - 7/9/76  
Mod. #2 - 41 FR 32105 - 7/30/76  
(H, Hw) - See Adams County  
SNYDER COUNTY  
(B) - See Columbia County  
(H, Hw) - See Adams County  
SOMERSET COUNTY  
(B) - See Greene County  
(H, Hw) - See Butler County  
SULLIVAN COUNTY  
Decision #PA75-3205 (B)  
41 FR 24872 - 6/18/76  
Mod. #1 - 41 FR 28467 - 7/9/76  
Mod. #2 - 41 FR 32106 - 7/30/76  
(H, Hw) - See Adams County



PENNSYLVANIA (Cont'd.)SUSQUEHANNA COUNTY

(B) - See Lackawanna County  
(H,Hw) - See Adams County

TIOGA COUNTY

(B) - See Bedford County  
(H,Hw) - See Adams County

UNION COUNTY

(B) - See Bedford County  
(H,Hw) - See Adams County

VENANGO COUNTY

(H,Hw) - See Armstrong County  
(B) - See Bedford County

WARREN COUNTY

(B) - See Elk County

(H,Hw) - See Armstrong County

WASHINGTON COUNTY

(B) - See Allegheny County  
(H,Hw) - See Butler County

WAYNE COUNTY

(B) - See Lackawanna County  
(H,Hw) - See Adams County

WESTMORELAND COUNTY

(B) - See Allegheny County  
(H,Hw) - See Butler County

WYCOMING COUNTY

(B) - See Lackawanna County  
(H,Hw) - See Adams County

YORK COUNTY

(B,H,Hw) - See Adams Co. (Excluding  
New Cumberland Depot)

(B) - See Cumberland County (New  
Cumberland Depot)

(H,Hw) - See Adams County (New  
Cumberland Depot)

(B) - See Lackawanna County

PUERTO RICOPUERTO RICO

Decision #PR75-3091 (R)

40 FR 33644 - 8/8/75

Mod. #1 - 40 FR 59664 - 12/29/75

Decision #PR75-3090 (B)

40 FR 33643 - 8/8/75

Mod. #1 - 40 FR 59664 - 12/29/75

Decision #PR75-3089 (H,Hw)

40 FR 33643 - 8/8/75

RHODE ISLANDSTATEWIDE

Decision #CT75-5139 (D)

40 FR 55621 - 11/28/75

BRISTOL COUNTY

Decision #RI76-2037 (B,H,Hw,R, & Marine)

41 FR 11771 - 3/19/76

Mod. #1 - 41 FR 28467 - 7/9/76

Mod. #2 - 41 FR 37477 - 9/3/76

(D) - See Statewide

KENT COUNTY

(B,H,Hw, R, & Marine) - See Bristol Co.

(D) - See Statewide

NEWPORT COUNTY

Decision #RI76-2038 (B,H,Hw,R, & Marine)

41 FR 11776 - 3/19/76

Mod. #1 - 41 FR 28468 - 7/9/76

Mod. #2 - 41 FR 37478 - 9/3/76

(D) - See Statewide

PROVIDENCE COUNTY

(D) - See Statewide

(B,H,Hw, R, & Marine) - See Bristol County

WASHINGTON COUNTY

Decision #RI76-2039 (B,H,Hw, R, & Marine)

41 FR 11781 - 3/19/76

Mod. #1 - 41 FR 28468 - 7/9/76

Mod. #2 - 41 FR 37478 - 9/3/76

(D) - See Statewide

SOUTH CAROLINASTATEWIDE

Decision #SC75-1031 (Hw)

40 FR 12058 - 3/14/75

Mod. #1 - 40 FR 41355 - 9/5/75

Mod. #2 - 41 FR 10825 - 3/12/76

Decision #SC75-1079 (H, W&S)

40 FR 41380 - 9/5/75

ABBEVILLE COUNTY

Decision #SC76-1053 (B)

41 FR 20146 - 5/14/76

(Sewer & Water, H,Hw) - See Statewide

AIKEN COUNTY

Decision #SC75-1029 (R)

40 FR 10900 - 3/7/75

Mod. #1 - 41 FR 1692 - 1/9/76

(Sewer & Water, H,Hw) - See Statewide



## SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY  
(B) - See Chester County  
(Sewer & Water, H,Hw) - See Statewide

LAURENS COUNTY  
(B) - See Abbeville County  
(Sewer & Water, H,Hw) - See Statewide

LEE COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

LEXINGTON COUNTY  
Decision #SC76-1037 (B)  
41 FR 9801 - 3/5/76  
Decision #SC75-1042 (R)  
40 FR 14271 - 3/28/75  
(Sewer & Water, H,Hw) - See Statewide

MCCORMICK COUNTY  
(Sewer & Water, H,Hw) - See Statewide

MARION COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

MARLBORO COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

NEWBERRY COUNTY  
(B) - See Abbeville County  
(Sewer & Water, H,Hw) - See Statewide

OCONEE COUNTY  
(R) - See Anderson County  
(Sewer & Water, H,Hw) - See Statewide

ORANGEBURG COUNTY  
(R) - See Allendale County  
(Sewer & Water, H,Hw) - See Statewide

PICKENS COUNTY  
(R) - See Anderson County  
(Sewer & Water, H,Hw) - See Statewide

RICHLAND COUNTY  
(B,R) - See Lexington County  
(Sewer & Water, H,Hw) - See Statewide

SALUDA COUNTY  
(Sewer & Water, H,Hw) - See Statewide

SPARTANBURG COUNTY  
(R) - See Cherokee County  
(Sewer & Water, H,Hw) - See Statewide

SUMTER COUNTY  
Decision #SC76-1008 (B)  
41 FR 1699 - 1/9/76  
Mod. #1 - 41 FR 19013 - 5/7/76  
(Sewer & Water, H,Hw) - See Statewide

UNION COUNTY  
(R) - See Cherokee County  
(Sewer & Water, H,Hw) - See Statewide

WILLIAMSBURG COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

YORK COUNTY  
(Sewer & Water, H,Hw) - See Statewide

## SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY  
Decision #AR-4009 (B)  
39 FR 25778 - 7/12/74  
(Sewer & Water, H,Hw) - See Statewide

CHESTERFIELD COUNTY  
(Sewer & Water, H,Hw) - See Statewide

CLARENDON COUNTY  
Decision #SC76-1007 (R)  
41 FR 1698 - 1/9/76  
(Sewer & Water, H,Hw) - See Statewide

COLLETON COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

DARLINGTON COUNTY  
Decision #SC75-1041 (B)  
40 FR 14194 - 3/28/75  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

DILLON COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

DORCHESTER COUNTY  
(Sewer & Water, H,Hw) - See Statewide

EDGEFIELD COUNTY  
(R) - See Aiken County  
(Sewer & Water, H,Hw) - See Statewide

FAIRFIELD COUNTY  
(B) - See Chester County  
(Sewer & Water, H,Hw) - See Statewide

FLORENCE COUNTY  
(R) - See Clarendon County  
(Sewer & Water, H,Hw) - See Statewide

GEORGETOWN COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

GREENVILLE COUNTY  
Decision #SC75-1038 (B)  
40 FR 12951 - 3/21/75  
Mod. #1 - 40 FR 16496 - 4/11/75  
Mod. #2 - 41 FR 43422 - 9/19/75  
(R) - See Anderson County  
(Sewer & Water, H,Hw) - See Statewide

GREENWOOD COUNTY  
(Sewer & Water, H,Hw) - See Statewide

HAMPTON COUNTY  
(Sewer & Water, H,Hw) - See Statewide

HORRY COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

JASPER COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

KERSHAW COUNTY  
(Sewer & Water, H,Hw) - See Statewide

## SOUTH CAROLINA

ALLENDALE COUNTY  
Decision #SC75-1045 (R)  
40 FR 16636 - 4/11/75  
Mod. #1 - 41 FR 1692 - 1/9/76  
(Sewer & Water, H,Hw) - See Statewide

ANDERSON COUNTY  
Decision #SC75-1004 (R)  
40 FR 3154 - 1/17/75  
(Sewer & Water, H,Hw) - See Statewide

BAMBERG COUNTY  
(R) - See Allendale County  
(Sewer & Water, H,Hw) - See Statewide

BARNWELL COUNTY  
(R) - See Aiken County  
(Sewer & Water, H,Hw) - See Statewide

BEAUFORT COUNTY  
Decision #SC75-1026 (B)  
40 FR 8692 - 2/28/75  
Mod. #1 - 40 FR 16496 - 4/11/75  
Mod. #2 - 40 FR 27417 - 6/27/75  
Mod. #3 - 41 FR 18267 - 4/30/76  
Decision #M075-3008 (D)  
40 FR 3094 - 1/17/75  
Mod. #1 - 40 FR 14204 - 3/28/75  
(Sewer & Water, H,Hw) - See Statewide

BERKELEY COUNTY  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

Decision #SC76-1067 (R)  
41 FR 22024 - 5/28/76  
Mod. #1 - 41 FR 23889 - 6/11/76  
Decision #SC75-1055 (B)  
40 FR 22785 - 5/23/75  
Mod. #1 - 40 FR 25336 - 6/13/75  
Mod. #2 - 41 FR 18267 - 4/30/76  
Mod. #3 - 41 FR 20129 - 5/14/76

CALHOUN COUNTY  
(R) - See Allendale County  
(Sewer & Water, H,Hw) - See Statewide

CHARLESTON COUNTY  
(B,R) - See Berkeley County  
(D) - See Beaufort County  
(Sewer & Water, H,Hw) - See Statewide

CHEROKEE COUNTY  
Decision #SC75-1017 (R)  
40 FR 4785 - 1/31/75  
Mod. #1 - 40 FR 12017 - 3/14/75  
(B) - See Abbeville County  
(Sewer & Water, H,Hw) - See Statewide



## SOUTH DAKOTA (Cont'd.)

STATEWIDE  
Decision #SD76-5039 (H,Hw)  
41 FR 17300 - 4/23/76

AURORA COUNTY  
(H,Hw) - See Statewide

BEADLE COUNTY  
(H,Hw) - See Statewide

BENNET COUNTY  
(H,Hw) - See Statewide

BON HOMME COUNTY  
(H,Hw) - See Statewide

BROOKINGS COUNTY  
(H,Hw) - See Statewide

BROWN COUNTY  
(H,Hw) - See Statewide

BRULE COUNTY  
(H,Hw) - See Statewide

BUFFALO COUNTY  
(H,Hw) - See Statewide

BUTTE COUNTY  
(H,Hw) - See Statewide

CAMPBELL COUNTY  
(H,Hw) - See Statewide

CHARLES MIX COUNTY  
(H,Hw) - See Statewide

CLARK COUNTY  
(H,Hw) - See Statewide

CLAY COUNTY  
(H,Hw) - See Statewide

CODINGTON COUNTY  
(H,Hw) - See Statewide

CORSON COUNTY  
(H,Hw) - See Statewide

CUSTER COUNTY  
(H,Hw) - See Statewide

DAVISON COUNTY  
(H,Hw) - See Statewide

DAY COUNTY  
(H,Hw) - See Statewide

DEUEL COUNTY  
(H,Hw) - See Statewide

DEWEY COUNTY  
(H,Hw) - See Statewide

DOUGLAS COUNTY  
(H,Hw) - See Statewide

EDMONDS COUNTY  
(H,Hw) - See Statewide

FALL RIVER COUNTY  
(H,Hw) - See Statewide

FAULK COUNTY  
(H,Hw) - See Statewide

GRANT COUNTY  
(H,Hw) - See Statewide

## SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY  
(H,Hw) - See Statewide

HAARON COUNTY  
(H,Hw) - See Statewide

HAMLIN COUNTY  
(H,Hw) - See Statewide

HAND COUNTY  
(H,Hw) - See Statewide

HANSON COUNTY  
(H,Hw) - See Statewide

HARDING COUNTY  
(H,Hw) - See Statewide

HUGHES COUNTY  
(H,Hw) - See Statewide

HUTCHINSON COUNTY  
(H,Hw) - See Statewide

HYDE COUNTY  
(H,Hw) - See Statewide

JACKSON COUNTY  
(H,Hw) - See Statewide

JERARD COUNTY  
(H,Hw) - See Statewide

JONES COUNTY  
(H,Hw) - See Statewide

KINGSBURY COUNTY  
(H,Hw) - See Statewide

LAKE COUNTY  
(H,Hw) - See Statewide

LAWRENCE COUNTY  
(H,Hw) - See Statewide

LINCOLN COUNTY  
(H,Hw) - See Statewide

LYMAN COUNTY  
(H,Hw) - See Statewide

MARSHALL COUNTY  
(H,Hw) - See Statewide

MC COOK COUNTY  
(H,Hw) - See Statewide

MC PHERSON COUNTY  
(H,Hw) - See Statewide

MEADE COUNTY  
Decision #SD76-5055 (B)  
41 FR 23926 - 6/11/76  
Mod. #1 - 41 FR 27545 - 7/2/76  
Mod. #2 - 41 FR 35329 - 8/20/76

MELLETTE COUNTY  
(H,Hw) - See Statewide

MINER COUNTY  
(H,Hw) - See Statewide

MINNEHAHA COUNTY  
Decision #SD76-5054 (B)  
41 FR 23925 - 6/11/76  
Mod. #1 - 41 FR 27545 - 7/2/76  
(H,Hw) - See Statewide  
Decision #AQ-1091 (R)  
39 FR 8146 - 3/1/74  
Mod. #1 - 39 FR 14856 - 4/26/74

MOODY COUNTY  
(H,Hw) - See Statewide

PENNINGTON COUNTY  
(B) - See Meade County

PERKINS COUNTY  
(H,Hw) - See Statewide

POTTER COUNTY  
(H,Hw) - See Statewide

ROBERTS COUNTY  
(H,Hw) - See Statewide

SANBORN COUNTY  
(H,Hw) - See Statewide

SHANNON COUNTY  
(H,Hw) - See Statewide

SPINK COUNTY  
(H,Hw) - See Statewide

STANLEY COUNTY  
(H,Hw) - See Statewide

SULLY COUNTY  
(H,Hw) - See Statewide

## SOUTH DAKOTA (Cont'd.)

TODD COUNTY  
(H,Hw) - See Statewide

TRIPP COUNTY  
(H,Hw) - See Statewide

TURNER COUNTY  
(H,Hw) - See Statewide

UNION COUNTY  
(H,Hw) - See Statewide

WALNORTH COUNTY  
(H,Hw) - See Statewide

WASHAUG COUNTY  
(H,Hw) - See Statewide

YANKTON COUNTY  
(H,Hw) - See Statewide

ZIEBACH COUNTY  
(H,Hw) - See Statewide



TENNESSEE		TENNESSEE (Cont'd.)		TENNESSEE (Cont'd.)		TENNESSEE (Cont'd.)	
STATEWIDE		CLAY COUNTY	(F, Hw) - See Statewide	GILES COUNTY	(F, Hw) - See Statewide	JEFFERSON COUNTY	(F, Hw) - See Statewide
Decision #A776-5041 (F)		COCKE COUNTY	(F, Hw) - See Statewide	GRAINGER COUNTY	(F, Hw) - See Statewide	JOHNSON COUNTY	(F, Hw) - See Statewide
41 FR 19017-41 FR 21581 - 5/28/76		COFFEY COUNTY	(F, Hw) - See Statewide	GREENE COUNTY	(F, Hw) - See Statewide	KNOX COUNTY	(F, Hw) - See Statewide
Decision #TN76-1001 (Hw)		CROCKETT COUNTY	(F, Hw) - See Statewide	GRUNDY COUNTY	(F, Hw) - See Statewide	Decision #TN76-1081 (B)	
41 FR 965 - 1/5/76				HAMBLEN COUNTY	(F, Hw) - See Statewide	41 FR 33178 - 8/6/76	
ANDERSON COUNTY				HAMILTON COUNTY	(F, Hw) - See Statewide	Decision #TN76-1055 (R)	
Decision #TN76-1072 (B) (Oak Ridge, Energy				Decision #TN76-1071 (B, H)		41 FR 27648 - 7/2/76	
Research Development Administration Only)				41 FR 23927 - 6/11/76		(F, Hw) - See Statewide	
41 FR 24874 - 6/18/76				Mod. #1 - 41 FR 36377 - 8/27/76		LAKE COUNTY	
(Hw) - See Statewide				(F, Hw) - See Statewide		(R) - See Dyer County	
(F) - See Statewide				HANCOCK COUNTY	(F, Hw) - See Statewide	LAUDERDALE COUNTY	
BEDFORD COUNTY				HARDEN COUNTY	(F, Hw) - See Statewide	(D) - See Dyer County	
(F, Hw) - See Statewide				(F, Hw) - See Statewide		(F, Hw) - See Statewide	
BENTON COUNTY				HARDIN COUNTY	(F, Hw) - See Statewide	LAWRENCE COUNTY	
(F, Hw) - See Statewide				HAMKINS COUNTY	(F, Hw) - See Statewide	(F, Hw) - See Statewide	
BLEDSE COUNTY				HAYWOOD COUNTY	(F, Hw) - See Statewide	(R) - See Cheatham County	
(F, Hw) - See Statewide				(F, Hw) - See Statewide		LEWIS COUNTY	
BLOUNT COUNTY				HENDERSON COUNTY	(F, Hw) - See Statewide	(F, Hw) - See Statewide	
(F, Hw) - See Statewide				(F, Hw) - See Statewide		LINCOLN COUNTY	
BRADLEY COUNTY				HENRY COUNTY	(F, Hw) - See Statewide	(F, Hw) - See Statewide	
(F, Hw) - See Statewide				HICKMAN COUNTY	(F, Hw) - See Statewide	LOUDON COUNTY	
CAMPBELL COUNTY				HOUSTON COUNTY	(F, Hw) - See Statewide	(F, Hw) - See Statewide	
(F, Hw) - See Statewide				HUMPHREYS COUNTY	(F, Hw) - See Statewide	MC MINN COUNTY	
CANNON COUNTY				JACKSON COUNTY	(F, Hw) - See Statewide	(F, Hw) - See Statewide	
(F, Hw) - See Statewide				(F, Hw) - See Statewide		MC HARRY COUNTY	
CARROLL COUNTY				(F, Hw) - See Statewide		MADISON COUNTY	
(F, Hw) - See Statewide				(F, Hw) - See Statewide		Decision #TN75-1051 (B)	
CARTER COUNTY				(F, Hw) - See Statewide		40 FR 21666 - 5/16/75	
Decision #TN76-1052 (B)				(F, Hw) - See Statewide		Mod. #1 - 40 FR 57075 - 12/5/75	
41 FR 17301 - 4/23/76				(F, Hw) - See Statewide		(F, Hw) - See Statewide	
(F, Hw) - See Statewide				(F, Hw) - See Statewide		MARION COUNTY	
Decision #TN75-1098 (R)				(F, Hw) - See Statewide		(F, Hw) - See Statewide	
41 FR 44476- 9/26/75				(F, Hw) - See Statewide			
(F, Hw) - See Statewide				(F, Hw) - See Statewide			
CHEATHAM COUNTY				(F, Hw) - See Statewide			
Decision #TN76-1010 (R)				(F, Hw) - See Statewide			
41 FR 2614 - 1/16/76				(F, Hw) - See Statewide			
(F, Hw) - See Statewide				(F, Hw) - See Statewide			
CHESTER COUNTY				(F, Hw) - See Statewide			
(F, Hw) - See Statewide				(F, Hw) - See Statewide			
CLAIBORNE COUNTY				(F, Hw) - See Statewide			
(F, Hw) - See Statewide				(F, Hw) - See Statewide			



TENNESSEE (Cont'd)

MARSHALL COUNTY  
(F, Hw) - See Statewide  
(R) - See Cheatham County

MAURY COUNTY  
(F, Hw) - See Statewide  
(R) - See Cheatham County

MEIGS COUNTY  
(F, Hw) - See Statewide

MONROE COUNTY  
(F, Hw) - See Statewide

MONTGOMERY COUNTY  
(F, Hw) - See Statewide

MOORE COUNTY  
(F, Hw) - See Statewide

MORGAN COUNTY  
(F, Hw) - See Statewide

OBION COUNTY  
(R) - See Dyer County

(F, Hw) - See Statewide

OVERTON COUNTY  
(F, Hw) - See Statewide

PERRY COUNTY  
(F, Hw) - See Statewide

PICKETT COUNTY  
(F, Hw) - See Statewide

POLK COUNTY  
(F, Hw) - See Statewide

PUTNAM COUNTY  
(F, Hw) - See Statewide

RHEA COUNTY  
(F, Hw) - See Statewide

ROANE COUNTY  
(F, Hw) - See Statewide

(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)

(F, Hw) - See Statewide

ROBERTSON COUNTY  
(F, Hw) - See Statewide

(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY  
Decision #TN76-1056 (B)  
41 FR 20147 - 5/14/76  
(F, Hw) - See Statewide  
(R) - See Cheatham County

SCOTT COUNTY  
(F, Hw) - See Statewide

SEKATCHIE COUNTY  
(F, Hw) - See Statewide

SEVIER COUNTY  
(F, Hw) - See Statewide

SHELBY COUNTY  
Decision #TN76-1083 (B, H, W&S & Utility)  
41 FR 33180 - 8/6/76  
Mod. #1 - 41 FR 36377 - 8/27/76

Decision #TN76-1057 (R)  
41 FR 20148 - 5/14/76  
(D) - See Dyer County  
(F, Hw) - See Statewide

SMITH COUNTY  
(F, Hw) - See Statewide

STEWART COUNTY  
(F, Hw) - See Statewide

SULLIVAN COUNTY  
Decision #TN76-1061 (B)  
41 FR 20148 - 5/14/76  
(F, Hw) - See Statewide  
(R) - See Carter County

SUMNER COUNTY  
(F, Hw) - See Statewide  
(R) - See Cheatham County

TIPTON COUNTY  
(D) - See Dyer County  
(F, Hw) - See Statewide

TROUSDALE COUNTY  
(F, Hw) - See Statewide  
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY  
(F, Hw) - See Statewide

UNION COUNTY  
(F, Hw) - See Statewide

VAN BUREN COUNTY  
(F, Hw) - See Statewide

WARREN COUNTY  
(F, Hw) - See Statewide

WASHINGTON COUNTY  
Decision #TN76-1045 (B)  
41 FR 14306 - 4/2/76  
Mod. #1 - 41 FR 28468 - 7/9/76

(F, Hw) - See Statewide

WAYNE COUNTY  
(F, Hw) - See Statewide

WEAKEY COUNTY  
(F, Hw) - See Statewide  
(R) - See Dyer County

WHITE COUNTY  
(F, Hw) - See Statewide

WILLIAMSON COUNTY  
(F, Hw) - See Statewide

(R) - See Cheatham County

WILSON COUNTY  
(F, Hw) - See Statewide  
(R) - See Cheatham County







## TEXAS (Cont'd.)

ERATH COUNTY  
(H, Hw) - See Statewide

FALLS COUNTY  
(B) - See Bell County  
(H, Hw) - See Statewide

FANNIN COUNTY  
(R) - See Camp County  
(H, Hw) - See Statewide

FAYETTE COUNTY  
(H, Hw) - See Statewide

FISHER COUNTY  
(R) - See Bastrop County  
(H, Hw) - See Statewide

FLOYD COUNTY  
(H, Hw) - See Statewide

FLORIDA COUNTY  
(H, Hw) - See Statewide

FOUR BEND COUNTY  
(R) - See Brazoria County  
(H, Hw) - See Statewide

FRANKLIN COUNTY  
(R) - See Camp County  
(H, Hw) - See Statewide

FREESTONE COUNTY  
(R) - See Bosque County  
(H, Hw) - See Statewide

FRIO COUNTY  
(H, Hw) - See Statewide

GAINES COUNTY  
(H, Hw) - See Statewide

GALVESTON COUNTY  
(R) - See Brazoria County  
(D) - See Aransas County  
(H, Hw) - See Statewide

Decision #TX76-4086 (B)  
41 FR 21148 - 5/21/76

Mod. #1 - 41 FR 24841 - 6/18/76  
Mod. #2 - 41 FR 30504 - 7/23/76  
Mod. #3 - 41 FR 32106 - 7/30/76  
Mod. #4 - 41 FR 33128 - 8/6/76  
Mod. #5 - 41 FR 35330 - 8/20/76

GARZA COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide

GILLESPIE COUNTY  
(H, Hw) - See Statewide

GLASSCOCK COUNTY  
(H, Hw) - See Statewide

GOLIAD COUNTY  
(H, Hw) - See Statewide

GONZALES COUNTY  
(H, Hw) - See Statewide

GRAY COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide

GRAYSON COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide

GREGG COUNTY  
Decision #TX76-4115 (B)  
41 FR 29652 - 7/16/76  
Decision #TX76-4116 (R)  
41 FR 29601 - 7/17/76  
(H, Hw) - See Statewide

## TEXAS (Cont'd.)

GRINES COUNTY  
(H, Hw) - See Statewide

GUADALUPE COUNTY  
(H, Hw) - See Statewide

HALE COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide

HALL COUNTY  
(H, Hw) - See Statewide

HAMILTON COUNTY  
(H, Hw) - See Statewide

HANSFORD COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide

HARDEMAN COUNTY  
(H, Hw) - See Statewide

HARDIN COUNTY  
(H, Hw) - See Statewide

HARRIS COUNTY  
(B) - See Galveston County  
(R) - See Brazoria County  
(D) - See Aransas County  
(H, Hw) - See Statewide

Decision #TX76-4042 (B)  
41 FR 7013 - 2/13/76

Mod. #1 - 41 FR 12853 - 3/26/76  
Mod. #2 - 41 FR 17697 - 4/23/76  
Mod. #3 - 41 FR 21037 - 5/21/76

(H, Hw) - See Statewide

HARTLEY COUNTY  
(R) - See Gregg County  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide

HASKELL COUNTY  
(H, Hw) - See Statewide

HAYS COUNTY  
(H, Hw) - See Statewide

Decision #TX76-4081 (B, R)  
41 FR 19039 - 5/7/76

HODGES COUNTY  
(H, Hw) - See Statewide

HOOVER COUNTY  
(H, Hw) - See Statewide

HOCKLEY COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide

HOOD COUNTY  
Decision #TX76-4043 (R)  
41 FR 7011 - 2/13/76  
(H, Hw) - See Statewide

## TEXAS (Cont'd.)

HOPKINS COUNTY  
(R) - See Camp County  
(H, Hw) - See Statewide

HOUSTON COUNTY  
(H, Hw) - See Statewide

HOWARD COUNTY  
Decision #TX76-4081 (B, R)  
41 FR 19039 - 5/7/76

HUDSPETH COUNTY  
(H, Hw) - See Statewide

HUNT COUNTY  
(H, Hw) - See Statewide

(R, B) - See Collin County  
(H, Hw) - See Statewide

HUTCHINSON COUNTY  
(R, B) - See Armstrong County  
(H, Hw) - See Statewide

IRION COUNTY  
(H, Hw) - See Statewide

JACK COUNTY  
(H, Hw) - See Statewide

JACKSON COUNTY  
(D) - See Aransas County  
(H, Hw) - See Statewide

JASPER COUNTY  
(H, Hw) - See Statewide

JEFF DAVIS COUNTY  
(H, Hw) - See Statewide

JEFFERSON COUNTY  
Decision #TX76-4106 (B, R)  
41 FR 27649 - 7/2/76

Mod. #1 - 41 FR 32107 - 7/30/76  
Mod. #2 - 41 FR 33129 - 8/6/76

(D) - See Aransas County  
(Hw) - See Statewide

JIM HOGG COUNTY  
(H, Hw) - See Statewide

(B, R) - See Dimmit County

JIM WELLS COUNTY  
(H, Hw) - See Statewide

JOHNSON COUNTY  
(B) - See Collin County  
(H, Hw) - See Statewide

(R) - See Hood County

JONES COUNTY  
(H, Hw) - See Statewide

KARNES COUNTY  
(H, Hw) - See Statewide

## TEXAS (Cont'd.)

KAUFMAN COUNTY  
(B, R) - See Collin County  
(H, Hw) - See Statewide

KENDALL COUNTY  
(H, Hw) - See Statewide

KENEDY COUNTY  
(D) - See Aransas County

KENT COUNTY  
(H, Hw) - See Statewide

KERR COUNTY  
(H, Hw) - See Statewide

(H, Hw) - See Statewide

KIMBLE COUNTY  
(H, Hw) - See Statewide

KING COUNTY  
(H, Hw) - See Statewide

KINNEY COUNTY  
(H, Hw) - See Statewide

KLEBERG COUNTY  
(B) - See Bee County  
(D) - See Aransas County  
(H, Hw) - See Statewide

KNOX COUNTY  
(R) - See Bee County

LAVAR COUNTY  
(R) - See Camp County  
(H, Hw) - See Statewide

LAMB COUNTY  
(R) - See Bailey County  
(H, Hw) - See Statewide

LAMPASAS COUNTY  
(H, Hw) - See Statewide

LA SALLE COUNTY  
(B, R) - See Dimmit County  
(H, Hw) - See Statewide

LAVACA COUNTY  
(H, Hw) - See Statewide

LEE COUNTY  
(H, Hw) - See Statewide

(R) - See Bastrop County



## TEXAS (Cont'd)

LEON COUNTY  
(H,Hw) - See Statewide

LIBERTY COUNTY  
(H,Hw) - See Statewide

LIMESTONE COUNTY  
(B) - See Bosque County

LIPSCOMB COUNTY  
(H,Hw) - See Statewide

LIVE OAK COUNTY  
(B)(R) - See Armstrong County

LLANO COUNTY  
(H,Hw) - See Statewide

LOVING COUNTY  
(H,Hw) - See Statewide

LUBBOCK COUNTY  
(R) - See Bailey County

LYNN COUNTY  
(R) - See Bailey County

McCULLOCH COUNTY  
(H,Hw) - See Statewide

McLENNAN COUNTY  
(R) - See Bosque County

MADISON COUNTY  
(H,Hw) - See Statewide

MARTIN COUNTY  
(H,Hw) - See Statewide

MARTIN COUNTY  
(H,Hw) - See Statewide

MAVERICK COUNTY  
(B,R) - See Dimmit County

MEDINA COUNTY  
(H,Hw) - See Statewide

MENARD COUNTY  
(H,Hw) - See Statewide

MIDLAND COUNTY  
(B) - See Ector County

MILAM COUNTY  
(H,Hw) - See Statewide

MILLS COUNTY  
(H,Hw) - See Statewide

MITCHELL COUNTY  
(H,Hw) - See Statewide

MONTAGUE COUNTY  
(H,Hw) - See Statewide

MONTGOMERY COUNTY  
(R) - See Brazoria County

MOORE COUNTY  
(R)(B) - See Armstrong County

MORRIS COUNTY  
(H,Hw) - See Statewide

MOTLEY COUNTY  
(H,Hw) - See Statewide

NACOGDOCHES COUNTY  
(H,Hw) - See Statewide

NAVARRO COUNTY  
(R) - See Bosque County

## TEXAS (Cont'd)

MASON COUNTY  
(H,Hw) - See Statewide

MATAGORDA COUNTY  
(R) - See Brazoria County

MAYES COUNTY  
(H,Hw) - See Statewide

MAVERICK COUNTY  
(B) - See Dimmit County

MEDINA COUNTY  
(H,Hw) - See Statewide

MENARD COUNTY  
(H,Hw) - See Statewide

MIDLAND COUNTY  
(B) - See Ector County

MILAM COUNTY  
(H,Hw) - See Statewide

MILLS COUNTY  
(H,Hw) - See Statewide

MITCHELL COUNTY  
(H,Hw) - See Statewide

MONTAGUE COUNTY  
(H,Hw) - See Statewide

MONTGOMERY COUNTY  
(R) - See Brazoria County

MOORE COUNTY  
(R)(B) - See Armstrong County

MORRIS COUNTY  
(H,Hw) - See Statewide

MOTLEY COUNTY  
(H,Hw) - See Statewide

NACOGDOCHES COUNTY  
(H,Hw) - See Statewide

NAVARRO COUNTY  
(R) - See Bosque County

## TEXAS (Cont'd)

NEMTON COUNTY  
(H,Hw) - See Statewide

NOLAN COUNTY  
(H,Hw) - See Statewide

NUECES COUNTY  
(B) - See Bee County

ORANGE COUNTY  
(R)(B) - See Armstrong County

OLDHAM COUNTY  
(R)(B) - See Statewide

OLDHAM COUNTY  
(H,Hw) - See Statewide

ORANGE COUNTY  
(R)(B) - See Armstrong County

ORANGE COUNTY  
(H,Hw) - See Statewide

PALO PINTO COUNTY  
(B) - See Collin County

PANOLA COUNTY  
(H,Hw) - See Statewide

PARKER COUNTY  
(H,Hw) - See Statewide

PARKER COUNTY  
(R) - See Hood County

PARKER COUNTY  
(H,Hw) - See Statewide

PECOS COUNTY  
(H,Hw) - See Statewide

POLK COUNTY  
(R) - See Crane County

POTTER COUNTY  
(H,Hw) - See Statewide

POTTER COUNTY  
(B) - See Armstrong County

PRESIDIO COUNTY  
(H,Hw) - See Statewide

RAINS COUNTY  
(H,Hw) - See Statewide

RANDALL COUNTY  
(H,Hw) - See Statewide

REAGAN COUNTY  
(H,Hw) - See Statewide

REAL COUNTY  
(H,Hw) - See Statewide

RED RIVER COUNTY  
(H,Hw) - See Statewide

## TEXAS (Cont'd)

REEVES COUNTY  
(H,Hw) - See Statewide

REFUGIO COUNTY  
(D) - See Aransas County

ROBERTS COUNTY  
(H,Hw) - See Statewide

ROBERTS COUNTY  
(B) - See Armstrong County

ROBERTSON COUNTY  
(H,Hw) - See Statewide

ROCKWALL COUNTY  
(R)(B) - See Collin County

RUNNELS COUNTY  
(H,Hw) - See Statewide

RUSK COUNTY  
(R) - See Gregg County

SABINE COUNTY  
(H,Hw) - See Statewide

SAN AUGUSTINE COUNTY  
(H,Hw) - See Statewide

SAN JACINTO COUNTY  
(H,Hw) - See Statewide

SAN PATRICIO COUNTY  
(R) - See Bee County

SAN SABA COUNTY  
(H,Hw) - See Statewide

SCHLEICHER COUNTY  
(H,Hw) - See Statewide

SCURRY COUNTY  
(H,Hw) - See Statewide

SHACKELFORD COUNTY  
(H,Hw) - See Statewide

SHELBY COUNTY  
(H,Hw) - See Statewide

SHERMAN COUNTY  
(H,Hw) - See Statewide

SMITH COUNTY  
(B)(R) - See Armstrong County

Decision #TX76-4117 (R)  
41 FR 29603 - 7/16/76

Decision #TX76-4127 (B)  
41 FR 30491 - 7/23/76

SOMERVELL COUNTY  
(H,Hw) - See Statewide

STARR COUNTY  
(H,Hw) - See Statewide

STEPHENS COUNTY  
(B)(R) - See Cameron County

STEPHENS COUNTY  
(H,Hw) - See Statewide



## TEXAS (Cont'd.)

STERLING COUNTY  
(H,Hw) - See Statewide

STONEWALL COUNTY  
(R) - See Statewide

SUTTON COUNTY  
(H,Hw) - See Statewide

SMISHER COUNTY  
(H,Hw) - See Statewide

SMITH COUNTY  
(H,Hw) - See Statewide

TARRANT COUNTY  
(B) - See Collin County

TARRANT COUNTY  
(H,Hw) - See Statewide

Decision #A0-117 (R)  
39 FR 22400 - 6/21/74

TAYLOR COUNTY  
Decision #TX76-4048 (B)  
41 FR 7920 - 2/20/76

Mod. #1 - 41 FR 12854 - 3/26/76  
Mod. #2 - 41 FR 21037 - 5/21/76  
Mod. #3 - 41 FR 30503 - 7/23/76

Mod. #4 - 41 FR 30503 - 7/23/76

TERRELL COUNTY  
(H,Hw) - See Statewide

TERRY COUNTY  
(H,Hw) - See Statewide

THROCKMORTON COUNTY  
(R) - See Bailey County

TITUS COUNTY  
(H,Hw) - See Statewide

(R) - See Camp County

(H,Hw) - See Statewide

TOM GREEN COUNTY  
Decision #TX76-4049 (B)  
41 FR 7921 - 2/20/76

Mod. #1 - 41 FR 12854 - 3/26/76  
Mod. #2 - 41 FR 30503 - 7/23/76

Mod. #3 - 41 FR 30503 - 7/23/76

Mod. #4 - 41 FR 30503 - 7/23/76

TRAVIS COUNTY  
Decision #TX76-4090 (B)  
41 FR 21157 - 5/21/76

Mod. #1 - 41 FR 22721 - 6/4/76  
Mod. #2 - 41 FR 30504 - 7/23/76  
Mod. #3 - 41 FR 32107 - 7/30/76

Mod. #4 - 41 FR 35330 - 8/20/76

(R) - See Bastrop County

TRINITY COUNTY  
(H,Hw) - See Statewide

TYLER COUNTY  
(H,Hw) - See Statewide

UPSHUR COUNTY  
(R) - See Gregg County

UPTON COUNTY  
(H,Hw) - See Statewide

(H,Hw) - See Statewide

UVALDE COUNTY  
(R) - See Crane County

VAL VERDE COUNTY  
(H,Hw) - See Statewide

VAN ZANDT COUNTY  
(H,Hw) - See Statewide

(R) - See Smith County

VICTORIA COUNTY  
(H,Hw) - See Statewide

(D) - See Aransas County

## TEXAS (Cont'd.)

WALKER COUNTY  
(H,Hw) - See Statewide

(R) - See Brazoria County

WALLER COUNTY  
(H,Hw) - See Statewide

WARD COUNTY  
(H,Hw) - See Statewide

(H,Hw) - See Statewide

WASHINGTON COUNTY  
(R) - See Crane County

WEBB COUNTY  
(H,Hw) - See Statewide

WHEELER COUNTY  
(H,Hw) - See Statewide

WICHITA COUNTY  
(R) - See Armstrong County

Decision #TX76-4082 (R)  
41 FR 19041 - 5/7/76

Decision #TX76-4128 (B)  
41 FR 30566 - 7/23/76

Mod. #1 - 41 FR 33129 - 8/6/76  
Mod. #2 - 41 FR 35330 - 8/20/76

(H,Hw) - See Statewide

WILBARGER COUNTY  
(H,Hw) - See Statewide

WILLACY COUNTY  
(R) - See Cameron County

(H,Hw) - See Statewide

WILLIAMSON COUNTY  
(H,Hw) - See Statewide

(R) - See Bastrop County

WILSON COUNTY  
(H,Hw) - See Statewide

WINKLER COUNTY  
(H,Hw) - See Statewide

(H,Hw) - See Crane County

WISE COUNTY  
(R) - See Collin County

(H,Hw) - See Statewide

(R) - See Hood County

WOOD COUNTY  
(R) - See Smith County

YOAKUM COUNTY  
(H,Hw) - See Statewide

(R) - See Bailey County

YOUNG COUNTY  
(H,Hw) - See Statewide

(H,Hw) - See Statewide

ZAPATA COUNTY  
(B,R) - See Dimmit County

ZAVALA COUNTY  
(B,R) - See Dimmit County

(H,Hw) - See Statewide

## UTAH

STATEWIDE  
Decision #UT76-5052 (B,H,Hw)  
41 FR 26537 - 6/25/76 - 7/16/76

Mod. #1 - 41 FR 29614 - 8/6/76  
Mod. #2 - 41 FR 33129 - 8/6/76  
Mod. #3 - 41 FR 35330 - 8/20/76  
Mod. #4 - 41 FR 36377 - 8/21/76

## BEAVER COUNTY

(B,H,Hw) - See Statewide

## BOX ELDER COUNTY

(B,H,Hw) - See Statewide

## CACHE COUNTY

(B,H,Hw) - See Statewide

## CARBON COUNTY

(B,H,Hw) - See Statewide

## DAGGETT COUNTY

(B,H,Hw) - See Statewide

## DAVIS COUNTY

(B,H,Hw) - See Statewide

## DUCHESE COUNTY

(B,H,Hw) - See Statewide

## EMERY COUNTY

(B,H,Hw) - See Statewide

## GARFIELD COUNTY

(B,H,Hw) - See Statewide

## GRAND COUNTY

(B,H,Hw) - See Statewide

## IRON COUNTY

(B,H,Hw) - See Statewide

## JUAB COUNTY

(B,H,Hw) - See Statewide

## KANE COUNTY

(B,H,Hw) - See Statewide

## MILLARD COUNTY

(B,H,Hw) - See Statewide

## MORGAN COUNTY

(B,H,Hw) - See Statewide

## PIUTE COUNTY

(B,H,Hw) - See Statewide

## RICH COUNTY

(B,H,Hw) - See Statewide

## SALT LAKE COUNTY

(B,H,Hw) - See Statewide

## SAN JUAN COUNTY

(B,H,Hw) - See Statewide

## SANPETE COUNTY

(B,H,Hw) - See Statewide

## SEVIER COUNTY

(B,H,Hw) - See Statewide

## SUMMIT COUNTY

(B,H,Hw) - See Statewide

## TOOELE COUNTY

(B,H,Hw) - See Statewide

## UINTAH COUNTY

(B,H,Hw) - See Statewide

## UTAH COUNTY

(B,H,Hw) - See Statewide

## WASATCH COUNTY

(B,H,Hw) - See Statewide

## WASHINGTON COUNTY

(B,H,Hw) - See Statewide

## UTAH (Cont'd.)

WAYNE COUNTY  
(B,H,Hw) - See Statewide

WEBER COUNTY  
(B,H,Hw) - See Statewide

## VERMONT

Statewide (Except Rutland County)  
Decision #VT76-2040 (Hw)  
41 FR 12873 - 3/26/76

Mod. #1 - 41 FR 16318 - 4/16/76

## ADDISON COUNTY

(Hw) - See Statewide

## BENNINGTON COUNTY

(Hw) - See Statewide

## CALEDONIA COUNTY

(Hw) - See Statewide

## CHITTENDEN COUNTY

(Hw) - See Statewide

## ESSEX COUNTY

(Hw) - See Statewide

## FRANKLIN COUNTY

(Hw) - See Statewide

## GRAND ISLE COUNTY

(Hw) - See Statewide

## LANOILLE COUNTY

(Hw) - See Statewide

## ORANGE COUNTY

(Hw) - See Statewide

## ORLEANS COUNTY

(Hw) - See Statewide

## RUTLAND COUNTY

None

## WASHINGTON COUNTY

(Hw) - See Statewide

## WINDHAM COUNTY

(Hw) - See Statewide

## WINDSOR COUNTY

(Hw) - See Statewide

## VIRGIN ISLANDS

ISLAND WIDE  
Decision #VI76-3166 (B)  
41 FR 19003 - 5/7/76

Decision #VI76-3167 (H,Hw)  
41 FR 19003 - 5/7/76



## VIRGINIA

## VIRGINIA (Cont'd)

ACCOMACK COUNTY  
Decision #AP-805 (Hw)  
38 FR 11279 - 5/4/73  
Mod. #1 - 38 FR 13127 - 5/18/73  
Mod. #2 - 40 FR 15284 - 4/4/75  
Mod. #3 - 40 FR 23631 - 5/30/75  
Decision #GA76-5025 (D)  
41 FR 12857 - 3/26/76  
ALBERMARLE COUNTY  
Decision #VA75-3094 ((B)  
40 FR 43415 - 9/19/75  
Mod. #1 - 40 FR 48847 - 10/17/75  
Mod. #2 - 41 FR 11735 - 3/19/76  
ALEXANDRIA CITY  
Decision #MD76-3225 (B)  
41 FR 32141 - 7/30/76  
Mod. #1 - 41 FR 34487 - 8/13/76  
ALLEGANY COUNTY  
AMELIA COUNTY  
Decision #AR-2032 (Hw)  
39 FR 31871 - 8/30/74  
AMHERST COUNTY  
Decision #AQ-2032 (Hw)  
38 FR 33259 - 11/30/73  
APPOMATTOX COUNTY  
(Hw) - See Amherst County  
ARLINGTON COUNTY  
(B) - See Alexandria City  
(D) - See Accomack County  
AUGUSTA COUNTY  
BATH COUNTY  
BEDFORD CITY  
(Hw) - See Bedford County  
BEDFORD COUNTY  
Decision #AQ-2021 (Hw)  
38 FR 27744 - 10/5/73  
BLAND COUNTY  
Decision #AQ-2020 (Hw)  
38 FR 27744 - 10/5/73  
Mod. #1 - 40 FR 15285 - 4/4/75

BOTEBOURT COUNTY  
(Hw) - See Bedford County  
BRISTOL CITY  
(Hw) - See Bland County  
BRUNSWICK COUNTY  
(Hw) - See Amelia County  
BUCHANAN COUNTY  
(Hw) - See Bland County  
BUCKINGHAM COUNTY  
(Hw) - See Amherst County  
BUENA VISTA CITY  
(Hw) - See Allegheny County  
CAMPBELL COUNTY  
Decision #VA75-3095 (B)  
40 FR 43416 - 9/19/75  
Mod. #1 - 41 FR 11735 - 3/19/76  
CAROLINE COUNTY  
(Hw) - See Amherst County  
Decision #AQ-2031 (Hw)  
38 FR 33258 - 11/30/73  
CARROLL COUNTY  
(Hw) - See Bedford County  
CHARLES CITY COUNTY  
(Hw) - See Amelia County  
CHARLOTTE COUNTY  
(Hw) - See Amherst County  
CHARLOTTESVILLE CITY  
(Hw) - See Albemarle County  
CHESAPEAKE CITY  
Decision #VA76-3214 (B)  
41 FR 32189 - 7/30/76  
Decision #AP-494 (Hw)  
38 FR 7693 - 3/23/73  
Mod. #1 - 40 FR 44446 - 9/26/75  
CHESTERFIELD COUNTY  
(Hw) - See Amelia County  
CLARKE COUNTY  
CLIFTON FORGE CITY  
(Hw) - See Alleghany County  
COLONIAL HEIGHTS CITY  
(Hw) - See Amelia County  
COVINGTON CITY  
(Hw) - See Alleghany County  
CRAIG COUNTY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd)

CULPEPER COUNTY  
(Hw) - See Albemarle County  
CUMBERLAND COUNTY  
(Hw) - See Amherst County  
DANVILLE CITY  
(Hw) - See Amherst County  
DICKENSON COUNTY  
(Hw) - See Bland County  
DINNIDIE COUNTY  
(Hw) - See Amelia County  
EMPORIA CITY  
(Hw) - See Accomack County  
ESSEX COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
FAIRFAX COUNTY  
(B) - See Alexandria City  
(D) - See Accomack County  
FAIRFAX CITY  
(B) - See Alexandria City  
FALLS CHURCH CITY  
(B) - See Alexandria City  
FAUQUIER COUNTY  
FLOYD COUNTY  
(Hw) - See Bedford County  
FLUVANNA COUNTY  
FORT MONROE CITY  
(Hw) - See Chesapeake City  
(B, H, W&S) - See York County  
FRANKLIN CITY  
(Hw) - See Accomack County  
FRANKLIN COUNTY  
(Hw) - See Bedford County  
FREDERICK COUNTY  
(R) - See Clarke County  
FREDERICKSBURG CITY  
GALAX CITY  
(Hw) - See Caroline County  
GILES COUNTY  
(Hw) - See Bedford County  
GLOUCESTER COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
GOOCHLAND COUNTY  
(Hw) - See Amelia County  
GRAYSON COUNTY  
(Hw) - See Bland County  
GREENE COUNTY  
GREENSVILLE COUNTY  
(Hw) - See Accomack County  
HALIFAX COUNTY  
(Hw) - See Amherst County  
HAMPTON CITY  
Decision #AQ-2103 (R)  
39 FR 14119 - 4/19/74  
Mod. #1 - 15612 - 5/3/74  
(B, H, W&S) - See York County  
(Hw) - See Chesapeake City  
(D) - See Accomack County  
HANOVER COUNTY  
(Hw) - See Amelia County  
HARRISONBURG CITY  
(Hw) - See Allegheny County  
HENRICO COUNTY  
Decision #VA76-3213 (B)  
41 FR 32187 - 7/30/76  
(Hw) - See Amelia County



## VIRGINIA (Cont'd.)

HENRY COUNTY  
(Hw) - See Bedford County  
HIGHLAND COUNTY

HOPEWELL CITY  
(Hw) - See Amelia County  
ISLE OF WIGHT COUNTY  
(D,Hw) - See Accomack County  
JAMES CITY COUNTY  
(D,Hw) - See Accomack County  
KING AND QUEEN COUNTY  
(Hw) - See Caroline County  
KING GEORGE COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
KING WILLIAM COUNTY  
(Hw) - See Caroline County  
LANCASTER COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
LEE COUNTY  
(Hw) - See Bland County  
LOUDOUN COUNTY

LOUISA COUNTY

LUNENBURG COUNTY  
(Hw) - See Amelia County  
LYNCHBURG CITY  
(Hw) - See Amherst County  
MADISON COUNTY

MARTINSVILLE CITY  
(Hw) - See Bedford County

## VIRGINIA (Cont'd.)

MATHEWS COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
MECKLENBURG COUNTY  
(Hw) - See Amelia County  
MIDDLESEX COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
MONTGOMERY COUNTY  
(Hw) - See Bedford County  
NANSEMOND COUNTY  
(D,Hw) - See Accomack County  
NELSON COUNTY  
(Hw) - See Amherst County  
NEW KENT COUNTY  
(Hw) - See Amelia County  
NEWPORT NEWS CITY  
(B,H,M&S) - See York County  
(Hw) - See Chesapeake City  
(D) - See Accomack County  
(R) - See Hampton City  
NORFOLK CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
NORTHAMPTON COUNTY  
(D,Hw) - See Accomack County  
NORTON CITY  
(Hw) - See Bland County  
NORTHUMBERLAND COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
NOTTOWAY COUNTY  
(Hw) - See Amelia County  
ORANGE COUNTY

## VIRGINIA (Cont'd.)

PAGE COUNTY  
PATRICK COUNTY  
(Hw) - See Bedford County  
PETERSBURG CITY  
(Hw) - See Amelia County  
PITTSYLVANIA COUNTY  
(Hw) - See Amherst County  
PORTSMOUTH CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
POKATHAN COUNTY  
(Hw) - See Amelia County  
PRINCE EDWARD COUNTY  
(Hw) - See Amherst County  
PRINCE GEORGE COUNTY  
(Hw) - See Amelia County  
PRINCE WILLIAM COUNTY  
(D) - See Accomack County  
PULASKI COUNTY  
(Hw) - See Bedford County  
RADFORD CITY  
Decision #VA76-3220 (B)  
41 FR 33186 - 8/6/76  
(Hw) - See Bedford County  
RAPPAHANNOCK COUNTY  
RICHMOND CITY  
(B) - See Henrico County  
(Hw) - See Amelia County  
RICHMOND COUNTY  
(Hw) - See Caroline County  
ROANOKE CITY  
(Hw) - See Bedford County  
ROANOKE COUNTY  
(Hw) - See Bedford County  
ROCKBRIDGE COUNTY  
ROCKINGHAM COUNTY  
RUSSELL COUNTY  
(Hw) - See Bland County  
SALEM CITY  
(Hw) - See Bedford County  
SCOTT COUNTY  
(Hw) - See Bland County  
SHENANDOAH COUNTY  
(R) - See Clarke County  
SMYTH COUNTY  
(Hw) - See Bland County  
SOUTHAMPTON COUNTY  
(Hw) - See Accomack County

## VIRGINIA (Cont'd.)

SOUTH BOSTON CITY  
(Hw) - See Amherst County  
SPOTSYLVANIA COUNTY  
(Hw) - See Caroline County  
STAUNTON CITY  
(Hw) - See Alleghany County  
STAFFORD COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
SUFFOLK CITY  
(Hw) - See Accomack County  
SURRY COUNTY  
(Hw) - See Accomack County  
(D) - See Accomack County  
SUSSEX COUNTY  
(Hw) - See Accomack County  
TAZEWELL COUNTY  
(Hw) - See Bland County  
VIRGINIA BEACH CITY  
(Hw,B) - See Chesapeake City  
(D) - See Accomack County  
WARREN COUNTY  
WASHINGTON COUNTY  
(Hw) - See Bland County  
WAYNESBORO CITY  
(Hw) - See Allegheny County  
WESTMORELAND COUNTY  
(Hw) - See Caroline County  
(D) - See Accomack County  
WILLIAMSBURG CITY  
(Hw) - See Accomack County  
WINCHESTER CITY  
(Hw) - See Alleghany County  
WISE COUNTY  
(Hw) - See Bland County  
WYTHE COUNTY  
(Hw) - See Bland County  
YORK COUNTY  
Decision #VA76-3215 (B,H,M&S)  
41 FR 32191 - 7/30/76  
(D,Hw) - See Accomack County



## WASHINGTON, D. C.

WASHINGTON, D. C.  
 Decision #DC76-3226 (B, Hw, WBS)  
 41 FR 32194 - 7/30/76  
 Mod. #1 - 41 FR 36377 - 8/27/76  
 Decision #GA76-5025 (D)  
 41 FR 12857 - 3/26/76  
 Decision #DC76-3171 (R)  
 41 FR 21027 - 5/21/76

## WASHINGTON (Cont'd)

LEWIS COUNTY  
 (B, H, Hw, D) - See Statewide  
 LINCOLN COUNTY  
 (B, H, Hw, D) - See Statewide  
 MASON COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 OKANOGAN COUNTY  
 (B, H, Hw, D) - See Statewide  
 PACIFIC COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 PEND OREILLE COUNTY  
 (B, H, Hw, D) - See Statewide  
 PIERCE COUNTY  
 (R) - See Clallam County  
 (B, H, Hw, D) - See Statewide  
 SAN JUAN COUNTY  
 (B, H, Hw, D) - See Statewide  
 SKAGIT COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 SKAMANIA COUNTY  
 (B, H, Hw, D) - See Statewide  
 SNOHOMISH COUNTY  
 (R) - See Clallam County  
 (B, H, Hw, D) - See Statewide  
 SPOKANE COUNTY  
 (B, H, Hw, D) - See Statewide  
 STEVENS COUNTY  
 (B, H, Hw, D) - See Statewide  
 THURSTON COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 WAKIYAKUM COUNTY  
 (B, H, Hw, D) - See Statewide  
 WALLA WALLA COUNTY  
 (B, H, Hw, D) - See Statewide  
 WHATCOM COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 WHITMAN COUNTY  
 (B, H, Hw, D) - See Statewide  
 YAKIMA COUNTY  
 Decision #AQ-1109 (R)  
 39 FR 18416 - 5/24/74  
 (B, H, Hw, D) - See Statewide

## WASHINGTON

STATEWIDE  
 Decision #WA76-5079 (B, H, Hw, D)  
 41 FR 35457 - 8/20/76  
 ADAMS COUNTY  
 (B, H, Hw, D) - See Statewide  
 ASOTIN COUNTY  
 (B, H, Hw, D) - See Statewide  
 BENTON COUNTY  
 (B, H, Hw, D) - See Statewide  
 CHELAN COUNTY  
 (B, H, Hw, D) - See Statewide  
 CLALLAM COUNTY  
 Decision #WA76-5040 (R)  
 41 FR 18275 - 4/30/76  
 (B, H, Hw, D) - See Statewide  
 CLARK COUNTY  
 (B, H, Hw, D) - See Statewide  
 COLUMBIA COUNTY  
 (B, H, Hw, D) - See Statewide  
 COWLITZ COUNTY  
 (B, H, Hw, D) - See Statewide  
 DOUGLAS COUNTY  
 (B, H, Hw, D) - See Statewide  
 FERRY COUNTY  
 (B, H, Hw, D) - See Statewide  
 FRANKLIN COUNTY  
 (B, H, Hw, D) - See Statewide  
 GARFIELD COUNTY  
 (B, H, Hw, D) - See Statewide  
 GRANT COUNTY  
 (B, H, Hw, D) - See Statewide  
 GRAYS HARBOR COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 ISLAND COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 JEFFERSON COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 KING COUNTY  
 (R) - See Clallam County  
 (B, H, Hw, D) - See Statewide  
 KITSAP COUNTY  
 (B, H, Hw, D) - See Statewide  
 (R) - See Clallam County  
 KITTITAS COUNTY  
 (B, H, Hw, D) - See Statewide  
 KLICKITAT COUNTY  
 (B, H, Hw, D) - See Statewide



## WEST VIRGINIA

STATEWIDE  
Decision #WV75-3105 (H,Hw)  
40 FR 48884 - 10/17/75  
Mod. #1 - 40 FR 53178 - 11/14/75  
Mod. #2 - 41 FR 8631 - 2/27/76  
Mod. #3 - 41 FR 11736 - 3/19/76  
Mod. #4 - 41 FR 21041 - 5/21/76  
BARBOUR COUNTY  
Decision #WV75-3106 (B)  
40 FR 58060 - 12/12/75  
Mod. #1 - 41 +R 8632 - 2/27/76  
Mod. #2 - 41 FR 11737 - 3/19/76  
Mod. #3 - 41 FR 21041 - 5/21/76  
Mod. #4 - 41 FR 24842 - 6/18/76  
(H,Hw) - See Statewide  
BERKELEY COUNTY  
BOONE COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
BRAXTON COUNTY  
Decision #WV75-3107 (B)  
40 FR 57061 - 12/5/75  
Mod. #1 - 41 FR 8634 - 2/27/76  
Mod. #2 - 41 FR 11737 - 3/19/76  
Mod. #3 - 41 FR 21042 - 5/21/76  
(H,Hw) - See Statewide  
BROOKE COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
CABELL COUNTY  
(B) - See Barbour County  
Decision #1176-5026 (D)  
41 FR 12858 - 3/26/76  
(H,Hw) - See Statewide  
CALHOUN COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
CLAY COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
DODDRIDGE COUNTY  
(B) - See Barbour County  
FAYETTE COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
GILMER COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
GRANT COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
GREENBRIER COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
HAMPSHIRE COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide

## WEST VIRGINIA (Cont'd.)

HANCOCK COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
HARDY COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
HARRISON COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
JACKSON COUNTY  
(D) - See Cabell County  
(H,Hw) - See Statewide  
(B) - See Braxton County  
JEFFERSON COUNTY  
(H,Hw) - See Statewide  
KANAWHA COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
Decision #AR-2058 (R)  
39 FR 35948 - 10/4/74  
Mod. #1 - 39 FR 44913 - 12/27/74  
(H,Hw) - See Statewide  
LEWIS COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
LINCOLN COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
LOGAN COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
MC DONELL COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
MARION COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
MARSHALL COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
MASON COUNTY  
(B) - See Braxton County  
(D) - See Cabell County  
(H,Hw) - See Statewide  
MERCER COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
MINERAL COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
MINGO COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
MONOGALIA COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide

## WEST VIRGINIA (Cont'd.)

MONROE COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
MORGAN COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
NICHOLAS COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
OHIO COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
PENDLETON COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
PLEASANT COUNTY  
(D) - See Cabell County  
(H,Hw) - See Statewide  
(B) - See Barbour County  
POCAHONTAS COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
PRESTON COUNTY  
(H,Hw) - See Statewide  
PUANOW COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
RALEIGH COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
RANDOLPH COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
RITCHIE COUNTY  
(H,Hw) - See Statewide  
(B) - See Barbour County  
ROANE COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
SUMMERS COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
TAYLOR COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
TUCKER COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
TYLER COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide

## WEST VIRGINIA (Cont'd.)

UPSUR COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
WAYNE COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
WEBSTER COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide  
WETZELL COUNTY  
(D) - See Cabell County  
(H,Hw) - See Statewide  
WIRT COUNTY  
(B) - See Barbour County  
(H,Hw) - See Statewide  
WOOD COUNTY  
(B) - See Cabell County  
(D) - See Cabell County  
(H,Hw) - See Statewide  
WYOMING COUNTY  
(B) - See Braxton County  
(H,Hw) - See Statewide



WISCONSIN (Cont'd.)		WISCONSIN (Cont'd.)		WISCONSIN (Cont'd.)	
STATEWIDE	Decision #W175-2115 (Hw)	DOOR COUNTY	LA FAYETTE COUNTY	RACINE COUNTY	Decision #W175-2064 (B,R)
	40 FR 48089 - 10/10/75		(H,Hw, W&S) - See Statewide		40 FR 21691 - 5/16/75
ADAMS COUNTY	Decision #W176-2045 (H, Sewer, Tunnel, & Water)	DOUGLAS COUNTY	(B) - See Marathon County	RICHLAND COUNTY	(H,Hw, W&S) - See Statewide
	41 FR 16425 - 4/16/76		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
ASHLAND COUNTY	Decision #W176-5038 (D)	DUNN COUNTY	(B) - See Marathon County	ROCK COUNTY	Decision #AR-3156 (B)
	41 FR 16373 - 4/16/76		(H,Hw, W&S) - See Statewide		39 FR 36831 - 10/11/74
BAYFIELD COUNTY	Decision #AR-3151 (B,R)	EAU CLAIRE COUNTY	MANITOWOC COUNTY	RUSK COUNTY	Mod. #1 - 40 FR 21658 - 5/16/75
	Mod. #1 - 41 FR 19007 - 5/17/76		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
BROWN COUNTY	Decision #AR-3153 (B)	FLORENCE COUNTY	MARATHON COUNTY	SAINT CROIX COUNTY	(B) - See Polk County
	39 FR 36706 - 10/11/74		Decision #AR-3161 (B)		(H,Hw, W&S) - See Statewide
BUFFALO COUNTY	Mod. #1 - 40 FR 21657 - 5/16/75	FOND DU LAC COUNTY	Mod. #1 - 40 FR 18284 - 4/25/75	SAUK COUNTY	(B) - See Dane County
	Mod. #1 - 40 FR 21657 - 5/16/75		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
BURNETT COUNTY	Decision #AR-3153 (B)	FOREST COUNTY	MARINETTE COUNTY	SHEBOYGAN COUNTY	(D) - See Ashland County
	39 FR 36825 - 10/11/74		(D) - See Ashland County		(H,Hw, W&S) - See Statewide
CALUMET COUNTY	Mod. #1 - 40 FR 21658 - 5/16/75	GRANT COUNTY	MARQUETTE COUNTY	TAYLOR COUNTY	(H,Hw, W&S) - See Statewide
	Mod. #1 - 40 FR 21658 - 5/16/75		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
CHIPPewa COUNTY	Decision #AR-3151 (B,R)	GREEN LAKE COUNTY	MENOMINEE COUNTY	TREMPEALEAU COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36829 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
CLARK COUNTY	Decision #AR-3151 (B,R)	IOWA COUNTY	MILWAUKEE COUNTY	VERNON COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36835 - 10/11/74		Decision #W176-2061 (B,R)		(H,Hw, W&S) - See Statewide
COLUMBIA COUNTY	Mod. #1 - 40 FR 18284 - 4/25/75	IRON COUNTY	41 FR 20149 - 5/14/76	VILAS COUNTY	(H,Hw, W&S) - See Statewide
	Mod. #1 - 40 FR 18284 - 4/25/75		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY	Decision #AR-3155 (B,R)	JACKSON COUNTY	ONEIDA COUNTY	WALNORTH COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36829 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
DANE COUNTY	Decision #AR-3155 (B,R)	JEFFERSON COUNTY	OUTAGAMIE COUNTY	WASHINGTON COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36829 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
DODGE COUNTY	Mod. #1 - 40 FR 18284 - 4/25/75	JUNEAU COUNTY	OZAUKEE COUNTY	WAUKESHA COUNTY	(B,R) - See Milwaukee County
	Mod. #2 - 41 FR 8631 - 2/27/76		(B,R) - See Milwaukee County		(B,R) - See Milwaukee County
DOUGLASS COUNTY	Decision #AR-3155 (B,R)	KENOSHA COUNTY	PEPIN COUNTY	WAUPACA COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36837 - 10/11/74		(B,R) - See Eau Claire County		(H,Hw, W&S) - See Statewide
Eau Claire County	Decision #AR-3159 (B,R)	KENAUNEE COUNTY	PIERCE COUNTY	WASHINGTON COUNTY	(B) - See Winnebago County
	39 FR 36837 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY	Decision #AR-3160 (B,R)	LA CROSSE COUNTY	POLK COUNTY	WASHBURN COUNTY	(B) - See Winnebago County
	39 FR 36839 - 10/11/74		Decision #AR-3152 (B)		(H,Hw, W&S) - See Statewide
FOREST COUNTY	Mod. #1 - 40 FR 18284 - 4/25/75	LA CROSSE COUNTY	39 FR 36823 - 10/11/74	WASHINGTON COUNTY	(H,Hw, W&S) - See Statewide
	Mod. #1 - 40 FR 18284 - 4/25/75		Mod. #1 - 40 FR 18284 - 4/25/75		(H,Hw, W&S) - See Statewide
GRANT COUNTY	Decision #AR-3151 (B,R)	LA CROSSE COUNTY	PORTAGE COUNTY	WAUKESHA COUNTY	(B) - See Winnebago County
	39 FR 36837 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY	Decision #AR-3151 (B,R)	LA CROSSE COUNTY	PRICE COUNTY	WAUKESHA COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36837 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
HONOLULU COUNTY	Decision #AR-3151 (B,R)	LA CROSSE COUNTY	PRICE COUNTY	WAUKESHA COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36837 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
HONOLULU COUNTY	Decision #AR-3151 (B,R)	LA CROSSE COUNTY	PRICE COUNTY	WAUKESHA COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36837 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide
HONOLULU COUNTY	Decision #AR-3151 (B,R)	LA CROSSE COUNTY	PRICE COUNTY	WAUKESHA COUNTY	(H,Hw, W&S) - See Statewide
	39 FR 36837 - 10/11/74		(H,Hw, W&S) - See Statewide		(H,Hw, W&S) - See Statewide



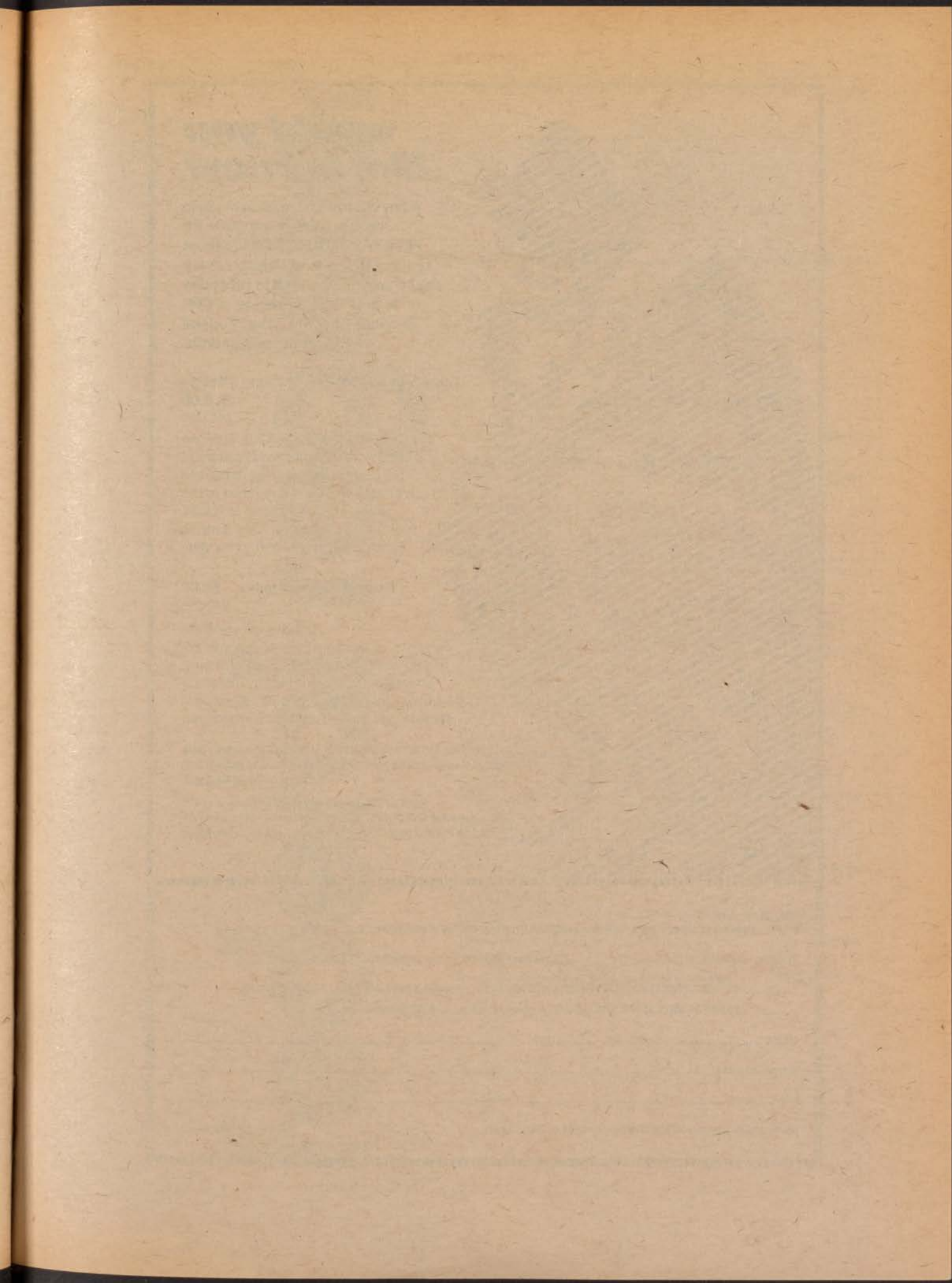
WYOMING (Cont'd.)WYOMING

STATEWIDE  
Decision #WY76-5029 (Hw)  
41 FR 14307 - 4/2/76  
ALBANY COUNTY  
(Hw) - See Statewide  
BIG HORN COUNTY  
(Hw) - See Statewide  
CAMPBELL COUNTY  
(Hw) - See Statewide  
CARBON COUNTY  
(Hw) - See Statewide  
CONVERSE COUNTY  
Decision #WY76-5070 (B,H)  
41 FR 33187 - 8/6/76  
(Hw) - See Statewide  
CROOK COUNTY  
(Hw) - See Statewide  
FREMONT COUNTY  
(Hw) - See Statewide  
GOSHEN COUNTY  
(B,H) - See Converse County  
(Hw) - See Statewide  
HOT SPRINGS COUNTY  
(Hw) - See Statewide  
JOHNSON COUNTY  
(Hw) - See Statewide  
LARAMIE COUNTY  
(B,H) - See Converse County  
(Hw) - See Statewide  
LINCOLN COUNTY  
(Hw) - See Statewide  
NATRONA COUNTY  
(B,H) - See Converse County  
(Hw) - See Statewide  
NIOBRARA COUNTY  
(B,H) - See Converse County  
(Hw) - See Statewide  
PARK COUNTY  
(Hw) - See Statewide  
PLATTE COUNTY  
(B,H) - See Converse County  
(Hw) - See Statewide  
SHERIDAN COUNTY  
(Hw) - See Statewide  
SUBLETTE COUNTY  
(H,Hw) - See Statewide  
SWEETWATER COUNTY  
(Hw) - See Statewide

TETON COUNTY  
(Hw) - See Statewide  
UINTA COUNTY  
(Hw) - See Statewide  
WASHAKIE COUNTY  
(Hw) - See Statewide  
WESTON COUNTY  
(Hw) - See Statewide  
YELLOWSTONE NATIONAL PARK  
(Hw) - See Statewide

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